

THE CORPORATION OF THE CITY OF ELLIOT LAKE

ZONING BY-LAW

By-law No. 18-36

Being a By-law to regulate the use of land and the erection, use, bulk, height and location of buildings and structures in The Corporation of the City of Elliot Lake and to repeal By-law No. 87-40, as amended.

Adopted by City Council
July 9, 2018

As amended
Consolidated to November 3, 2022

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List of Amendments

Number	Date	By-law	Subject
1	April 23, 2019	19-17	C3-3 57 Mississauga Ave to permit self-storage
2	July 12, 2021	21-59	Additional Dwelling Units
3	May 9, 2022	22-42	C2-8 42 Oakland Blvd
4	August 22, 2022	22-89	R1-10 12 Maple Road
5	November xx, 2022	22-xx	Housekeeping Amendment

The Council of The Corporation of the City of Elliot Lake Enacts as follows:

1 TITLE

This By-law shall be known as the “Zoning By-law” or By-law 18-36 for The Corporation of the City of Elliot Lake.

2 AUTHORIZATION AND ADMINISTRATION

2.1 Interpretation

In interpreting and applying the provisions of this By-law they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare except where the word maximum is used in which case the maximum requirement shall apply.

In this By-law the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future; the masculine includes the feminine.

2.2 Scope

The provisions of this By-law shall apply to all of the lands included in The Corporation of the City of Elliot Lake, the boundaries of which are shown on the zoning map attached. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged within the limits of The Corporation of the City of Elliot Lake except in conformity with the provisions of this By-law.

2.3 Licences and Permits

- a) No change shall be made in the type of use of any land, building, or structure within any zone, without first obtaining a Certificate of Occupancy from the City to the effect that the proposed use conforms to this By-law.
- b) No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement, or use of any building or structure that is in contravention of any provision of this By-law.

2.4 Action to Restrain Contraventions of By-law

In the case of any lot being used, any building or structure being erected, altered, reconstructed, or extended or part therefore being used in contravention of any provision of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the City pursuant to the provisions of Section 67 of the *Planning Act* in that behalf.

2.5 Inspection of Premises

The City Clerk or any employee of the City acting under his direction, may, at any reasonable hour (as set out by Council), enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, altered, enlarged, or used in violation of any of the provisions of this By-law.

2.6 Note on Amending By-laws

Note that where amending By-law numbers are referenced in text, they are provided for reference only, and upon consolidation with this By-law are repealed.

2.7 Measurements

Measurements contained in this By-law are in metric units only. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only are provided only for the convenience of the reader.

2.8 Technical Revisions

Revisions may be made to this By-law without the need for a zoning By-law amendment in the following cases:

- a) Correction of grammar, punctuation or typographical errors, or revisions to format in a manner that does not change the intent of a provision.
- b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks.
- c) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

3 DEFINITIONS

For the purposes of this By-law the definitions and interpretations given in this section shall govern.

ACCESSORY USE: a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

AESTHETICS: a personal service business dealing with cosmetics, skin care, make-up, or nail care.

ALTER:

- i) when used in reference to a building, structure or part thereof: to change any one or more of the external dimensions of such building or structure; or to change the type of construction of the exterior walls or roof of such building or structure; or to change the use of such building or structure; or to change the number of uses or dwelling units contained therein.
- ii) when used in reference to a lot: to change the boundary of such lot with respect to a street or lane; or to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or to change the use of such lot; or to change the number of uses located thereon.

ANIMAL HOSPITAL: A building or part thereof, with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian but does not include a kennel.

ART GALLERY: a place or area where paintings, sculptures, or other works of art are exhibited or sold.

AUTOMOBILE BODY SHOP: a building or part thereof designed or used for the painting, rebuilding and reconditioning of automobiles but does not include any other establishment otherwise defined or classified. (03-42)

AUTOMOBILE DEALERSHIP: the franchise establishment of a particular automobile manufacturer for the sale of new automobiles and as an accessory use may include the sale of used automobiles and includes all levels of repairs and service to such vehicles but does not include an Automobile Body Shop or collision centre.

AUTOMOBILE SALES ESTABLISHMENT: a use for the storing, sale or offering for sale at retail, any automotive vehicle and accessories for such vehicles and shall include recreational vehicles not over 10.67 m in length

AUTOMOBILE SERVICE STATION: a building or premises used solely or principally for the storing, sale or offering for sale at retail of any automotive fuels, lubricants and automobile accessories and shall include only minor repairs to automobiles as an accessory use.

AUTOMOTIVE HEAVY: an establishment engaged in providing major repair services to all classes of automotive and heavy vehicles and may include those uses allowed in automotive light establishments.

AUTOMOTIVE LIGHT: an establishment used primarily conducting incidental work to automobiles, utility and recreational vehicles through such light and unobtrusive functions as cleaning, minor adjustments, equipping and replacement of components for such vehicles and may include; lubrication centres, automotive cleaning & detailing establishments, tire shops, alignment centres, muffler shops, auto glass shops, auto sound system shops, but excludes work described as Automotive Heavy and work on industrial equipment and vehicles

BED & BREAKFAST ESTABLISHMENT: an establishment that provides sleeping accommodation and meals for the travelling or vacationing public, containing four (4) or fewer suites or guest rooms located within a single detached dwelling that is the principal residence of the proprietor of the establishment.

BOAT HOUSE: a building or structure or part thereof, used for the storage, shelter of private boats, personal watercraft or other forms of water transportation and equipment accessory to their use, but shall not be used for human habitation nor be equipped with pressurized potable water or sanitary facilities.

BREEDING AND BOARDING ESTABLISHMENT: any premises where dogs or cats are boarded, bred or trained for a fee. (92-28)

BUILDERS, CONTRACTORS' YARD: a yard of any general contractor or builder accessory to a permitted non-residential building 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. (03-42)

BUILDING: a structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods or chattels.

ACCESSORY BUILDING: a subordinate structure, single storey building or portion of the main building, the use of which is customarily incidental and subordinate to that of the main building, and not used for human habitation, except in the instance of sleeping cabins accessory to summer cottages and summer resorts, located on the same lot with the main building, and shall include a pool and a carport. (89-71)

BUILDING LINE, MINIMUM: a line within a lot drawn parallel to a lot line and establishes the minimum distance between that lot line and any building or structure which may be erected.

MAIN BUILDING: the building in which the principal use of the lot is conducted.

BUILDING SUPPLY OUTLET: an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

BUSINESS, PROFESSIONAL, AND/OR ADMINISTRATIVE OFFICE: a building or structure used for the

purpose of providing accommodation for the offices of a professional person or persons employed in administering, directing, managing, or conducting the affairs of a business or enterprise and for any purpose incidental thereto and may include the office of a non-profit or government organization. (00-35)

CARPORT: a structure which is designed and used for the sheltering of private passenger motor vehicles or commercial vehicles in compliance with the City's Parking By-law and which complies with the following requirements:

- i) the carport shall be attached to the main building and have a roof supported by column piers or walls; and
- ii) the total perimeter enclosed by walls, doors, windows, etc. shall not exceed sixty (60%) percent.

CEMETERY: a mausoleum, columbarium, crematorium, or other land that is set apart or used as a place for the interment of the dead.

CHILD CARE CENTRE: a building or part thereof operated by a person licensed under the *Child Care and Early Years Act* to provide temporary care for or supervision of children.

CLINIC: a building or part thereof used solely for the purpose of consultations, clinical or medical services, dentists, optometrists, chiropodists, drugless practitioners, or massage therapist together with their qualified assistants. (13-73)

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

CONVENIENCE STORE: a retail store used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise or sundries as is required to fulfill the day-to-day needs of the surrounding community and may include a video rental outlet but does not include the sale of garden supplies or Christmas trees. (00-35)

COVERAGE: the percentage of the land or lot area covered by buildings and structures.

DAYLIGHTING TRIANGLE OR SIGHT TRIANGLE: a triangular area free of buildings and/or structures, which is included as part of a street and which is established by measuring, from the point of intersection of the street lot lines of a rectangular corner lot a given distance along such street lot lines and joining such points with a straight line. The triangular shaped land between the intersecting street lot lines and the straight line joining the points along the street lot lines from their point of intersection is the Daylighting Triangle or Sight Triangle.

DWELLING: a building or portion thereof designed exclusively for residential occupancy for one (1) or more persons, but shall not include a boarding house, rooming house, hotel, or private hotel.

ACCESSORY DWELLING UNIT: a dwelling unit which is accessory to a permitted Non-Residential use.

ADDITIONAL RESIDENTIAL UNIT: a separate dwelling unit which is either located in a single detached dwelling, semi-detached dwelling, rowhouse or an accessory building or structure.

APARTMENT BUILDING: a separate building designed exclusively to contain three (3) or more dwelling units divided horizontally.

BOARDING HOUSE: any house or building, in which the proprietor resides, where lodging or both meals and lodging are provided for compensation and in which guest rooms do not have bathrooms and kitchen facilities for their exclusive use for not more than four (4) persons other than the proprietor and their immediate family.

DUPLEX DWELLING: a separate building designed exclusively to contain only two (2) dwelling units divided horizontally.

DWELLING UNIT: a room or suite of two (2) or more rooms designed or intended for use by a person or persons, in which is provided for the exclusive use of such person or persons sanitary conveniences and facilities for cooking or installation of cooking equipment, with a private entrance from outside the building or from a common hallway or stairway inside.

DWELLING UNIT AREA: the floor area of a dwelling unit measured within the interior faces of the exterior walls of the dwelling unit. The floor area in the basement shall not be included in the calculations of the dwelling unit area.

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

GROUP HOME: a single housekeeping unit in a residential dwelling in which unrelated residents, live under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Halfway Houses for the Socially Disadvantaged, in compliance with municipal By-laws

MOBILE HOME: a dwelling designed to be mobile and transported on its own chassis (notwithstanding that its running gear is or may be removed), or by other means, and designed and equipped for year-round occupancy in accordance with Canadian Standards Association Standard Z240. This definition shall not include any tourist vehicle, travel trailer, or any trailer.

MODULAR HOME: a prefabricated dwelling manufactured at one location and delivered and assembled on another lot.

RESIDENTIAL CARE HOME: a dwelling in which the owner resides and where assisted living services are provided to the tenants such as personal care, meal preparation, laundry and cleaning services. (01-7)

ROWHOUSE: See definition for 'TOWNHOUSING'.

SEASONAL/RECREATIONAL DWELLING: a single detached dwelling containing one (1) dwelling unit constructed as a secondary place of residence and is not the principal place of residence by the owner or occupier thereof.

SEMI-DETACHED BUILDING: a separate building designed exclusively to contain only two (2) dwelling units divided vertically.

SINGLE DWELLING: a separate building designed exclusively to contain only one (1) dwelling unit.

SLEEP CABIN: an accessory building or structure located on the same lot as the principal building or structure, the accessory use being for sleeping accommodations in which neither cooking or sanitary facilities or pressurized water shall be provided. A loft above a garage providing sleeping accommodations, but no kitchen, sanitary facilities, or pressurized water will be considered a sleep cabin.

TINY HOME: a small, private and self-contained dwelling unit that meets the minimum dwelling unit size as per the Ontario Building Code. A tiny home shall be considered a single detached dwelling, unless it is on wheels, in which case it shall be considered a mobile home.

TOWNHOUSING: a building designed to contain three (3) or more attached dwelling units, each dwelling unit being divided vertically and having a private entrance.

TOWNHOUSE, INTERIOR: a townhouse with two common walls.

TOWNHOUSE, END: a townhouse with one common wall.

EATING ESTABLISHMENT: a building or part of a building where food is offered for sale or sold to the public and includes a restaurant, cafe, tea or lunchroom, dairy bar, coffee shop, or refreshment room or stand and includes other similar uses.

EXISTING: in existence on the date of passing of this By-law.

FARMER'S MARKET: a building or structure used for the sale of fresh fruit, vegetables, grains and edible plants which are grown on a farm on a seasonal basis. Products derived from the farm produce may also be sold.

FENCE: a structure which forms a barrier for enclosing, bounding, delineating, or protecting land.

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

FLOOD PLAIN: the area below the high-water mark of a waterbody.

FLOOR AREA: for a building other than a dwelling, the total area of all floors contained within the outside walls of the building.

GROSS FLOOR AREA: the aggregate of the floor areas of all the storeys of a building including the floor area of any basement but not of any cellar, and which floor areas are measured between the exterior faces of the building at each floor level but excluding car parking areas within the building and, for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

GROSS LEASABLE FLOOR AREA: the gross floor area designated for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, as expressed in square m measured from centre lines of joint partitions and exteriors of outside walls, but not including offices, hotels or places of assembly.

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

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

FORESTRY USE: the management, development, and cultivation of timber resources.

FUNERAL HOME: a building used to prepare, preserve, and display human remains for a limited period and which accommodates mourners and other persons who may visit during funeral and memorial services.

GARAGE

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

PRIVATE GARAGE: a single storey accessory building which is designed primarily for the sheltering of a private motor vehicle. (00-21)

GARDEN CENTRE: an outdoor area primarily used for the retail of gardening equipment, products, and planting materials.

GAS BAR: facilities for the sale at retail of automotive fuels and other related products such as oils and windshield cleaners and shall not include any accessory uses.

GOVERNMENT OFFICE: a municipal office, courthouse, registry office, health or welfare centre, employment office, post office, customs office, or other use for purposes of local or government administration.

GRAVEL PIT: any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include: any excavation incidental to the erection of a building or structure for which a building permit has been issued; any excavation incidental to the construction of any public works; any asphalt plant, cement manufacturing plant or concrete batching plant; and any wayside pit as defined herein.

HEIGHT: the perpendicular distance measured from the average finished elevation of the ground abutting the building to the highest point of the roof joists in the case of flat roofs or to the point halfway up the roof in the case of pitched roofs. Where the height is designated in terms of storeys it shall mean the designated number of storeys above and including the first storey. A mezzanine floor or floors shall not be considered as increasing the height of a building in storeys, provided that their aggregate area does not exceed forty (40) percent of the area of the room or storey in which they are located, provided further that the space beneath the mezzanine is not enclosed and provided that the mezzanine overhang does not exceed forty (40) percent of the least dimension of any room in which it is located.

HIGH WATER MARK: the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character vegetation or soil on one side mark and the character vegetation or soil on the other side mark and as established by an Ontario Land Surveyor.

HOME BASED BUSINESS: an occupation, trade, business, profession, or craft carried on as an accessory use to the use of a dwelling and shall include the following:

- a) Instruction in or businesses involving music, academic subjects, religion, dancing, artists and craftsmanship such as pottery, weaving, painting or sculpting, sewing, hairdressing, aesthetics, or similar uses;
- b) Businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, or operators of commercial vehicles, including school buses, provided that there is no outdoor storage of commercial vehicles, equipment, or materials;
- c) Businesses involving the repair of small appliances, radios, televisions, and similar items, skate or knife sharpening or similar uses;
- d) An office used by a physician, dentist, or other medical practitioner, an insurance agent, accountant, engineer, salesperson, or a person engaged in a similar occupation; and
- e) A home or in-home child care centre;
- f) A bed and breakfast as defined herein.

HOTEL: a hotel, inn or public house, in one (1) building or two (2) or more connected buildings, designed and used for the purpose of catering to the needs of the travelling public by the supply of food in combination with other refreshments or entertainment, and also by the furnishing of sleeping accommodation consisting of not less than six (6) bedrooms, but shall not include any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise,

commonly referred to as boarding houses.

INDUSTRIAL USE: a building, structure, use or activity pertaining to manufacturing, assembling, making, producing, refining, finishing, treating, tanning, cleaning, washing, drying, altering, repairing, restoring, processing, refinishing, packing, adapting, warehousing, stockpiling, storing, distributing, shipping, breaking up, demolishing, servicing or recycling of goods, substances, or articles and similar uses, including ores, minerals, aggregates and agricultural produce, or any part or parts thereof.

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

LANE: a public thoroughfare other than a street or pedestrian way having a minimum width of 6.10 m which affords only a secondary means of vehicular access to abutting lots and which is not intended for general traffic circulation. In the case of lots intended for commercial uses then such a lane may be the primary means of vehicular access provided such lots are also served by a pedestrian way.

LICENCED BEVERAGE ESTABLISHMENT: a use where the primary function is for supply of alcoholic and other beverages to be consumed on the premises.

LOADING SPACE: a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon.

LOT: a lot or block within a registered plan of subdivision or a lot of record which fronts or abuts upon a street or pedestrian way.

CORNER LOT: a lot situated at the intersection of two (2) streets, or a lot having two (2) or more street lot lines on the same street which street lot lines include an angle of not more than one hundred and twenty-five (125) degrees, and where such street lot lines are curved the angle included by the street lot lines shall be deemed to be the angle formed by the tangents to the street lot lines drawn through the extremities of the side lot lines.

EXISTING LOT: a lot which, on the date of passing of this By-law, was capable of being legally conveyed in accordance with the *Planning Act*.

INTERIOR LOT: a lot other than a corner lot.

STANDARD WATERFRONT LOT: a lot which has water access on one shoreline.

THROUGH LOT: a lot, other than a corner lot, which has street access on two or more street lines, but has no water access.

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

LOT COVERAGE: the land actually covered by buildings or structures on any one particular lot and

shall not include swimming pools.

LOT LINE: any boundary of a lot.

LOT LINE, FRONT:

- i) in the case of an interior lot, the lot line that divides a lot from the street;
- ii) in the case of a lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line;
- iii) in the case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line; and
- iv) in the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.

LOT LINE, EXTERIOR SIDE: a side lot line which is also a street lot line.

LOT LINE, INTERIOR SIDE: a side lot line which is not a street lot line.

LOT LINE, REAR: the lot line farthest from and opposite the front lot line.

LOT LINE, SIDE: any lot line other than a street lot line or rear lot line.

LOT LINE, STREET: any lot line that divides a lot from the street.

LOT WIDTH- INTERIOR LOT: the horizontal distance between the side lot lines measured on a line 6.0 m back from the street lot line and parallel to it.

LOT WIDTH - CORNER LOT: the horizontal distance between the longest street lot line and the opposite side lot line, measured along a line 6.0 m back from and parallel to the shorter street lot line, except in the case:

- i) where the street lot lines are curved, in which case, the lot width shall be calculated on the basis that the street lot lines are deemed to be the tangents produced to their points of intersection, from the points of intersection of the side lot lines and curved street lot line; or
- ii) where a corner lot indicates that a daylighting triangle has been removed or has a rounded corner, in which case, the lot width shall be calculated on the basis that the street lot lines shall be deemed to comprise the street lines produced to their point of intersection.

MARINA: the use of land, buildings, or structures for the purpose of the hiring or keeping for hire, storing, docking, fuelling, outfitting, repairing, or servicing of boats, recreation vehicles, or aero planes.

MOBILE HOME PARK: a lot under single management which has been planned and divided into mobile home sites for the placement of two (2) or more mobile homes as a permanent residential use.

MOBILE HOME SITE: the space for the placement of one mobile home and for the exclusive use of its

occupants.

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

NET HECTARE: the area of the parcel of land on which, development is proposed or existing, expressed in ha, excluding all non-residential land uses such as roads, schools, commercial sites, and parks.

NON-COMPLYING: a lot, building, or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building, or structure is located.

NON-CONFORMING: a use, building, or structure which is not a permitted use in the zone where such use, building, or structure is located.

OFFICE: includes a business office and professional office.

BUSINESS OFFICE: a building or part thereof in which one or more persons is employed in administering, consulting, managing, directing, or conducting a public or private agency, a professional office, a business, a brokerage or a labour or fraternal organization, and includes, without limiting the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, a data processing establishment, a non-governmental or not-for-profit organization, or a real estate or insurance agent, but does not include a retail store, medical office, or a veterinary clinic.

PROFESSIONAL OFFICE: the business premises of one (1) or more persons duly qualified, licensed or registered under the laws of the Province of Ontario to be members of a self-regulating profession, but does not include a business office, medical office, or a veterinary clinic.

OPEN STORAGE, OPEN AIR STORAGE, OUTSIDE STORAGE: land outside a building used for the storage of equipment, goods or materials. This definition shall not include a salvage yard, a parking area, a delivery space, or a loading space. (03-42)

OPERATING MACHINERY: any apparatus having one or more moving parts which are driven by a power other than muscular power, including air conditioners, electric motors, compressors, and heat exchangers, and meet the following criteria:

- i) incidental to the main use or accessory use of the property; and
- ii) connected to the main building by way of brackets, electrical power lines, air ducts, or similar connectors.

PARK: an area dedicated to recreation use and generally characterized by its natural, historic or landscape features and which can be used for both passive and active forms of recreation and may be designated to serve residents of a neighbourhood or community.

PARKING AREA: a lot or portion thereof that is used for the parking of three (3) or more automobiles.

PARKING FACILITIES: a parking area that is required to be provided by this By-law.

PARKING SPACE: an area required for parking of one (1) automobile exclusive of driveways or aisles and shall include garages and carports located in R1, R1M, R2, and R2M Zones provided they meet the minimum parking space dimensions.

PARKING STATION: a parking area that is provided by a public authority.

PEDESTRIAN WAY: a public thoroughfare intended exclusively for pedestrians.

PERSONAL SERVICE SHOP: a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, hairdressing shops, hand laundries, self-service laundries, shoe repair and shoe shining shops, valets and depots for collecting dry-cleaning and laundry, dry-cleaning establishments, and self-service dry-cleaning establishments.

PET SERVICES: a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail, and may include services for pets including grooming but not including boarding or veterinary services, and provided direct access is provided to the outside of the building. (13-73)

PIT: land where unconsolidated gravel, sand, clay, peat, or other earthen material is being or has been removed by means of excavation as defined in the *Aggregate Resources Act*.

PLACE OF ASSEMBLY: a building or part of a building which is intended for public or private meetings or demonstrations and more particularly shall include theatres, motion picture halls, dance halls, pool halls, meeting halls, bowling alleys, and arenas. Notwithstanding the provisions of the foregoing a dance hall or meeting room attached to a restaurant, hotel or to other retail premises as an ancillary use and having a floor area of not more than 92.90 sqm shall not be considered as a place of assembly for the purposes of this By-law.

PRIVATE CLUB: a lawn bowling, tennis, badminton, curling or other athletic, social or recreational club not operated for profit, and includes a fraternal organization.

PUBLIC USE: a building, structure or lot used for public services by the municipality, any local board of the municipality, any Authority, Board, Commission, or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, any public utility corporation, any railway company, or similar recognized agencies.

RECREATION CENTRE, COMMUNITY: a building, structure, or lands, or part thereof, owned or operated by a non-profit or charitable institution or a public agency, where facilities are provided primarily for athletic or recreational activities or events, and includes, without limiting the generality of the foregoing, an arena and a public pool.

RECREATIONAL COMMERCIAL ESTABLISHMENT: an establishment, premises or Building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed badminton or tennis courts, squash courts, bowling

alleys, gymnasias, band shell or open theatre and other similar uses except as otherwise specifically defined in this By-Law.

RECREATIONAL VEHICLE: any vehicle so constructed that it is no wider than 2.5 m and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, or eating accommodation of persons. The term “Recreational Vehicles” includes the following: motor homes, travel trailers, tent trailers, and campers.

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

RETAIL BUSINESS: the use of a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail but does not include any establishment otherwise defined or classified herein.

SALVAGE YARD: a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery, or parts thereof are processed or sold for future use, dismantled, or abandoned. A salvage yard includes a junk yard, scrap metal yard, recycling depot, and automobile wrecking yard. (03-42)

SCHOOL: an institutional use for education under the jurisdiction of a Board as defined in the *Education Act*.

SEASONAL TRAILER PARK: land used or maintained for the activity of seasonal camping where campers provide their own sleeping facilities such as seasonal trailers or tents.

SHIPPING CONTAINERS/SEA CANS: any prefabricated metal unit/container that is self-contained, used for the transport of goods by means of rail, truck, or cargo ship, and is larger than 3.0 sqm.

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

SHORT TERM RENTAL: a dwelling unit that, in whole or in part, is rented or available for gain or profit for a period of 30 consecutive days or less, but does not include a bed and breakfast, boarding house, hotel, or motel.

SIMILAR USE: a use determined to be similar by the Chief Building Official in consultation with the City Clerk and such use is consistent with the character of uses listed as permitted in a particular Zone.

SOLAR POWER INSTALLATIONS

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

-, **COMMERCIAL:** systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

STOREY: that portion of a building:

- (a) that is situated between the top of any floor and the top of the floor next above it; or
- (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

FIRST STOREY: the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade

BASEMENT: one or more storeys of a building located below the first storey.

STREET: a public highway or a private thoroughfare of not less than 15.24 m in width, which affords a principal means of vehicular access to the abutting lots.

STRUCTURE: anything, except a retaining wall, that is erected, built, or constructed of parts joined together, the use of which requires location on the ground or attached to something requiring location on the ground. (96-1)

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

TOURIST CAMP: land used to provide temporary accommodation for the public, or members of an organization, in tents, recreational vehicles, cottages, cabins or other structures.

TRADING POST: a retail store, located on a highway, which sells souvenirs, articles, and provisions intended primarily for sale to the tourist trade.

UTILITY SHEDS: an accessory structure used for storage or domestic workshop purposes.

WIND TURBINE/GENERATING SYSTEM

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

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

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

REQUIRED YARD: that part of a yard lying between the front lot line, side lot lines, and the

building line and also includes that area of a corner lot abutting a street and lying between the front lot line, rear lot line, and side lot line.

4 **ZONES**

4.1 **Classification of Zones**

For the purpose of this By-law, The Corporation of the City of Elliot Lake has been divided into various use zones as follows:

<u>Title of Zone</u>	<u>Short Title</u>
Residential One- and Two-Unit Dwelling	R1 Zone
Residential One- and Two-Unit Dwelling-M	R1M Zone
Residential Multiple Dwelling	R2 Zone
Residential Multiple Dwelling-M	R2M Zone
Residential Mobile Home Park	RMP Zone
Central Commercial	C1 Zone
Tourist Highway Commercial	C2 Zone
Neighbourhood Commercial	C3 Zone
Shopping Centre Commercial	C4 Zone
Industrial	M Zone
Clean Industrial	CM Zone (90-83)
Institutional	I Zone
Public Open Space	O Zone
Park	P Zone
Rural "A"	RA Zone
Rural "B"	RB Zone
Limited Service Residential	RL Zone (89-2)
Shoreline Residential	RS Zone (03-8)
Rural Estate	RE Zone

4.2 **Zoning Map**

The series of plans attached hereto are collectively designated as the zoning map, and hereafter wherever the term "zoning map" is used it refers to these plans. The zoning map attached hereto as Schedule "A" forms part of this By-law.

4.3 **Boundaries of the Zones**

If any uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- (a) **Street, Lanes, and Watercourses**: where a zone boundary is indicated as approximately following a street or lane, whether opened or unopened, or watercourse, the boundary shall

be the centre line of such street, lane or watercourse;

- (b) Lot Lines: where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) Closed Street or Lane: in the event a dedicated street or lane shown on the zoning map is closed and such street or lane was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former centre line of the closed street or lane.

4.4 Special Exception Zones

Where a zone symbol is followed by a dash and a number (for example "R1-1"), this denotes a special exception zone. The permitted uses and the zone provisions for such special exception zone shall be set out in the Section of this By-law applicable to the said zone symbol.

4.5 Holding "H" Designation

Any zone classification detailed in Section 4.1 above may be placed in a "Holding" classification. Said lands will be shown on the Zoning Map (Schedule "A") with the word the letter "H" following the underlying zone symbol.

It is the intent to designate certain lands as being in a "Holding" classification where development is conditional upon the provision of municipal services, special study, or where conformity with the policies of The Corporation of the City of Elliot Lake need to be established. Any parcel or area of land may be further classified as a holding zone with the addition of the suffix "-h". The following regulations shall apply to all zones with the "H" designation:

- a) No person shall use any land or erect or use any building or structure for any purpose whether or not in conformity with the respective zone designations other than those uses existing for such land, building, or structure on the date of passing of this By-law until such time as the land has been rezoned to remove the "H" designation.
- b) Any change from the holding status shall require an amendment to this By-law, and the Municipality may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

4.6 Temporary Use By-laws

Temporary Use By-laws may have been passed by the municipality to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

5 GENERAL REGULATIONS FOR ALL ZONES

5.1 Accessory Uses

5.1.1 Accessory Buildings Prior to Erection of Main Building

No accessory building shall be erected prior to the erection of the main building on the same lot, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the main building or structure, and no such accessory building shall, prior to the erection of the main building, be used for any purpose other than storage.

5.1.2 Additional Residential Units

Notwithstanding any provisions of this By-law of this By-law, Additional Residential Units may be permitted and shall comply to the following:

- (i) For any zone that permits a single detached dwelling, semi-detached dwelling, or townhouse dwelling, the following shall also be permitted:
 - a. One additional residential unit within a single detached dwelling, semi-detached dwelling or townhouse dwelling; and
 - b. One additional residential unit in an accessory building or structure which is permitted and ancillary to the single detached dwelling, semi-detached dwelling or townhouse dwelling
- (ii) Notwithstanding Section 5.1.2 additional residential units are not permitted in the Shoreline Residential (RS) or Limited Service Residential (RL) Zones.
- (iii) Additional Residential units shall be subject to the corresponding zone provisions if in the primary structure.
- (iv) For Additional Residential Units in an accessory structure, the general provisions for accessory uses shall apply, except a minimum interior side and rear yard setback of 3.0m is required, and the minimum exterior yard and front yard setback of the primary structure is required.
- (v) Additional Residential Units on a lot that is serviced by a private well requires confirmation by a qualified individual that the well has capacity for the proposed development if privately serviced.
- (vi) Additional Residential Units on a lot serviced by a private sewage system requires confirmation by a qualified individual that demonstrates that the septic system has capability for servicing the proposed use or makes recommendations for appropriate alterations that will accompany the creation of the unit.
- (vii) Additional Residential Units may not be severed from the lot containing the primary residential use.
- (viii) Parking shall be provided in accordance with Section 6, and tandem parking in the existing driveway is permitted.
- (ix) Additional dwelling units shall be designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighbourhood.

5.1.3 Garages and Sheds

Garages and sheds in residential zones are subject to the following provisions:

- (i) A private garage shall be no larger than:
 - a. The ground floor area of the primary residential dwelling;
 - b. Ten (10) percent of the lot area; or
 - c. 68 sqm, whichever is the lesser.
- (ii) A shed shall be limited to one (1) storey in height and not exceed 22.3 sqm in floor area.

5.1.4 Outdoor Furnaces

An outdoor furnace shall only be permitted in RA, RB, RS, and RE Zones, subject to the following provisions:

- (i) The furnace is only to be installed on lots having an area of 0.4047 ha or greater.

5.1.5 Portable Garages

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

- (i) Such structure is not located in the required front yard; and
- (ii) Such structure meets all setback provisions;
- (iii) Such structure shall be counted in the calculation of lot coverage;
- (iv) If such structure is not rated for snow load, it shall be removed from October 1 to April 1 of each year; and
- (v) Such structure shall require a temporary permit.

5.1.6 Recreational Vehicles

Any recreational vehicle shall be permitted to be stored in a Residential Zone provided it is parked in the rear or interior side yard.

5.1.7 Shipping Containers

No object such as a trailer, vessel, storage container, shipping container, or part of a vehicle shall be used as a building or structure except for storage, and only as accessory structures to a primary use in the Tourist Highway Commercial or Industrial Zone, or as otherwise permitted by this By-law. (07-32) (2017 amendment)

Notwithstanding the provisions of this By-law, the use of a trailer, vessel, storage container, or shipping container may be permitted on a temporary basis for storage of tools, equipment and materials at a construction site or for other purposes of a temporary nature subject to the execution of an undertaking to remove the container within one year, signed by the owner of land where the container is to be temporarily located. (11-23)

The following provisions apply to all shipping containers:

- (i) The shipping container is only used for storage purposes and not used to accommodate work areas, shops, office uses, or retail sales.
- (ii) The shipping container is maintained to the City's satisfaction (i.e. painted and not rusted) and is not visible from the street;
- (iii) The shipping container is anchored to the ground in accordance with the Ontario Building Code; and
- (iv) An Engineer's report is required in accordance with the Ontario Building Code.

In the Tourist Highway Commercial Zone such shipping container is permitted in accordance with the following provisions:

- (i) A maximum of two (2) containers are permitted unless an agreement is entered into with the City; and
- (ii) Such structure(s) shall only be permitted in the rear yard.

5.1.8 Solar Panels

Accessory solar power installations may be installed in any zone, subject to the following provisions:

- (i) Freestanding accessory structures shall not be located in the front yard.

5.1.9 Swimming Pools

In a Residential Zone, a private swimming pool and structures in conjunction with such a swimming pool may be erected and used in the required interior side yard or rear yard in accordance with the City's Swimming Pool By-law and provided:

- (i) No part of such swimming pool shall be located closer than 1.2 m to any rear or side lot line; and
- (ii) Such swimming pool shall not count towards lot coverage of accessory uses or total lot coverage.

5.1.10 Wind Turbines

Notwithstanding any other provisions of this By-law to the contrary, a wind turbine shall be permitted as an accessory use to a permitted residential use on any part, parcel, lot or block in the RA, RB, and RE zones provided such land is not less than 0.3 ha in area.

Setback Requirements: Wind turbine structures shall be setback from the property line one and one half (1.5) times the height tower and where the height is in excess of 10 m the tower shall be located a distance of at least three (3) times its height from the nearest property line. The tower shall also be setback 10 m from any above ground utility line, except a utility line used to connect the subject property to a local utility.

5.2 Community Gardens and Farm Produce/Product Stands

All buildings and structures shall comply with the accessory structure regulations of the zone in which the use is located.

5.3 Encroachments Permitted into Required Yards

The following encroachments are permitted into required yards:

Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Balconies, canopies, and unenclosed porches less than 1 storey in height	Required rear or interior side yard	May encroach 1.83 m
Balconies and canopies where located above the level of the ceiling of the first storey	Required rear or interior side yard	May encroach 1.2 m
Barrier free access ramps, unenclosed with no roof or walls, designed to the requirements of the Ontario Building Code	Required front or rear yard	Permitted (95-87)
Fences and hedgerows 0.9 m or less in height in R1, R1M, R2, R2M Zones	Any yard	Permitted
Fences and hedgerows more than 0.9 m in height in R1, R1M, R2, R2M Zones, to a maximum height of 1.9 m	All yards other than the required <i>front</i> and or required <i>corner side yards</i>	Permitted
Fences in all other zones, to a maximum height of 2.44 m	Any yard	Permitted, provided compliance with Section 5.16 Sight Triangles
Fire escapes	Required rear yard	May encroach 1.52 m
Sills, belt course, cornices, eaves or gutters, chimney breasts, and pilasters	Any yard	May encroach 0.61 m
Stairs	Any yard	Not closer than 0.6m to any lot line

5.4 Established Setback in Residential Zones

For the purposes of lots located in a R1 and R2 Zone, with existing dwellings that conform to previously legal front yard setbacks, the front yard shall be deemed to be the legal non-conforming setbacks from the street lot lines. (95-104)

5.5 Fences

Unless otherwise provided for in this By-law or any other By-law of the Corporation, fences shall be permitted subject to provisions in Section 5.2 Permitted Encroachments.

5.6 Height Exceptions

The provisions of this By-law shall not apply to limit the height of any municipal building, ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, or structures for mechanical equipment required for the operation of the building such as an elevator.

5.7 Home Based Businesses

The following uses shall be considered permitted accessory uses to any residential use:

- i) Home Based Businesses and Domestic Arts:
 - Instruction in or business involving music, religion, dancing, artists and craftsman studios, sewing, hairdressing, aesthetics, academics, typing, drafting, or similar activities, or any other activity defined as a home based business in this By-law.
- ii) Professional Uses:
 - An office, consulting room or place of practice for a physician, surgeon, dentist or other medical practitioner, insurance agent, lawyer, engineer, architect, accountant, salesperson, or persons engaged in a similar occupation, or a building contractor's private office.

The permitted accessory home based businesses, domestic arts, and professional offices are subject to the following provisions:

- i) No more than one person, other than a resident on the premises, shall be engaged in the business;
- ii) If the business is located in the primary dwelling, no more than twenty-five (25) percent of the total floor area of the dwelling shall be used for such purposes;
- iii) Businesses may be located in a garage or other accessory structure;
- iv) There shall be no external display or advertising other than a legal sign, indicating to persons outside, that a part of the dwelling house or dwelling unit is being used for a purpose other than residential. Such legal sign shall not be flashing;
- v) There shall be no goods, wares, or merchandise, other than arts and crafts produced or products used on the premises, offered or exposed for sale or rent on the premises or outside the premises;
- vi) The home based business, domestic art, and/or professional use, shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit;
- vii) The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, traffic, television or radio reception, or parking;

- viii) Parking requirements shall be calculated as per Section 6 of the Zoning By-law; and
- ix) Home based businesses may be subject to Site Plan Control.

5.8 Landscaping

- i) Where, in a yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces adjoins a lot in any Residential Zone, or where any non-residential lot abuts a lot in any Residential Zone:
 - (a) A continuous strip of landscaped open space of a minimum width of 3.0 m shall be provided and maintained from the lot line of the said yard or lot.
 - (b) Plant materials shall be trees and shrubs of not less than 3.0 m and 1.0 m respectively in height at the time of planting and whose heights at maturity will reach at least 9.0 m and 3.0 m respectively, and will be of a type which will provide an effective visual screen between the particular properties.
 - (c) Such plant materials may be combined with or replaced by landscaped berms continuous wall, fencing, or screen 0.9 m in height erected at least 1.5 m from the lot line to provide an effective visual screen .
- ii) Where, in any yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces adjoins a street:
 - (a) Landscaped open space shall be provided and maintained along the lot line adjoining the street, and shall include trees, low growing shrubs, and turf.
 - (b) Landscaping shall be continuous except for aisles or driveways required for access to the parking area and shall be a minimum width of 3.0 m.
- iii) In any zone, any portion of any front yard which is not used for any other permitted purpose shall be devoted to landscaped open space.
- iv) Any wall, fence or screen shall be maintained in a stable condition, and all landscaping shall be kept free of refuse and debris and maintained in a healthy, growing condition, neat and orderly in appearance.

5.9 Licences, Permits, Other By-laws and Government Regulations

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Corporation of the City of Elliot Lake, or from obtaining any licence, permission, permit, authority or approval required by this or any other By-law of the Corporation of the City of Elliot Lake.

When the regulations or requirements of any department of Government impose greater restrictions than the restrictions imposed by this By-law, then the greater restrictions shall apply.

5.10 Lots Created by Consent or When Part-lot Control Has Been Removed

5.10.1 Notwithstanding any other provisions herein the following shall apply to all lots created by consent or when Part-lot Control has been removed in R1, R1M, R2, and R2M Zones:

Lot area, minimum:	n/a
Setback from lot line creating the division between dwelling units, minimum:	0.0 m
Setback from new side lot line, minimum:	distance to existing dwelling

5.10.2 Notwithstanding any other provisions herein the following shall apply to all lots created by consent or when Part-lot Control has been removed in R1 and R1M Zones:

Lot width, minimum:	n/a
Parking spaces, minimum:	1 parking space within the lot

5.11 Lots Without Buildings

Where a lot is occupied for permitted uses and having no buildings or structures thereon, the reserved yards for the zone where the lot is located, shall be provided and maintained, except as stated in Section 5.9.

5.12 Non-Complying Buildings, Structures and Lots

5.12.1 Alterations to Non-Complying Buildings and Structures:

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, or repair of an existing non-complying building or structure provided such enlargement, reconstruction, renovation, or repair shall not:

- (i) Further aggravate the non-compliance; or
- (ii) Contravene any other zone provisions.

5.12.2 Use of Undersized Lots

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

5.12.3 Expropriation and/or Road Widening

If any legally existing building or structure would become non-complying as a result of a road widening or an expropriation, by having its front yard, exterior side yard, or setback reduced, the said existing building or structure shall be deemed to be complying for the purposes of this By-law.

If any legally existing lot would become non-complying as a result of a road widening or an expropriation, by having its lot area and/or lot frontage reduced, the said existing lot shall be deemed to be complying for the purposes of this By-law.

5.13 Non-Conforming Uses and Yard Requirements Prior to December 7, 1987

5.13.1 All uses and all construction in existence prior to December 7, 1987 will be deemed to be in conformance with this By-law.

5.13.2 Rebuilding, Repair, and Strengthening Permitted

Nothing in this By-law shall prevent the rebuilding, repair, and strengthening to a safe condition of a non-conforming building or structure, including the installation of eaves troughs, siding, brick, or insulation whose sole purpose is to improve the exterior of the building, subsequent to the date of passing of this By-law, provided that the external dimensions of the original building or structure are not increased, and the use of the building or structure is not altered, unless altered to a permitted use.

5.13.3 Change of Use

The use of any lot, building, or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the City pursuant to its powers under the *Planning Act*.

5.14 Public Uses Permitted

The following uses are permitted in any zone:

- i) Any land may be used and any building or structure may be erected and used for the purposes of a Public Authority, so long as zone requirements are complied with, and with the exception of a waste disposal site.
- ii) Public services such as water mains, sewers, telephone and electrical transmission lines, including booster stations, water storage tanks, pumping stations, electric substations and telephone exchanges, provided that any building or structure erected in any zone complies with the setbacks appurtenant to that zone and that the land surrounding the building or structure is landscaped to a standard of not less than the standards of the area, but is not subject to the lot area requirements for the zone in which it is located;
- iii) Neighbourhood Police Service sub-stations shall be permitted in any residential zone provided that any building or structure erected or used complies with the applicable requirements of the zone and that the land surrounding the building or structure is landscaped to a standard of not less than the standards of the area. (95-19)

5.15 Required Yards

Every part of any required yard shall be open and unobstructed from the ground to the sky, except for fences, trees, shrubs, gardens, permitted accessory buildings, and any parking area that is not stated hereafter as specifically excluded.

5.15.1 Reduction of Lot Area and Movement of Lot Lines

No person shall reduce any lot built upon in area or move a lot line, either by conveyance or alienation of any portion thereof or otherwise so that the required yards provided will be less than the minimum permitted by this By-law for the zone in which such lot is located.

5.16 Short Term Rentals

Where short term rentals are permitted, the following provisions apply:

- (i) Such short term rental shall be in compliance with the City's Licensing By-law, if applicable.

5.17 Sight Triangles

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- (a) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- (b) a fence or tree, hedge, bush, or other vegetation, other than agricultural crops, the top of which exceeds 0.9 m in height above the elevation of the centrelines of abutting streets;
- (c) a parking area; and
- (d) a finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 m.

5.18 Site Plan Control

In accordance with the provisions of Section 41 of the *Planning Act*, By-Law 00-53 and its successors, as amended, designating Site Plan Control referenced to the class or classes of development or redevelopment shall apply to the zone categories and development types as stated in the said By-law.

5.19 Temporary Uses

Temporary uses shall be regulated as follows:

- i) Uses incidental to construction such as construction camp or other such temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction, provided that these uses are permitted in any zone only for so long as they are necessary for work in progress which has neither finished or been abandoned.
- ii) Other temporary uses may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the *Planning Act*.
- iii) Temporary fencing shall not require a permit.

5.20 Water and Sewage Disposal Services - Municipal

No person shall hereafter erect and use in whole or in part any building or structure without

municipal piped services for any purpose in the R1, R1M, R2, R2M, C1, C2, C3, C4, M, CM, and I Zones, except where specifically permitted as an exception to this By-law.

6 **PARKING PROVISIONS and OFF-STREET LOADING PROVISIONS FOR ALL ZONES**

6.1 **Parking Space Requirements**

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

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED TO BE PROVIDED
Residential Uses	
Single Dwelling	1 space
All lots created by consent or removal of Part Lot Control	1 space
Boarding Houses	1 space for each boarder
Semi-Detached & Duplex Dwellings	1 space per dwelling unit
Apartment Units/Buildings in C1 Zone Only	1 space per dwelling unit
All Other Apartment Units/Building and Townhouse Blocks	1.5 spaces per dwelling unit
Townhouses (individually owned)	2 spaces per dwelling unit
Group Home	3 spaces
Additional Residential Unit	1 parking space per additional residential unit
Non- Residential Uses	
Retail Stores	1 space per 30 sqm of floor area on ground floor, 1 spaces per 50 sqm of floor area on all other floors
Retail or Wholesale Store in Industrial M Zones	1 space per 30 sqm only floor area used for retail or wholesale purposes
Offices (including Government)	1 per 30 sqm of floor area
Eating Establishment & Licensed Beverage Establishment	1 per 4 seats
Places of Assembly with fixed seats	1 per 4 seats
Places of Assembly with non-fixed seats, with or without tables	1 per 7 sqm of floor area
Private Clubs	1 per 20 sqm of floor area
Hotels	1 per 2 guest rooms and 1 per 2 employees, plus requirements for other uses
Motels	1 per guest room and 1 per 2 employees, plus requirements for other uses
Bed & Breakfast Establishment	1 space per guest room plus 1 space for the single dwelling
Vacation Hotels, Motels, Tourist Camps and	1 space for each bedroom

Other Vacation Establishments, all in Rural B Zones, where direct road access to the lot is available	
Non-Residential Uses in Rural B Zones direct road access to the lot is available	1 space to be located on the lot, for each 3 lineal m of dock face designed for boat mooring purposes
Personal Service Shops	1 per 20 sqm of floor area
Child Care Centre	1 space per 25 sqm of gross floor area.
Shopping Centres in C4 Zone	1 space per 25 sqm of gross leasable floor plus additional spaces for the following:
-Place of Assembly	1 space per 6 seats
-Hotel	1 space per guest room
-Offices	1 space per 37.1 sqm of gross floor area in excess of 20% of the gross leasable floor area
Industrial or Manufacturing Use	1 space for each 2 employees
Warehouses or Outside Storage	1 space for each 3 employees
Builders', Contractors Yards	1 per 93 sqm of outside storage area or 1 per employee
Bulk-oil Dealerships	2 spaces for every 3 employees
Clean Industrial (CM) Zone uses	1 space per 46 sqm of gross floor area or 1 space per employee, whichever is greater
Elementary & Secondary Schools	1 space per employee
Post -Secondary Schools	5 spaces per classroom
Medical Clinics	5 spaces per practitioner
Churches & Church Halls	1 space for each 5 seats
Sunday School, when not forming part of a church or church hall	1 space per teacher
Hospitals	1 space per 2 beds plus 1 per employee
Transition House for Women in Distress	7 spaces
Automobile Service Station, Automotive Heavy, Automobile Body Shop, Automotive Light, Automobile Dealership	1 per repair bay and 1 per 37 sqm of floor area, not including repair bays
Printing and Publishing Establishments	2 per 100 sqm of floor area
Bake shops	1 per 27.8 sqm floor area
Funeral Homes	1 per 7 sqm of floor area devoted to public use
Public Storage Warehouses	1 per 800 sqm of floor area
Training Centres	1 per 20 sqm of floor area
Financial Institutions	1 per 18.5 sqm of floor area
Courier Office & Depot	1 space per 2 employees plus 1 space for each vehicle operating from the site
Dry Cleaning Establishment	1 per 28 sqm of floor area

Garden Centre (stand alone)	1 space per 28 sqm of outdoor or indoor space
Gas Bar	1 per employee plus one for each 4 pumps
Recreational Commercial Establishment	1 per 4 persons of indoor and/or outdoor design capacity
Bingo Halls	1 per 7 sqm of floor area
Arcades	1 per amusement device plus 1 per game table
Auctions	1 per 2 seats or 2 per 9.3 sqm
Bus Terminal	1 per 19 sqm of waiting area
Buildings with 3 or more commercial uses	1 per 20 sqm of floor area
Any general business and commercial uses not specifically listed above.	1 per 27.8 sqm of floor area

6.1.2 Floor Area

Unless stated otherwise, parking requirements based on an area criterion shall be calculated on Floor Area as defined.

6.1.3 Seating Capacity

Where reference is made to seating capacity, 1 seat is equal to 0.5 m of bench space.

6.1.4 Employees

Where reference is made to number of employees, the number is the maximum number of persons employed on the premises at one time.

6.1.5 Rounding

Where the application of ratios results in a fraction of a parking space, the required number of spaces shall be rounded to the next highest whole number.

6.2 Aisle and Parking Area - Design

Parking Space Orientation	Parking Stall Width	Parking Stall Length	Minimum Driveway or Aisle Width
90°	2.8 m	5.8 m	6.7 m
60°		6.4 m	5.5 m
45°		6.0 m	4 m
30°		5.5 m	3.4 m
Parallel		8 m	3.0 m

6.3 Exceptions

- 6.3.1 Except for apartment dwellings, off-street parking need not be provided for lands in a C1 Zone.
- 6.3.2 The parking space requirements shall not apply for any building in existence at the date of the passing of this By-law provided that the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs requiring a greater parking demand, then additional parking spaces for the addition or area changed in use, shall be provided.

6.4 Accessible Parking Spaces

6.4.1 Accessible Parking Requirements

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

Total Parking Spaces Provided	Accessible Spaces Required (minimum)		
	Total	(Type A)	Type B
Up to 37	1	1	
38-62	2	1	1
63-86	3	1	2
87-133	4	2	2
133-166	5	2	3
167-200	6	3	3
For each additional 50 spaces thereof	1 additional space		

Where an even number of accessible parking spaces are provided, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.

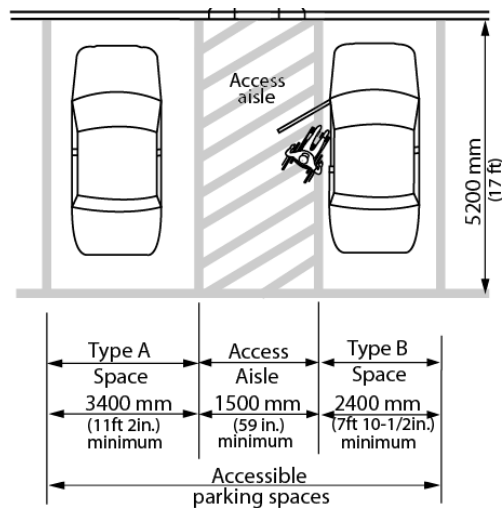
Where an odd number of accessible parking spaces are provided, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking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

6.4.2 Accessible Parking Space Dimensions

Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors and at the time of the writing of this By-law be of the following two types:

- Type A: minimum width of 3.4 m
- Type B: minimum width of 2.4 m

Access for accessible spaces may be shared by two parking spaces for the use of persons with disabilities and must have a minimum width of 1.5 m.



6.5 Location of Parking

- i) Subject to Subsection 6.3.1 all parking spaces required by this By-law shall be on the same lot or block as the building or use they serve.
- ii) In all R1, R1M, and RS zones, required parking spaces shall not be located in the required front or exterior side yard.
- iii) In all R2 and R2M zones, both required parking spaces for each individually owned townhouse unit shall be located on the same lot.
- iv) No employee or visitor parking spaces in a M Zone shall be permitted in the front yard or side yard adjacent to a Residential Zone.
- v) The minimum distance between a driveway and intersecting street lines at a corner, measured along street lines shall be 7 m.

6.6 Parking Standards in a C4 Zone

All parking lots and circulation roads shall be paved surfaces with a minimum slope of one (1 %) percent and a maximum slope of eight (8%) percent.

6.7 Supplementary Requirements for Parking Areas and Parking Stations

The following regulations shall apply to all parking areas and parking stations:

- i) Parking areas shall be provided with at least one (1) entrance and one (1) exit for vehicles, and the provision of driveways or aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- ii) The area shall be drained and maintained with a stable surface which is treated to prevent the rising of dust or loose particles.
- iii) Where parking areas are provided in any zone and lighting facilities are installed, the

lights shall be shielded and directed as to deflect away from any abutting Residential zones property.

- iv) Landscaping shall be provided in parking areas as per Section 5.8.
- v) No building shall be erected except one (1) shelter for attendants and such shelter shall not exceed 3.6 m in height nor 5.9 sqm in area.
- vi) All parking spaces shall be suitably marked or painted on the surface parking area. In such instances where parking areas do not have a paved or concrete surface a minimum area of 38 sqm shall be supplied for each space required.

6.8 Parking of Commercial Vehicles in Residential Areas

Parking of Commercial Vehicles shall comply with the City's Parking By-law 02-18, or successors.

6.9 Off Street Loading Requirements

6.9.1 Residential Zones

On a lot used for an apartment building, unobstructed indoor or outdoor loading spaces shall be provided and maintained on the same lot, in accordance with the provisions of this Section.

Use	Number of Loading Spaces
Apartment Building containing 50 or more units	1

6.9.2 Commercial, Institutional, or Industrial Zones

In any commercial, institutional, or industrial zone, unobstructed indoor or outdoor loading spaces shall be provided and maintained on the same lot, in accordance with the provisions of this Section.

- i) The number of spaces required shall be determined by the gross leasable floor area of the buildings or structures as follows:

Gross Floor Area of Building	Number of Loading Spaces
Less than 200 sqm	0
201 – 750 sqm	1
751 – 2,000 sqm	2
2,001-4,500 sqm	3
Above 4,500 sqm	1 additional space for each additional 10,000 sqm

- ii) Off-street loading spaces shall have the following dimensions:

Space width, minimum:	3.6 m
Space depth, minimum:	9.0 m
Vertical clearance, minimum:	4.3 m
Maneuvering apron depth, minimum, required in the C4, M and CM Zones, only:	18.3 m

- iii) No part of a lot between the front wall of the main building and the street line that abuts or is opposite a residential zone shall be used as loading space. In addition to this requirement, on a corner lot, no portion of the property located between the side wall of the main building and the street line shall be used as a loading space.
- iv) This section does not apply to lands zoned C1 Zone where 100% lot coverage is permitted. For uses in C1 zones which because of practicality must have loading facilities (docks, access doors, etc.) said facilities should be oriented towards the abutting laneway.
- v) Existing buildings are exempt from the requirements provided there is no increase in the external dimensions or gross floor area of the building.

7 **RESIDENTIAL ONE AND TWO-UNIT DWELLING (R1) ZONE**

The following regulations shall apply in all R1 Zones:

7.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single Dwellings, Semi-Detached Buildings & Duplex Buildings;
- Boarding Houses;
- Group Homes;
- Bed & Breakfast Establishments;
- Short Term Rentals;
- Home Based Businesses; and
- Accessory Uses incidental to any of the above permitted uses.

7.2 **Zone Requirements**

7.2.1 Single Dwellings

Lot area, minimum:	465.0 sqm
Lot width for corner lots, minimum:	17 m
Lot width for interior lots, minimum:	15.24 m
Front and exterior side yard setback, minimum:	6.0 m
Rear yard setback, minimum:	7.62 m
Interior side yard setback, minimum:	
For building having one (1) storey:	1.22 m
For building having more than one (1) storey:	1.83 m
Lot coverage:	Maximum 33%

7.2.2 Semi-Detached & Duplex Buildings

No person shall erect more than one (1) semi-detached or duplex building on any lot.

Lot area, minimum:	650.0 sqm
Lot width for corner lots, minimum:	25 m
Lot width for interior lots for a duplex building, minimum:	18.29 m
Lot width for interior lots for a semi-detached building, minimum:	21.34 m
Front and exterior side yard setback, minimum:	6.0 m
Rear yard setback, minimum:	7.62 m

Interior side yard setback, minimum:	
For building having one (1) storey:	1.22 m
For building having more than one (1) storey:	1.83 m
Lot coverage:	Maximum 33%

7.2.3 Accessory Buildings and Structures

Front and exterior side yard setback, minimum:	6.0 m
Rear and interior side yard setback, minimum:	1.2 m
Setback for unenclosed attached decks from side common lot line of semi-detached dwelling, minimum:	0.0 m
Height, maximum:	4.57 m
Lot coverage for an accessory structure, not including a swimming pool, maximum:	10%
Total lot coverage of all accessory structures, not including a swimming pool, maximum:	15%

(89-71)(96-8)

7.3 Additional Zone Provisions

7.3.1 Garage Erected on Adjoining Lots

Notwithstanding Sections 7.2 and 7.3.2 as to the setbacks from the side lot lines, where two separate dwellings are erected by one person on any two adjoining lots on the same street, garages for both dwellings may be erected across the side lot line common on both lots and without requiring a setback from the side lot line, provided that:

- (a) The garages for both dwellings are designed as one building;
- (b) A common wall shall divide the garages for each dwelling. The common wall shall be on and along the side lot line common to both lots;
- (c) The application for the building permits for the dwellings shall include the garages as part of the application; and
- (d) The garages for both dwellings shall be erected simultaneously.

7.4 Special Exception Zones

7.4.1 R1-1 (Spine Road; Plan 1R-8479; By-law 93-18)

Notwithstanding Section 7.2, on the lands zoned R1-1 the requirements of the R1 Zone contained in Section 7.2 shall apply except for the following:

Lot area, minimum:	0.2 ha
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7.4.2 R1-2 (6 Vienna Place; Lot 15, Plan M-366; By-law 95-49)

Notwithstanding Section 6, on the lands zoned R1-2 the requirements of Section 6 and the R1 Zone contained in Section 7.2 shall apply except for the following:

Parking spaces, minimum:	2
Total parking area, minimum:	33.32 sqm

7.4.3 R1-3 (139 Axmith Avenue; Lot 133, Plan M-165; By-law 95-50)

Notwithstanding Sections 6 and 7.2, on the lands zoned R1-3 the requirements of Sections 6 and 7.2 shall apply except for the following:

Parking spaces, minimum:	2
Total parking area, minimum:	33.32 sqm
Lot line setback, easterly, minimum:	0.61 m

7.4.4 R1-4 (45 Axmith Avenue; Lot 22, Part Lot 21, Plan M-165; By-law 00-1)

Notwithstanding Section 7.2, on the lands zoned R1-4 the requirements of Section 7.2 shall apply except for the following:

Dwelling units, maximum:	4
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7.4.5 R1-5 (22 Canberra Crescent; Lot 73, Plan M-336; By-law 00-20)

Notwithstanding Sections 6 and 7.2, on the lands zoned R1-5 the requirements of Sections 6 and 7.2 shall apply except for the following:

Parking spaces, minimum:	2
Total parking area, minimum:	33.32 sqm
Lot line setback, southerly, minimum:	1.29 m

7.4.6 R1-6 (191 Hillside Drive South; Lot 355 on Plan M-157; By-law 01-1)

Notwithstanding Section 5.2, on the lands zoned R1-6 the requirements of Sections 5 and 7.2 shall apply except for the following:

Allowable encroachment for the first storey eaves, maximum:	2.75 m
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7.4.7 R1-7 (6 Bracken Place; Lot 561, Plan M-159; By-law 01-48)

Notwithstanding Sections 6 and 7.2, on the lands zoned R1-7 the requirements of Sections 6 and 7.2 shall apply except for the following:

Parking spaces, minimum:	2
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Total parking area, minimum:	33.32 sqm
Lot line setback, southerly, minimum:	0.39 m
Driveway width, minimum:	2.41 m

7.4.8 R1-8 (Spine Road; Part 1, Plan 1R-6535; By-law 06-19)

Notwithstanding the provisions of this By-law, on the lands zoned R1-8, a maximum of one single dwelling on a maximum of two lots on Part 1 Plan 1R-6535 may be developed with private on-site sewer and water supply and shall be exempt from the requirement for a terrain analysis or hydrogeological report, subject to the applicant entering into an agreement with the Municipality that will be registered on title to the lands, to connect to municipal water supply, sanitary sewers, and storm sewers within ten years of when they become available on Spine Road.

7.4.9 R1-9 (170 Spruce Avenue; Part of PIN 31628-0302; Block J, Plan M145; By-law 09-70)

Notwithstanding Section 7.1, on the contrary, the lands zoned R1-9 may also be used for business, professional, and/or administrative offices.

7.4.10 R1-10 (12 Maple Road; PCL 2547 SEC AES; LT 191 PL M145 GUNTERMAN; ELLIOT LAKE; By-law 22-89)

Notwithstanding the provisions of Section 7.1 hereof to the contrary, on lands zoned R1-10, the following shall be a permitted use, subject to compliance with the applicable provisions of this By-law:

- a. a refillery as a home based business, accessory to the dwelling, allowing for the sale of goods, wares, and merchandise produced elsewhere to be sold on the premises.

7.5 Deeming By-laws

Notwithstanding the provisions of this By-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

7.5.1 47 Axmith Avenue; Lots 23 and 24, Plan M-166

7.5.2 41 Willoughby Road; Lots 81, 82 and 83, Plan M-152 and Part 1, Plan 1R-10013, part of Block E, Plan M-152; By-law 00-10

7.5.3 115 Axmith Avenue; Lots 142, 143 and 144; Plan M-165; By-law 98-16

7.5.4 54 and 56 London Crescent; Lot 153 and 154, Plan M-337; Parts 5, 6, 7, 8 and 9, Plan 1R-3283; By-law 05-17

7.5.5 43 Hutchison Avenue; Lot 71 and 72, Plan M-152, By-law 05-41

7.5.6 22B and 24 Ottawa Avenue; Lot 186 and Part 2 of Lot 187, Plan M-338, By-law 05-77

- 7.5.7 22 Hemlock Place; Lot 436 and 437, Plan M-146; By-law 06-17
- 7.5.8 18A Denison Road; Parcel 5290; part of lots 471 and 472, Plan M-158; By-law 06-69
- 7.5.9 14-16 Spruce Avenue; Lot 466 and 467, Plan M-146; By-law 09-6

8 **RESIDENTIAL ONE AND TWO-UNIT DWELLING - (R1M) ZONE**

The following regulations shall apply in all R1M Zones:

8.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single Dwellings, Semi-Detached Buildings & Duplex Buildings;
- Boarding Houses;
- Group Homes;
- Bed & Breakfast Establishments;
- Short Term Rentals;
- Home Based Businesses; and
- Accessory Uses incidental to any of the above permitted uses.

8.2 **Zone Requirements**

8.2.1 Single Dwellings

Lot area, minimum:	380.0 sqm
Lot width for corner lots, minimum:	17.0 m
Lot width for interior lots, minimum:	12.0 m
Front and exterior side yard setback, minimum:	6.0 m
Interior side yard setback, minimum:	
For building having one (1) storey:	1.0 m
For building having more than one (1) storey:	1.5 m
Rear yard setback, minimum:	7.5 m
Lot coverage, maximum:	33%

8.2.2 Semi-Detached & Duplex Building

No person shall erect more than one (1) semi-detached or duplex building on any lot.

Lot area, minimum:	590.0 sqm
Lot width for corner lots:	25.0 m
Lot width for interior lots for a semi-detached building, minimum:	18.5 m
Lot width for interior lots for a duplex building, minimum:	18.5 m
Interior side yard setback, minimum:	
For building having one (1) storey:	1.0 m

For building having more than one (1) storey:	1.5 m
Front and exterior side yard setback, minimum:	6.0 m
Rear yard setback, minimum:	7.5 m
Lot coverage, maximum:	33%

8.2.3 Accessory Buildings

Front and exterior side yard setback, minimum:	6.0 m
Interior side and rear yard setback, minimum:	1.2 m
Setback for unenclosed attached decks from side common lot line of semi-detached dwelling, minimum:	0.0 m
Height, maximum:	4.5 m
Lot coverage for an accessory structure, not including a swimming pool, maximum:	10%
Total lot coverage of all accessory structures, not including a swimming pool, maximum:	15%

(89-71)(96-8)

8.3 Additional Zone Provisions

8.4 Special Exception Zones

8.4.1 R1M-1 (28 Albert Street; Part 2, Lot 23, Plan 1M-423; By-law 13-18)

Notwithstanding Section 6, on the lands zoned R1M-1 the requirements of Sections 6 and 8.2 shall apply except for the following:

Parking spaces, minimum:	3
Total parking area, minimum:	44 sqm

8.5 Holding Zones

8.5.1 Probelle Drive; Part of Block 84, Plan 1M-441; By-law 07-15

The balance of the property located at Part of Block 84, Plan 1M-441 is zoned R1M(H), with a holding designation to prohibit any development on that portion of the property until a development application is submitted and approved.

8.6 Deeming By-laws

Notwithstanding the provisions of this By-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

8.6.1 57 and 59 Lawrence Avenue; Lot 35, Plan M-397; Part 1 and 2, Plan 1R-4367; By-law 05-16

9 **RESIDENTIAL MULTIPLE DWELLING (R2) ZONE**

The following regulations shall apply in all R2 Zones:

9.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Semi-Detached Buildings and Duplex Buildings as permitted under the provisions of Section 7.2;
- Apartment Buildings;
- Townhouses;
- Home Based Businesses in any dwelling except an apartment building; and
- Accessory Uses incidental to any of the above permitted uses.

9.2 **Zone Requirements**

9.2.1 Apartment Buildings

Lot area for each building, minimum:	929.0 sqm for the first 4 dwelling units plus 92.9 sqm for each additional unit thereafter
Front and exterior side yard setback, minimum	6.0 m
Interior side and rear yard setback, minimum:	4.57 m or half height of building, whichever is the greater
Building height, maximum:	9 storeys
Distance between adjacent buildings on same lot, minimum:	the average height of the adjacent buildings

9.2.2 Townhouses

Lot area, interior townhouse, minimum	185 sqm
Lot area, corner townhouse, minimum	325 sq m
Lot width, interior townhouse, minimum	5.5 m
Lot width, corner townhouse, minimum	9 m
Front and Exterior Side Yard Setback, minimum	6 m
Interior Side Yard Setback for Townhouse Blocks, minimum	3.5 m or half height of building, whichever is the greater
Rear Yard Setback, minimum	10.67 m
Distance between adjacent buildings on same lot, minimum:	4.5 m or half height of building, whichever is the greater
Dwelling Unit Area, minimum	70 sq m
Lot coverage of main building, maximum:	45%
Total lot coverage of all structures, maximum:	50%

9.2.3 Accessory Buildings

For Apartment Buildings:

Front and exterior side yard setback, minimum:	6.0 m
Rear and interior side yard setback, minimum:	1.2 m
Lot coverage for an accessory structure, not including a garage or swimming pool, maximum:	10%

For Townhouses:

Front and exterior side yard setback, minimum:	6.0 m
Setback for unenclosed decks from interior side lot lines of adjoining units:	0.0 m
Rear and interior side yard setback, minimum:	1.2 m
Lot coverage for an accessory structure, subject to Section 9.2.3, not including a garage or swimming pool, maximum:	10%

9.3 Special Exception Zones

9.3.1 R2-1 (Tokyo Crescent; Plan M-372)

Notwithstanding Section 9.2, on the lands zoned R2-1 the requirements of Section 9.2 shall apply except for the following:

Dwelling units, maximum:	89
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No building or structure except a permitted fence, shall be erected or used on the lands zoned R2-1, unless located in accordance with the above requirements and any setbacks shown on the Zoning Map.

9.3.2 R2-2 (Frame Crescent; Plan M-166)

No building or structure except a permitted fence, shall be erected or used on the lands zoned R2-2, unless located in accordance with the above requirements and any setbacks shown on the Zoning Map.

9.3.3 R2-3 (71-85 Washington Crescent; Block "GG", Plan M-340)

No opening to any building or structure shall be below the minimum elevation of 306.434 m (Canadian Geodetic Datum).

9.3.4 R2-4 (1 & 3 Washington Crescent; Block "Z", Plan M-338; By-law 13-2)

Notwithstanding Sections 6 and 9.2, on the lands zoned R2-4 the requirements of Sections 6 and 9.2 shall apply except for the following:

Parking spaces, minimum:	1 per dwelling unit
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No opening to any building or structure shall be below the minimum elevation of 299.728 m (Canadian Geodetic Datum).

9.3.5 R2-5 (117 to 157B Hillside Drive South; part of Block P, Plan M-159; Part 1, Plan 1R-2384; By-laws 93-30, 95-15)

Notwithstanding any of the provisions of this By-law, on the lands zoned R2-5, the following provisions shall apply:

- a) no person shall use any land or erect or use any building or structure except for three (3) separate buildings respectively containing eight (8), ten (10), and eight (8) attached dwelling units, each dwelling unit being divided vertically from the other dwelling units, subject to the following provisions:

Lot area, interior rowhouse, minimum:	160.0 sqm
Lot area, end rowhouse, minimum:	220.0 sqm
Lot width, end unit, minimum:	7.4 m
Interior side yard setback, minimum:	1.8 m except 0.0 m in the case of a common vertical wall dividing one rowhouse from another
Parking requirements, minimum:	1 parking space for each dwelling unit to be provided within the lot

- b) all aspects of the three (3) separate buildings and the parking provided therewith shall be deemed to be in conformity with all of the requirements of this By-law, including without limitation all of the requirements contained in Section 9.2 of this By-law, provided that any development or redevelopment on the site, after June 14th, 1993, shall comply with the requirements of this By-law.

9.3.6 R2-6 (22 & 24 Mississauga Avenue; all of Block P, Plan M-159, except for Part 1, Plan 1R-2384; By-law 93-30)

Notwithstanding any of the provisions of this By-law, on the lands zoned R2-6, the following provisions shall apply:

- a) no person shall use any land or erect or use any building or structure except for two (2) apartment buildings, containing thirty-four and thirty-seven dwelling units respectively; and
- b) all aspects of the two (2) apartment buildings and the parking provided therewith shall be deemed to be in conformity with all of the requirements of this By-law, including without limitation all of the requirements contained in Section 9.2 of this By-law, provided that any development or redevelopment on the site, after June 14th, 1993, shall comply with the requirements of this By-law.

9.3.7 R2-7 (Tokyo Crescent; parts of Block B, Plan M-372; Plan 1R-9057; By-law 95-60)

Notwithstanding the provisions of Section 9.2 this By-law, on the lands zoned R2-7, the erection or use of buildings thereon for the purpose of rowhouses shall be subject to Section 9.2 except the following provisions shall apply:

Lot area, interior rowhouse, minimum:	130.0 sqm
Lot area, end rowhouse, minimum:	240.0 sqm
Lot width, end unit, minimum:	8.9 m
Interior side yard setback for rowhouses located on Parts 8 and 11, Plan 1R-9057, minimum:	3.35 m
Rear yard setback for rowhouses located on Parts 27, 30, 31, and 35, Plan 1R-9057, minimum:	7.5 m
Rear yard setback for rowhouses located on Parts 36, and 38, Plan 1R-9057, minimum:	8.7 m
Parking requirements for rowhouses located on Parts 1, 2, 5, 6, 9, 10, 13, 14, 17, 18 and 21, Plan 1R-9057, minimum:	1 parking space for each dwelling unit to be provided within the lot.

9.3.8 R2-8 (50 Capital Place; Part 1, Plan 1R-8846, Part 3, Plan 1R-8225, Part 7, Plan 1R-3317 and Parts 3, 5 and 12, Plan 1R-8992; By-law 96-58)

Notwithstanding the provisions of Section 9.1 hereof to the contrary, the lands in the R2-8 Zone may also be used for the purposes of retirement residences for seniors providing, for the use of the residents therein, recreational facilities, dining facilities, personal service shops and other accessory uses, subject to compliance with the applicable provisions of Section 9.2 of this By-law and the following special requirement:

Total lot coverage of all structures, maximum:	45%
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9.3.9 R2-9 (117 to 139 Hillside Drive North; Block 'K', Plan M-153; By-law 96-77)

Notwithstanding the provisions of this By-law, the group of twelve (12) townhouses on the lands zoned R2-9 shall be deemed to be in conformity with Section 9.2 of this By-law.

9.3.10 R2-10 (27 Capital Place; Parts 1 and 2, Plan 1R-2837, Part 1, Plan 1R-8225 and Part 10, Plan 1R-8854; By-law 97-3)

Notwithstanding the provisions of Section 9.1 hereof to the contrary, the butler-type accessory building on lands in the R2-10 Zone may also be used for clubhouses, maintenance and storage facilities supporting other residential uses not within the lot, subject to compliance with the applicable provisions of Section 9.2 of this By-law.

9.3.11 R2-11 (Block 2, Draft Plan of Subdivision, west end of Spine Road; part of Part 1, Plan 1R-8151; PIN 31631-0108 (LT); By-law 09-75)

Notwithstanding the provisions of Section 9.1 hereof to the contrary, the lands in the R2-11 Zone may also be used for the following uses, provided such uses are located on the ground floor of an apartment building:

- Financial Institutions
- Convenience Retail Stores
- Offices
- Personal Service Shops
- Private Clubs
- Eating Establishments
- Day Nursery or Day Care Centre

The provisions of Section 14.2 apply to any commercial use. The following additional provisions apply:

Dwelling units on Block 2, maximum:	90
Gross floor area per single commercial use, maximum:	250 sqm

9.3.12 R2-12 (Block 1, Draft Plan of Subdivision, west end of Spine Road; part of Part 1, Plan 1R-8151; PIN 31631-0108 (LT); By-law 09-75)

Notwithstanding the provisions of Section 9.2 this By-law, on the lands zoned R2-12, the erection or use of buildings thereon shall be subject to Section 9.2 except the following provisions shall apply:

Setback between Block 1 and Block 7, minimum:	1.0 m
Dwelling units on Block 1, maximum:	90

9.3.13 R2-13 (Block 3, Draft Plan of Subdivision, west end of Spine Road; part of Part 1, Plan 1R-8151; PIN 31631-0108 (LT); By-law 09-75)

Notwithstanding the provisions of Section 9.2 this By-law, on the lands zoned R2-13, the erection or use of buildings thereon shall be subject to Section 9.2 except the following provisions shall apply:

Dwelling units on Block 3, maximum:	60
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9.3.14 R2-14 (115 Hillside Drive North; Block 'K', Plan M-153; 96-77)

Notwithstanding the provisions of Section 9.2 this By-law, on the lands zoned R2-14, the erection or use of buildings thereon for the purpose of rowhouses shall be subject to Section 9.2 except the following provisions shall apply:

Dwelling units on Block 3, maximum:	60
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10 **RESIDENTIAL MULTIPLE DWELLING - (R2M) ZONE**

The following regulations shall apply in all R2M Zones:

10.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Semi-Detached Buildings & Duplex Buildings as permitted under the provisions of Section 7.2;
- Apartment Buildings
- Townhouses;
- Home Based Businesses; and
- Accessory Buildings incidental to any of the above permitted uses.

10.2 **Zone Requirements**

10.2.1 Apartment Buildings

Lot area for each building, minimum:	1,300 sqm for first 4 dwelling units plus 130.0 sqm for each additional unit thereafter
Front and exterior side yard setback, minimum:	6.0 m
Rear and interior side yard setback, minimum:	4.57 m or half height of building, whichever is the greater
Distance between adjacent buildings on same lot, minimum:	the average height of the adjacent buildings
Building height, maximum:	9 m

10.2.2 Townhouses

Lot Area, interior townhouse, minimum	200 sq m
Lot Area, corner townhouse, minimum	325 sq m
Lot Width, interior townhouse, minimum	5.5 m
Lot width, corner townhouse, minimum	9.0 m
Front and exterior side yard setback, minimum	6 m
Interior side yard setback for townhouse block, minimum:	3.5 m or half height of building, whichever is the greater
Rear yard setback, minimum:	10.5 m
Distance between adjacent buildings on same lot, minimum:	4.5 m or half height of building, whichever is the greater
Dwelling unit area, minimum:	70.0 sqm
Lot coverage of main building, maximum	45%

Total lot coverage of all structures, maximum	50%
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10.2.3 Accessory Buildings

Front and exterior side yard setback, minimum:	6.0 m
Setback for unenclosed decks from interior side lot lines for adjoining units:	0.0 m
Rear and interior side yard setback, minimum:	1.2 m
Lot coverage for an accessory structure, subject to Section 9.2.3, not including a swimming pool, maximum:	10%
Total lot coverage of all accessory structures, not including a swimming pool, subject to Section 9.2.3, maximum:	15%
Height, maximum:	4.57 m

10.3 Special Exception Zones

10.3.1 R2M-1 (Pleasant Park Subdivision; Parts 1 to 11 inclusive on Plan 1R-4026; By-law 79-154)

Notwithstanding Section 10.2, on the lands zoned R2M-1 the following special provisions apply:

- a) no dwellings are to be situated below the elevation of 328.4 m (which has been determined as the maximum flood elevation expected to occur in a one (1) in one hundred (100) year flood);
- b) no building openings are to be permitted below the elevation of 328.7 m;
- c) no roadway elevations are to be permitted below the elevation of 328.7 m.

10.3.2 R2M-2 (Blocks 71,72,73, 74, 75 and 76 on Plan 1M-440 (odd street numbers, Farrell Crescent), Blocks 70, 71, 72, 73, 75, 76, 77, 79 and 80 on Plan 1M-441 (even street numbers 2 – 36, Taylor Boulevard), Blocks 69, 76, 77, 78, 79, 80, 81 and 82 on Plan 1M-423 (even street numbers 2-94 Frobel Drive; odd street numbers Forest Place) and Blocks 91, 92 and 93 on Plan 1M-425; By-law 94-70)

Notwithstanding any section of this By-law, on the lands zoned R2M-2, the privacy panels existing as of June 1, 1995 and having a maximum height of 2.14 m and a maximum length of 3.82 m shall be permitted.

11 **Residential Mobile Home Park (RMP) Zone**

The following regulations shall apply in all RMP Zones:

11.1 **Permitted Uses**

No person shall use any land or erect, alter or use any building or structure in the RMP Zone except in accordance with one or more of the following permitted uses:

- Mobile Homes;
- Mobile Home Sales and/or Management Offices;
- Parks or Playgrounds;
- Home Based Businesses; and
- Accessory Uses incidental to any of the above permitted uses. (02-25)

11.2 **Zone Requirements**

11.2.1 Mobile Home Park

Lot area, minimum:	2.0 ha
Lot width, minimum:	75 m
Lot depth, minimum:	150 m
Front and exterior side yard setback, minimum:	10 m
Rear yard setback, minimum:	5.0 m
Interior side yard setback, minimum:	5.0 m
Lot coverage, maximum:	35%

11.2.2 Mobile Home Sites

Site area, minimum	550 sqm
Site width, minimum	16.5 m
Site depth, minimum	33 m
Front and exterior side yard setback, minimum:	5.0 m
Rear yard setback, minimum:	5.0 m
Interior side yard setback, minimum:	2.0 m
Building height, maximum:	5.0 m
Lot coverage, maximum:	35%
Gross floor area per dwelling unit, minimum:	55 sqm
Dwelling units per site, maximum:	1

11.3 **Additional Zone Requirements**

11.3.1 Site Boundaries and Foundations

Each mobile home site shall be clearly and permanently defined by stakes, fencing, or hedges and will be provided with a foundation or a concrete or gravel pad upon which the mobile home will be located.

11.3.2 Landscaping

The required yards around a mobile home park shall be landscaped open space except that visitor parking and recreational facilities may be permitted with these minimum yards up to 3.0 m from the lot line.

11.3.3 Required Recreation Areas

One or more outdoor recreation areas equivalent to 5% of the land proposed for development shall be provided. No such recreation area shall contain less than 500 sqm.

11.4 Special Exception Zones

Reserved.

12 **CENTRAL COMMERCIAL (C1) ZONE**

The following regulations shall apply in all C1 zones:

12.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Apartment Buildings;
- Animal Hospitals;
- Auctions;
- Bake Shop;
- Bingo Hall;
- Bus Terminal;
- Business and/or Professional Offices;
- Clinics;
- Eating Establishments;
- Financial Institutions;
- Funeral Home;
- Government Offices;
- Hotels and Motels;
- Laundromat;
- Licensed Beverage Establishment;
- Places of Assembly;
- Private Clubs;
- Personal Service Shops;
- Pet Services; (13-73)
- Printing and Publishing Establishments;
- Parking Stations;
- Recreational Commercial Establishments;
- Retail Stores
- Training Centres;
- Accessory Dwelling Units within the second storey or lower levels of any building (other than Hotels or Motels); and
- Accessory uses incidental to any of the above permitted uses, including Parking Areas. (96-8) (96-28)

12.2 **Zone Requirements**

Height, maximum:	2 storeys, except in the case of hotels: 6 storeys
Building coverage, maximum:	100%; except 50% for those properties listed in Section 12.2.1
Setback from any lot lines, minimum:	0 m; except 6.09 m for those properties listed in Section 12.2.2

(93-69)

12.2.1 Properties with 50% lot coverage

- Block "B", Plan M-150;
- Block "M", Plan M-151;
- Blocks "C", "D", "E", and "F", Plan M-336; and
- Block "N", Plan M-153 and Parts 1 and 2, Plan 1R-8738.

12.2.2 Properties restricted to 6.09 metre setback from any lot line

- Blocks "C", "D", "E", and "F", Plan M-336; and
- Block "N", Plan M-153 and Parts 1 and 2, Plan 1R-8738.

12.3 Special Exception Zones

12.3.1 C1-1 (112/114 Ontario Avenue; Lots 107 and 108, Plan M-151), (15 Charles Walk; Lots 47 and 48, Plan M-150), and (50 Ontario Avenue; Lot 163, Plan M-151; Pcl 3300 AES; By-law 09-1)

Notwithstanding the provisions of Section 6 hereof to the contrary, on the lands zoned C1-1 the requirement for one parking space for each dwelling unit shall not apply.

12.3.2 C1-2 (Lots 179 to 182, Plan M-151; By-law 94-97; OMB Order June 10, 1996)

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on the lands zoned C1-2 may be also used for a crafts workshop for the creation and sale of awards, memorials, trophies and other glass products, subject to compliance with the applicable provisions of this By-law.

13 TOURIST HIGHWAY COMMERCIAL (C2) ZONE

The following regulations shall apply in all C2 Zones:

13.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Automobile Dealerships;
- Automotive Light uses;
- Automobile Sales Establishments;
- Automobile Service Stations;
- Bake Shops;
- Bingo Halls;
- Business, Professional, and/or Administrative Offices;
- Courier Office and Depots;
- Bus terminals;
- Car Rental Agencies;
- Car Washing Establishments;
- Commercial Parks and Camping Grounds;
- Convenience Store;(00-35)
- Dry Cleaners;
- Eating Establishments;
- Farmers Markets;
- Financial Institutions;
- Garden Centres;
- Gas Bars;
- Hotels;
- Motels;
- Laundromats;
- Licenced Beverage Establishments;
- Tourist Recreation Facilities;
- Trading Posts;
- Personal Service Shops;
- Places of Assembly;
- Bowling Alleys and Private Clubs;
- Printing and Publishing Establishments;
- Parking Stations;
- Recreational Commercial Establishments;
- Retail Businesses;
- Supermarkets;
- Training Centres;
- Dwelling Units only within the second storey of any building other than hotels
- or motels;
- Accessory Uses incidental to any of the above permitted uses, including parking areas;
- and

- Temporary parking of a motorized refreshment vehicle licensed under City of Elliot Lake By-law No. 00-19, provided the licence is in good standing. (00-21)

13.2 Zone Requirements

Height, maximum:	2 storeys, except in the case of hotels, 6 storeys
Building coverage, maximum:	75%
Setback from any lot lines, minimum:	6.0 m

13.3 Additional Zone Provisions

13.3.1 Open Storage

No open storage shall be permitted. (00-35)

13.3.2 Automobile Service Stations Requirements

The following regulations shall apply to all automobile service stations:

Lot area, minimum:	929.0 sqm
Setback for pumps, minimum	6.09 m
Setback for buildings from any lot line, minimum:	3.05 m
Width of an entrance or exit, minimum:	3.35 m
Width of a combined entrance and exit, minimum:	7.62 m
Width of an entrance or exit maximum:	6.70 m
Width of a combined entrance and exit, maximum:	9.14 m
Distance between any entrance, exit or combined entrance and exit, minimum:	3.05 m
Distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street lot lines or the intersection of a street lot line and side lot line, minimum:	3.05 m

The owner of the property shall provide and maintain a barrier at least 0.30 m high on or near the street lot lines to prevent vehicles from entering or leaving the property other than by way of the entrances and exits provided in this section.

13.4 Special Exception Zones

13.4.1 C2-1 (Parts 11 to 16, Plan 1R-3988; By-law 90-16)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-1 may be also used for public storage facilities, subject to compliance with the applicable provisions of this By-law.

13.4.2 C2-2 (9 and 13 Oakland Boulevard; Lots 12 and 13 according to Plan M-378; By-law 92-1)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-2 may be also used for the purpose of an addiction services/training centre as well as accessory uses thereto, subject to compliance with the applicable provisions of this By-law.

13.4.3 C2-3 (34 Oakland Boulevard; Lot 5, Plan M-378; By-law 97-53)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-3 may be also used for a building contractor's office, display area, material storage area and work area, all enclosed within a building and providing there is no outside storage, subject to compliance with the applicable provisions of this By-law.

13.4.4 C2-4 (south side of Hillside Drive South; Part 5, Plan 1R-3611; By-law 05-25)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-4 may be also used for the purposes of private or public self-storage provided a landscaped area is maintained in the front and side yards for screening purposes and that trees and shrubs are maintained in a healthy growing condition or shall be replaced, subject to compliance with the applicable provisions of this By-law.

13.4.5 C2-5 (north side of Highway 108; Parts 1, 2 and 3, Plan 1R-11605)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-5 may be also used for home improvement centre, and accessory open storage area, subject to compliance with the applicable provisions of this By-law and the following provisions apply to any accessory open storage area:

- a) The area used for the Accessory Open Storage Area shall comply with the yard requirements for the C2 zone;
- b) There shall be no Accessory Open Storage Area located between the principal building and the lot line at Highway 108;
- c) There shall be no Accessory Open Storage Area permitted unless the area is screened from view by a wall or fence, a continuous unpierced planting of suitable trees or shrubs, together with a reserved width of planning area appropriate for healthy plant growth, an earth berm, or a combination of the above.

13.4.6 C2-6 (Simpson Park Road Camping and Trailer Park; By-law 08-87)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-6 shall only permit the following uses: eating establishments; hotels; motels; tourist recreation facilities; trading posts; commercial parks and camping grounds; dwelling units only within the second storey of any building; and accessory uses incidental to any of the listed permitted uses.

13.4.7 C2-7 (50 Hillside Drive South; By-law 16-36)

Notwithstanding the provisions of Section 6 hereof to the contrary, the lands zoned C2-7 the minimum number of parking spaces required shall be 67 parking spaces.

14 **NEIGHBOURHOOD COMMERCIAL (C3) ZONE**

The following regulations shall apply in all C3 Zones:

14.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Convenience Stores;
- Eating Establishments;
- Offices;
- Private Clubs;
- Personal Service Shops;
- Parking Stations;
- Dwelling Units only within the second storey of any building; and
- Accessory Uses incidental to any of the above permitted uses, including parking areas.

14.2 **Zone Requirements**

Height, maximum:	2 storeys
Building coverage, maximum:	60%
Setback from any lot lines, minimum:	6.0 m

14.3 **Special Exception Zones**

14.3.1 C3-1 (60 Hergott Avenue; Block 67, Plan 1M-423)

Notwithstanding the provisions of Section 14.1 hereof to the contrary, on the lands zoned C3-1 a landscaping business shall also be a permitted use, subject to compliance with Section 14.2, and provided that there is no outdoor storage.

14.3.2 C3-2 (96 Dieppe Avenue; Part of Block G, Plan M-157; By-laws 07-85 and 10-05)

Notwithstanding the provisions of Section 14.1 hereof to the contrary, on the lands zoned C3-2 a self-storage business shall also be a permitted use, subject to compliance with all other applicable sections of this By-law and to the following provisions:

Setback, southwest corner, minimum:	4.35 m
Setback, northwest corner, minimum:	6.98 m

- i) Storage is contained within the existing building;
- ii) Any use from which the emission of air or water pollutants or noise that imposes on the amenity of an adjacent residential area shall be deemed not to be a permitted use;
- iii) Transport truck deliveries limited to three per week during normal business hours

- Monday to Friday, 7 am to 7 pm;
- iv) No part of a front or side yard that is less than 20 m from a residential zone or an existing residential use shall be used as a loading space;
- v) All activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;
- vi) Normal hours of operation limited to between 7 am and 7 pm;
- vii) No illuminated signage; and
- viii) Landscaped open space shall be maintained where the lot abuts a residential zone. Any landscaped open space shall be maintained in a healthy growing condition or shall be replaced.

14.3.3 C3-3 (57 Mississauga Avenue; Block M, Plan M158; PCL4412; By-law 19-17)

Notwithstanding the provisions of Section 6.7 and 14.1 hereof to the contrary, on lands zoned C3-3 a self storage facility shall also be a permitted use, subject to compliance with all other applicable sections of this By-law and the following provisions:

- i) Except for the area used for access driveways, a 3.0 metre wide landscape area shall be provided along the front lot line. Any landscaped area shall be maintained in a healthy growing condition or shall be replaced.
- ii) A fence, screen, or landscaped hedge a minimum of 0.9 metres in height shall be required along the lot line where a parking area abuts a R1 Zone, at a minimum distance of 0.0 metre from the lot line.
- iii) All activities of the business shall be conducted from within an enclosed building with no outside storage of any kind.

15 **SHOPPING CENTRE COMMERCIAL (C4) ZONE**

The following regulations shall apply in all C4 Zones:

15.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except as a shopping centre, which may include the following uses:

- Automobile Sales Establishments;
- Retail Businesses;
- Personal Service Shops;
- Banks and Offices;
- Government Offices;
- Eating Establishments;
- Licenced Beverage Establishments;
- Places of Assembly;
- Hotels;
- Museums or Similar Institutional Uses; and
- Accessory Uses incidental to any of the above permitted uses.

15.2 **Zone Requirements**

Height, maximum:	4 storeys
Building coverage, maximum:	30%
Gross floor area, maximum:	60% of lot area
Landscaped area, minimum:	3% of the lot area

15.3 **Additional Zone Provisions**

15.3.1 Landscaping

All lands not occupied by a building or buildings shall be sodded and planted in accordance with a landscape plan, except lands used for the purpose of parking motor vehicles and for the passage of persons or vehicles and for off-street loading.

15.3.2 Open Storage

No open storage shall be permitted.

15.4 **Special Exception Zones**

Reserved.

16 INDUSTRIAL (M) ZONE

The following regulations shall apply in all M Zones:

16.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Any Commercial Purpose if incidental to manufacturing or industrial undertaking as the principal use;
- Animal Shelters;
- Auction Establishments;
- Automobile Body Shops;
- Automotive Heavy Uses;
- Automotive Light Uses;
- Automobile Service Stations, subject to the regulations of section 12.5;
- Automotive Trades;
- Breeding and Boarding Establishments;
- Building Supply Dealers;
- Car-Washing Establishments;
- Dry Cleaners;
- Industrial Use that is conducted within an enclosed building or structure, subject to Section 16.2;
- Inventory of Empty Shipping Containers, Trailers, Vessels, Storage Containers to be transported to different locations for the purpose of temporary storage at that location, subject to Section 5.1.6; (11-23)
- Laundromats;
- Lumber Yards;
- Offices;
- Provincial Government Highway Maintenance Facilities and Materials Storage;
- Bulk-Oil Dealerships;
- Marinas;
- Parking Station;
- Refreshment Vehicles;
- Sales, Service or Rental Establishments for Mobile Homes;
- Self-Storage Facilities; (02-55)
- Stores for any Wholesale Business, selling only to the trade;
- Warehouses, Builders Contractors' Yards, Open Air Storage;
- Accessory Dwelling Unit not exceeding 18.5 square m for an employee, whose presence on the property is essential at all times. Such permitted use shall not include living accommodation for any person other than such individual watchman; and
- Accessory Uses incidental to any of the above permitted uses.

16.1.1 Certain Prohibited Uses

No industrial building or part thereof shall be used for any purpose which from

its nature or the materials used therein is, under the *Public Health Act*, or regulations thereunder, declared to be a noxious trade, business or manufacture, without the consent of the local Medical Officer of Health, as provided in the *Public Health Act*.

16.2 Zone Requirements

Front and exterior side yard setback, minimum:	4.57 m
Rear and interior side yard setback, minimum:	3.05 m

16.2.1 Open Storage

All permitted uses shall be conducted within an enclosed building with outside storage for the purpose of the business obscured from the view of the public by a fence being visually solid when viewed from a 90 degree and 45-degree angle.

16.3 Special Exception Zones

16.3.1 M-1 (7 Perini Road, Lot 23, on Plan M-167; By-law 94-13)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-1 private or public storage shall also be a permitted use, subject to compliance with all other applicable sections of this By-law.

16.3.2 M-2 (east side of Highway 108, across from Timber Road South; Parts 1-7, Plan 1R-4587; By-law 12-63)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-2 nothing shall prevent a retail/wholesale garden centre; greenhouse and outdoor horticultural uses; one single dwelling unit; farmers market; outside storage; eating establishment; and accessory uses incidental to any of the above permitted uses, providing the uses conform with all other applicable sections of this By-law.

16.4 Deeming By-laws

Notwithstanding the provisions of this By-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

- 16.4.1 2 Roddis Road; Lots 5 and 6, Plan M-148; By-law 99-19
- 16.4.2 700 Hwy 108 North (the Truck Terminal Site); Part 1 and Part 7, Plan 201-025, part of Mining Claim S68342; By-law 02-31
- 16.4.3 Soo Mill Road; Part 1, Plan 1R-11570; Part of Lot 3, Plan M-167, Lots 1 and 2, Plan M-167, and Parts 1 and 2, Plan 1R-2737; By-law 08-39
- 16.4.4 9-11 Perini Road; Lot 22 and Part Lot 21, Plan M-167; By-law 10-1

17 CLEAN INDUSTRIAL (CM) ZONE

The following regulations shall apply in all CM Zones:

17.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Bakeries;
- Dairy Products Plants;
- Commercial Vehicle Parking Lot;
- Computer Services;
- Computer Equipment and Maintenance and Repair services;
- High-Tech Research and Development Establishments;
- Manufacturing of Jewellery, Watches, Precision Instruments, Electronic Products, Electronic Components, Toys or Similar Articles;
- Offices;
- Production of Cosmetics, Drugs and Other Pharmaceutical Supplies;
- Production of Apparel and Finished Textiles Products, other than the production of synthetic fibres;
- Printing, Duplicating, Book Binding, and Photographic Establishments;
- Scientific or Medical Laboratories;
- Warehousing; and
- Accessory Uses incidental to any of the above permitted uses.

17.1.1 Prohibited Uses

Notwithstanding Section 17.1, any use from which the emission of air or water pollutants or noise that imposes on the amenity of an adjacent residential area, is prohibited and shall be deemed not to be a permitted use.

17.2 Zone Requirements

Height, maximum:	10.7 m
Lot area, minimum:	1,500 sqm
Lot coverage, maximum:	50%
Front yard setback, minimum:	6.0 m
Interior side yard setback, minimum:	4.5 m
Interior side yard setback, abutting a residential zone, minimum:	9.0 m
Exterior side yard setback minimum:	9.0 m
Rear yard setback, minimum:	12.0 m
Distance between buildings on same lot or block, minimum:	10.7 m
Landscaped area, minimum:	5%

17.3 Additional Zone Provisions

17.3.1 Open Storage

All permitted uses shall be conducted within an enclosed building with no outside storage of any kind except for finished products obscured from the view of the public by an approved fence or landscaping.

17.3.2 Lighting

All lighting facilities shall be so arranged that light is not directed or reflected into any adjoining Residential Zone.

17.3.3 Restriction of Large Openings

The front or side walls of a main building in a CM Zone that face a street where such street abuts or is opposite a Residential Zone shall not contain large garage or service doors of a size capable of accommodating the passage of a motor vehicle.

17.3.4 Landscaping

Landscaped areas shall be provided and maintained:

- a) except for the area used for access driveways in the required front yard having a depth of not less than 6.0 m abutting the street line;
- b) where the lot is a corner lot, a landscaped area in the entire required front and corner side yard; and
- c) where the lot abuts a residential zone, a landscaped area in the entire required side yard adjacent to the residential zone.

Any landscaped open space shall be maintained in a healthy growing condition or shall be replaced. (90-83)

17.4 Special Exception Zones

Reserved.

18 INSTITUTIONAL (I) ZONE

The following regulations shall apply in all I Zones:

18.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Auditoriums;
- Day Care Facilities;
- Religious Institutions including Churches, Church Halls, Sunday Schools, Parsonages, Convents, or similar;
- Government Offices, Police Stations, Fire Halls and Mine Rescue Stations;
- Hospitals, Clinics, Medical Research Facilities;
- Museums and Public Libraries;
- Nursing Homes, Homes for the Aged and Rest Homes;
- Post-Secondary Research Facilities and Services (including for example, geo-physical research facilities and services, geographic information research facilities and services)
- Places of Assembly;
- Recreation Centres, Community;
- Schools;
- Training Centres; and
- Accessory Uses incidental to any of the above permitted uses, including parking areas and parking stations.

18.1.1 Accessory Uses for Clinics

A clinic may also include a pharmacy and a coffee shop or lunch counter, provided that:

- a. any such facilities shall be completely contained within the medical clinic building with no direct access from the street;
- b. no sign, notice or other device advertising any such facilities shall be externally displayed on the medical clinic building or internally displayed so as to be visible from the exterior of the medical clinic building;
- c. any such facilities shall be used only for the accommodation and service of the occupants of the medical clinic building, their employees and patients.

18.2 Zone Requirements

Height, maximum:	13.72 m
Lot area for religious institutions, minimum:	2,787.0 sqm
Lot coverage, maximum:	50%
Setback from any lot line, minimum:	7.62 m

18.3 Special Exception Zones

18.3.1 I-1 (85 Dieppe Avenue; Parts 6 and 7, Plan 1R-6233), and (7 Timmins Road; Parts 22, 23, 24, and 25, Plan 1R-6233)

Notwithstanding the provisions of Section 18.1 hereof to the contrary, on the lands zoned I-1 a private club shall also be a permitted use subject to compliance with all other applicable sections of this By-law.

18.3.2 I-2 (185 Mississauga Avenue; Block "D", Plan M-157; By-law 89-17)

Notwithstanding the provisions of Sections 18.1, 18.2, and 6 hereof to the contrary, on the lands zoned I-2 a transition house for women in distress shall be a permitted use, subject to compliance with all other applicable sections of this By-law and the following provisions:

Parking spaces, minimum:	7.0 spaces, located behind the front yard setback
Bedrooms, maximum:	Five (5)

18.3.3 I-3 (255 HWY 108 North (Civic Centre); Blocks "Q" and "R", Plan M-151; By-law 95-21)

Notwithstanding the provisions of Sections 18.1 and 6 hereof to the contrary, on the lands zoned I-3 places of assembly, offices, commercial arts and craft galleries, parking areas and accessory uses incidental to any of the above permitted uses shall also be a permitted use, subject to compliance with all other applicable sections of this By-law and the following provisions:

Parking spaces, minimum:	1 per 4 seats with the contiguous auditorium owner
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18.3.4 I-4

Reserved.

18.3.5 I-5 (303 Mississauga Avenue; Parts 2, 3 and 4, Plan 1R-9631; By-law 98-48)

Notwithstanding Sections 18.1 and 18.2, on the lands zoned I-5 a funeral home shall also be a permitted use, subject to compliance with all other applicable sections of this By-law and the following provisions:

Setback, southerly lot line, minimum:	0.61 m
Setback, northerly lot line, minimum:	4.2 m

- 18.3.6 I-6 (Manitoba Road (Cenotaph); Part 1, Plan 1R9643; part of Block 'H', Plan M-150; By-law 98-69)

Notwithstanding the provisions of Sections 18.1 and 18.2 hereof to the contrary, on the lands zoned I-6 the only permitted use shall be a Cenotaph, subject to compliance with all other applicable sections of this By-law and the following provisions:

Front yard setback, minimum:	5.0 m
Setback, any other lot line, minimum:	3.0 m

- 18.3.7 I-7 (25 Dunn Road; Block F, Plan M-157; Parts 1, 2 and 3, Plan 1R-6233; By-law 15-48)

Notwithstanding the provisions of Section 18.1 hereof to the contrary, on the lands zoned I-7 a bingo hall and accounting office, all to be conducted within the existing building shall be permitted uses, provided that any noise that imposes on the amenity of the residential neighbourhood is prohibited and shall be deemed not to be a permitted use, subject to compliance with all other applicable sections of this By-law.

- 18.3.8 I-8 (99 Spine Road, White Mountain Building; PCL 8947 SEC AES; Parts 1-3, Plan 1R-5679; By-law 16-71)

Notwithstanding the provisions of Sections 18.1 and 18.2 hereof to the contrary, on the lands zoned I-8 nothing shall prevent the use of the lands for research laboratories, offices, meeting halls, canteen/eatery and the use of the garage for automotive or mechanical trade subject to compliance with all other applicable sections of this By-law and the following provisions:

- i) the undertaking is conducted within the enclosed building;
- ii) subject to Section 16.1.1;
- iii) there will be no outside storage other than up to six (6) vehicles screened with fencing; and
- iv) any use from which the emission of air or water pollutants or noise that imposes on the amenity of other businesses or residents in the area, is prohibited and shall be deemed not to be a permitted use.

19 **PUBLIC OPEN SPACE (O) ZONE**

The following regulations shall apply in all O Zones:

19.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Auction Facilities;
- Downhill Skiing, Beach, Picnic Area, Fire Tower, Skateboard or Roller Blade Facility, Recreational Trails for Cyclists, Jogging, Cross-Country Skiing Snowmobiling Walking or Hiking;
- Community Gardens;
- Public Buildings, Skating, Hockey and Curling Arenas, Art Galleries, Private Clubs, Libraries, Museums, Community Centres, Community Halls, Mine Rescue Stations and Monuments and Refreshment Facilities accessory to any of these uses;
- Public Parks, Athletic Fields, Swimming Pools, Wading Pools, Playgrounds, Golf Courses, Tennis Courts, Skating, Hockey and Curling Rinks, Bowling Greens, Marinas, Bathing Stations, Botanical Gardens, Zoological Gardens, Cemeteries and Bandstands, and Refreshment Facilities accessory to any of these uses;
- Seasonal Trailer Parks, on land owned by the Municipality whether operated by the Municipality or any other person;
- Parking stations and parking areas; and
- Accessory Uses incidental to any of the above permitted uses.

19.2 **Zone Requirements**

Setback from any lot line, minimum:	7.62 m
Height, maximum:	13.72 m

19.3 **Special Exception Zones**

19.3.1 O-FL – Flood or Erosion Control Only (multiple locations)

Notwithstanding the provisions of Section 19.1 hereof to the contrary, on the lands zoned O-FL, no buildings or structures of any kind, other than those necessary for flood or erosion control, shall be erected or used on any of the following described lands, namely:

- a) Blocks "G" and "H", Plan M-336;
- b) Block "R", Plan M-337;
- c) Blocks "X" and "Y", Plan M-338;
- d) Blocks "DD" and "FF", Plan M-339; and
- e) Blocks "HH", "NN", and "JJ", Plan M-340.

19.3.2 O-1 – Shoreline Buffer (Block 7, Draft Plan of Subdivision at the west end of Spine Road; part of Part 2, Plan 1R-11447; PIN 31631-0942 (LT); By-law 09-75)

Notwithstanding the provisions of Section 19.2 hereof to the contrary, on the lands zoned O-1, the following provisions shall apply:

- (i) All of Block 7 constitutes a shoreline protection buffer, which includes a 20 metre protection zone measured from the High Water Mark, and shall be subject to the provisions of Section 23.3.1, except as further qualified below;
 - a) a maximum of 30% of the trees within the buffer area may be removed;
 - b) a maximum width of disturbance to the shoreline buffer shall a maximum of 10 m width per disturbance; and
 - c) a single dock is permitted, provided such dock has a maximum projection into the water of 20 m, and has a maximum width of 10 m.

19.4 Holding Provisions

Where lands zoned O are shown with an "H" (Holding Provision) suffix on Schedule A of this By-law, said lands may not be used as listed in Section 19.1 above unless said application for development is accompanied by an Environmental Impact Assessment (EIA). The study will address how the lands can be developed within the requirements of the Provincial Policy Statement and the published Provincial Guidelines. The EIA must be completed by a recognized professional with an expertise in the area of concern.

20 PARK (P) ZONE

The following regulations shall apply in all P Zones:

20.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Public Parks, Athletic Fields, Swimming Pools, Wading Pools, Playgrounds, Golf Courses, Tennis Courts, Skating, Hockey and Curling Rinks, Bowling Greens, Marinas, Bathing Stations and Refreshment Facilities accessory to any of such uses, Locker Rooms and Shower Facilities and Changing Rooms; and
- Accessory Uses incidental to any of the above permitted uses.

20.2 Zone Requirements

Height, maximum:	13.72 m
Setback from any lot line, minimum:	7.62 m

21 **RURAL "A" (RA) ZONE**

The following regulations shall apply in all RA Zones:

21.1 **Permitted Uses**

No persons shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Agriculture, forestry, mining, quarrying, production of electric power, including buildings for the distribution thereof;
- Animal Hospitals;
- Breeding and Boarding Establishments;
- Cemeteries;
- Conservation Uses;
- Dormitories for employees if located at or immediately adjacent to the portion of the land on which the main operations of one (1) of the above uses are carried on;
- Drive-in theatres and amphitheatres;
- Farm Produce Outlets;
- Golf courses;
- Horse Stables and Horse-Riding facilities;
- Municipal Airports;
- Nurseries;
- Outdoor Recreational Uses;
- Parks;
- Public Boat Launch (03-8);
- Radio and television antennae including buildings necessary to house electronic equipment incidental thereto;
- Rod and gun clubs;
- Seasonal Trailer parks;
- Summer camps for children;
- Yacht and aquatic clubs; and
- Accessory uses incidental to any of the above permitted uses.

21.2 **Zone Requirements**

Lot area, minimum:	4.0 ha
Length of any street lot line, minimum:	121.92 m
Front and exterior side yard setback, minimum:	15.24 m
Rear and interior side yard setback, minimum:	7.62 m
Setback from lot line adjoining a lake or river:	20 m from high water mark

21.3 Special Exception Zones

- 21.3.1 RA-1 (HWY 108 East side at Airport; Pcl 8278 SEC AES; Location CL2811, Proctor Township; Part 1, Plan 1R-4721)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-1 a building or buildings for the purpose of a salvage yard and accessory uses thereto shall also be a permitted uses subject to compliance with all other applicable sections of this By-law and the following provision:

- (i) no dwelling units shall be permitted on the lands.

- 21.3.2 RA-2 (880 HWY 108 North - Shan-N-Doe Ranch; Part 1, Plan 1R-5727)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-2 a single detached dwelling shall also be a permitted use subject to compliance with all other applicable sections of this By-law.

- 21.3.3 RA-3 (23B Timber Road; Part 1, Plan 1R-3932 and Part 1, Plan 1R-2785; By-law 93-58 By-law 16-42)

Notwithstanding the provisions of Sections 21.1 and 21.2 hereof to the contrary, on the lands zoned RA-3 an airbase and incidental accessory uses thereto including aircraft maintenance, flight training, tourist outfitting, tourist fly-in services and excluding residential uses except for a seasonal residence for “night watchman purposes” restricted to a maximum of 500 square feet during the May to November operating season only shall also be permitted uses subject to compliance with all other applicable sections of this By-law and the following provisions:

Setback from any lot line aside from the waterfront, minimum	7.62 m
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- 21.3.4 RA-4 (101 South Bay Road; Parts 1- 4, Plan 1R-5977; By-law 94-79)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-4 private or public storage shall also be a permitted use subject to compliance with all other applicable sections of this By-law.

- 21.3.5 RA-5 (HWY 108 West side at Airport; part of Mining Claim S-89176 located west of Highway Number 108 and the whole of Mining Claim S-86916; By-law 96-22)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-5 a commercial composting operation shall also be a permitted use subject to compliance with all other applicable sections of this By-law.

- 21.3.6 RA-6 (Airport Quarry in Esten Township, located 1.3 km west of Highway 108; MC S75406, Parcel 2487 A.E.S; By-law 10-102)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-6, a portable asphalt / concrete plant shall also be a permitted use subject to compliance with all other applicable sections of this By-law.

- 21.3.7 RA-7 (13,200 square feet of City-owned hangar space at the Elliot Lake Municipal Airport; By-law 16-19)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-7 manufacture and assembly of light gauge steel building products, all to be conducted within the existing linked hangars shall also be a permitted use, provided that any noise or activity that imposes on the operations of the airport is prohibited and shall be deemed not to be a permitted use, and subject to compliance with all other applicable sections of this By-law.

- 21.3.8 RA-8 (Lands adjacent to Elliot Lake Municipal Airport)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-8 the following permitted uses and provisions shall apply, provided that any noise or activity that imposes on the operations of the airport is prohibited and shall be deemed not to be a permitted use, and subject to compliance with all other applicable sections of this By-law:

Permitted Uses

- Aircraft Service and Repair Facilities
- Automotive Sales, Rental, and Service Establishments;
- Aviation Related Light Industrial Uses;
- Courier Services;
- Emergency and Protective Services
- Parking Station;
- Equipment and Machinery Sales, Rental, or Service Establishment;
- Laboratory;
- Light Manufacturing Use;
- Offices;
- Private Power Generation Facility;
- Recreational Vehicle Sales, Service, and Storage;
- Research and Development Establishment;
- Self Storage Facility;
- Transportation Depot;
- Transport Terminal;
- Trade School;
- Warehouse;
- Accessory Outdoor Storage.

Zone Requirements

Height, maximum:	the lesser of 15.0 m or in
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	accordance with Transport Canada Airport Zoning Regulations.
Lot area, minimum:	4,000 sqm
Lot frontage, minimum:	60.0 m
Front yard setback, minimum:	6.0 m
Unless abutting Highway 108:	30.0 m
Side yard setback, minimum:	4.5 m
Unless abutting Highway 108:	30.0 m
Distance between buildings on same lot or block, minimum:	10.7 m
Landscaped area, minimum:	5% of the lot area

All illuminated parking and outdoor storage areas shall have directional lighting placed in such a manner that it does not pose a nuisance to airport operations or adjacent lease areas.

All permitted uses shall be conducted within an enclosed building with no outside storage of any kind except for finished products obscured from the view of the public by an approved fence or landscaping.

21.3.9 RA-X Special Airport Restriction

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-X, no person shall erect or use any building or structure for any purpose.

22 **RURAL "B" (RB) ZONE**

The following regulations shall apply in all RB Zones:

22.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Hotels, Motels, Tourist Camps;
- Hunting and Fishing Camps;
- Marinas;
- Parking Stations and Parking Areas;
- Public Boat Launches;
- Short Term Rentals;
- Summer Camps for Children;
- Summer Cottages; and
- Accessory Uses incidental to any of the above permitted uses.

22.1.1 Prohibitions

22.1.1.1 Summer Cottages and Hunting and Fishing Camps

Nothing in Section 22.1 shall permit the use of any summer cottage or hunting and fishing camp as the normal place of residence of any person, it being the intent and purpose of this By-law that such establishments be permitted uses only for recreation or vacation purposes for limited periods of time by persons whose normal place of residence is elsewhere.

22.1.1.2 Retail Sales

With the exception of the sale of boat and seaplane equipment and fuel therefore at marinas and the sale of fuel for automobiles as accessory to the operation of a marina, sales of commodities including refreshments, food and meals are prohibited in the Rural "B" Zone except where such sales are a minor and only incidental part of the operation of a marina or vacation establishment and are provided solely for the purpose of serving the incidental needs of persons patronizing the marina or vacation establishment in connection with the major purpose thereof.

22.2 **Zone Requirements**

22.2.1 Uses that Include Residential Accommodation

Lot width, minimum, subject to Section 22.2.2:	30.48 m
Setback from lot line adjoining a crown reserve along a lake or river, minimum:	no minimum
Setback from lot line adjoining a lake or river, minimum:	20.0 m from high water mark
Interior side yard setback, minimum:	6.09 m

Lot area, minimum:	0.4 ha provided that in the case of a lot that adjoins a crown reserve along a lake or river or a road right-of-way or allowance shown on a registered plan of subdivision or both, there may be included in computing the area of the lot that portion of the crown reserve or road right-of-way or allowance, or both, contained within the extensions of the lot lines of the lot.
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22.2.2 For the purposes of establishing the minimum lot width requirement under Section 22.2.1, the following definitions shall apply;

- a) "frontage" means a limit of a lot contiguous to or adjacent to a lake or river or a road or railway right-of-way, but where a lot has limits contiguous to or adjacent to a lake or river and a road or railway right-of-way, "frontage" means the limit contiguous to or adjacent to the lake or river;
- b) "side" means a limit of a lot which meets a frontage of the lot; and
- c) "width" means,
 - i) where a lot has only one (1) side, the distance measured in a straight line between the ends of that side, or
 - ii) where a lot has only two (2) sides, and the sides are parallel, the distance between the sides measured perpendicularly, or
 - iii) where a lot has only two (2) sides, and the sides are not parallel, the distance between the sides measured in a straight line from the mid-point of each side, or
 - iv) where a lot has three (3) or more sides, the distance which is longest when measured in a straight line between the mid-point of two (2) sides meeting the same frontage.

22.2.3 Requirements for Accessory Structures

a) Accessory structures to single dwellings, summer cottages and non-commercial hunting and fishing camps shall have a minimum setback from any other lot line of 3.0 m.

b) Detached Private Garage

Notwithstanding any other provision in this By-Law, one (1) detached private garage only may be erected per lot as follows:

Front and exterior side yard setback, minimum:	same as main building.
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Rear and interior side yard setback, minimum:	3.0 m
Building height, maximum:	6.0 m and may contain intermediate floors
Ground floor area, maximum:	111.5 sqm and not to exceed ground floor area of main building

22.2.4 Non-residential Uses

Lot area, minimum:	no minimum
Lot width, minimum:	no minimum
Setback from lot line adjoining a crown reserve along a lake or river, minimum:	no minimum
Setback from lot line adjoining a lake or river, minimum:	20.0 m from high water mark
Setback from any other lot line, minimum:	6.1 m

22.2.5 Combined Uses

Where the use of land is a combination of two (2) or more uses specified in Sections 22.2.1 and 22.2.4, the most rigid requirements relative to lot area and lot width will apply, and the sum of the requirements for each individual use shall be the minimum in respect of parking facilities to be provided.

22.2.6 Crown Shore Reserve

Where a lot in a Rural "B" zone and an abutting shoreline allowance are registered in the same ownership the requirements of this zone shall be applied as if the parcels of land were one.

22.3 Special Exception Zones

22.3.1 RB-1 (54 Boychuk Road; Lot 6, Plan M-234; By-law 99-36)

Notwithstanding the provisions of Section 22.2 hereof to the contrary, on the lands zoned RB-1 the following provisions shall apply:

Setback from another lot with respect to the northeast side lot line to the garage, minimum:	4.18 m
Setback from the waterfront lot line, minimum:	10.0 m
Lot area, minimum:	0.3771 ha

23 **SHORELINE RESIDENTIAL (RS) ZONE**

Limited municipal service standards apply to this zone. The following regulations shall apply in all RS Zones:

23.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single Dwellings (fully maintained year-round road access properties only);
- Seasonal/Recreational Dwellings;
- Short Term Rentals; and
- Accessory Uses incidental to any of the above permitted uses.

Shoreline residential uses are permitted on the following lakes:

McCarthy Lake, Pecors Lake, Depot Lake, Marshland Lake, Popeye Lake, Trout Lake, Rossmere Lake, Grandeur Lake, Dunlop Lake, and Quirke Lake.

23.2 **Zone Requirements**

A land development permit shall be obtained from the Building Department before any land development work takes place, including initial brushing and/or tree felling for a driveway, buildings or pathways to the water. Application for this permit would include a preliminary Lot Development Plan.

Each lot may contain not more than one single dwelling or seasonal/recreational dwelling, but not both.

Lot area, minimum:	0.4 ha
Lot width, minimum:	45 m
Setback from the lot line adjoining a lake or river, minimum	30.0 m from High Water Mark
Front and exterior side yard setback (non-waterfront properties), minimum:	12.0 m
Rear yard setback, minimum:	12.0 m
Interior side yard setback, minimum:	6 m
Building height (main building), maximum:	10.5 m
Ground floor area of single dwelling and seasonal /recreational dwelling on lots of 0.81 ha or less, minimum:	65 sqm
Ground Floor Area of single dwelling and seasonal/recreational dwelling on lots greater than .81 ha, minimum:	111.48 sqm
Lot coverage, maximum:	
Main building:	10%

Accessory buildings:	10%
All buildings:	15%

23.2.1 Accessory Buildings

23.2.1.1 Detached Private Garage

Notwithstanding any other provision in this By-Law, one (1) detached private garage only may be erected per lot as follows:

Front and exterior side yard setback, minimum:	same as main building
Rear and interior side yard setback, minimum:	6.0 m
Building height, maximum:	6 m and may contain intermediate floors
Ground floor area, maximum:	111.5 sqm and not to exceed ground floor area of main building. (04-16)

23.2.1.2 Sleep Cabin

Not more than (1) one cabin will be permitted per lot

Floor area, maximum:	25 sqm
Location, minimum:	behind main building
Setback from other lot line, minimum:	6.0 m
Height, maximum:	5 m

23.2.1.3 Land-based Boat House (storage only)

Distance from high water mark, minimum:	3 m
Floor Area, maximum:	25 sqm
Height, maximum:	1 storey
Setback from other lot line, minimum:	3 m

23.2.1.4 Water-based Boat House (storage only), and subject to approval by the Ministry of Natural Resources and Forestry

Projection from private lot benefitting from the structure:	3 m
Height, maximum:	1.5 storeys
Setback from other lot line, minimum:	6 m

23.2.1.5 Gazebos, Saunas, Decks on Waterfront properties only

Location:	unrestricted
Setback from high water mark, minimum:	3 m
Setback from other lot line, minimum:	6 m
Building height, maximum:	1 storey

23.2.1.6 Other accessory buildings

Front and exterior side yard setback, minimum:	same as main building
Setback from other lot line, minimum:	6.0 m
Building height, maximum:	1 storey

23.3 Additional Zone Requirements

The following additional zone requirements shall apply:

- i) Balconies, canopies and unenclosed porches/decks may project beyond any required setback adjoining a lake or river, a distance of not more than 5 m including eaves, stairs or any part of the structure. For the purpose of allowable encroachments for accessory structures, lot coverage for the above structures shall not be included in the calculation. (09-81)
- ii) The parking of not more than (1) one commercial vehicle as defined under Section 6.8
- iii) will be permitted.
- iii) Recreational vehicles used as seasonal dwellings on vacant lots are prohibited unless authorized by a Temporary Use By-law under Section 39 of the *Planning Act*.
- iv) Each lot shall be developed in a manner that minimizes the environmental impact and preserves and maintains as much vegetation as possible. The use of native vegetation species for landscaping is encouraged. (15-59)
- v) Water frontage only lots shall not be developed except where a public boat launch is provided.

23.3.1 Shoreline Buffer Areas:

- (i) Each lot shall have a buffer area in which:
 - a. no trees shall be removed;
 - b. no roots or root systems, herbs, grasses, or the duff layer shall be removed;
 - c. no lawn shall be established or maintained;
 - d. no use of fertilizers, pesticides, herbicides or dust suppressant;
 - e. no use of non-native vegetation species for landscaping. (15-59)

- (ii) A Buffer Area shall be maintained around the perimeter of each lot, and having the following minimum depth:

Buffer Area requirements:	All lands lying on the opposing side of the High Water Mark (i.e. seasonally inundated shorelands and beds of water bodies) shall not be altered without the authority of the Crown.
Shoreline Buffer, from the lot line adjoining a lake or river, minimum:	15 m measured horizontally inland from the High Water Mark
Perimeter Buffer, from the rear lot line, minimum:	12.0 m
Perimeter Buffer, from any other lot line, minimum:	6.0 m

(15-59)

(iii) Shoreline Buffer Exceptions (08-33)(15-59)

- a. The lands located in a shoreline buffer area shall be maintained in a natural state except for the following upon approval of a Lot Development Plan:

- i) Dead or decaying vegetation shall not be removed unless it poses a safety hazard. Dead or decaying standing trees that pose a risk to safety may be felled and left to decay on the forest floor on the subject property. Other dead or decaying vegetation may be relocated within the buffer area so that it no longer poses a safety risk.
- ii) A maximum 2.0 m wide pedestrian pathway may be cleared from the dwelling to the shoreline.

iii) A maximum 4.0 m wide utility access route including minimal removal of the duff layer for underground utility installations (may include hydro, cable, internet, natural gas, water) is permitted. This area shall be restored immediately to original grade and native vegetation must be planted.

iv) Up to a maximum of 9 m width for driveway(s) to cross or occupy the Buffer Area along the side or rear lot line to provide vehicular and pedestrian access from the road onto the lot.

v) For water-access only properties, up to a maximum of 4.5 m width for access from the water.

vi) Encroachments may occur for an accessory building where the structure has a lesser setback than the required buffer.

- b. In addition to the above exceptions:

Trees within the shoreline buffer area may be removed, as shown in a Lot Development Plan to alter the Buffer Area or to allow construction of an accessory structure or building that is otherwise permitted within the required front yard as follows:

- i) a maximum of 20% of the trees within the Buffer Area may be removed;
- ii) the maximum width of disturbance within the Shoreline Buffer shall be a maximum of 10.0 m width in total for road-access lots and 12.5 m in total for water-access lots; and
- iii) outside of the areas described above, shrubs will not be removed from the shoreline buffer but may be selectively pruned.

23.4 Crown Shore Reserve

Where a lot in the RS Zone and an abutting shoreline allowance are registered in the same ownership, the requirements of this zone shall be applied as if the parcels of land were one.

23.5 Definitions

For the purposes of Section 23, the following definitions shall apply:

BOAT HOUSE: a building or structure or part thereof, used for the storage, shelter of private boats, personal watercraft or other forms of water transportation and equipment accessory to their use, but shall not be used for human habitation nor be equipped with pressurized potable water or sanitary facilities.

BUFFER AREA: a portion of a lot around the perimeter of the lot where existing vegetation is maintained or re-established in its natural predevelopment state, or native vegetation is planted for the purpose of protecting natural vegetation and minimizing the visual impact of any buildings or structures on the lot.

BUFFER AREA, SHORELINE: the portion of the Buffer Area adjacent to the High Water Mark.

DISTURBANCE: removal, damage or destruction in any way of trees and/or the placement of accessory buildings within the Buffer Area.

DUFF LAYER: forest floor cover including organic matter on the forest floor such as leaves, needles, and mosses.

FRONT LOT LINE: refers to the water side.

GRASSES: many species of grass such as quack grass, timothy and sedge.

HERBS: many species of weeds and flowers such as trillium, lily, cattail, buttercup. (08-33)

DWELLING- SEASONAL/RECREATIONAL: a single detached dwelling containing one (1) dwelling unit constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof.

HIGH WATER MARK: the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark and as established by an Ontario Land Surveyor.

LAWN: an area of cultivated grass or any area of mowed grass.

LOT DEVELOPMENT PLAN: a Plan submitted in accordance with the City's Site Plan Control By-law. (08-33)

LOT LINE, STREET: any lot line or high water mark that divides a lot from the street.

PUBLIC BOAT LAUNCH: public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

REAR LOT LINE: refers to the lot line that is opposite to or furthest away from the water.

SHRUBS: immature trees and/or low vegetation or bushes including but not limited to Dogwood, Cranberry, Alder, Elder, Willow, Blueberry, or Labrador-Tea. (08-33)

SLEEP CABIN: an accessory building or structure located on the same lot as the principal building or structure, the accessory use being for sleeping accommodations in which neither cooking or sanitary facilities or pressurized water shall be provided.

STREET: a public highway, or a private thoroughfare of not less than 15.24 m in width, which affords a principal means of vehicular access to the abutting lots, or in the case of a water frontage lot, only the lake or river frontage is to be considered the street.

TREE: a self-supporting woody plant with a diameter of 10.2 cm (4") measured by caliper or more measured from outside the bark 1.4 m (4'7") above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three largest stems measured approximately 1.4 m above existing grade. (08-33)

23.6 Special Exception Zones

- 23.6.1 RS-1 (100 Denison Mine Road, Denison Lodge; Parts 1, 2, 3, 4, 5, 6, 7, 8, and 9 on Plan 1R-9314; By-law 01-66, 11-64, and 13-62)

Notwithstanding the provisions of Section 23.1 hereof to the contrary, on the lands zoned RS-1 a single dwelling is permitted with private road access, with no municipal responsibility for the provision of road maintenance to the property and providing the use conforms with all other applicable sections of this By-law and all other governmental rules and regulations, and the following provision:

- (i) Further to an Order under the *Environmental Protection Act* issued on October 15, 1996 and registered on title to the lands, no excavation on the property or renovations to the floors and foundations shall be carried out except when accompanied by a plan for conducting soil and material testing approved by the MECP, for so long as the Order remains in place.

23.6.2 RS-2 (Popeye Lake; Site 9, lot 7; Site 12, lot 13; Site 13, lots 1 and 12; Site 20, lot 13; Site 21, lot 34; Site 23, lots 2 and 10; Site 26, lots 17, 18, 19, 21, 23, 30 and Lot 17, Plan 1M-581; By-laws 06-63, 15-47)

Notwithstanding the provisions of Section 23.2 hereof to the contrary, on the lands zoned RS-2 the following provision applies:

Dwelling size, ground floor area, minimum:	65 sqm
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23.7 Deeming By-laws

Notwithstanding the provisions of this By-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

23.7.1 1072 and 1066 Dunlop Shores Road; Lot 21 and 22, Plan 1M-566

23.7.2 1188 and 1184 Dunlop Shores Road; Lot 5 and 6, Plan 1M-566; By-law 09-56

24 LIMITED SERVICE RESIDENTIAL (RL) ZONE

The following regulations shall apply in all RL Zones:

24.1 Permitted Uses

No persons shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Any use permitted in the Rural "A" Zone or the Rural "B" Zone, subject to compliance with the requirements of such Zone;
- Single Dwellings, subject to compliance with the requirements of Section 23.2;
- Short Term Rentals; and
- Accessory Uses incidental to any of the above permitted uses.

24.2 Zone Requirements

- (i) A Single Dwelling must be located on a lot of record established on or before January 1, 1988.
- (ii) A Single Dwelling must be located on a lot which abuts a public highway or has access to a public highway through a registered right-of-way. (89-2)

24.3 Deeming By-laws

Notwithstanding the provisions of this By-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

- 24.3.1 54 Boychuk Road; Parcel 5928A.E.S.; Lot 6 Plan M-234, and Parcel 10123, A.E.S., Part of Location CL2945; Part 6, Plan 1R-5103; By-law 99-36.
- 24.3.2 72 Boychuk Road; Lot 11, Plan M-234 and Part 11, Plan 1R-5103, being part of Location CL2945; By-law 02-27.
- 24.3.3 179 South Bay Road; Part of Lot 7, Plan M-281 being a parcel of 373 m² and Lot 6, Plan M-281; By-law 07-35.

25 RURAL ESTATE (RE) ZONE

The following regulations shall apply in all RE Zones:

25.1 Permitted Uses

No persons shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Any use permitted in the Shoreline Residential (RS) Zone.

25.2 Zone Requirements

Lot area, minimum:	1.0 ha
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25.3 Special Exception Zones

Reserved.

26 VALIDITY

Should any section or part of a section of this By-law be declared by a court of competent jurisdiction to be invalid, the declaration shall not affect the validity, effectiveness or enforceability of the other provisions of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

27 VIOLATIONS AND PENALTIES

27.1 Every person who contravenes any provision of this By-law is guilty of an offence, and upon conviction thereof, is liable,

- a) on first conviction to a fine of not more than \$20,000.00; and
- b) 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 he was first convicted.

27.2 When a Corporation is convicted, they are liable,

- a) on first conviction to a fine of not more than \$50,000.00; and
- b) 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 Corporation was first convicted.

28 REPEAL OF PREVIOUS BY-LAWS

By-law No. 87-40 and all amendments thereto are hereby repealed.

29 EFFECTIVE DATE

this By-law shall take effect on the date of its passing subject to the approval by the Ministry of Municipal Affairs to a complimentary new Official Plan and providing that no appeals to this By-law are received by the Clerk of the City pursuant to Ontario Regulation 545/06 and should an appeal be received by the Clerk of the City pursuant to the Regulation, then the By-law shall take effect on the date of its passing subject to the approval of the Ontario Land Tribunal.

READ a first and second time this 9th day of July, 2018.

READ a third time and finally passed this 9th day of July, 2018.

MAYOR

CLERK