

The Corporation of the Town of Moosonee
Zoning By-law - # 37-07



September 1, 2007

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SECTION 1 ADMINISTRATION

1.1 TITLE

This By-law may be referred to as "The Zoning By-law of the Town of Moosonee."

1.2 AREA AFFECTED BY THIS BY-LAW

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

1.3 BUILDING PERMITS

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

1.4 ENFORCEMENT

Any person convicted of a violation of this By-law is liable on first conviction to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000.00 and on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

In case any buildings or 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 rate-payer or of the Town pursuant to the provisions of The Planning Act, 1990 and/or the Municipal Act (1990) and/or any other legislation applicable.

1.5 SEVERABILITY PROVISION

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

1.6 REPEAL OF EXISTING BY-LAWS AND ZONING ORDERS

Upon this By-law coming into force and effect, By-law No. 21-06 of the Town of Moosonee and all amendments thereto are hereby repealed.

1.7 EFFECTIVE DATE

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

1.8 USE OF LAND

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

SECTION 2 ESTABLISHMENT OF ZONES

2.1 ZONES

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

R1	-	Residential Type One
RM	-	Residential Multiple
RR	-	Rural Residential
C1	-	Downtown Commercial
C2	-	Neighbourhood Commercial
M1	-	Light Industrial
M2	-	Heavy Industrial
MX	-	Extractive Industrial
WD	-	Waste Disposal Industrial
I	-	Institutional
OS	-	Open Space
NR	-	Natural Resource
HZ	-	Hazard

2.2 ZONE SCHEDULE

The Zones and zone boundaries are shown on the attached Schedule 'A' and 'A-1', which forms part of this By-law.

2.3 SPECIAL ZONES

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

2.4 DETERMINING ZONE BOUNDARIES

- i) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- ii) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.
- iii) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.
- iv) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.

- v) Where lands have not been identified as being in a zone on the Schedules, they shall be deemed to be in the Natural Resource (NR) Zone.
- vi) Except as otherwise shown on the Schedules lands below the surface of a waterbody or watercourse as of the date this By-law came into effect shall be deemed to be in the Open Space (OS) Zone.

2.5 COMPLIANCE WITH ZONING BY-LAW

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

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

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

2.6 HOLDING PROVISIONS

Where a zone symbol is followed by a dash and the letter "H" (for example: M-H), the lands shall only be used for existing uses and the expansion of those uses as of the date of adoption of this By-law.

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

- i) the appropriate sanitary services have been approved to service the land;
- ii) all conditions of consent or subdivision have been fulfilled;
- iii) a site plan agreement has been registered on the title of the lands; and
- iv) the required permits from all other approval agencies have been issued.

SECTION 3 GENERAL PROVISIONS

3.1 APPLICATION

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

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.2.1 Permitted Uses

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

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

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

3.2.2 Yard and Setback Requirements

Except as otherwise provided herein, in all Zones any accessory building or structure, which is detached from the principle building, shall be erected in compliance with the yard and setback requirements of the Zone in which such building is located.

3.2.3 Lot Coverage and Height

The total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 10 percent of the lot area or the lot coverage of the principle building(s). The height of any accessory building or structure shall not exceed 4.5 metres unless the building is a permitted accessory dwelling, in which case the maximum height shall be 10.0 metres.

Within any Residential zone, the maximum floor area of all accessory buildings and structures shall not exceed 60 square metres.

Within a Commercial, Industrial or Institutional Zone, the total lot coverage of all accessory buildings or structures shall not exceed 15 percent of the lot area. The height of any accessory building or structure shall not exceed the height restrictions of the respective zone.

3.2.4 Accessory Structure Encroachments

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, garden trellises, retaining walls less than 1.0 metres above the average finished grade, fences, signs or similar uses which comply with the By-laws of the Town, shall be permitted in any required interior side or rear yard.

3.2.5 Fire Escapes

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may encroach into any required setback a maximum distance of 1 metre.

3.2.6 Garages or Other Accessory Buildings or Structures

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

i) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 0.6 metres to the interior side lot line.

ii) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 0.6 metres to the rear lot line.

iii) Distance from Main Building

Where such accessory building or structure is located in a side or rear yard, it shall not be closer than 2 metres from the main building unless the accessory structure is constructed of non-combustible material.

3.2.7 Ornamental Structures and Windows

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures may project into any required yard a maximum distance of 0.6 metres.

3.2.8 Outdoor Furnaces

No outdoor furnaces used for burning wood, coal or petroleum fuel shall be located in any R1 or RM Zone. Where an outdoor furnace is permitted it shall be setback a minimum of 30 metres from any lot line and shall not be permitted in a front yard and shall be in accordance with all other applicable By-laws.

3.2.9 Porches, Balconies, Decks, Steps or Patios

Notwithstanding the yard and setback provision of this By-law, to the contrary, unenclosed porches, balconies, decks, steps and patios, may project into any required front, rear or exterior side yard a maximum distance of 2.5 metres if it is not covered or 1.5 metres if it is covered, but not closer than 1.2 metres to any lot line. Where the floor of any porch, balcony, or deck is more than 1.0 metre above the finished grade, the side yard and rear yard setback requirements for the principle use shall apply.

3.3 ACCESS

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

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

A building or structure is permitted on a lot in a Plan of Condominium where the lot has frontage on a local or private road, and where the building or structure complies with all other provisions of this By-law.

3.4 NUMBER OF DWELLING UNITS ON A LOT

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

3.5 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

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

3.6 GROUP HOMES AND CRISIS CENTRES

No Group Home or Crisis Center shall be located within 100 metres of another Group Home or Crisis Centre.

3.7 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures, provided the main or principle use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a radio, television or telephone tower or antenna, except satellite antenna in excess of 0.5 metres in diameter, air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment.

The maximum height of any wind turbine generator shall be 15 metres.

3.8 HOME OCCUPATION

Where a home occupation is permitted in a dwelling unit, the following provisions shall apply:

- i) No person, other than a person living on the premises, shall be engaged in the occupation of the canvassing, delivering or distributing of merchandise to customers. However, there may be one assistant who is not a resident in the dwelling at any time.
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.5 square metres, to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iii) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the home occupation.
- iv) Not more than one commercial vehicle having a maximum wheelbase of 5.0 metres and a maximum payload of one tonne parked outside on the lot.
- v) With the exception of a bed and breakfast establishment, not more than 25 percent of the gross floor area, not including the basement of the dwelling or dwelling unit, to a maximum of 23 square metres, shall be used for the purposes of the home occupation, and such home occupation shall be conducted entirely within the detached dwelling or dwelling unit.
- vi) There shall be no mechanical, communication or other equipment used except that which is customarily employed in a dwelling or dwelling unit for domestic or household purposes or for use by a dentist, drugless practitioner, physician, or other professional person.

- vii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a bed and breakfast establishment.
- viii) A home occupation shall be secondary to the principle residence and shall not change the residential character of the lot.
- viii) One Home Occupation only shall be permitted in conjunction with a single detached dwelling.

3.9 HOME INDUSTRY

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

- i) A maximum of two (2) persons other than an occupant of the dwelling may be engaged in the home industry at any time.
- ii) Such home industry may be located in part of a dwelling or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 100 square metres.
- iii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 1.0 square metres, to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iv) There shall be no outside storage of goods, material, vehicles or articles used in the home industry.
- v) Only currently licensed motor vehicles, associated with the home industry may be parked or stored on the lot within an interior side or rear yard. Only one commercial vehicle having a maximum wheel base of 5.0 metres and a maximum payload of one tonne parked outside on the lot.
- vi) Such home industry shall be clearly accessory to the main residential use and shall not change the residential character of the dwelling or the lot.

3.10 LOADING SPACE REQUIREMENTS

3.10.1 Loading Space

The owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain a loading space on the lot accordingly. For the purposes of this By-law, each loading space shall be 15 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres. Loading Spaces shall not include any area used for required parking spaces in accordance with this By-law.

3.13.3 Permitted Interior Alteration

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

3.13.4 Restoration to a Safe Condition

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

3.13.5 Building Permit Issued

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

3.14 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES

3.14.1 Permitted Buildings or Structures

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

- i) the enlargement, reconstruction, repair and/or renovation does not further reduce a front yard, and/or side yard and/or rear yard and/or lot coverage less than the minimum required by this By-law;
- ii) the building or structure is being used for a purpose permissible within the Zone in which it is located; and,
- iii) all other applicable Zone Provisions of this By-law are complied with.

3.14.2 Reconstruction of Existing Building

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

3.14.3 Existing Undersized Lots of Record

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

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

3.15 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Health Protection and Promotion Act, S.O., 1983, as amended, and the Regulations passed thereunder.

3.16 PARKING AREA REGULATIONS

3.16.1 Parking Space Requirements

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

Parking spaces are required under this By-law, in accordance with the Parking Space Requirement Table. Where the calculation of required spaces exceeds a whole space by more than 0.25, the required number of spaces shall be the next whole number.

3.16.2 Parking Area Surface

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities to ensure that drainage is directed to the abutting road allowance.

3.16.3 Ingress and Egress Provisions

- i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.

- iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- v) Every lot shall be limited to the following number of driveways, namely:
 - a) up to the first 21 metres of lot frontage, not more than one driveway;
 - b) greater than 21 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
 - c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vi) Parking spaces shall have a minimum width of 3.0 metres and have a minimum area of 18.5 square metres. The length of any parking space and the width of the adjacent aisle shall be in accordance with the following:

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

3.16.4 More Than One Use on a Lot

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

3.16.5 Parking Area Location on Lot

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

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

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

The parking space requirements referred to herein shall not apply to any building or structure lawfully in existence on the date of passage of this By-law, so long as the gross floor area is not increased by more than 20 square metres following approval of this By-law and the use or number of dwelling units does not change. If any addition is made to a building or structure which increases its gross floor area by more than 20 square metres, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

3.16.7 Use of Parking Spaces and Areas

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

Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in any Residential Type One (R1) or Residential Multiple (RM) Zone may use the lot building or structure for the parking, storing or housing of not more than one commercial motor vehicle or trailer provided that such vehicle does not have a wheelbase in excess of 5.0 metres or exceed a 1 tonne load capacity.

3.16.8 Parking in the Downtown Commercial Zone

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

PARKING SPACE REQUIREMENT TABLE

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Theater, Eating Establishment or Tavern or establishment licensed under the Liquor License Act or other similar places of assembly not otherwise specified herein.	1 parking space for each 14.0 square metres, of gross floor area.
Home for the Aged, Nursing Home, Seniors Apartments, Hospital	1 parking space for each six beds or fraction thereof plus 1 space per 2 staff persons.
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment or Camping Establishment	1/2 parking space for each guest room, cottage, cabin or camp site plus one space for each 20.0 square metres. devoted to a public use.
Residential	1 parking spaces per dwelling unit.
Group Homes and Special Needs Housing	1 per required caregiver
Lots with four (4) or more dwelling units	1.25 spaces per dwelling unit
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 50.0 square metres of gross floor area.

3.17 PEAT EXTRACTION, PITS AND QUARRIES

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

3.18 PLANTING STRIPS

3.18.1 Location

Where a lot in a Residential Multiple, Institutional, Commercial or Industrial Zone abuts an interior side or rear lot line of a lot in a Residential Zone or a lot used for residential purposes, a planting strip adjoining such abutting lot line, or

portion thereof, shall be provided within the Residential Multiple, Institutional, Commercial, or Industrial Zone with a minimum width of 3 metres.

3.18.2 Contents

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

3.18.3 Driveways and Walkways

In all cases where ingress and egress, driveways, launching ramps or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 2 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

3.18.4 Landscaped Open Space

A planting strip or buffer screen referred to in this Section may form a part of any landscaped open space or part of a yard required by this By-law.

3.19 PUBLIC USES

3.19.1 Public Services

Except as provided in paragraph 3.19.2. hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Town, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include any hydro electric company, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Town, which company possesses all the necessary powers, rights, licenses and franchises.

3.19.2 Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is specifically mentioned as a permitted use within a specific Zone classification, then such public use shall only be permitted within that Zone or Zones and shall comply with the Zone Provisions of the Zone or Zones in which the public use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision shall not apply to Crown agencies.

3.19.3 Provisions

- i) No goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law;
- ii) The Zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in this By-law;

- iii) No building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot; and,
- iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective Zone.

3.19.4 Streets and Service Installations

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

3.20 REDUCTION OF REQUIREMENTS

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

3.21 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS

Notwithstanding any other provision of this By-law, to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes or in conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a building used for a motor vehicle service station, a motor vehicle repair garage, a motor vehicle body shop or a marine service shop.

3.22 SERVICES REQUIRED

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

3.23 SIGHT TRIANGLES

On a corner lot fronting on two Town roads, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in The Highway Traffic Act, shall be parked, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 1.0 metres in height. Such triangular space may hereinafter be referred to as a "sight triangle". Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Where the lands are located in the Downtown Commercial (C1)) zone or abut roadways where the posted speed limit is 40 KMPH or less, the site triangle may be reduced to 6.0 metres.

3.24 SIGNS

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

3.25 SPECIAL SETBACKS

3.25.1 Railways

Within an Residential Type One (R1) or Residential Multiple (RM) Zone, no building or structure used for human habitation shall be located closer than 30 metres to the limit of a railway right of way to the main line of the Ontario Northland Railway

3.25.2 Street Centre Lines

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

3.25.3 Waste Disposal Areas

No habitable building or structure shall be located closer than 500 metres to any land zoned Waste Disposal Industrial (MD).

3.25.4 Watercourses

Unless otherwise permitted by this By-law, no buildings or structures shall be located within 30 metres of the normal or controlled high water mark of any watercourse or lake.

3.26 TEMPORARY USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Town on the lot where it is situated but only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 120 consecutive days and/or the failure to maintain a current building permit.

Notwithstanding any other provision of this By-law to the contrary, where a dwelling is destroyed, and a Building Permit for reconstruction of the dwelling has been issued by the Town for the subject lands, the owner and family may occupy a trailer on a temporary basis but only during the period which the dwelling is being reconstructed, not exceeding one year.

3.27

THROUGH LOTS

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

SECTION 4 ZONE PROVISIONS

4.1 RESIDENTIAL TYPE ONE (R1) ZONE

4.1.1 Permitted Uses

No person shall within a Residential Type One (R1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

- i) group home
- ii) home occupation
- iii) single detached dwelling
- iv) bed and breakfast
- ii) boarding house
- iii) duplex dwelling
- iv) semi-detached dwelling

4.1.2 Regulations for Permitted Uses

- i) Minimum Lot Area
 - a) bed and breakfast, boarding house, group home and single detached dwelling 600 sq. m.
 - b) semi detached, duplex 250 sq. m./unit
- ii) Minimum Lot Frontage 15.0 m
- iii) Minimum Yard Requirements
 - a) Front Yard 8.0 m.
 - b) Interior Side Yard 2.0 m.
 - c) Exterior Side Yard 5.0 m.
 - d) Rear Yard 8.0 m.
- iv) Maximum Lot Coverage 40%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 10 m.
- vii) Minimum Floor Area 60.0 sq. m.

4.1.3 Exceptions

4.2 MULTIPLE RESIDENTIAL (RM) ZONE

No person shall within a Multiple Residential (RM) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.2.1 Permitted Uses

- i) apartment building
- ii) day nursery
- iii) duplex dwelling
- iv) group home
- v) quadruplex
- vi) semi-detached dwelling
- vii) single detached dwelling
- viii) townhouse dwelling
- ix) tri-plex

4.2.2 Regulations for Permitted Uses

Single detached dwellings, semi detached, duplex, boarding houses and group homes shall meet the Regulations for permitted uses in the Residential Type R1 Zone.

- i) Minimum Lot Area
 - a) apartment building 200 sq. m. per unit
plus 93 sq. m. per unit
units after 4
 - b) triplex, quadruplex and row house 250 sq. m./unit
 - c) day nursery 500 sq. m.
- ii) Minimum Lot Frontage 20 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 8.0 m.
 - b) Interior Side Yard 3.0 m
 - c) Exterior Side Yard 8.0 m
 - d) Rear Yard 8.0 m.
- iv) Maximum Lot Coverage 50%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 10 m

4.2.3 Exceptions

4.3 RURAL RESIDENTIAL (RR) ZONE

No person shall within a Rural Residential (RR) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.3.1 Permitted Uses

- i) single detached dwelling
- ii) home industry
- iii) home occupation

4.3.2 Zone Requirements

- i) Minimum Lot Area 1.0 ha.
- ii) Minimum Lot Frontage 50.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 18.0 m.
 - b) Interior Side Yard 6.0 m.
 - c) Exterior Side Yard 15.0 m.
 - d) Rear Yard 15.0 m.
- iv) Maximum Lot Coverage 5%
- v) Minimum Landscaped Open Space 30%
- vi) Maximum Height of Buildings 10 m.
- vii) Minimum Floor Area 60.0 sq. m.

4.3.3 Exceptions

4.4 DOWNTOWN COMMERCIAL (C1) ZONE

No person shall within a Downtown Commercial (C1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.4.1 Permitted Uses

- i) accessory dwelling units on a floor above the first storey or on the first floor behind the commercial use
- ii) assembly hall
- iii) art gallery
- iv) banks or financial institution
- v) business, professional and administrative office
- vi) clinic
- vii) convenience store
- viii) crisis centre
- ix) day nursery
- x) hotel and motel
- xi) laundromat
- xii) motor vehicle dealership
- xiii) parking lot
- xiv) personal service shop
- xv) place of amusement
- xvi) post office
- xvii) restaurant
- xviii) retail store
- xix) service shop
- xx) tavern
- xxi) taxi or bus depot

4.4.2 Regulations for Permitted Uses

- | | | |
|------|---|------------|
| i) | Minimum Lot Area | 400 sq. m. |
| ii) | Minimum Lot Frontage | nil |
| iii) | Minimum Yard Requirements | |
| | a) Front Yard | nil |
| | b) Interior Side Yard | nil |
| | c) Exterior Side Yard | nil |
| | d) Rear Yard | 5.0 m. |
| | - abutting a residential zone | 10.0 m |
| iv) | Maximum Lot Coverage | 75% |
| v) | Minimum Landscaped Open Space | |
| | - in any yard abutting a residential zone | |
| | - a 3.0 metres planting strip shall be required | |
| vi) | Maximum Height of Buildings | 10.0 m. |

4.4.3 Exceptions

4.4.3.1 Downtown Commercial Exception One (C1-1) Zone

In addition to the uses permitted in the Downtown Commercial (C1) Zone, in the Downtown Commercial Exception One (C1-1) Zone a boarding house shall be a permitted use except on the first floor, and hotel and motel shall be excluded as a permitted use. Residential uses shall comply with the provisions of Section 4.2. All other provisions of the Commercial Exception One (C1-1) Zone shall apply.

4.5 NEIGHBOURHOOD COMMERCIAL (C2) ZONE

No person shall within a General Commercial (C2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.5.1 Permitted Uses

- i) one accessory dwelling or dwelling unit
- ii) animal shelter or veterinary hospital
- iii) business, professional and administrative office
- iv) convenience store
- iv) day nursery
- viii) laundromat
- xv) real estate sales offices

4.5.2 Regulations for Permitted Uses

- i) Minimum Lot Area 800 sq. m.
- ii) Minimum Lot Frontage 30.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 10.0 m.
 - b) Interior Side Yard 5.0 m.
 - c) Exterior Side Yard 10.0 m.
 - d) Rear Yard 10.0 m.
- iv) Maximum Lot Coverage 35%
- v) Minimum Landscaped Open Space 15%
- vi) Maximum Height of Buildings 10.0 m.

4.5.3 Exceptions

4.6 LIGHT INDUSTRIAL (M1) ZONE

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

4.6.1 Permitted Uses

- i) airport
- ii) business, professional and administrative office
- iii) building supply and lumber outlet
- iv) contractors yards
- v) manufacturing or processing within an enclosed building
- vi) motor vehicle service station or repair garage
- v) motor vehicle body shop
- vi) motor vehicle fuel bar
- ix) publishing or printing establishment
- x) public works yard/public utilities yard
- xi) retail sales accessory to a permitted use not exceeding 25 percent of the total floor area
- xii) telecommunications tower, transmission towers and hydro-electric substations
- xiii) warehouse including self storage
- xiv) workshop within an enclosed building

4.6.2 Regulations for Permitted Uses

- i) Minimum Lot Area 1,600 sq. m.
- ii) Minimum Lot Frontage 30.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 10.0 m.
 - b) Interior Side Yard 5.0 m.
 - c) Exterior Side Yard 10.0 m.
 - d) Rear Yard 10.0 m.
- vi) Maximum Height of Buildings 10.0 m.
- iv) Maximum Lot Coverage 60%
- v) Minimum Landscaped Open Space 20%
 - in any yard abutting a non industrial zone a 6.0 metres planting strip shall be required

4.6.3 Exceptions

4.7 HEAVY INDUSTRIAL (M2) ZONE

No person shall within a Heavy Industrial (M2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.7.1 Permitted Uses

- i) accessory dwelling or dwelling unit
- ii) building supply and lumber outlet
- iii) bulk fuel depot
- iv) contractors yards
- v) heavy or light equipment sales and services
- vi) manufacturing or processing within an enclosed building
- vii) motor vehicle repair garage
- viii) motor vehicle body shop
- ix) outdoor storage
- x) publishing or printing establishment
- xi) public works yard/public utilities yard
- xii) retail sales accessory to a permitted use not exceeding 25 percent of the total floor area
- xiii) transportation depot
- xiv) telecommunications tower, transmission towers and hydro-electric substations
- xv) warehouse including self storage
- xvi) wholesales
- xvii) workshop

4.7.2 Regulations for Permitted Uses

- i) Minimum Lot Area 2,400 sq. m.
- ii) Minimum Lot Frontage 40.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 10.0 m.
 - b) Interior Side Yard 5.0 m.
 - c) Exterior Side Yard 10.0 m.
 - d) Rear Yard 10.0 m.
- vi) Maximum Height of Buildings 12.0 m.
- iv) Maximum Lot Coverage 60%
- v) Minimum Landscaped Open Space 20%
 - in any yard abutting a non industrial zone a 6.0 metres planting strip shall be required
- vi) Buffering Requirements

All outdoor storage uses shall be enclosed with a buffer strip or solid fence having a minimum height of 2.4 metres.

4.7.3 Exceptions

4.8 EXTRACTIVE INDUSTRIAL (MX) ZONE

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

4.8.1 Permitted Uses

- i) mining
- ii) peat extraction
- iii) pits
- iv) portable asphalt processing plant
- v) quarries
- vi) wayside pits and quarries

4.8.2 Regulations for Permitted Uses

- i) Minimum Lot Area 2.0 ha.
- ii) Minimum Lot Frontage 100 m.
- iii) Minimum Yard Requirements (from limit of extraction) or buildings or structures
 - a) Front Yard 30.0 m.
 - b) Interior Side Yard 15.0 m.
 - c) Exterior Side Yard 30.0 m.
 - d) Rear Yard 15.0 m.
- iv) Minimum Setback from a Residential Lot 120 m.
- v) Maximum Lot Coverage (Buildings and Structures) 10%
- vi) Minimum Landscaped Open Space 10%

All yards except those yards abutting a Residential zone shall contain a planting strip of at least 15 metres in width. In yards abutting a Residential Zone the planting strip shall be at least 30 metres in width.
- vii) Maximum Height of Buildings 15.0 m.

4.8.3 Exceptions

4.9 WASTE DISPOSAL INDUSTRIAL (MD) ZONE

No person shall within a Waste Disposal Industrial (MD) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.9.1 Permitted Uses

- i) recycling facility
- ii) salvage yard
- iii) sewage lagoon
- iv) solid waste disposal or management facility

4.9.2 Regulations for Permitted Uses

- i) Minimum Lot Area 1.0 ha.
- ii) Minimum Lot Frontage 100 m
- iii) Minimum Yard Requirements
 - a) Front Yard 30.0 m.
 - b) Interior Side Yard 20.0 m.
 - c) Exterior Side Yard 30.0 m.
 - d) Rear Yard 30.0 m.
- iv) Maximum Lot Coverage 75%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 10.0 m.

4.9.3 Exceptions

4.10 INSTITUTIONAL (I) ZONE

4.10.1 Permitted Uses

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

- i) ambulance station
- ii) arena
- iii) business, professional and administrative offices
- iv) cemetery
- v) community centre
- vi) community facility
- vii) crisis centre
- vii) day nursery
- viii) fire station
- ix) group home
- ix) hospital
- x) library
- xi) municipal water and sewage treatment and storage facilities
- xii) nursing home
- xiii) place of worship
- xiv) school

4.10.2 Regulations for Permitted Uses

- i) Minimum Lot Area 800 sq. m.
- ii) Minimum Lot Frontage 18.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 8.0 m.
 - b) Interior Side Yard 6.0 m.
 - d) Exterior Side Yard 6.0 m.
 - d) Rear Yard 8.0 m.
- iv) Maximum Lot Coverage 35%
- v) Minimum Landscaped Open Space 10%
- vi) Maximum Height of Buildings 10 m.

4.10.3 Exceptions

4.10.3.1 Institutional Exception One (I-1) Zone

The minimum required rear yard setback shall be 1.0 metres. All other provisions of the Institutional (I) Zone shall apply.

4.11 OPEN SPACE (OS) ZONE

No person shall within an Open Space (OS) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.11.1 Permitted Uses

- i) camping establishment
- ii) golf course
- iii) outdoor recreation
- iv) private recreational park
- v) public park and accessory structures
- vi) public recreation centre

4.11.2 Regulations for Permitted Uses

- i) Minimum Lot Area 1600 sq. m.
- ii) Minimum Lot Frontage 20.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 8.0 m.
 - b) Interior Side Yard 8.0 m.
 - c) Exterior Side Yard 8.0 m.
 - d) Rear Yard 8.0 m.
- iv) Maximum Lot Coverage 5%
- v) Minimum Landscaped Open Space 50%
- vi) Maximum Height of Buildings 10.0 m.

4.11.3 Exceptions

4.12 NATURAL RESOURCE (NR) ZONE

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

4.12.1 Permitted Uses

- i) conservation uses
- ii) hunting and fishing camps
- iii) marine facility
- iv) portable saw mill
- v) public park
- vi) resource management activities
- vii) wayside pit or a wayside quarry

4.12.2 Regulations for Permitted Uses

- i) Minimum Lot Area 2.0 ha
- ii) Minimum Lot Frontage 50.0 m
- iii) Minimum Lot Requirements
 - a) Minimum Front Yard 15.0 m
 - b) Minimum Interior Side Yard 15.0 m
 - c) Minimum Exterior Side Yard 15.0 m
 - d) Minimum Rear Yard 15.0 m
- iv) Maximum Lot Coverage 5.0 %
- v) Maximum Height 10.0 m

4.12.3 Exceptions

4.13 HAZARD LANDS (HZ) ZONE

No person shall, within any Hazard Lands (HZ) Zone erect, alter or use any building or structure except in accordance with the following provisions:

4.13.1 Permitted Uses

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

4.13.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of marine facilities pumphouses and buildings and structures for flood and erosion are permitted in the Hazard Lands (HZ) Zone.

4.13.3 Exceptions

SECTION 5 DEFINITIONS

5.1 ACCESSORY

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

5.2 AIRPORT

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

5.3 ANIMAL SHELTER

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

5.4 ART GALLERY

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

5.5 ASSEMBLY HALL

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

5.6 ATTACHED

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

5.7 BASEMENT

That portion of a building below the first floor and which is partly underground.

5.8 BED AND BREAKFAST

A home occupation within a single detached dwelling wherein not more than four (4) rooms are rented and meals are served to overnight guests for commercial purposes.

5.9 BOARDING HOUSE

A dwelling in which the proprietor supplies for a fee which may or may not be charged for sleeping accommodation with board for at least four persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel. Lodging rooms shall not have separate washroom and kitchen facilities.

5.10 BUILDING

A structure consisting of walls and a roof or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings.

5.11 BUILDING SUPPLY AND LUMBER OUTLET

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

5.12 BULK FUEL DEPOT

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

5.13 BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE

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

5.14 CAMP SITE

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

5.15 CAMPING ESTABLISHMENT

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

5.16 CELLAR

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 metres.

5.17 CEMETERY

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

5.18 CHIEF BUILDING OFFICIAL

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

5.19 CLINIC

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

5.20 COMMUNITY CENTRE

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

5.21 COMMUNITY FACILITY

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

5.22 CONSERVATION

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

5.23 CONTRACTOR'S YARD

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

5.24 CONVENIENCE STORE

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

5.25 CORPORATION

The Corporation of the Town of Moosonee.

5.26

COUNCIL

The Council of the Corporation of the Town of Moosonee

5.27

CRISIS CENTRE

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

5.28

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.

5.29

DECK

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

5.30

DOCK

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

5.31

DWELLING

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

5.32

DWELLING, ACCESSORY

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

5.33

DWELLING, APARTMENT

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

5.34

DWELLING, DUPLEX

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

- 5.35 DWELLING, QUADRUPLEX**
- The whole of a dwelling house that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.
- 5.36 DWELLING, SEMI-DETACHED**
- The whole of a building divided vertically into two separate dwelling units.
- 5.37 DWELLING, SINGLE DETACHED**
- A detached building containing one dwelling unit only.
- 5.38 DWELLING, TOWNHOUSE**
- A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
- 5.39 DWELLING, TRIPLEX**
- The whole of a building divided horizontally into three separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 5.40 DWELLING UNIT**
- 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 or a Mobile Home located on a permanent foundation.
- 5.41 DWELLING UNIT, ACCESSORY**
- A separate dwelling unit which is contained in a building which was originally designed as a single family dwelling and continues to be occupied by the owner.
- 5.42 ERECT**
- To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 5.43 ESTABLISHED BUILDING LINE**
- The average distance from the road line to existing buildings measured not more than 100 metres on either side of the lot where the frontage has been built upon, as of the date of passing of this By-law.

- 5.44 EXISTING**
- Legally existing, being a reality or an actuality as of the date of passing of this By-law.
- 5.45 FINISHED GRADE**
- The average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.
- 5.46 FIRST STOREY**
- The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.
- 5.47 FLOOR AREA, GROSS**
- The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.
- 5.48 FLOOR AREA, GROUND**
- The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).
- 5.49 FUNERAL HOME**
- A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.
- 5.50 GARAGE, PRIVATE**
- A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.
- 5.51 GARDEN SUITE**
- A free standing dwelling having a maximum floor area of 40 square metres situated on a lot on which a detached dwelling unit presently exists and occupied by an immediate family member of the occupants of the existing dwelling.

5.52**GAZEBO**

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

5.53**GOLF COURSE**

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

5.54**GROUP HOME**

A single housekeeping unit in a residential dwelling in which 3 to 10 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors, in compliance with municipal by-laws.

5.55**HEAVY EQUIPMENT SALES AND RENTAL**

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

5.56**HEIGHT OF BUILDINGS**

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

Accessory roof constructions, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building in accordance with Section 3.7.

5.57**HIGH WATER MARK SETBACK**

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

5.58**HOME FOR THE AGED**

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

5.59 HOME INDUSTRY

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

5.60 HOME OCCUPATION

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

5.61 HOSPITAL

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

5.62 HOTEL

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

5.63 IMPROVED PUBLIC ROAD

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

5.64 KENNEL

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

5.65 LANDSCAPED OPEN SPACE

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

5.66 LAUNDROMAT

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

5.67 LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT

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

5.68 LOADING SPACE

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

5.69 LOT

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

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50 of The Planning Act, S.O., 1990, Cp.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, Cp.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 40 of The Planning Act, S.O., 1990, Cp.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 a part or parts of it has or have been conveyed to or acquired by the Town of Moosonee, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,

- e) Which is the subject of an order of The Minister of Municipal Affairs pursuant to the provisions of Section 57 of The Planning Act., S.O., 1990, Cp.13, as amended.

5.70 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.

5.71 LOT, CORNER

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

5.72 LOT COVERAGE

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

5.73 LOT FRONTAGE

The continuous horizontal distance of the front lot line between the side lot lines measures at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be the horizontal distance of a line that is 7.5 metres back from and parallel to a continuous straight line, joining the two points where the side lot lines intersection with the front lot line.

5.74 LOT, INTERIOR

A lot other than a corner lot.

5.75 LOT LINE

Any boundary of a lot. Where a lot line changes direction by less than 45⁰ it shall be considered as one line. Where a lot line changes direction by more than 45⁰ it shall be considered a separate line.

5.76 LOT LINE, EXTERIOR

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

5.77 LOT LINE, FRONT

The lot line that abuts the road, but in the case of any lot having water access only, the front lot line shall be the lot line abutting the highwater mark of the navigable waterway:

- a) Where a lot abuts a municipally maintained road and a navigable waterway, both the lot line abutting the municipal road and the lot line abutting the navigable waterway shall be deemed the front lot line.

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

5.78 LOT LINE, REAR

The lot line farthest from or opposite to the front lot line.

5.79 LOT LINE, SIDE

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

5.80 LOT, THROUGH

A lot bounded on opposite sides by streets.

5.81 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 and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

5.82 MARINA

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

5.83 MARINE FACILITY

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

5.84 MOBILE HOME

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA

Z240 or Z241 but does not include a motor home, travel trailer or tent trailer or trailer otherwise designed.

5.85 MOBILE HOME SITE

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

5.86 MOBILE HOME PARK

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

5.87 MODULAR HOME

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

5.88 MOTEL

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

5.89 MOTOR VEHICLE

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

5.90 MOTOR VEHICLE, COMMERCIAL

Any commercial motor vehicle within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

5.91 MOTOR VEHICLE BODY SHOP

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

5.92 MOTOR VEHICLE DEALERSHIP

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or

rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

5.93 MOTOR VEHICLE FUEL BAR

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

5.94 MOTOR VEHICLE REPAIR GARAGE

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

5.95 MOTOR VEHICLE SERVICE STATION

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

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

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

5.97 MUSEUM

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

5.98 NON-COMPLYING

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

5.99 NON-CONFORMING

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

5.100 NURSING HOME

Any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, R.S.O., 1980, c.302, as amended.

5.101 OUTSIDE STORAGE

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

5.102 PARK, PRIVATE RECREATIONAL

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

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

5.103 PARK, PUBLIC

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

- 5.104 PARKING AREA**
- An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principle use is located for the purpose of storing motor vehicles.
- 5.105 PARKING LOT**
- A parking area forming the principle use of a lot.
- 5.106 PARKING SPACE**
- An area having a minimum width of 3 metres and a minimum area of 18.5 square metres, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles.
- 5.107 PATIO**
- A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.
- 5.108 PERSON**
- Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.
- 5.109 PERSONAL SERVICE SHOP**
- A business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe accessories and may include a barber shop, beauty salon, shoe repair shop dry cleaning depot or similar uses.
- 5.110 PIT**
- A place where unconsolidated gravel, stone, sand, earth, clay, fill, peat or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- 5.111 PLACES OF WORSHIP**
- Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.
- 5.112 PLACE OF AMUSEMENT**
- Any premises or separate part of a premises wherein two or more amusement machines are provided for use by the public for profit or gain.

- 5.113 PLANTING STRIP**
- An open space free of buildings or structures which is used for the growing and maintenance of an unbroken row of shrubs, trees or other natural vegetation having a minimum height of 1.5 metres.
- 5.114 PORTABLE PROCESSING PLANT**
- Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.
- 5.115 PRINCIPLE OR MAIN BUILDING**
- Any building which is carried on the principle purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.
- 5.116 PRIVATE CLUB**
- A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.
- 5.117 PRIVATE ROAD**
- A private right-of-way over private or public property or a forest access road over Crown Land which affords access to abutting lots and is not maintained by a public body.
- 5.118 PROVINCIAL HIGHWAY**
- A public improved road under the jurisdiction of the Ministry of Transportation.
- 5.119 PUBLIC AUTHORITY**
- Any Federal, Provincial, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include Hydro One and Bell Canada.
- 5.120 QUARRY**
- A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.
- 5.121 RECREATION, OUTDOOR**
- The use of lands for recreational activities that do not require buildings, structures or major alteration of the landscape, including trails, private camp sites, horseback riding hunting and fishing.

5.122 RECREATIONAL ESTABLISHMENT

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

5.123 RESORT

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

5.124 RESOURCE MANAGEMENT USE

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

5.125 RESTAURANT

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

5.126 RETAIL STORE

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

5.127 RIDING SCHOOL OR BOARDING STABLE

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

5.128 SALVAGE OR WRECKING YARD

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

- 5.129 SCHOOL**
- A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.
- 5.130 SERVICE SHOP**
- A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.
- 5.131 SETBACK**
- The horizontal distance from the centre line of the street right-of-way, or defined physical feature measured at right angles to such centre line, to the nearest part of any building or structure on the lot.
- 5.132 SEWAGE**
- The waste water and matter from any uses.
- 5.133 SEWAGE SERVICES OR FACILITY**
- Any works by a public authority for the collection, transmission, storage, treatment and disposal of sewage.
- 5.134 STOREY**
- A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.
- 5.135 STREET LINE**
- The limit of the street or road allowance and is the dividing line between a lot and street or road.
- 5.136 STRUCTURE**
- Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass but shall not include a vehicle or other structure defined herein..
- 5.137 TAVERN**
- A tavern or public house as defined by The Liquor Licence Act, but does not include a hotel or restaurant.
- 5.138 TENT**
- Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

5.139 TOURIST ESTABLISHMENT

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

- a) A camp operated by a charitable corporation approved under The Charitable Institutions Act, R.S.O., 1980, c.64, as amended;
- b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, S.O., 1983, as amended;
- c) A club owned by its own members and operated without profit or gain; or
- d) A tent and trailer park.

5.140 TRAILER

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

5.141 TRAILER, TRAVEL OR TENT

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

5.142 TRANSPORTATION DEPOT

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes and for the purposes of this By-law shall also include a rail yard and an airport

5.143 USE

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

5.144 VEHICLE

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

5.145 VEHICLE, RECREATIONAL

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

5.146 VESSEL

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

5.147 VETERINARY HOSPITAL

The premises of a veterinary surgeon where animals are treated or kept.

5.148 WAREHOUSE

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

5.149 WASTE DISPOSAL AREA

A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.

5.150 WATERCOURSE

A waterbody or the natural channel for a perennial or intermittent stream of water including a river or stream.

5.151 WATER SERVICES OR FACILITY

Any works by a public authority for the treatment, storage, supply or distribution of water.

5.152 WAYSIDE PIT OR QUARRY

A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

5.153 WORKSHOP

A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air conditioning contractor's shop, a commercial welder's shop, or similar uses.

- 5.154 YARD**
- Any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line.
- 5.155 YARD, EXTERIOR SIDE**
- A side yard immediately adjacent to an exterior lot line.
- 5.156 YARD, FRONT**
- A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required. On islands where there is only one lot, all yards shall be considered as the front yard. On lots having frontage on a navigable waterway and a maintained municipal roadway there are two front yards.
- Where there is a Crown Reserve or Shoreline Road Allowance the front yard requirement shall include the abutting Crown Reserve or Shoreline Road Allowance.
- 5.157 YARD, FRONT**
- The least horizontal distance between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.
- 5.158 YARD, REAR**
- The least horizontal distance between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.
- 5.159 YARD, REQUIRED**
- The minimum yard required by the provisions of the By-law.
- 5.160 YARD, SIDE**
- A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.
- 5.161 YARD, SIDE EXTERIOR**
- A side yard immediately adjoining a public street.
- 5.162 YARD, SIDE INTERIOR**
- A side yard other than an exterior side yard.

5.163 YARD, SIDE

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

5.164 ZONE

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

5.165 ZONE PROVISIONS

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

**SECTION 6
ENACTMENT**

6.1 FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Moosonee subject to the applicable provisions of The Planning Act, R.S.O., 1990, Cp.13., as amended.

6.2 READINGS BY COUNCIL

THIS BY-LAW READ A FIRST TIME ON THE 3RD DAY OF OCTOBER, 2007

THIS BY-LAW READ A SECOND TIME ON THE 3RD DAY OF OCTOBER, 2007.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 3RD DAY OF OCTOBER, 2007.

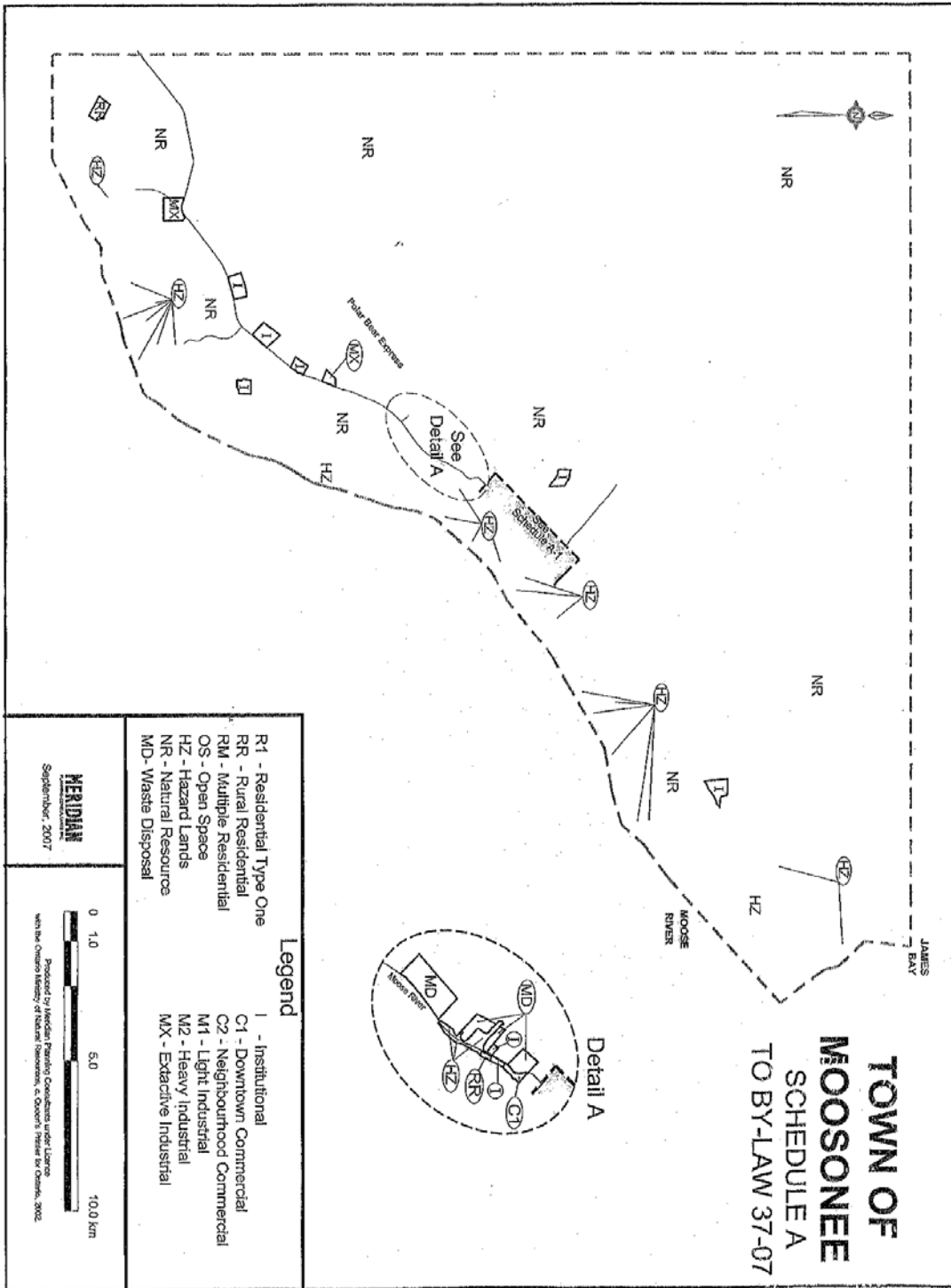
MAYOR: *Original signed & sealed*

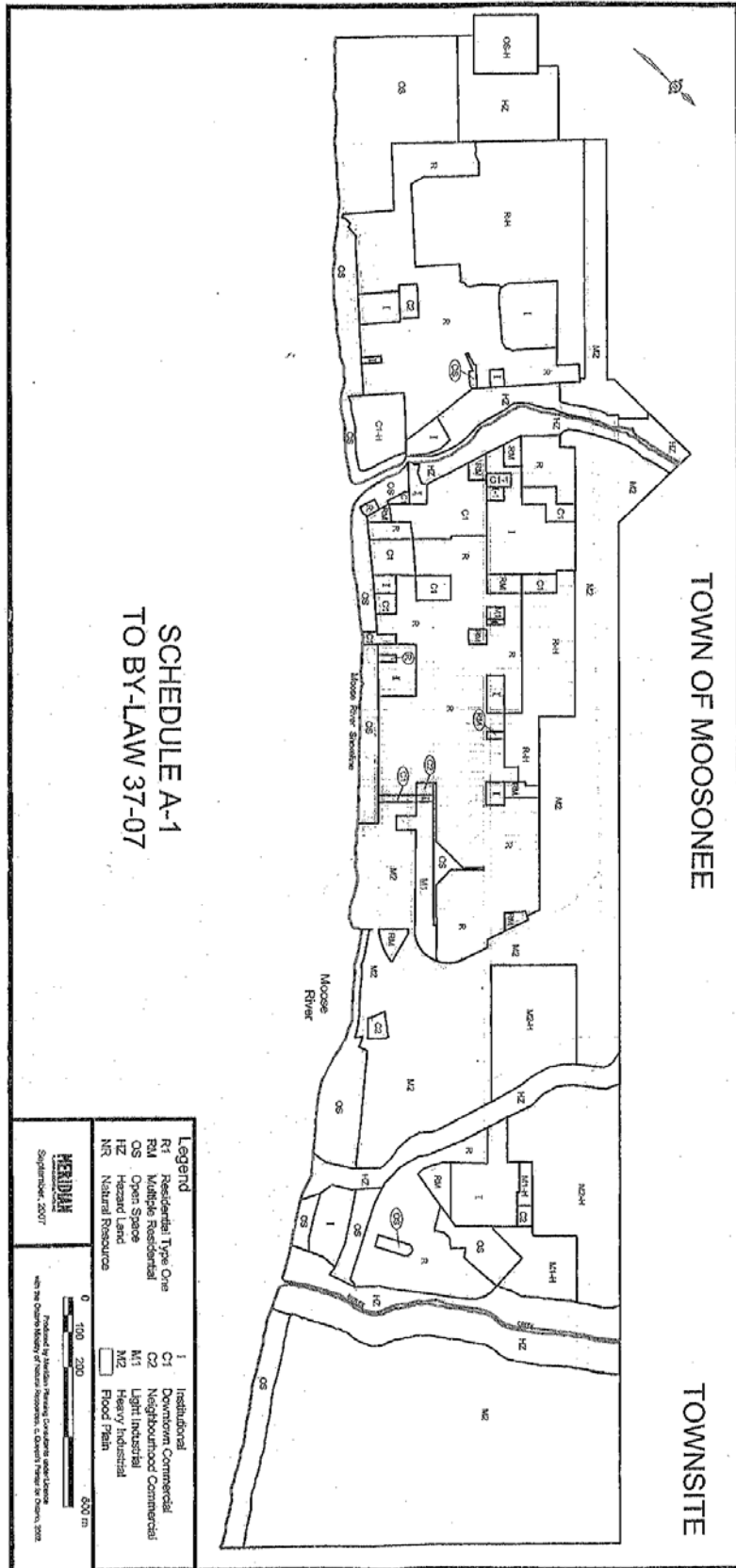
CLERK: *Original signed & sealed*

6.3 CERTIFICATION

I hereby that the foregoing is a true copy of Zoning By-law No. 37-07 as enacted by the Council of the Corporation of the Town of Moosonee, on the 3RD day of OCTOBER, 2007.

CLERK: *Original signed*





**SCHEDULE A-1
TO BY-LAW 37-07**

Legend	
R1	Residential Type One
RM	Multiple Residential
OS	Open Space
HZ	Hazard Land
NR	Natural Resource
I	Institutional
C1	Downtown Commercial
C2	Neighbourhood Commercial
M1	Light Industrial
M2	Heavy Industrial
[Symbol]	Flood Plain

MERIDIAN
September, 2007



Produced by Meridian Planning Consultants under license with the Queen's University of Natural Resources, 15 September 2007