



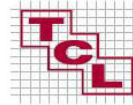
The Corporation of the  
Township of Nairn and Hyman

## *Zoning By-law*

*Adopted February 4, 2013*

Approved by the Ontario Municipal Board, August  
29, 2013 save and except for Section 4.16(a)

(Highlighted)



**Tunnock Consulting Ltd.**

**247 Hearst Street  
North Bay, Ontario P1B 8Z2**

**Tel: (705) 475-0040**

**Toll Free: (800) 924-0128**

**Fax: (705) 475-0030**

**[www.tunnockconsulting.ca](http://www.tunnockconsulting.ca)  
[info@tunnockconsulting.ca](mailto:info@tunnockconsulting.ca)**

**File P-2155**



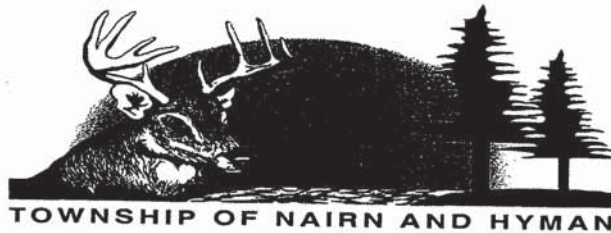
# NAIRN AND HYMAN TOWNSHIP ZONING BY-LAW

## Table of Contents

1.0	ADMINISTRATION .....	1
1.1	Title .....	1
1.2	Applications and Plans .....	1
1.3	Defined Area .....	2
1.4	Enforcement .....	2
1.5	Inspection of Land, Buildings and Structures .....	2
1.6	Penalty.....	2
1.7	Repeal and Relationship to Former By-laws.....	3
1.8	Validity.....	3
1.9	Other By-laws, Licenses, Permits and Regulations.....	3
1.10	Conflict .....	3
1.11	Interpretation .....	4
1.12	Effective Date .....	4
2.0	CONFORMITY REQUIREMENTS.....	5
3.0	DEFINITIONS.....	6
4.0	GENERAL PROVISIONS .....	48
4.1	Accessory Buildings, Structures and Uses.....	48
4.2	Auto Service Station, Gasoline Bar, Car Washing Establishment .....	50
4.3	Buildings to be Moved .....	51
4.4	Camp (Fish Camp or Hunt Camp).....	51
4.5	Change of Use .....	51
4.6	Cumulative Standards .....	51
4.7	Day Nurseries .....	51
4.8	Environmental Design Requirements for Shoreline Properties.....	52
4.9	Established Building Line in Built-Up Area.....	53
4.10	Exception Zone .....	53
4.11	Fences.....	54
4.12	Flood Plain, Fill and Construction Requirements.....	54
4.13	Frontage on a Public Street or Private Road .....	55
4.14	Garden Suites .....	56
4.15	Group Homes .....	56
4.16	Home Based Businesses .....	56
4.17	Illumination .....	57
4.18	Land Suitability for Use and Organic Soils .....	57
4.19	Mine Hazards.....	57
4.20	Minimum Distance Separation and Special Setbacks.....	58
4.21	Natural Heritage Features and Areas.....	60
4.22	Non-Conforming and Non-Complying .....	61
4.23	Occupancy Restrictions .....	62

4.24	Outside Storage, Sales and Display .....	62
4.25	Parking and Storage of Vehicles .....	63
4.26	Schedule for parking requirements .....	65
4.27	Parts of Buildings or Structures Permitted Above Height Level .....	66
4.28	Permitted Projections.....	66
4.29	Prohibited Uses .....	67
4.30	Sight Triangles.....	67
4.31	Signs .....	67
4.32	Sleep Cabin.....	68
4.33	Streets and Parks.....	68
4.34	Temporary Buildings or Structures During Construction .....	68
4.35	Use by Public Authority or Public Utility.....	68
4.36	Water and Sewage Disposal Systems .....	69
4.37	Zones Applying to More than One Property .....	69
5.0	ZONES .....	68
5.1	Zone Classification.....	68
5.2	Zones .....	68
5.3	INTERPRETATION OF ZONE BOUNDARIES.....	70
5.4	GENERAL RESIDENTIAL - R1 .....	71
5.5	MULTIPLE RESIDENTIAL - R2 .....	73
5.6	RURAL RESIDENTIAL - R3 .....	75
5.7	HIGHWAY AND TOURIST COMMERCIAL - C.....	77
5.8	RESORT COMMERCIAL - CR.....	79
5.9	LOCAL COMMERCIAL - CL.....	81
5.10	LIGHT INDUSTRIAL - M1 .....	83
5.11	MEDIUM INDUSTRIAL - M2 .....	85
5.12	RURAL INDUSTRIAL - M3.....	87
5.13	MINING ZONE - MM .....	89
5.14	MINERAL AGGREGATE RESOURCE - MX.....	91
5.15	WASTE MANAGEMENT FACILITY - WMF .....	92
5.16	NATURAL RESOURCE (RURAL) - R.....	93
5.17	ENVIRONMENTAL PROTECTION - EP .....	94
5.18	HERITAGE - H .....	95





**BY-LAW NO. 2013-5**

**BEING A BY-LAW TO AMEND BY-LAW NUMBER 2002-12;  
OTHERWISE KNOWN AS THE "TOWNSHIP OF NAIRN AND HYMAN  
COMPREHENSIVE ZONING BY-LAW"**

**WHEREAS** the Corporation of the Township of Nairn and Hyman has completed the review of the municipality's comprehensive by-law to comply with the Official Plan;

**AND WHEREAS** pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended, by-laws may be passed by Council of a Municipality for prohibiting or regulating the use of land and erection and use of buildings or structures within the Municipality;

**AND WHEREAS** pursuant to Section 26 of The Planning Act, R.S.O. 1990, as amended, updated zoning by-laws are to conform with the Official Plan;

**AND WHEREAS** the Council of the Corporation of the Township of Nairn and Hyman deems it desirable to further amend By-law No. 2002-12, as amended, to ensure Official Plan conformity;

**NOW THEREFORE** the Council of the Township of Nairn and Hyman under Section 34 of The Planning Act, R.S.O. 1990, as amended, enacts as follows:

1. That By-law number 2013-5, consisting of the attached maps and amended text which is shown in red script, is hereby adopted. Text shown as ~~strikeout~~ is hereby deleted from By-law number 2002-12 as part of By-law number 2013-5.
2. That this By-law shall come into force and take effect on the day of the final passing thereof subject to the requirements of The Planning Act.

Read a first and second time this 4<sup>th</sup> day of February, 2013.

Read a third time and passed in open Council this 4<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



# The Corporation of the Township of Nairn and Hyman Comprehensive Zoning By-law

## Foreword

*This Zoning By-law affects all lands within the Township of Nairn and Hyman. To use this By-law, locate the subject property on the map schedules provided and determine the zone(s) which affects the land. Then review the specific regulations relating to the zone(s) in **Section 5: Zones**. It is also important to review **Section 4: General Provisions** and any applicable definitions in **Section 3: Definitions**.*

*Changes to the requirements contained in this By-law may be made with prior approval by the Township as provided for under the Planning Act. Significant changes may be made through the zoning by-law amendment process. Minor variations may be granted by the Township Committee of Adjustment. Both processes require formal applications to be submitted to the Municipality and both involve mandatory public notification.*

*Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Township Office.*





## **1.0 ADMINISTRATION**

### *Explanatory Note*

*Section 1 identifies the administrative controls and requirements of the By-law. It names the By-law, states its relationship with other by-laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law functions.*

### **1.1 Title**

---

This By-law shall be known as the Zoning By-law or By-law No. 2000-22 as amended of the Corporation of the Township of Nairn and Hyman.

### **1.2 Applications and Plans**

---

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

- (a) The true dimensions and/or legal description of the lot to be built upon or otherwise used;
- (b) The proposed location, height and dimensions of any building, structure or use proposed for such lot;
- (c) The **setbacks** of all existing and proposed **buildings** or **structures** from the nearest lot lines, the dimensions of yards, the location of landscaping, the location and dimensions of parking spaces (conventional and barrier-free), **parking aisles**, **parking areas** and loading spaces as required by this By-law;
- (d) The proposed location, height and dimensions of yards, landscaping, parking areas and loading spaces required by this By-law;
- (e) The location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures;
- (f) A statement, signed by the owner disclosing the exact use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

### 1.3 Defined Area

---

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Township of Nairn and Hyman.

### 1.4 Enforcement

---

This By-law shall be administered by the *Chief Building Official* or such other *person* as may from time to time be designated by *Council*, and no permit for the *use* of land or for the *erection* or *use* of any *building* or *structure* or approval of application for any municipal license within the jurisdiction of the *Council* shall be issued or given where the proposed *building*, *structure* or *use* would be a violation of any provision of this By-law.

### 1.5 Inspection of Land, Buildings and Structures

---

- (a) Subject to Section 49 of the Planning Act, 1990, where an officer believes on reasonable grounds that a by-law passed under Section 34 or 38 (of the *Planning Act*) is being contravened, the officer or any *person* acting under his or her instructions, may at all reasonable times, and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.
- (b) Except under the authority of a search warrant issued under Section 49.1 (of the *Planning Act*), an officer or any *person* acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- (c) No *person* shall obstruct or attempt to obstruct an officer or *person* acting under the officer's instructions in the exercise of a power under this Section.
- (d) For the purposes of this by-law, reasonable hours shall mean between 8:00 a.m. and 9:00 p.m. local time.

### 1.6 Penalty

---

- (a) Every *person* who violates any of the provisions of this By-law is guilty of an offense and upon conviction is liable to a fine not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, and to a fine of Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day on which the *person* was first convicted.
- (b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five

Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.

- (c) Where an offense is committed by a corporation, every director or officer of the corporation who knowingly concurred in the contravention is guilty of an offense, and upon conviction is liable to a fine as provided for in sub-section 1.6(a) (i) or (ii); and
- (d) Where a *person* is convicted of an offense under this By-law, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offense by the *person* convicted.

## **1.7 Repeal and Relationship to Former By-laws**

---

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the *Planning Act*, 1990, or its predecessor, are hereby repealed.

The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

## **1.8 Validity**

---

Should any Section or part of a Section of this By-law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

## **1.9 Other By-laws, Licenses, Permits and Regulations**

---

Nothing in this By-law shall exempt any *person* from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other law in force from time to time.

## **1.10 Conflict**

---

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

## **1.11 Interpretation**

---

(a) **Legislation Act**

The *Legislation Act* applies to this By-law.

(b) **Definitions**

Definitions are given in this By-law to aid in the understanding and implementation of the intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

(c) **Citation**

This By-law may be cited by its long title ("A By-law to Regulate the Use of Land, Buildings and Structures within the Township of Nairn and Hyman"), its short title ("Township of Nairn and Hyman Zoning By-law") or its by-law number, and any such citation is to be taken as meaning the By-law as amended.

(d) **Gender Neutrality**

This By-law is gender neutral and, accordingly, any reference to one gender includes the other.

(e) **Grammar**

In this By-law, words in the singular include the plural, and words in the plural include the singular.

(f) **References**

Appendices, examples, footnotes, glossaries, headings, indices, marginal notes and references to former enactments or enabling legislation after a section or other division of the By-law, do not form part of the By-law and are inserted for convenience of reference only.

(g) **Measurement Units**

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. (*Imperial measurements are provided for the convenience of the reader and are not a legal part of this By-law.*) Where linear distances other than those referring to vertical measurements are specified, such linear distances are to be measured on a horizontal plane.

## **1.12 Effective Date**

---

This By-law shall take effect from the date of its passage by Council, subject to the provisions of the *Planning Act*.

## **2.0 CONFORMITY REQUIREMENTS**

### *Explanatory Note*

*This short section establishes the authority and legitimacy of the By-law. It is composed of two statements which establish the primacy of the regulations stated within.*

- 2.1.** No land, building or structure shall be used and no building or structure shall be erected or enlarged, altered, or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.
- 2.2.** Subject to the granting of such minor variances as may be necessary, no lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-law.
- 2.3.** Where a use does not take place within a building, but a regulation in this By-law imposes a requirement premised on the use being in a building, the requirement applies as though the actual area occupied by the use was in a building.

### **2.4. Committee of Adjustment**

Pursuant to the provisions of Sections 44 and 45 of the *Planning Act*, a duly appointed Committee of Adjustment is authorized to grant relief to any of the provisions of this By-Law, by way of granting a minor variance or by giving a permission for the enlargement or extension of a non-conforming use or to permit a change of use of a non-conforming use to a similar or more compatible use.

### *Explanatory Note*

*The Committee of Adjustment, as appointed by Council, is duly authorized under Section 45 of the Planning Act, upon the application of the owner of any land, building or structure affected by this by-law, to grant a minor variance from the provisions of this by-law as in its opinion is desirable for the appropriate use of the land, building or structure if the general intent of the Zoning By-Law and Official Plan are maintained. Minor variances may, for example, be granted to the lot area, lot frontage, setbacks, height of buildings, parking provisions or any other standard set out in this By-Law.*

### 3.0 DEFINITIONS

#### Explanatory Note

*For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word "shall" is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used". The word "occupied" shall include "designed to be occupied" and "arranged to be occupied".*

#### 3.A

##### Abattoir

Means a commercial **use**, **building** or **structure**, and **accessory** uses regulated by the Food Safety and Quality Act, where animals are killed but shall not include a rendering plant.

##### Accessory

When used to describe a **use**, **building** or **structure**, means a **use**, **building** or **structure** naturally or normally incidental, subordinate and exclusively devoted to a **main use**, **building** or **structure** and located on the same **lot** therewith (see Figure 3.1).



Accessory Dwelling – see *Dwelling, Accessory*

##### Adult Video Rental Outlet

Means an establishment where pre-recorded DVDs, blue-ray discs, video tape, video discs, game cartridges, video cameras or video players/recorders are offered for rent or rented as a principal or accessory business activity and includes the sale of electronic systems designed or advertised as designed to appeal to erotic or sexual appetites or inclinations.



## Adventure Game

Means an outdoor sport or recreation operated commercially in which participants attempt to capture a flag or some other object and return it to their home base, and may carry one or more of the following equipment: paint pellet pistols with a CO<sub>2</sub> cartridge, paint pellets, safety goggles to prevent pellets from striking participants' eyes, and armbands to identify team participants.

## Adverse Effects

Means one or more of:

- (a) Impairment of the quality of the natural environment for any use that can be made of it;
- (b) Injury or damage to property or plant and animal life;
- (c) Harm or material discomfort to any *person*;
- (d) An adverse affect on the health of any *person*;
- (e) Impairment of the safety of any *person*;
- (f) Rendering any property or plant or animal life unfit for use by humans;
- (g) Loss of enjoyment of normal use of property; and
- (h) Interference with normal conduct of business.

## Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

## Agricultural Use

Shall mean the *use* of land, *building(s)* or *structure(s)* for:

- (a) The growing of crops, including but not limited to all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops produced on the lands;
- (b) Animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish, and all related activities such as breeding, training, feeding, manure storage and grazing;
- (c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products; and

- (d) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

An agricultural use shall not be construed to include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, other than a ***Farm Produce Outlet***, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales.

### Agricultural Use Building

Means a ***building*** designed or used for an agricultural ***use*** and shall include such ***uses*** or structures as a barn, silo, shed and machine shed.

### Alter

- (a) When used in reference to a ***building, structure*** or part thereof, means:
- i) To change any one or more of the external dimensions of such ***building*** or ***structure***; or
  - ii) To change the type of construction of the exterior walls or roof of such ***building*** or ***structures***; or
  - iii) To change the use of such ***building*** or ***structure*** or the number or types of uses or dwelling units contained therein; or
  - iv) Including ***building*** systems such as plumbing, heating and electrical
- (b) When used in reference to a ***lot*** means:
- i) To change the boundary of such ***lot*** with respect to a street or lane; or
  - ii) To change any dimension or area, relating to such ***lot***; or
  - iii) To change the use of such ***lot*** or the number of uses located thereon.
- (c) When used in reference to a ***shoreline***:
- i) Means to change, straighten, divert or interfere in any way with the channel of any ***water body*** or the lands surrounding the ***high water mark*** of a ***water body***.

### Ambulance Facility

Means a ***building*** or part thereof where professional paramedics and personnel are stationed and their vehicles and equipment are kept or stored and may also include an area for temporary sleeping quarters, kitchen and sanitary facilities for ambulance workers on duty.

### **Antique Store or Craft Shop**

Means a **building** or part of a building or **structure** where antiques, arts and crafts are offered or kept for sale at retail.

**Apartment Dwelling** – see *Dwelling, Apartment*

**Apartment-in-a-House** – see *Dwelling, Apartment-in-a-House*

### **Areas of Archaeological Potential**

Means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

### **Area of Natural and Scientific Interest (ANSI)**

Means areas of land and water containing natural landscapes or features that have been identified by the Ministry of Natural Resources as having life science or earth science values related to protection, scientific study or education.

### **Asphalt Plant**

Means an industrial facility used for the production of asphalt for immediate use in the paving of roads and driveways and the damp-proofing of **buildings** or **structures**.

### **Attached**

Means a **building** or **structure** otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent **building** or **structures**.

### **Auto Body Shop**

Shall mean an establishment where automotive cleaning, polishing, body repair or repainting is conducted, but shall not include a **salvage yard**.

### **Auto Repair Garage**

Means a **building** used for the storage repair and servicing of motor vehicles, having at least one (1) service bay where repairs essential to the actual operation of a motor vehicle are performed.

### **Auto Service Station**

Means a **building** and/or **lot** used for the sale of fuels for vehicles and may include the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this by-law.

### Automotive Sales Establishment

Means a **building** and/or **lot** used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning, body repair and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

## 3.B

### Bakery

Means a **building**, part of a **building**, or **structure** where the baking of baked goods occurs for on or off-site consumption. A bakery may include an incidental retail establishment where baked goods made on-site are offered for retail sale.

### Bank or Financial Institution

Means a **building**, part of a **building**, or **structure** used as a bank, credit union, trust company, finance company, loan or mortgage company, investment firm or financial consultants.

### Basement

Means a storey or storeys of a **building** located below the first storey. The first storey is the storey with its floor closest to grade and having its ceiling more than 1.8 m [5 ft. 11 in] above grade. (see Figure 3.2).

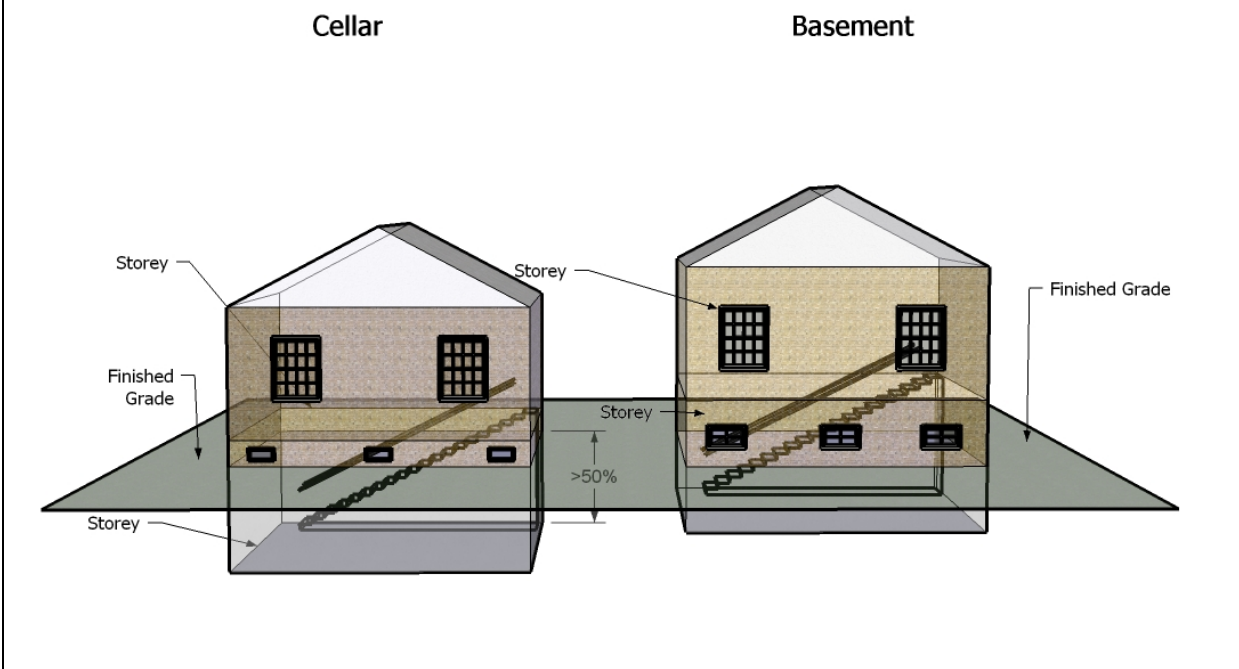
### Batch Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of required equipment.

### Bed and Breakfast Establishment

Means a private **single detached dwelling** designed to be used in part for the accommodation of the travelling or vacationing public, containing therein suites or guest rooms.

Figure 3.2



### Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal by-laws and approvals.

### Berm

Means a landscaped mound or earth generally intended to screen, separate or mitigate the impacts of an abutting land use.

### Boat House

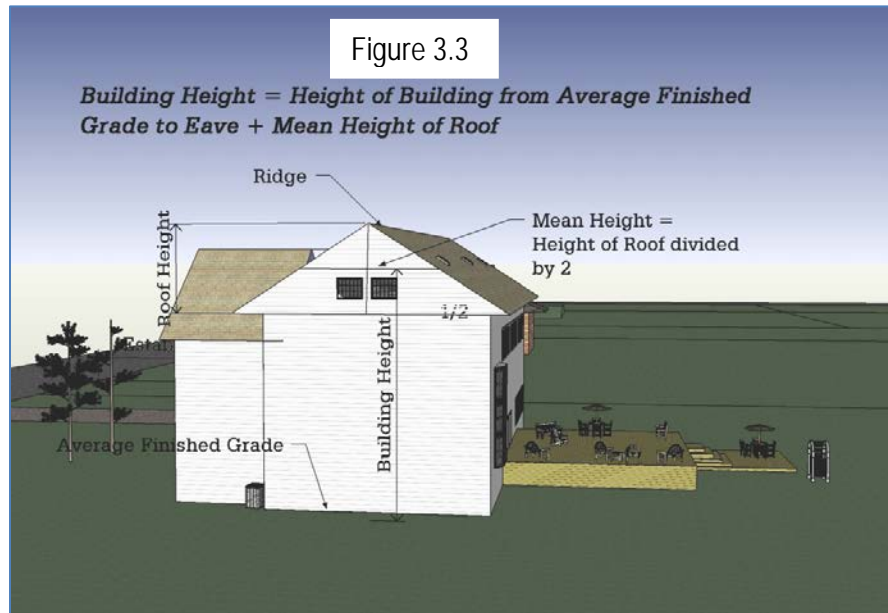
Means a **building** or **structure** or part thereof not over 4.8 m [15.7 ft] in height, used for the storage of private boats and equipment **accessory** to their use, as an **accessory use** to a residential **use**, no part of which shall be used for any residential or commercial purpose. Despite anything in the foregoing to the contrary, rooftop decks or patios and screened enclosures (i.e. gazebos) shall be allowed provided that the total aggregate height of all boat house **structures** does not exceed the maximum height limit by more than 1.2 m [4.0 ft].

### Building

Means any **structure** used or intended for sheltering any **use** or occupancy. The word "building" shall include the whole of such **structure** or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

## Building Height

Means the vertical distance between the average finished grade at the base of the **building** and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof (see Figure 3.3).



## Building, Main

Means a **building** in which is conducted the principle uses of the **lot** on which it is situated (see Figure 3.1)

## Building Supply Store

Means a **building** where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a **lumber yard** nor a **salvage yard**.

## Built Heritage Resources

Means one or more significant **buildings**, **structures**, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

## 3.C

### Camp (Hunt Camp, Fishing Camp)

Means a **building** or **structure** intended to provide basic shelter and accommodation on a temporary basis for **persons** engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation.

### Camp, logging

Means an area of land including **buildings** and **structures** specifically designed as non-permanent living quarters for **persons** employed in the removal, cutting, debarking or harvesting of timber for commercial



purposes or ancillary services and may include a dormitory, lodging or sleeping facilities, sanitary and eating facilities and accessory uses directly related to meeting the needs of occupants including but not limited to a laundromat, recreational facilities, concession selling personal effects and food stuffs and park

### **Campground - Tourist**

Means an area of land, managed as a unit, providing short term accommodation for tents, recreational vehicles or campers but shall not include *mobile homes, park model trailers* or a *mobile home park*.

### **Car Port**

Means a *structure* open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

### **Car Washing Establishment**

Means a *building* or portion thereof used for manual or mechanical washing or cleaning of motor vehicles for gain.

### **Cellar - See Basement**

### **Cemetery**

Means a cemetery within the meaning and as regulated by the *Cemeteries Act* and includes a mausoleum, columbarium or other structure intended for the internment of human remains.

### **Chief Building Official**

Means an officer or employee of the Corporation of the Township of Nairn and Hyman charged with the duty of enforcing the provisions of the *Building Code Act*.

### **Clinic**

Means a *building* or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified physicians, dentists, optometrists, chiropractors, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

### **Commercial Greenhouse**

Means a *building* used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

### **Commercial Parking Lot – see *Parking Lot, Commercial***

### Commercial Vehicle

Means a commercial vehicle in excess of 3,178 kilograms gross weight (weight of vehicle plus load) and without limiting the foregoing shall include buses, tractors, front-end loaders, backhoes, but shall not include public utility vehicles.

### Communications Facility

Means an installation which transmits, receives and/or relays communications such as a microwave relay tower, significant antenna, telephone line, cellular telephone or wireless internet tower, radio or television broadcast tower or similar facility.

### Community Centre

Means any parcel of land or **building(s)** used for community activities whether used for commercial purposes or not, and the control of which is vested in the municipality, a local board or agent thereof.

### Compressed Gas Sales and Service

Means a commercial **building, use** or **structure** used for the legal sale, transfer and storage of gasses or fuels which are compressed, deeply refrigerated, liquefied or dissolved under pressure (e.g., propane, natural gas), and which are legally and properly kept in a retail store or a tank for storage incidental for the purpose of retail sales to the public.

### Conservation Use

Means the **use** of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

### Construction Yard or Contractor's Yard

Means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

### Continuum-of-Care-Facility

Means a **building** or a group of buildings which may include a senior citizens apartments building, a nursing home, a **long-term care facility**, home for the aged and facilities associated with, and designed specifically to serve the senior or disabled population such as clinics, retirement homes, recreation centres, cafeterias and personal service establishments, and may also include independent senior's accommodation in separate structures/living units that share in services such as meals.

### Convenience Store

Means a **building** or part of a **building** used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise as is required to fulfil the day-to-day needs of the surrounding community.

**Converted Dwelling** – see *Dwelling, Converted*

**Corner Lot** - see *Lot, Corner*

### Corporation

Means the Corporation of the Township of Nairn and Hyman.

### Council

Means the Council of the Corporation of the Township of Nairn and Hyman.

### Crisis Care Facility

Means a **building** or part thereof which is used to provide for the supervised residency of **persons** requiring immediate emergency shelter temporarily and without limiting the generality of the foregoing, includes a facility for battered or abused adults and/or children and/or elderly **persons**.

### Cultural Heritage Landscape

Means a defined geographical area of heritage significance which has been modified by human activities. Such an area is valued by a community, and is of significance to the understanding of the history of a people or place.

## 3.D

### Day Nursery

Means an establishment governed by the Day Nurseries Act that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

- (a) Under eighteen years of age in the case of a day nursery for children with a developmental disability; and
- (b) Under ten years of age in all other cases.

## Deck

Means a **structure** abutting a **dwelling** or **building** with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

## Detached

When used in reference to a **building**, means a **building** which is not dependent on any other **building** for structural support or enclosure.

## Development

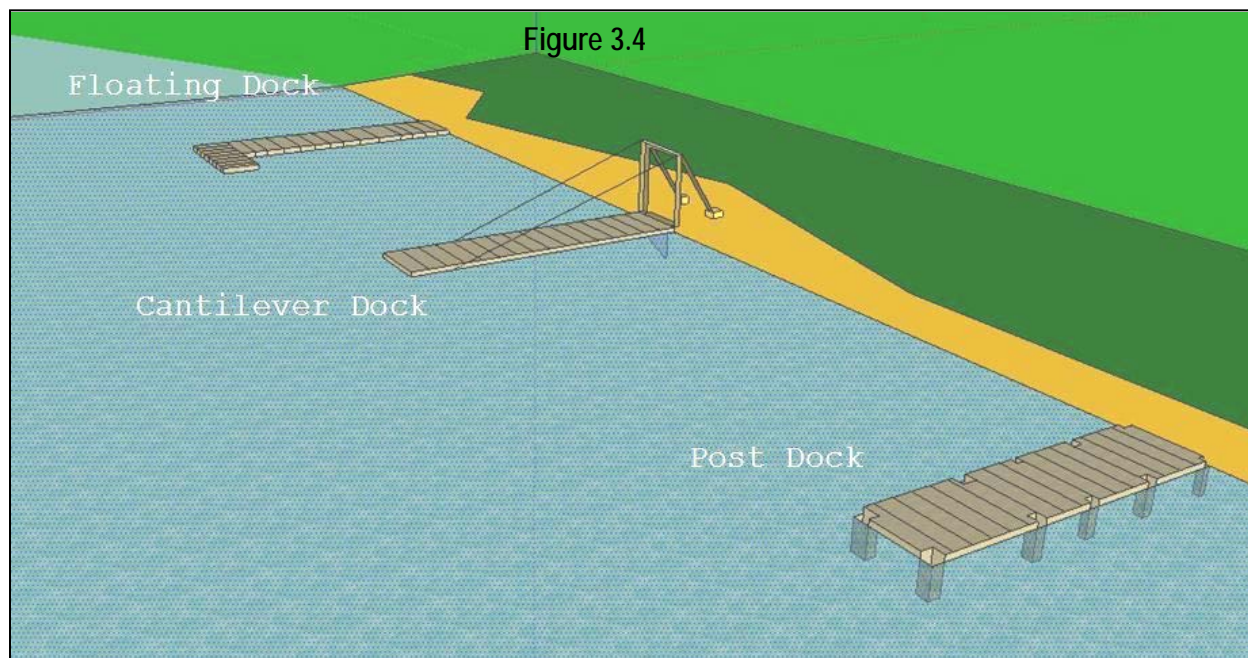
Means the creation of a new **lot**, a change in land **use**, or the construction of **buildings** and **structures** requiring approval under the *Planning Act* and shall be taken to include redevelopment, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands.

## Dock, Floating

Means an **accessory structure** used for the mooring of marine vessels which is designed to float freely on the surface of the **water body** and which may be secured to the **shoreline** (see Figure 3.4).

## Dock, Permanent

Means an **accessory structure** used for the mooring of marine vessels which is secured to the **shoreline** and/or the bottom of the **water body** by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent **structure** (see Figure 3.4).



## Driveway

Means a vehicular access connected to only one public street or thoroughfare, which provides ingress to and/or egress from one lot, but shall not include a lane as defined herein. This definition shall include a shared driveway where such driveway provides access to no more than two lots.

Duplex Dwelling – see *Dwelling, Duplex*

## Dwelling

Means a **building** occupied or capable of being occupied as the home or residence of one or more **persons**, where food preparation and sanitary facilities are provided, but shall not include a boarding house, **hotel**, **motel**, rental cottage or cabin or similar commercial use of a private or semi-private institution (see Figure 3.5) .

### Dwelling - Accessory

Means a **dwelling** which is incidental, subordinate and exclusively devoted to a main use and is located on the same **lot** therewith.

### Dwelling - Apartment

Means a **building** containing four (4) or more **dwelling units**.

### Dwelling - Apartment-in-a House (Accessory only)

Means a self-contained accessory **dwelling unit** in a **single detached dwelling** or a **semi-detached dwelling** and which has a separate entrance. An apartment-in-a-house shall be considered an **accessory use** to a main permitted **single detached dwelling** or **semi-detached dwelling**.

### Dwelling - Converted

Means a **dwelling** altered to contain a greater number of **dwelling units**, with each self-contained **dwelling unit** having a floor space of not less than 55 m<sup>2</sup> [592.0 ft<sup>2</sup>] (see Figure 3.5).

### Dwelling - Duplex

Means a building divided horizontally into two (2) **dwelling units**, each one having an independent entrance (see Figure 3.5).

Dwelling, Mobile Home - See **Mobile Home**

### Dwelling, Park Model Trailer

Means a manufactured **building** designed and constructed in conformance with CAN/CSA-Z241 Series M "Park Model Trailer, as set out in the *Building Code*, and is used or intended to be used for accommodation on a seasonal or recreational basis only.

### Dwelling - Seasonal

Means a ***dwelling*** constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof.

### Dwelling - Semi-detached

Means a ***building*** on a single foundation divided vertically into two (2) separate ***dwelling units*** by a common wall (see Figure 3.5).

### Dwelling - Single-detached

Means a ***detached building*** containing one (1) ***dwelling unit***, and shall include a ***modular home*** (see Figure 3.5).

### Dwelling Unit

Shall mean a ***building*** or a portion thereof occupied or capable of being occupied as the home or residence of one or more ***persons***, where food preparation and sanitary facilities are provided, but shall not include any part of a boarding house, hotel, motel, rental cottage or cabin or similar commercial use of a private or semi-private ***building*** or ***structure***.

## 3.E

### Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another.

### Equestrian Establishment

Means an establishment engaged in the operation of a horse riding academy or horse riding stables.

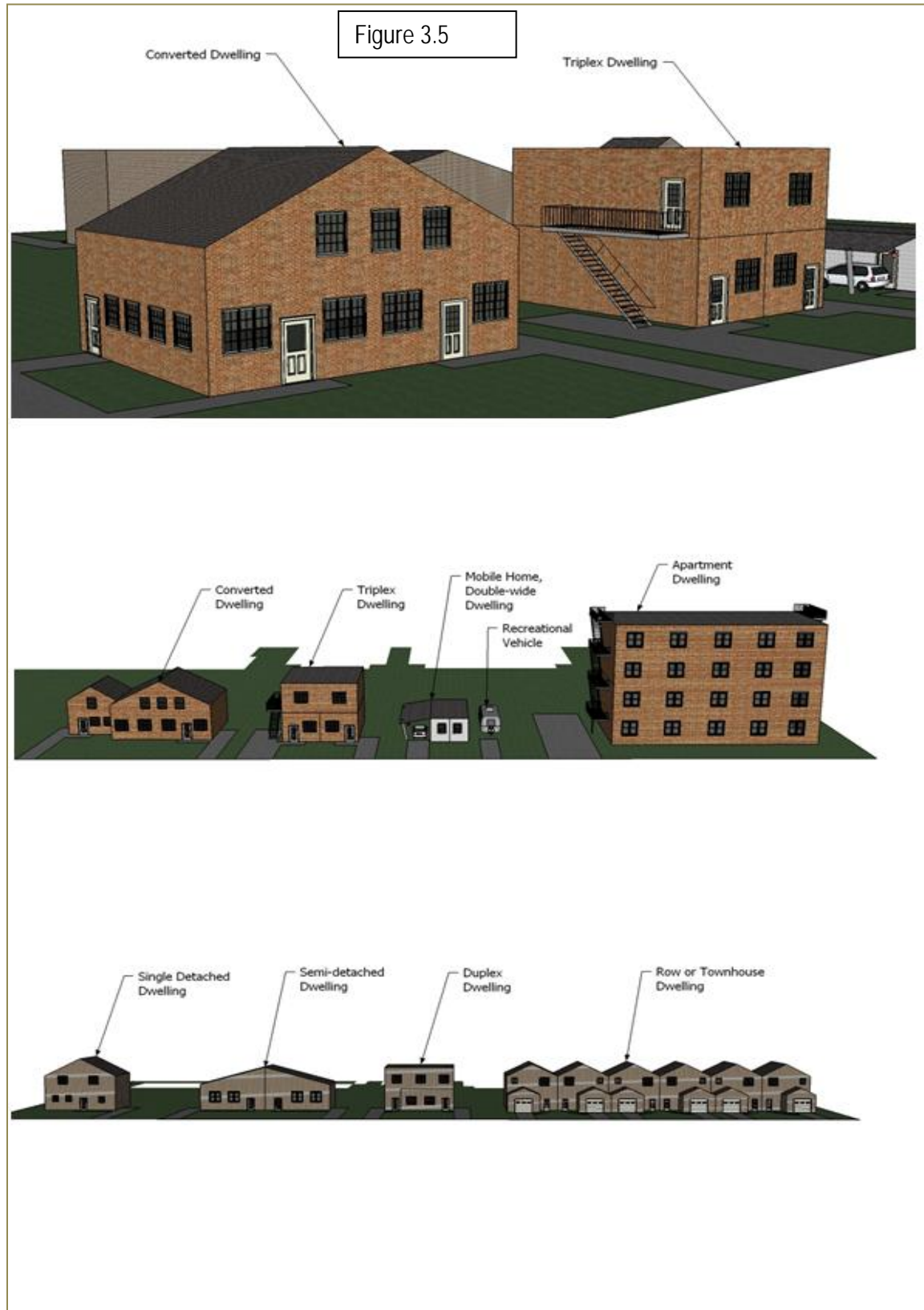
### Equipment Rental Establishment

Means a ***building*** or part of a building wherein the primary ***use*** is the rental of machinery, equipment, furniture and fixtures and other goods.

### Erect

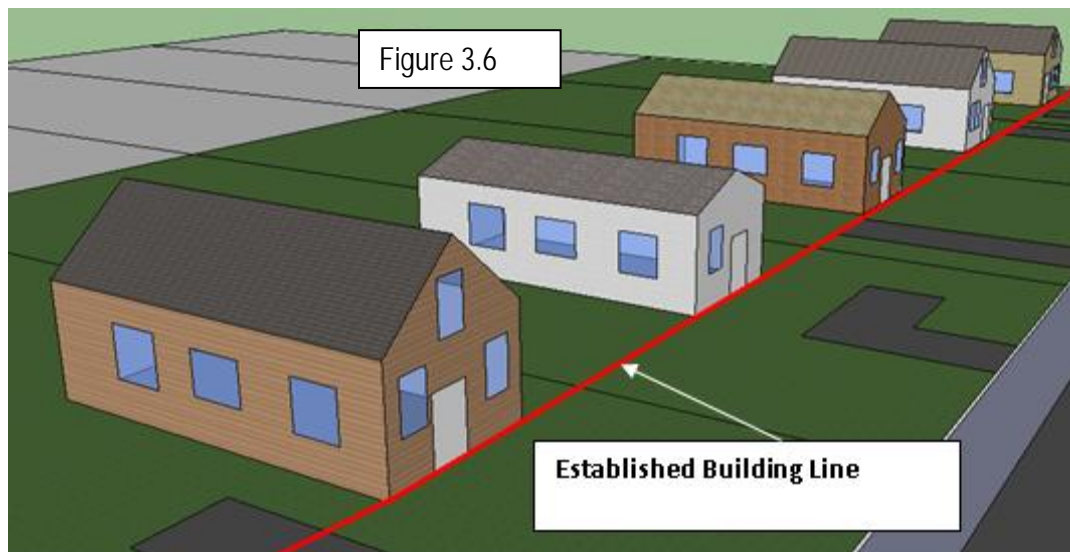
Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an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





## Established Building Line

Means the average **setback** from the **street line** of existing **buildings** on one side of a continuous 100 m [328.1 ft] strip of land where three (3) or more of the lots having street frontage upon the said side of the street have been built upon (see Figure 3.6).



## Established Grade

Means the average elevation of the finished level of the ground adjoining all of the walls of the **building** or **structure** exclusive of any artificial embankments or berms.

## Existing

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

**Exterior Side Lot Line** - see **Lot Line – Exterior Side**

**Exterior Side Yard** – see **Yard, Exterior Side**

## 3.F

### Farm

Means any **agricultural use** and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, commercial greenhouses, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals, fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storing of vegetables or fruit produced on the premises, nurseries, orchards, riding stables, the raising of sheep or uses or enterprises as are customarily carried on in the field of general agriculture. A farm may include a **single detached dwelling**, and such principle or **main buildings** and **structures** as a barn or silo, as well as **accessory buildings** and **structures** which are incidental to the operation of the farm.

**Farm, Hobby** – see **Hobby Farm**

**Farm Produce Outlet**

Means a use accessory to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

**Farmer's Market**

Means land, a **building** or **structure** where the farm products of a primarily produced in the Township and surrounding area are sold at retail from covered or uncovered areas designed for individual retailers.

**Feed Supply Outlet**

Shall mean a **building** or part of a building, structure or area used for the retail sale of animal feeds.

**Fence**

Means any barrier or **structure** constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

**Fish Habitat**

Means the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

**Flea Market**

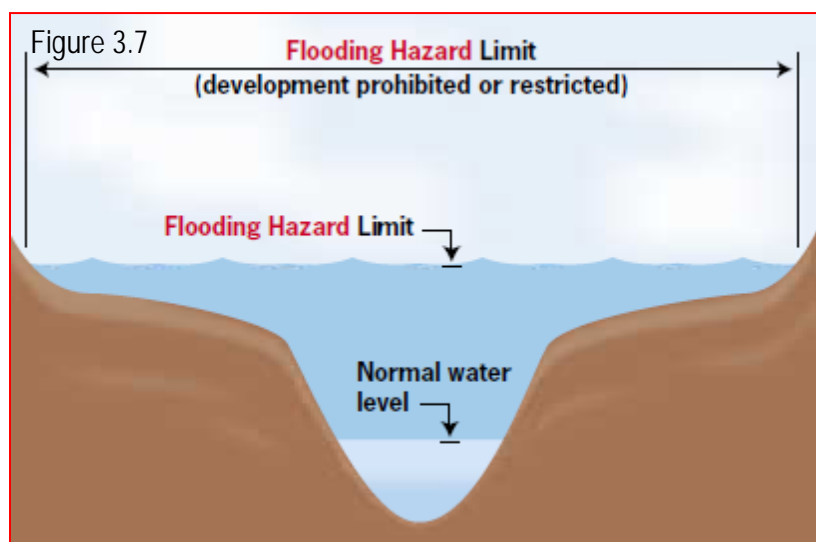
Means a street market composed of a series of individual retailer's booths or tables where sundry, new or secondhand articles, fresh produce or preserves are offered for sale.

**Floodline or Flood Elevation**

Means a line established by a one in one hundred year storm as established through flood plain mapping or by the Ministry of Natural Resources.

**Flooding Hazards**

Means the inundation of areas to a shoreline or a river or stream system and not ordinarily covered by water and is described as the one hundred year flood or major storm such as the Timmins Storm (1961) transposed over a specific watershed.



### **Flood Plain**

Means the area, usually low lands, adjoining a watercourse which has been, or may be subject to flooding hazards (see Figure 3.7).

### **Flood Proofing**

Means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

### **Floor Area - Gross**

Means the total area of each floor measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

### **Floor Area - Net**

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the **building** or **structure** but shall not include:

- a) Any private garage, **porch**, **veranda**, and unfinished **basement**, **cellar** or attic;
- b) Any part of the **building** or **structure** below grade which is used for building services, storage or laundry facilities; or
- c) Any part of the **building** or **structure** used for the storage or parking of motor vehicles.

### **Forestry Use**

Means an area used for the cultivating, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silviculture practices provided any splitting or sale of timber originates solely on the same **lot** therewith as accessory uses thereto.

### **Fortified Building**

Means a facility, **building** or **structure** or part thereof used, constructed and/or built with fortified elements or protective elements.

**Front Lot Line** – see **Lot Line, Front**

**Front Yard** – see **Yard, Front**

### **Fuel Depot**

Means land, **building** or **structures** used for the bulk storage, distribution and sale of gasoline, propane, heating oil or motor oil.

### 3.G

#### Garage - Parking

Means an enclosed **structure** used for the temporary parking of five or more vehicles and available for public use either free, for compensation or as an accommodation to customers.

#### Garage - Private

Means an accessory **building** or portion of a main **building** including a carport which is designed or used for parking or storage of motor vehicles of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial **use**.

#### Garden Centre

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

#### Garden Suite

Means a one-unit detached residential **structure** containing sanitary and kitchen facilities that is ancillary to an existing residential **structure** and that is designed to be portable.

#### Gasoline Bar or Gas Bar

Means one or more pump islands, each consisting of one or more gasoline/diesel/biofuel fuel pumps, and a shelter having a floor area of not more than 10 m<sup>2</sup> [107.6 ft<sup>2</sup>] which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles.

#### Gasoline Card Lock Facility

Means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

#### Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, a driving range, **buildings** and **structures** as are necessary for the operation and maintenance of the golf courses such as a club house, **restaurant**, banquet hall but does not include a **miniature golf course** and similar **use** operated for commercial purposes.

#### Green Roof

Means a roof of a **building** where part of or the entire surface of the roof is intentionally covered with vegetative material.

**Gross Floor Area** – see *Floor Area, Gross*

### **Group Home**

Means a single housekeeping unit in a residential ***dwelling***, which is registered with the Municipality, in which three (3) to ten (10) ***persons*** (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws.

### **3.H**

### **Habitable Room**

Means a room in a ***dwelling*** used or intended to be used primarily for human occupancy.

### **Hazardous Sites**

Means property or lands that could be unsafe for development and ***site alteration*** due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

### **Helipad**

Means a landing area or pad used for the landing and take-off of helicopters as further governed under the Canadian Aviation Regulation 325 under the Aeronautics Act.

### **Heliport**

Means a landing area or pad used for the landing and take-off of helicopters and shall include all necessary and incidental emergency services facilities, fuelling facilities and passenger and cargo facilities and as further set out under the Canadian Aviation Regulation 325 under the Aeronautics Act.

### **High Water Mark**

Means the mark made by the action of water under natural conditions on the shore or bank of a ***water body***, 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.

### **Highway**

Means an improved public road under the jurisdiction of the Provincial government.

### **Home for the Aged**

Means a nursing or convalescent home for elderly people or a ***Long Term Care Facility***.



## Hobby Farm

Means lands on a **lot** which has a minimum lot area of 2 ha [4.9 ac] and upon which an agricultural use building may be erected to house not more than four (4) nutrient units (as defined in the Minimum Distance Separation (MDS) Formulae Guidelines as amended) which are kept for recreational purposes or for home consumption by the occupants of the dwelling on the same lot, and which are clearly secondary and **accessory** to the permitted residential **use**.

## Home Based Business

Means any privately operated legal occupation, enterprise or business which is carried out as a use clearly **accessory** or secondary to the main residential or **agricultural use** of a property and which is compatible with the character of surrounding residential buildings or setting and is owned and operated only by a **person** or **persons** residing on the property (see **Section 4.16**)

## 3.1

### Industrial Uses, Light - Class I Industry

Means a place of business for a small scale, self contained plant or **building** which produces, manufactures, assembles or stores a product which has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

### Industrial Uses - Class II Industry

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard.

### Industrial Uses, Heavy - Class III

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit and potential adverse effects on the environment or the surrounding areas and public health.

## Institutional Use

Means the **use** of land, **buildings**, **structures** or parts thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical or health services, benevolent objectives or public service and which is not operated for profit or gain.

### 3.K

#### Kennel

Means a **building** or **structure** operated as a commercial **use** where animals, birds or other livestock intended or used as domestic household pets or for working or sporting purposes and are kept, bred or boarded or trained and where medical treatment may be provided and shall include an animal shelter or pound.

### 3.L

#### Landscaped Open Space or Landscaped Strip

Means:

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

#### Lane

Means a subsidiary public thoroughfare or way which affords a secondary means of access to abutting property. A lane may serve as the primary access to a property in circumstances where a laneway is the only possible means of access to a property

#### Laundromat

Means a **building** or part thereof where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

#### Library

Means a **building** or part thereof where educational material (e.g. books, films, music, audio-visual, magazines) are made available for public display and are lent to the public.

#### Licensed Refreshment Sales Vehicle

Means a vehicle which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling or sale of foodstuffs or beverages within or from the vehicle and may include exterior seating e.g. picnic tables.

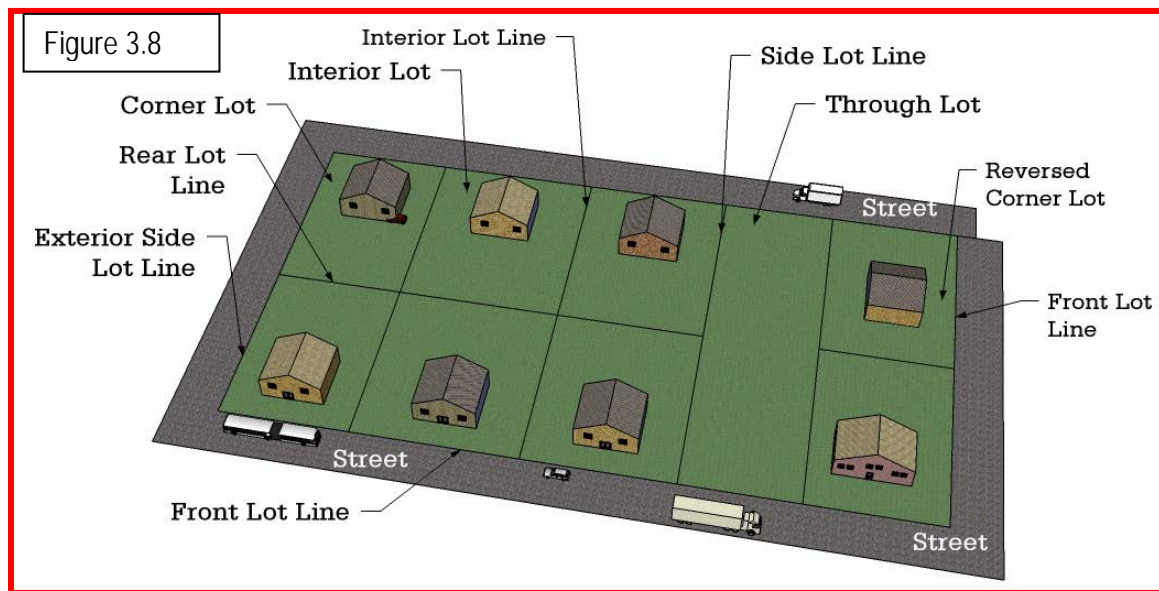
## Livestock Facility

Means one or more barns or permanent **structures** with livestock-occupied portions, intended for keeping or housing of livestock and which complies with the Minimum Distance Separation Formula II. A livestock facility also includes all manure or material storage and anaerobic digesters.

Long-Term Care Facility – see *Continuum of Care Facility*

## Lot

Means a parcel of land which is capable of being legally conveyed in accordance with Section 49 of the *Planning Act*, R.S.O. 1990 (see Figure 3.8).



## Lot Area

Means the total horizontal area measured within the limits of the lot lines of the **lot**.

## Lot, Corner

Means a **lot** situated at an intersection of two (2) or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees.

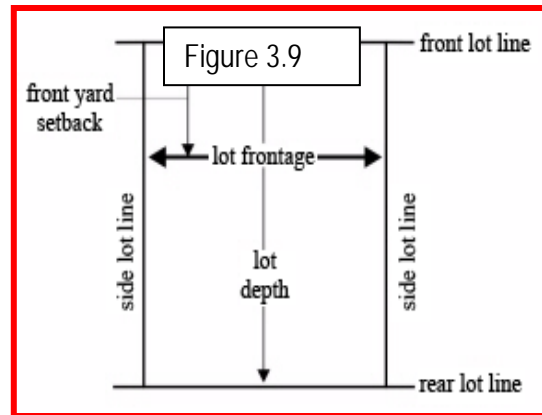
Where such **street lines** are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the **street lines**, drawn through the extremities of the **side lot lines**. In the latter case, the corner of the **lot** shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents (see Figure 3.8).

## Lot Coverage

Means the percentage of the **lot area** covered by the ground floor area of all buildings located on the lot.

## Lot Depth

Means the horizontal distance between the *front* and *rear lot lines*. If the *front* and *rear lot lines* are not parallel, "lot depth" means the length of a straight line joining the middle of the *front lot line* with the middle of the *rear lot line*. If there is no *rear lot line*, "lot depth" means the length of a straight line joining the middle of the *front lot line* with the apex of the triangle formed by the *side lot lines* (see Figure 3.9).



## Lot Frontage

Means the horizontal distance between the *side lot lines*. Where such *side lot lines* are not parallel, it shall be the width of a *lot* measured between the intersections of the side lot lines with a line 7.5 m [24.6 ft] back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines (see Figure 3.9).

## Lot, Interior

Means a *lot* other than a corner or a through lot which has frontage on a *public street* (see Figure 3.8).

## Lot Line

Means a boundary line of a *lot* (see Figure 3.8 and Figure 3.9).

## Lot Line - Exterior Side

Means a *lot line* located between the *front* and *rear lot lines* and dividing the *lot* from a street (see Figure 3.8).

## Lot Line, Front (see Figure 3.8 and Figure 3.9)

Means:

- (a) In the case of an *interior lot*, the line dividing the *lot* from the *street line*;
- (b) In the case of a *corner lot*, the shorter lot line abutting a street shall be deemed to be the front lot line;
- (c) In the case of a *corner lot* with two street lines of equal lengths, the *lot line* that abuts the wider street, or abuts a Provincial highway shall be deemed to be in the *front lot line*, and in the case of both streets being under the same jurisdiction and of the same width, the *lot line* where the principal access to the lot is provided shall be deemed to be the *front lot line*;
- (d) In the case of a *lot* with water access only, the *front lot line* shall be on the water side. In the case of a through waterfront *lot* with water access only, the longest *shoreline* shall be deemed to be the *front lot line*; and

- (e) In case of a **lot** with frontage on a **public street** or **private road** and on a **water body**, the front lot line shall be measured both on the street line and on the water side.

#### **Lot Line, Interior Side**

Means a **lot line** other than a **front**, **rear** or **side exterior lot line** (see Figure 3.8 and Figure 3.9).

#### **Lot Line, Rear**

Means the **lot line** furthest from, and opposite to, the **front lot line** (see Figure 3.8 and Figure 3.9).

#### **Lot, Through**

Means a **lot** having a frontage on two parallel or approximately parallel streets (see Figure 3.8).

#### **Lot Width**

Means the average horizontal dimension between the two longest opposite sides.

#### **Lumber Yard**

Means a **lot** and **accessory buildings** or **structures** where the primary **use** is the storage of construction grade wood and building supplies for sale at retail or wholesale.

### **3.M**

**Main Building** – see **Building, Main**

#### **Main Wall**

Means any exterior wall of a **building** and all structural members essential to the support of a fully enclosed space of roof exclusive of permitted projections.

#### **Manure or Material Storage**

Means permanent storage, which may or may not be associated with a livestock facility containing liquid manure (<18% dry matter), solid manure ( $\geq$  18% dry matter), or digestate (< 18% dry matter). Permanent storages may come in a variety of locations, materials, coverings, elevations, configurations and shapes.

#### **Marina**

Means a **lot**, **building**, and/or **structure** on a water body with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of boat accessories, marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an **accessory use** may be provided.

### Marine Facility

Means a non-commercial **accessory building** or **structure** which is used to moor, berth, or store a boat. This definition may include a boat launch, a boat lift, marine railway, a float hangar, **dock** or **boathouse**, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

### Mine Hazard

Means any feature on a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

### Mineral Aggregate Operation

Means:

- (a) Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- (b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### Mineral Deposits

Means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present and future extraction.

### Mineral Mining Operation

Means a mining operation and associated facilities, or, a past producing mine with remaining mineral development potential that has not been permanently rehabilitated to another use.

### Miniature Golf Course

Means an area of land, **building** or **structure** or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to stimulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

### Minimum Distance Separation Formulae I and II

Means formulae developed by the Province to separate **uses** so as to reduce incompatibility concerns about odour from livestock facilities.

### Mobile Home

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

otherwise designed. All mobile homes shall comply with the Canadian Standards Association Standards No. Z240 (see also ***Recreational Vehicle***).

### **Mobile Home Park**

Means land which has been provided and designed for the location thereon of two (2) or more occupied mobile homes.

### **Modular Home**

Means a ***single detached dwelling*** consisting of two or more modules which has been prefabricated or manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a ***Mobile Home*** or a ***Park Model Trailer*** as otherwise defined.

### **Motel**

Means a ***building*** or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

### **Municipality**

Means the Municipality of the Township of Nairn and Hyman.

## **3.N**

### **Natural Heritage Features and Areas**

Means features and areas, including significant wetlands, fish habitat, significant habitat of endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

### **Negative Impacts**

Means:

- (a) In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity; and
- (b) In regard to water, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive ***development*** or ***site alteration*** activities; and
- (c) In regard to other ***natural heritage features and areas***, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive ***development*** or ***site alteration*** activities.

**Net Floor Area** – see **Floor Area, Net**

**Non-Complying**

Means any **building, structure** or **lot** existing prior to the passing of this By-law which does not comply with one or more zone requirements and standards of this By-law (see also **Non-Conforming**).

**Non-Conforming**

Means any use of a **building, structure** or **lot** existing prior to the passing of this By-law, which does not conform with the permitted use provisions of the Zone in this By-law in which the **use, building, structure** or **lot** is located (see also **Non-Complying**).

**Nursery**

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. (See also **Commercial Greenhouse**)

**Nursing Home, Home for the Aged, or a Long Term Care Facility** – See **Continuum-of-Care Facility**

**Nutrient Unit**

An amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the *Nutrient Management Act*, 2002).

**3.0**

**Occupancy Permit**

Means a permit issued under the authority of the *Planning Act* by the Chief Building Official which indicates that the proposed **use** of land or any **building** or **structure** on any such land is in conformity with this By-law.

**Official Plan**

Means the Official Plan of the Township of Nairn & Hyman Planning Area or parts thereof and amendments thereto.

**Office**

Means a **building, structure** or part thereof used for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities.



### Open Space

Means the open, unobstructed space on a **lot** including landscaped areas, pedestrian walkways, patios, pools or similar areas but not including any driveway, ramp, parking spaces or aisles, loading spaces or manoeuvring areas and similar areas.

### Outside Storage

Means the storage or display of goods, merchandise or equipment outside of a **building** or **structure** on a **lot** or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a **lot**, a **parking area** or **parking space** or the **outdoor display** of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

### Organic Soils

Means soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the break down of vegetative material. As a result, these soils may not contain sufficient strength to support a **building** or **structure** (see also **Hazardous Sites**).

## 3.P

### Park

Means an area of land, whether enclosed or not, maintained by the Municipality or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park with tourist campground facilities.

**Park - Private** (see Recreational Commercial Establishment)

**Park Model Trailer** (see Dwelling - Park Model Trailer)

### Parking Aisle

Means a portion of a private **parking area**, or a **commercial parking lot**, or a private or a commercial parking structure which abuts a **parking space** on one or more sides and which provides access from the **parking space** to a street or lane and which is not used for vehicular parking.

### Parking Area

Means a **lot** or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all zones, and shall not include the storage or parking of four (4) or more motor vehicles for hire and gain, display or for sale.

### Parking Lot - Commercial

Means a **lot** or portion thereof used for the temporary storage or parking of four (4) or more vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

### Parking Space

Means an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

### Person

Shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a **person** to whom the context can apply according to law.

### Personal Service Establishment

Means an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, shoe repair, photographic store, **laundromat** or a dry cleaning distribution station or a similar use.

### Pit

Means land or land under water from which aggregate as defined herein is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a **building** or a **structure** for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

### Place of Amusement

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or arcade, billiard or pool room, pinball machines and video games but does not include an **adult entertainment parlour**, casino or bingo hall. (See also **Bingo Hall**)

### Place of Assembly

Means a **building** specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

### Place of Worship

Means a **building** or an open area dedicated to religious worship.

### Playground

Means a **park** or part thereof which is equipped with active recreational facilities oriented to children.

### Porch or Verandah

Means a covered entrance to a **building** usually with a separate roof and unenclosed and is used as an outdoor living space.

### Portable Asphalt/Concrete Plant

Means a facility:

- (a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and/or to mix cementing materials, *aggregate*, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- (b) Which is not of permanent construction but which is to be dismantled and moved to another location as required.

### Private Club

Means a *building* or part of a *building* used as a meeting place by an association of *persons* who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes but does not include a *fortified building*.

### Private Road

Means a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

### Produce Grading Station or Storage Facility

Shall mean the use of land and or *buildings* or *structures* for the storing or grading of farm produce such as grains, eggs, fruits and vegetables.

### Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable *water body* (see also *Marine Facility*).

### Public Authority

Means the Township of Nairn and Hyman and any Boards or Commissions thereof and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

### Public Street

Means a public or common highway affording principal means of access to abutting properties which has been assumed by a public authority.

## Public Service Use

Means a **building, structure** or **lot** used for public services by the Township of Nairn and Hyman and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, telegraph or railway company, any company supplying natural gas, Ontario Hydro Networks, Ontario Power Corporation any Conservation Authority, Public Utilities Company or similarly recognized agencies.

## Public Utility

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, **buildings** or equipment required for the administration or operation of any such system and which is operated by a public authority or a publicly governed company.

## 3.Q

### Quarry

Means any licensed open excavation made for the removal aggregate (as defined), but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

## 3.R

Rear Lot Line – see **Lot Line, Rear**

Rear Yard – see **Yard, Rear**

## Recreational Commercial Establishment

Means 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 skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses but does not include a casino or bingo hall.

## Recreational Vehicle

Shall mean any vehicle so constructed that 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 basis for living, sleeping or eating accommodation of **persons**. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, campers, motor homes but does not include recreational equipment such as boats, snowmobiles, **personal** water craft, all terrain vehicles or other equipment used for recreational purposes.

### Recreational Vehicle Sales and Storage and Repair

Means a building and/or lot which is used for the repair, display, storage and/or sale of boats, trailers, campers, snowmobiles and other recreational vehicles or recreational equipment.

### Recycling Depot or Transfer Station

Means a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system. (See also **Waste Management Facility**)

### Redevelopment

Means the removal or rehabilitation of *buildings* or *structures* and the construction, reconstruction or erection of other *buildings* or *structures* in their place.

### Restaurant

Means a *building* or *structure* where food is prepared and offered for sale to the public for consumption within or outside the *building* or *structure* or off the premises.

### Retail Store

Means a *building* wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein.

### Road (See *Public Street*)

## 3.S

### Salvage Yard

Means 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 further use, dismantled or abandoned. This definition may include a junk yard, a scrap metal yard, a recycling depot and an automobile wrecking yard on the premises.

### Sauna

Means an *accessory building* or *structure* wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a *boat house*.

### Sawmill or Planing Mill

Means a *building*, *structure* or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

## School

Means an institutional facility for education or instruction as defined in the *Education Act* or the *Ministry of Training Colleges and Universities Act*.

## School, Private

Means an educational establishment, other than a *School*, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.

## Seating Capacity

Means the number of *persons* which can be accommodated in a *building* or *structure* or part thereof in a seated position on chairs, benches, forms or pews.

## Self-Storage Facility

Means a commercial *building* or part of a *building* wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

## Semi-Detached Dwelling – See *Dwelling, Semi-Detached*

## Sensitive Land Use

Means *buildings*, amenity areas or outdoor spaces where routine or normal activities occurring as reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby facilities and includes a *dwelling, day care centre*, an educational or health facility.

## Septage or Communal Disposal System

Means a pond or system used to store or treat sewage from septic or communal sewage disposal systems.

### Service Outlet

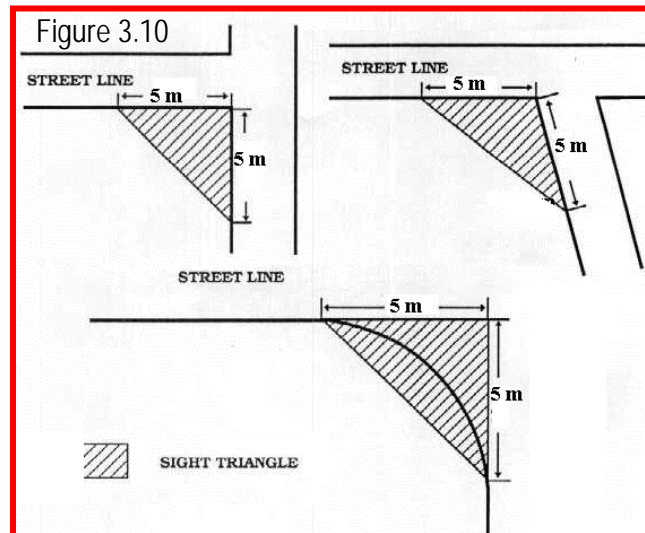
Shall mean a *building* whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof. Automotive repairs and services are not permitted under this definition.

## Setback

Shall mean:

- (a) With reference to a road or street, the least horizontal distance between the *front lot line* and the nearest building line.
- (b) With reference to a *water body*, the least horizontal distance between the *high water mark* of the *water body* and the nearest building line.

- (c) With reference to a **building, structure** or land use and not applicable under paragraph (a) or (b), shall mean the least horizontal distance from the **building, structure** or land use in question.
- (d) With reference to a private road, the least horizontal distance between the shoulder of the travelled portion of the road and any **building or structure**, or the limit of the road as shown and measured on a survey.



## Sewage and Water Systems

### a) Full Municipal Sewage and Water Services:

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

### b) Communal Services

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

- Are not connected to full municipal sewage and water services;
- Are for the common use of more than five residential units/lots; and
- Are owned, operated, and managed by a municipality or, another public body, or
- A condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the *Planning Act*, providing for municipal/public body assumption of the communal services in the event of default by the owner.

### c) Individual On-Site Systems

Means individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located, and which do not serve more than five residential units/lots.

### d) Partial Services

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

### Shooting Range or Rifle Club

Means land, **buildings**, **structures** or premises used for recreational target and/or commercial practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization or individual.

### Shoreline

Means a **lot line** or portion thereof which abuts or parallels the **high water mark** of a **water body** or wetland (see also **High Water Mark**).

### Shoreline Structure

Means a **boat house** (wet or dry), a float plane hangar, a **sauna** or steam bath, a **dock** or wharf, a gazebo, a utility or storage shed or a viewing deck.

**Side Lot Line** – see **Lot Line**, **Side Exterior** and **Lot Line**, **Side Interior**

**Side Yard** – see **Yard**, **Side**, **Yard**, **Side Interior** and **Yard**, **Side Exterior**

### Sight Triangle

Means a triangular space, free of **buildings**, **structures** and obstructions, formed by the street lines abutting a **corner lot** and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the **street lines** as specified in this by-law (see Figure 3.10).

**Single-Detached Dwelling** – see **Dwelling**, **Single Detached**

### Sign

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

- (a) Is a **structure**, or part of a **structure**, or which is attached thereto or mounted thereon; and
- (b) Which is used to advertise, inform, announce, claim, give publicity or attract attention.

### Site Alteration

Means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. Site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act.

### Skateboard Park

Mean a **building** or **structure** or part thereof or an area of land occupied by structures used in skateboarding, roller skating, roller blading, BMX riding or other similar activities, such structures including ramps, half-pipes, rails, etc. A skateboard park may be part of a **park**.



### Sleep Cabin

Means an **accessory building** or **structure**, not exceeding 37 m<sup>2</sup> (400 ft.<sup>2</sup>) in **gross floor area**, located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities.

### Storey

Means that portion of a **building** other than a **basement or cellar** included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

**Street** – see **Public Street** or **Private Road**

### Street Allowance

Shall have a corresponding meaning to that of **Public Street** or **Private Road**.

### Street Line

Means the limit of the **road** or **street allowance** and is the dividing line between a **lot** and a **Public Street** or **Private Road**.

### Structure

Means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a **recreational vehicle** and a sewage disposal system but does not include a fence, hedge or free standing wall.

### Studio

Means a **building** or part thereof used,

- (a) as the workplace of a photographer, artist, or artisan or
- (b) for the instruction of art, music, languages or similar disciplines.

### Swimming Pool

Means an open or covered pool used for swimming, wading, diving or recreational bathing which is at least 50 cm (19.6 inches) in depth, and may include a hot tub or whirlpool.

## 3.T

### Tailings Management Area

Means areas, lands, **buildings**, or **structures** which have been used for mining in the past and which are hazardous due to effluent from past mining activities. A tailings management area may include engineered structures designed to control water and tailings.

### Tavern or Road House

Means an establishment within the meaning of and licensed under the *Liquor Licence Act* but shall not include an establishment where entertainment or services are provided which appeal or are designed to appeal to erotic or sexual appetites or inclinations.

### Temporary Living Quarters

Means a **recreational vehicle**, **mobile home**, camper trailer or similar vehicle or shelter, utilized as living quarters on a short term basis only and occupied by a contractor or householder while a permanent residence or a non-residential **building** is being constructed on the same **lot**, such temporary use being valid only for the life of the building permit for the permanent **structure** as determined by the Building Official.

Through Lot – see **Lot, Through**

### Tourist Establishment

Means premises or **buildings** to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a **motel**, lodge or **bed and breakfast**, and rental cottage or cabin where more than 3 such rental units occupy the same property, including **accessory** uses such as dining, meeting and beverage rooms and similar uses.

### Tourist Outfitters Establishment

Means an establishment which operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to **persons** in connection with angling, hunting, **camping** or other similar recreational purposes.

### Township

Means the Corporation of the Township of Nairn and Hyman.

### Trailer (see Recreational Vehicle)

### Transportation Depot

Means land, or a **structure** or a **building** where commercial vehicles are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, **structure** or **building** may be used for the storage and/or distribution of goods, wares, and merchandise.

### Transfer Station (See Recycling Depot)

### 3.U

#### Use

Means the purpose for which a *lot* or a *building* or a structure is designed, arranged, occupied or maintained.

### 3.V

#### Vehicle

Means an automobile, commercial vehicle, truck, recreational vehicle,, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car.

#### Veterinary Establishment

Means a *building* or part of a building used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment and may include a *kenel*.

#### Video Rental Outlet

Means a *building* or part of a *building* wherein the primary use is the rental of video tapes and may include the rental of DVDs, blue-ray discs, video cassette recorders, video cameras and video games. (See also *Adult Video Rental Outlet*).

### 3.W

#### Warehouse

Means a *building* or *structure* or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

#### Waste Management Facility

Means a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations, processing sites and recycling depots, compost sites, hauled sewage or sewage disposal sites and sewage lagoons.

#### Water Access Only Lot

Means a *lot* that is accessed by a navigable *water body*.

#### Water Body

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

### **Water Frontage**

Means a **lot** which has one or more **lot lines** abutting a navigable watercourse, bay or lake.

### **Wayside Pit**

Means land from which unconsolidated aggregate is removed by means of open excavation for use in a public undertaking.

### **Wayside Quarry**

Means a place from which consolidated aggregate is removed by means of open excavation for use in a public undertaking.

### **Well Drilling Establishment**

Shall mean the use of land and or **buildings** or **structures** used for the purposes of providing a well-drilling service.

### **Wetland**

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

### **Wildlife Habitat**

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

### **Workshop or Custom Workshop**

Means a **building**, **structure** or part thereof where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

### **Wrecking Yard (see Salvage Yard)**

### 3.Y

#### Yard

Means the area between a main wall of a building and a lot line that, except for landscaping or **accessory buildings** and projections specifically permitted elsewhere in this by-law, is unobstructed above grade. (See Figure 3.11).

#### Yard, Front

Means a **yard** extending across the full width of the lot between the **front lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a **main building** closest to the **front lot line**.

#### Yard, Rear

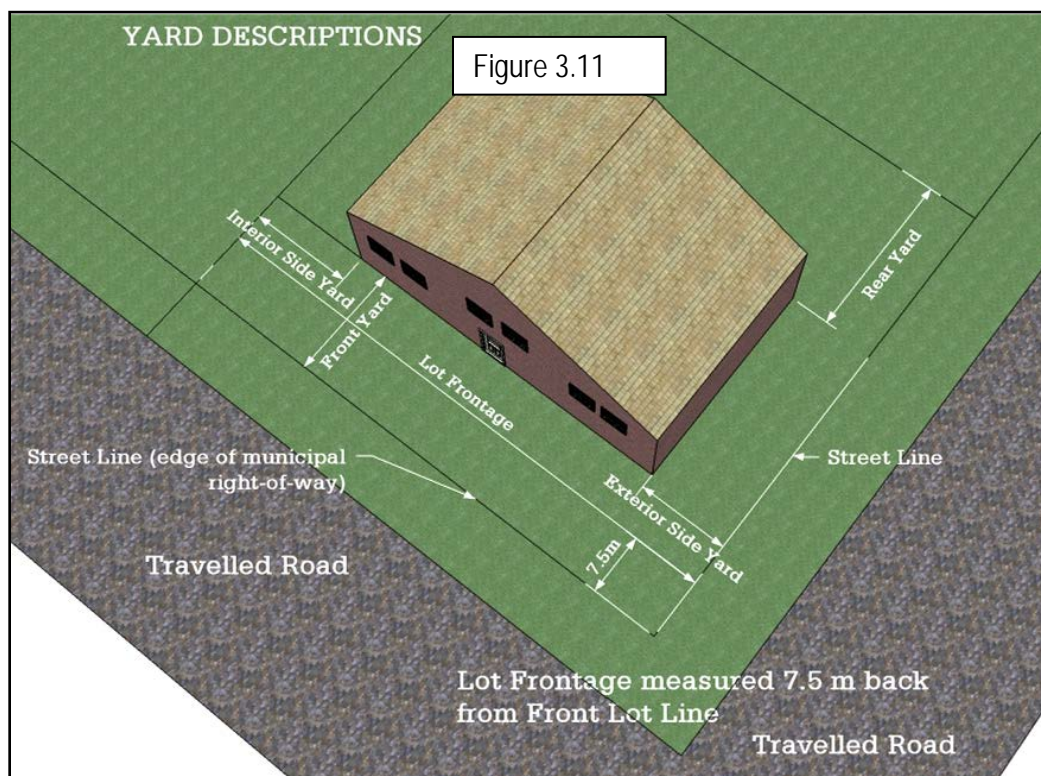
Means a **yard** extending across the full width of the lot between the **rear lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of the **main building** closest to the **rear lot line**. Where there is no rear lot line, the Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building.

#### Yard, Side

Means a **yard** extending from the **front yard** to the rear yard between the **side lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a **building** closest to the **side lot line**.

#### Yard, Side Exterior

Means a **side yard** adjacent to a **public street** (see Figure 3.11).



### Yard, Side

Means a **yard** extending from the **front yard** to the **rear yard** between the **side lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a **building** closest to the **side lot line**.

### Yard, Side Exterior

Means a **side yard** adjacent to a public street (see Figure 3.11).

### Yard, Side - Interior

Means a **side yard** other than an exterior side yard (see Figure 3.11).

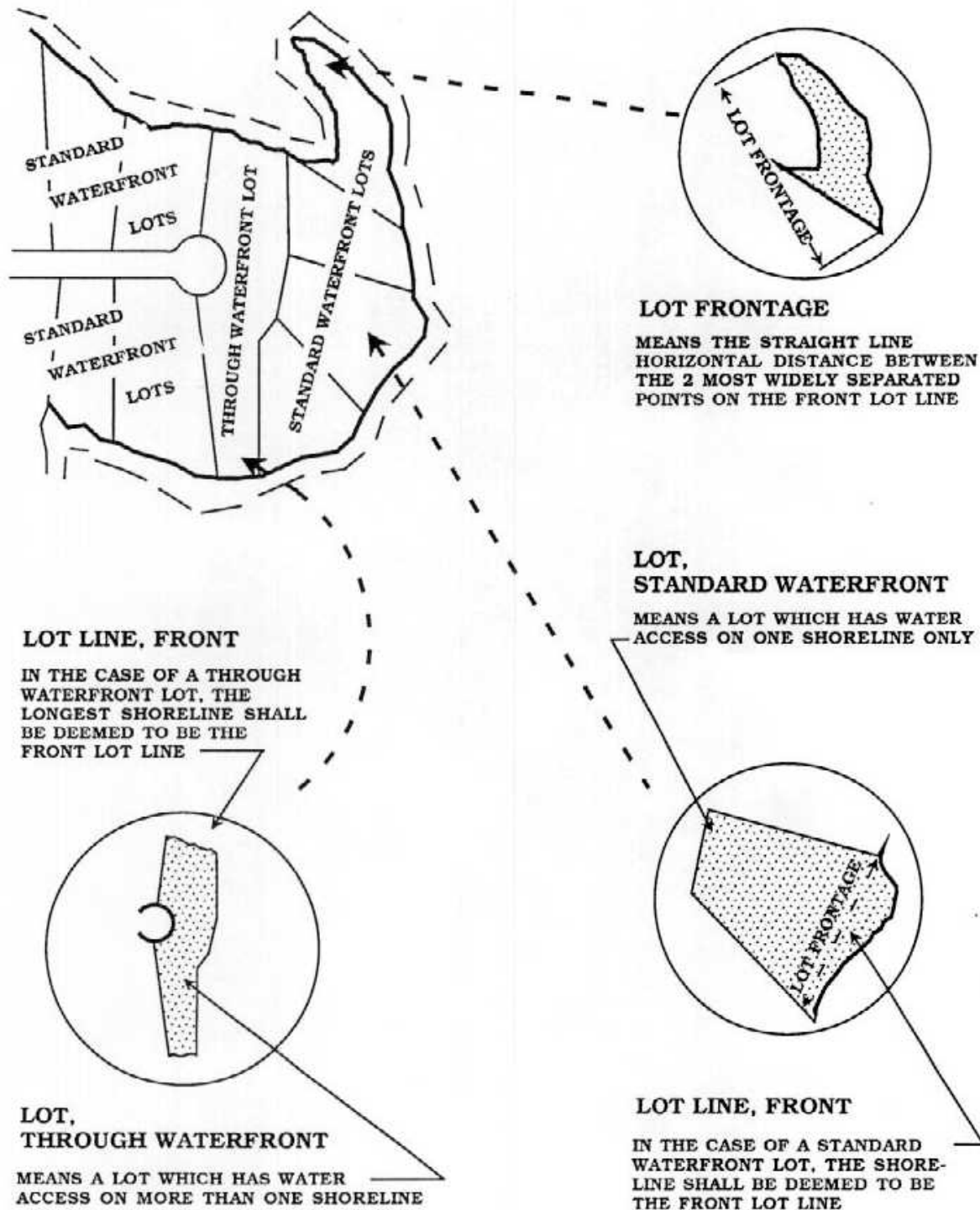
## 3.7

### Zone

Means a designated area of land use demarcated on the Schedules attached hereto.

Figure 3.12

## ILLUSTRATION OF DEFINITIONS RELATED TO WATERFRONT LOTS



## 4.0 GENERAL PROVISIONS

### Explanatory Note

*The General Provisions section of the By-law states the regulations which apply regardless of the specific zoning (Section 5). Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.*

### 4.1 Accessory Buildings, Structures and Uses

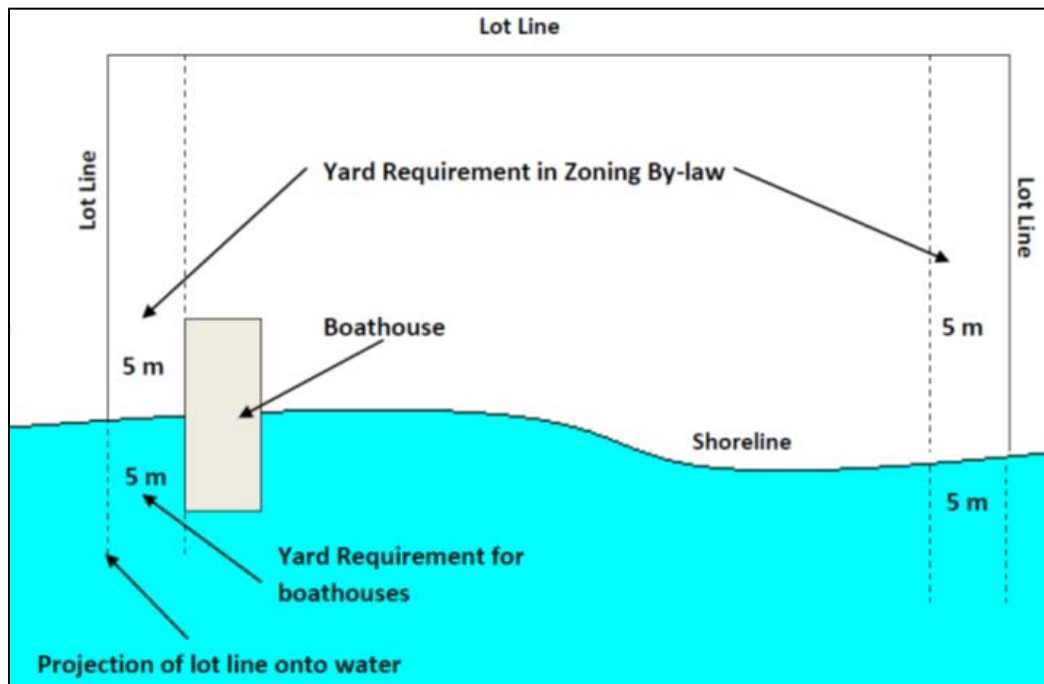
4.1.1 Where a **lot** is devoted to a permitted **use**, customary **accessory uses**, **buildings** and **structures** are permitted provided that: (see Figure 3.1)

- (a) All **accessory uses**, **buildings** and **structures** to a permitted main **use** or **main building** shall be located on the same **lot** and in the same **zone** as the main use;
- (b) The use of any **accessory building** or **structure** for human habitation is not permitted except where specified in this By-law;
- (c) No **accessory use**, **building** or **structure** shall be **erected** closer to the **front lot line** or the **exterior side lot line** than the minimum **front yard** and **exterior side yard** setbacks required for the **main building**;
- (d) Any **building** or **structure** which is attached to the **main building** shall not be considered an **accessory building** or **structure**;
- (e) Except where specified otherwise, no **accessory building** or **structure** shall be **erected** closer than 1.5 m [4.92 ft] to any **interior side lot line**, **rear lot line** or the **main building**. This provision shall be exempted:
  - i) For **lots** with water frontage subject to the provisions of the Rural Residential (R3) Zone and to Section 4.1.1(g);
  - ii) For a shelter for use by children waiting for a school bus, if such is located in a rural **zone**; and
  - iii) For any **farm produce outlet** having a **gross floor area** of less than 9.3 m<sup>3</sup> [100 ft<sup>2</sup>], if such use is located in a rural **zone**.
- (f) **Accessory uses**, excluding open **swimming pools**, shall not cover more than 5 % of the lot area in any zone nor more than 45% of any **rear yard** nor shall any **accessory building** exceed a **gross floor area** of 125 m<sup>2</sup> [1,345.5 ft<sup>2</sup>]. This shall be calculated as part of the maximum **lot coverage** permitted in any **zone**; and
- (g) Despite Section 4.1.1 (c) above, a **boat house**, **dock** or wharf may be located in the **front yard**, **side yard** or **rear yard** where a lot abuts a navigable waterway, provided that the



approval of any governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 5.0 m [ to the nearest adjacent **lot line** and does not encroach on adjacent frontage when the **lot** boundaries are extended into the water (see Figure 4.1).

Figure 4.1



- (h) *Accessory uses, buildings and structures* shall not be *erected* or established prior to the erection or establishment of the *main building or use*, except (see **Section 4.34**):
- (i) Where it is necessary for the storage of tools and materials in connection with the construction of the main *use, building or structure*; and
  - (ii) Where a new main *use, building or structure* is to be erected or established on a *lot* thereby making the existing main *use, building or structure* the *accessory use, building or structure* upon erection or establishment of the new main *use, building or structure*;

(Note: See individual zones for the types of permitted accessory uses, buildings or structures, maximum height and setbacks in addition to any provisions set out above.)

4.1.2 Private *swimming pools*, both above-ground and in-ground both open and covered, shall be permitted subject to any By-law of the Township regarding *swimming pools* and the following requirements:

(a) Open Pools

- i) Open Pool areas shall be totally enclosed by a *fence* with a self-latching gate constructed of suitable materials, having a minimum height of 1.5 m [5.0 ft] with a self-locking gate.
- ii) Where a pool is an above-ground pool, any combination of the pool wall, surrounding *fence* or structure totalling a minimum of 1.2 m [4.0 ft] in height shall be deemed to meet the fencing requirements.
- iii) The maximum height of an above-ground pool shall not be more than 2 m [6.56 ft] above grade.
- iv) Any *building* or *structure*, other than a *dwelling*, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting *accessory uses* and *structures*.
- v) No part of an Open Pool including an associated apron or platform which is in a *front or side yard* shall be constructed closer to a *street line* than the requirements for a *main building* in the *zone* within which it is located nor closer to the *lot line* in a *rear yard* than the minimum distance required for an *accessory use* or *structure*.

(b) Covered Pools

Covered pools shall conform with the *accessory building* requirements contained in subsection 4.1.1.

---

## 4.2 Auto Service Station, Gasoline Bar, Car Washing Establishment

---

Despite any other provisions contained in this By-law, for all *zones* within which an *auto service station*, *gasoline bar*, and/or *car washing establishment* is permitted the following shall apply:

(a) Gasoline Pump Island Location

The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 5 m [16.4 ft] from any *lot* and *street line*.

(b) Separation of Propane Tanks and Pumps

Where *auto service stations* and *gasoline bars* are permitted in this By-Law, such uses shall be subject to the requirements of the *Gasoline Handling Act*, the *Ontario Propane Code* or both as they respectively apply. This shall be in addition to the requirements the municipality may require for site plan control under Section 41 of the *Planning Act*.

- (c) The width of any entrance or exit combined entrance or exit measured at the **front lot line** or **exterior side lot line** shall not be greater than 9 m [29.5 ft] and there shall not be more than 2 accesses from any one street which adjoins the lot. The widths of entrances from Highway 17 may vary provided that they are in accordance with the requirements of the Ministry of Transportation.
- (d) The minimum distance of any access from a street intersection shall be 12 m [39.4 ft] and the minimum distance between accesses shall be 9 m [29.5 ft].

### 4.3 Buildings to be Moved

---

No **building** or **structure** shall be moved within the limits of the **Township** or shall be moved from outside the **Township** into the **Township** unless the **building** or **structure** is a permitted **use** and satisfies all the requirements of the **zone** in which it is to be located and then only after a permit has been obtained from the **Chief Building Official**.

*(Note: applicants may also require a special vehicle permit from MTO or Township for an over-dimensional load (width, height, length, weight) or a relocation permit prior to any move.)*

### 4.4 Camp (Fish Camp or Hunt Camp)

---

A permitted **camp** may be located on any lot of record provided such **building** is set back a minimum of 500 m [1,640.4 ft] from any existing residential **dwelling unit**. No minimum **lot area** or frontage requirements shall apply to a permitted **camp**.

### 4.5 Change of Use

---

A use of **lot**, **building** or **structure** which, under the provisions hereof is not permissible within the **zone** in which such **lot**, **building** or **structure** is located, shall not be changed except to a **use** which is permissible within such **zone**.

### 4.6 Cumulative Standards

---

Despite anything contained in this By-law, where any land, **building** or **structure** is used for more than one purpose, all provisions of this By-law relating to each **use** shall be complied with.

### 4.7 Day Nurseries

---

Private home **day nurseries** are permitted in all zones where residential **uses** are permitted as a principal **use**. Such **day nurseries** shall comply with the provisions of the **Day Nurseries Act**.

---

## 4.8 Environmental Design Requirements for Shoreline Properties

---

For *shoreline* properties adjacent to lakes and rivers within the municipality, the following environmental design requirements shall apply to new *development*:

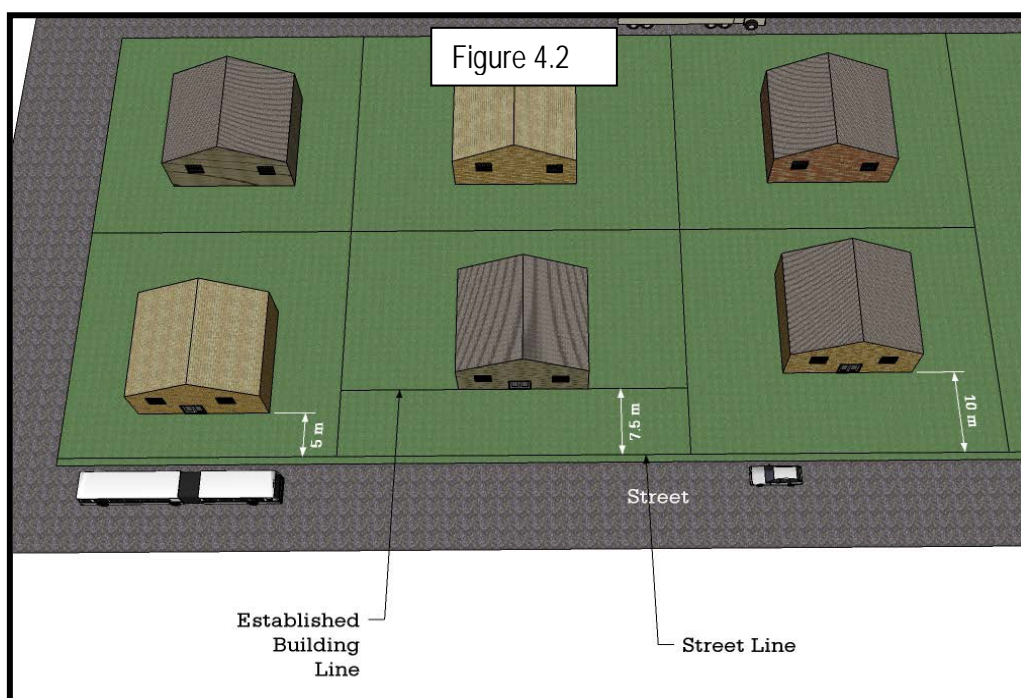
- (a) Existing natural vegetation (native species) shall be retained as a natural vegetation buffer strip of vegetation as deep as is reasonable and practical along the *shoreline*, and in no case less than 30 m [98.4 ft] in depth from the *shoreline*. The cutting or removal of trees, shrubs or ground cover will be discouraged within the natural vegetation buffer except for the removal of dead or diseased trees, debris or noxious plants or where a corridor is required for access between the dwelling and shoreline. The municipality may require that a professional competent in shoreline landscaping be engaged to prepare a shoreline vegetation management plan suitable for conserving and sustaining the natural environment;
- (b) Up to 25% of the buffer strip along the *shoreline* may be interrupted to provide a water access point for stairs, walkways or *docks*;
- (c) Passive, low impact structures such as a gazebo, television tower, satellite dish, *sauna*, storage shed where above the flood elevation, or similar *structures* shall be permitted to be constructed or set back behind the natural *shoreline* vegetation buffer strip within the required *shoreline setback* (between the *high water mark* and the building line of the *main building*);
- (d) A *dock* shall be permitted as an *accessory structure*, provided it is constructed with environmentally friendly (e.g., non-toxic) materials and provided it is either a cantilever, floating or post dock, but not a solid dock (see **Figure 3.4**);
- (e) *Shoreline structures* such as retaining walls, sheet metal pilings, gabions (rip-rap) or groynes shall not be permitted except where required for erosion control or conservation purposes and only where such structures have been designed or recommended by a professional in the field of environmental design;
- (f) Remediation or rehabilitation of shoreline features (e.g., stabilizing eroded or de-vegetated slopes or river banks, selective cutting, planting or thinning to improve vegetation or *fish habitat*) shall be permitted under the guidance of a professional or public body;
- (g) Existing sewage disposal systems which are located within a defined *flood plain* may only be repaired or replaced where damaged or destroyed by flooding, if they are repaired or reconstructed using approved flood proofing techniques. Sewage disposal systems which are replaced, other than as a result of damage or destruction by flooding, (e.g. *voluntarily*) shall be relocated outside of the defined *flood plain*. Sewage disposal systems which fail for other reasons shall be repaired or reconstructed in accordance with the *Ontario Water Resources Act*; and
- (h) Where storm drainage is discharged with an outlet into a lake or river, erosion protection shall be provided around the outlet. Site grading shall be carried out so as to collect

surface runoff and retain phosphorous laden stormwater on site e.g. through the use of sediment traps or settling ponds.

*(Note: these provisions are in addition to any controls that may be imposed under site plan control.)*

## 4.9 Established Building Line in Built-Up Area

Despite the *yard* and *setback* provisions of this By-Law to the contrary, where a permitted **building** or **structure** is to be erected on a lot in Nairn Centre, where there is an **established building line**, such permitted building or structure may be erected closer to the centre line of the road than required by this By-Law provided such permitted building or structure is not erected closer to the centre line of that road than the established building line on the date of the passing of this By-Law or 14 m [45.9 ft] whichever is greater. (See Figure 4.2) The established building line for Highway 17 shall be established by the Ministry of Transportation.



## 4.10 Exception Zone

Where a zone symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply.

A number after the "-X" (e.g. R-X1) indicates the order of the various exception zones.

## 4.11 Fences

---

Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-Law as may from time-to-time be enacted under the *Municipal Act* or the provisions of the *Line Fences Act*.

## 4.12 Flood Plain, Fill and Construction Requirements

---

The following provisions shall apply to areas located below any engineered or photo interpreted flood line or as determined by the agency having jurisdiction.

**4.12.1** No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the *Flood Plain* except as provided for in **Section 4.12.2** of this By-law. For the purposes of this By-law, the *flood plain* shall include all lands below the 262.98 m [862.79 ft] elevation above sea level on Agnew lake (Spanish River) west of Red Pine Point or a *setback* of 30 m [98.4 ft] for any other *water body* unless otherwise determined by the Ministry of Natural Resources.

### 4.12.2 Permitted Uses

Permitted uses in the *flood plain* include:

- (a) *Buildings* or *Structures* Intended for Flood or Erosion Control or Slope Stabilization;
- (b) All *Buildings* and *Structures* in Existence on the Day of the Passing of this By-law;
- (c) *Conservation Uses*;
- (d) *Forestry Uses*;
- (e) *Parks* without *Buildings* or *Structures*;
- (f) Hydro-electric generating facilities; and
- (g) *Marine Facilities*

### 4.12.3 Prohibited Uses

Prohibited *uses* on the *flood plain* include:

- (a) An *institutional use*;
- (b) Any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works and/or erosion; and

- (c) Any **building, structure** or use which involves the disposal, manufacture, treatment or storage of hazardous substances defined as materials that are ignitable, corrosive, reactive, radioactive or pathological and would normally pose a danger to public health, safety and the environment.

*NOTE: See, Section 4.20 Minimum Distance Separation and Special Setbacks for setback requirements from water bodies.*

#### **4.13 Frontage on a Public Street or Private Road**

---

4.13.1 No **person** shall **erect** any **building** or **structure** in any **zone** unless the **lot** upon which such **building** or **structure** is to be erected has sufficient **lot frontage** on a **public street** or **private road** as per the requirements of the respective **zone** within which the **lot** is situated except:

- (a) For any permitted use on an island or other water access only **lot** provided a public access point is available on the mainland of the same **water body** (or another **water body** with a navigable connection to the subject **water body**), and where the arrangement for parking has been secured through a legal agreement;
- (b) A **camp**;
- (c) A resource related **use** on Crown Land;
- (d) A **communications facility**;
- (e) A **public utility**;
- (f) A **wayside pit** or **quarry**;
- (g) Any passive outdoor **recreational use** or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities;
- (h) An existing **use** located on a resource access road;
- (i) A **lot** which has a legal access i.e. right-of-way) registered on title; and
- (j) A **lot** where the provisions of the *Road Access Act* is deemed to apply.
- (k) Mineral exploration

For subsections (b), (d), (e), and (f), where **lot frontage** is not on a **public street** or a **private road** access shall be provided by a legal right-of-way to the property.

#### **4.13.2 Exception for Existing Agreements**

- (a) Despite **Section 4.13.1**, where a maintenance or subdivision agreement exists between the municipality and a land owner and is registered on title, **lot frontage** on an unassumed,

unopened or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such **lot frontage** is in conformity with the standards set out in the corresponding **zone** or any exception thereto.

- (b) Despite **Section 4.13.1**, where an access agreement registered on title between or amongst landowners provides for a right-of-way to an existing **lot** such access shall be deemed to conform with the provisions for access of this By-Law.

#### 4.14 Garden Suites

---

Subject to the, the passing of Site Specific Temporary Use By-law under Section 39 of the *Planning Act*, a **Garden Suite** shall be permitted as a separate **dwelling unit** to a permitted main residential use provided that the minimum lot area is 450 m<sup>2</sup> [4,844 ft<sup>2</sup>] in area, that the maximum **net floor area** is 50 m<sup>2</sup> [538 ft<sup>2</sup>], that the maximum height of the **Garden Suite** is 6 m [19.7 ft] or the average height of the main **buildings** on the subject and abutting lots, whichever is the lesser, that the **Garden Suite** is located in a **rear** or **interior side yard** and meets the minimum yard and **lot coverage** requirements set out in the corresponding **zone** and is set back a minimum of 3 m [9.8 ft] from any **rear** or **side lot line**.

#### 4.15 Group Homes

---

**Group Homes** shall be permitted in all **zones** that allow residential uses, except the Limited Service Rural Zone, provided that they are licensed or financed by the Province.

#### 4.16 Home Based Businesses

---

**Home based businesses** shall be permitted provided that:

- (a) ~~The use does not create nor become a public nuisance in particular in regard to noise, traffic, parking, or health and safety.~~ **The use shall comply with any municipal by-law in regard to noise, traffic, parking or health and safety;**
- (b) The **use** does not occupy more than 25% of the **gross floor area** of the residential **dwelling unit** or where located in an **accessory building** permitted through a re-zoning shall not occupy more than 125 m<sup>2</sup> [1,345 ft<sup>2</sup>]
- (c) This definition includes such activities as a seasonal **farm produce outlet** for products produced on the property, a workshop for wood workers, welders, painters, plumbers, other members of the trades, a machine or auto repair shop;
- (d) There is no outdoor storage or display to indicate to **persons** outside that any part of the property is being used for other than residential or **agricultural uses** except for an unlit sign of not more than 2 m<sup>2</sup> [21.5 ft<sup>2</sup>];



- (e) A maximum of two commercial vehicles may be parked on-site in association with a **home based business**.
- (f) Despite the definition of a **commercial vehicle**, the maximum weight of a **commercial vehicle** parked on-site in association with a **home-based business** shall be 5,080 kg [12,000 lbs].
- (g) Retail sales are limited to products produced or fabricated on the premises; and
- (h) The parking provisions of **Section 4.25** and **4.26** shall apply.

#### **4.17 Illumination**

---

Illumination of **buildings** and grounds shall be permitted provided that:

- (a) Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety;
- (b) Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals; and
- (c) Illumination shall not cause direct or indirect glare on land or **buildings** in any **zone** in which residential **uses** are permitted.

#### **4.18 Land Suitability for Use and Organic Soils**

---

Despite any other provision of this By-Law, no habitable **building** or **structure** shall be constructed, **erected**, **altered** or **used** on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction and the requirements of the *Ontario Water Resources Act* and the *Environmental Protection Act* with respect to the installation of an individual on-site sewage and water system can be met.

#### **4.19 Mine Hazards**

---

No **person** shall **use** any land identified a known mine hazard.

## 4.20 Minimum Distance Separation and Special Setbacks

---

Notwithstanding anything in this Bylaw to the contrary, no *person* shall *use* any land, *building* or *structure* unless the use, *building* or *structure* complies with the following:

(a) **Waste Management Facility**

- i) No sensitive *land use* shall be permitted within 500 m of a *waste management facility* measured from the *lot line* of the sensitive *land use* to the *lot line* of the *waste management facility*.
- ii) No *use* of land, *buildings* or *structures* shall be permitted within a distance of 30 m [98.4 ft] of the (licensed) fill area of an active or closed *waste management facility* other than uses permitted in the Waste Management Facility (WMF) Zone, and no *dwelling* or residential *use* shall be permitted on a lot within 500 m [1640 ft] of the *lot line* of the *waste management facility* measured as the shortest horizontal distance;.
- iii) No *waste management facility* shall be permitted within a distance of 30 m [98.4 ft] from the *high water mark* of any *water body*; and
- iv) No *waste management facility* shall be permitted on land covered by water or in any area subject to flooding (see Section 4.12.3)

(b) **Pits and Quarries**

- i) The minimum separation distance between a *sensitive land use* (e.g. residential use, daycare centre, educational or health facility) and the boundary of a pit shall be 70 m [230 ft] and shall be measured from the *lot line* of the *sensitive land use* to the licensed area of the *pit* and/or *quarry*;
- ii) No *sensitive land use* shall be permitted within 300 m [984.2 ft] of a *quarry* measured from the *lot line* of the *sensitive land use* to the *lot line* of the *quarry*; and
- iii) A *pit* or *quarry* or *wayside pit* or *wayside quarry* shall be set back a minimum of 50 m [164 ft] from the *high water mark* of a *water body* or a greater distance where otherwise prescribed or required by regulation under the *Aggregate Resources Act*.

(c) **Industrial Uses**

- i) **Class I Industrial:** Includes light industrial uses defined as a place of business for a small scale, self-contained plant or *building* which produces/stores a product which is contained in a package and has low probability of fugitive emissions e.g. noise, dust, odour and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging and crafting services. The minimum separation distance from a *sensitive land use* (e.g., residential use, daycare centre, educational or health facility) shall be 20 m [65.6 ft] measured from *lot line* to *lot line* . ;

- ii) **Class II Industrial:** Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and or periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include feed packing plant, paint spray booths, dry cleaning services, electrical production manufacturing. The minimum separation distance for this industrial classification from a **sensitive land use** (e.g. residential use, daycare centre, educational or health facility) shall be 70 m [230 ft] measured from **lot line to lot line**.
- iii) **Class III Industrial:** Describes large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions e.g. noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated. Examples of heavy industries include refineries, salvage yard, pulp and paper mill etc. The minimum separation distance for this industrial classification from a **sensitive land use** (e.g. residential use, daycare centre, educational or health facility) shall be 300 m [984 ft] measured from **lot line to lot line**.

(d) **Agricultural Use**

The erection or expansion of any **livestock facility or manure or material storage** or the construction of a **dwelling** on a **lot** adjacent to a **lot** occupied by a **livestock facility** shall comply with the Minimum Distance Separation Formulae I and II as amended by the Province from time to time, where applicable.

(e) **Water Bodies and Wetlands**

Subject to **Section 4.12**, the minimum setback from the **shoreline** for a habitable **structure** (dwelling), a non-residential **building** or on-site sewage disposal system shall be 30 m [98.4 ft] except for a **boat house, dock**, wharf or low impact **accessory structure** such as a steam or sauna bath, gazebo, storage shed (see **Section 4.1.1**). The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building or the edge of the filter bed/tile bed to the shoreline. (See also **Section 4.8 - Environmental Design Requirements for Shoreline Properties** and **Section 4.20 (c) (ii) - Pits and Quarries and Wayside Pits and Quarries**.)

(f) **Septage or Communal Disposal Systems**

No **sensitive land use** or associated well shall be constructed within 200 m [656.1 ft] of the property boundary or boundary of any land zoned or proposed for septage disposal, a waste stabilization pond or a wastewater treatment plant or vice versa.

No septage disposal, a waste stabilization pond or a wastewater treatment plant shall be constructed closer than 180 m [590.5 ft] of the high water mark of any water body or 30 m [98.4 ft] of any road allowance.

(g) Hydro Electric Power Transmission Corridor

No sensitive land use shall be constructed within 30 m [98.4 ft] of the right-of-way limit of a power transmission corridor carrying a 250 KV line or greater.

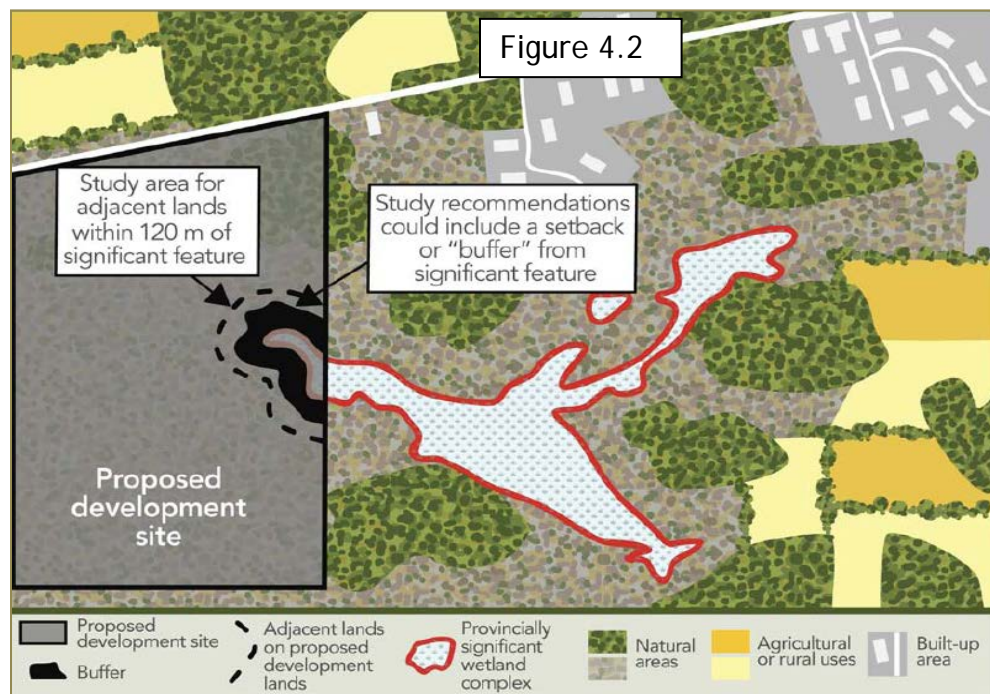
## 4.21 Natural Heritage Features and Areas

### 4.21.1 Requirements for Natural Heritage Features

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* within the distances of the identified *natural heritage feature or area* prescribed below, except for a *conservation use* (See Figure 4.2)

Feature or Area

- (a) Significant Portions of the Habitat of Endangered & Threatened Species..... 120 m [393.7 ft]
- Significant Wetlands..... 120 m [393.7 ft]
- (a) Fish Habitat..... 120 m [393.7 ft]
- (b) Significant Wildlife Habitat ..... 120 m [393.7 ft]
- (c) Areas of Natural and Scientific Interest..... 50 m [164 ft]



---

## 4.22 Non-Conforming and Non-Complying Uses

---

(a) Continuance of Existing Uses

Nothing in this By-law shall apply to prevent the *use* of any land, *building* or *structure* for any purpose prohibited by the By-law if such land, *building* or *structure* was lawfully used for such purpose on the day of the passing of the By-law so long as it continues to be used for that purpose. The non-conforming use of any land, *building* or *structure* shall not be changed or enlarged except to a *use* which is in conformity with the provisions of the *zone* in which the land, *building* or *structure* is located, without permission from the Committee of Adjustment pursuant to the *Planning Act*.

(b) Prior Building Permits

Nothing in this By-law shall prevent the *erection* or *use* of any *building* or *structure* for which a building permit has been issued under the *Building Code Act* prior to the passing of this By-law, so long as the *building* or *structure* when *erected* is *used* and continues to be *used* for the purpose for which it was erected and provided the permit has not been revoked under the *Building Code Act*.

(c) Road Widenings

Nothing in this By-law shall prevent the use of any land, *building* or *structure* or the *erection* of any *building* or *structure* on a *lot* which does not comply to the minimum *lot frontage* and/or *lot area* and/or *front yard setback* and in the case of a *corner lot*, the *side yard setback*, as a result of a road widening taken by the Township Nairn and Hyman and the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with.

(d) Reconstruction of Existing Use

Nothing in this By-law shall prevent the reconstruction or strengthening to a safer condition of any *non-conforming* or *non-complying building* or *structure* which is unintentionally damaged by fire or other natural cause, provided the height and bulk are not increased, and approved flood proofing techniques are used (if required). With respect to a waterfront lot, the replacement of any *non-conforming* or *non-complying building* or *structure* shall not further encroach into a yard than the *setback* that existed prior to the reconstruction.

(e) Addition to Existing Building or Structure

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation or repair of an existing *non-complying building* or *structure*, without a minor variance, provided such enlargement, reconstruction, renovation or repair does not:

- i) Increase the lot coverage if such coverage exceeds the applicable maximum permitted herein;

- ii) Further reduce the **yard setback** of such **building** or **structure** which is less than the applicable minimum required **yard setback** required herein;
- iii) Reduce the distance between any two buildings if such distance is less than the applicable minimum separation distance permitted herein;
- iv) Increase the height of such **building** or **structure** if such dimension exceeds the applicable maximum building height permitted herein;
- v) Reduce the **gross floor area** of any **dwelling** or **structure** if it is less than the applicable minimum **gross floor area** required herein;
- vi) Increase the **net floor area** of any **building** if it is greater than the applicable maximum **net floor area** permitted herein;
- vii) Reduce the dwelling unit area of any **dwelling unit** if it is less than the applicable minimum **dwelling unit area** required herein;
- viii) Increase the overall footprint or **gross floor area** of the **building** or **structure**; and
- ix) Contravene any of the provision of this by-law;

(f) **Existing Undersized Lots**

Despite anything else contained in this By-law, where a vacant **lot** having a lesser frontage and/or area than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be **used** for a purpose permitted in the **zone** in which the said **lot** is located, provided it can be adequately serviced and meets all applicable **setbacks** of this By-law.

## 4.23 Occupancy Restrictions

Human habitation shall not be permitted in any of the following **buildings**, **structures**, or parts thereof unless the **building**, **structure**, or parts thereof meet all requirements of the *Fire Code*, the *Ontario Building Code* and any other applicable regulations, policies, or Acts.

- (a) Any private garage or other **building** which is **accessory** to a residential **use**;
- (b) Any truck, bus, **recreational vehicle**, coach or streetcar body whether or not the same is mounted on wheels; and
- (c) Any **dwelling** before the main wall and roof have been erected, the finished roofing material has been installed and the kitchen, heating and sanitary conveniences have been installed and are operating.

## 4.24 Outside Storage, Sales and Display

No **person** shall use any **lot** or part thereof for **outside storage**, sales or display except as permitted by this By-law and provided that such area has been specifically designed and set aside for such purpose, is fully integrated with the main use of the **lot** and is in accordance with the following:

- (a) **Outside storage** shall not be permitted within any required **front yard** and no closer than 5 m [16.4 ft] to any **side or rear lot line**;
- (b) Where **outside storage** areas abut a **zone** in which residential **uses** are permitted, the required setback of the outside storage area shall be increased to 10 [32.8 ft] and must also be visually screened from any zone in which residential uses are permitted;
- (c) Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law; and
- (d) Despite anything in this subsection to the contrary, in the case of an automotive or **recreational vehicle** sales establishment, **outside storage** of vehicles shall be permitted in all yards provided no such use is located closer than 1 m [3.2 ft] to any street line.

## 4.25 Parking and Storage of Vehicles

- (a) Except as provided herein, no vehicles shall be parked or stored in a zone in which residential **uses** are permitted unless the vehicle is located within a garage, carport, driveway, designated **parking area** or on a street as permitted by Municipal By-law.
- (b) No **parking space** in a **zone** in which residential **uses** are permitted shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted **use** of the **lot** on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid.
- (c) **Commercial Vehicle Parking**

Commercial Vehicles in a Residential Zone	<ul style="list-style-type: none"> <li>• Maximum vehicle capacity: ≤9,072 kg GVWR (Gross Vehicle Weight Ratio) [20,000 lbs]</li> <li>• Vehicle shall be parked in a private garage or behind the front building line if screened by a fence from the adjacent property</li> <li>• Vehicle shall be operated by the owner or occupant</li> <li>• Commercial vehicle trailer not permitted</li> <li>• Provisions for <b>home based businesses</b> apply (see Section 4.16 – Home Based Businesses)</li> </ul>
Commercial Vehicles in a Zone Permitting a Residential Use	<ul style="list-style-type: none"> <li>• Maximum vehicle capacity: ≤9,072 kg GVWR [20,000 lbs] per axle. Maximum three axles</li> <li>• Vehicles shall be parked in a private garage or behind the front building line if screened by a <b>fence</b> from the adjacent property</li> <li>• Provisions for <b>home based businesses</b> apply (see Section 4.16 – Home Based Businesses)</li> </ul>

- (d) Each standard ***parking space*** shall have a minimum width of 2.7 m [8.9 ft] and a minimum length of 6 m [19.7 ft]. Each barrier-free parking space shall have a minimum width of 3.7 m [12.1 ft] and a minimum length of 6 m [19.7 ft].
- (e) Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one ***building*** or on any one ***lot***, then the off-street parking requirements for each use shall be calculated as if each use is a separate ***use***, and the total number of off-street parking spaces so calculated shall be provided.
- (f) The parking space requirements shall not apply to any ***building*** in existence at the date of passing of this By-law so long as the ***gross floor area***, as it existed at such date, is not increased 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 than ***parking spaces*** for the addition or area changed in ***use*** shall be provided.
- (g) ***Parking area*** for more than four vehicles, supplementary regulations:
  - i) The ***parking area*** shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials and shall be maintained and treated so as to reduce dust scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the Corporation; and
  - ii) Ingress and egress directly to and from every ***parking space*** shall be by means of a ***driveway, lane*** or aisle having a width of at least 6 m [19.7 ft] for two-way traffic and 3.5 m [11.5 ft] for one-way traffic where parking is angled;
  - iii) A ***driveway*** or ***lane*** which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m [11.5 ft] where designed for one-way vehicular circulation or 6 m [19.7 ft] where designed for two-way vehicular circulation.
- (h) **Barrier Free (Handicapped Parking)**

Wherever barrier-free access to a ***building*** is required under the Building Code, one barrier-free parking space shall be provided for every 20 standard parking spaces or part thereof and shall be included in the total number of ***parking spaces*** required under the Schedule for Parking Requirements.
- (i) Except where permitted elsewhere in this By-law, the required parking for residential ***uses*** of land shall be provided on the same lot as the ***dwelling unit***. In all other zones, parking shall be provided within 100 m [328 ft] of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.
- (j) Despite **Section 4.26**, if the calculation of the minimum ***parking space*** requirement results in a fraction, the minimum requirement shall be the next higher whole number.



## 4.26 Schedule for parking requirements

In any zone, the owner or occupant of any **building** or **structure** erected, enlarged or changed in use after the date of passing of this By-law shall provide off-street parking in accordance with the following provisions:

Table 1: Schedule for Parking Requirements:

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: • <i>single-detached dwelling</i> • <i>semi-detached dwelling</i> • <i>duplex</i> • <i>accessory dwelling</i> • <i>converted dwelling</i> • <i>mobile home</i> • <i>seasonal dwelling</i>	2 spaces per <i>dwelling unit</i>
Residential: • <i>apartment dwellings</i>	1 space per <i>dwelling unit</i> , 15% of which shall be reserved as visitor parking
<i>Auto body shop, auto repair shop, auto service station, gas bar</i>	3 spaces per service bay plus 1 space per employee
Assembly hall, auditorium, dance hall, stadium, theatre and similar public <i>places of assembly</i>	1 space for every 4 seats, fixed or otherwise and where there are no seats, 1 space for every 10 m <sup>2</sup> (107.6 sq. ft.) assembly space
<i>Bed &amp; Breakfast Establishment</i>	1 space for each guest room in addition to the required residential parking spaces
<i>Building supply store, lumber yard, garden centre, nursery</i>	1 space for each 20 m <sup>2</sup> [215.2 ft <sup>2</sup> ] of <i>gross floor area</i> and 1 space for each 35 m <sup>2</sup> [376.2 ft <sup>2</sup> ] of open storage
<i>Campground</i>	2 spaces per camp site
<i>Car Washing Establishment</i>	3 spaces minimum plus two stacking spaces per bay for a manual was or 10 spaces for an automated wash
<i>Clinic</i>	6 spaces per doctor
<i>Continuum-of-Care-Facility</i>	1 space for every 6 patient beds plus 1 space for every 4 employees
<i>Day nursery</i>	1 space per employee and 1 space per 5 children
<i>Gasoline Card Lock Facility</i>	3 parking spaces plus 10 spaces of 3 m by 14 m for transport trucks
General business, <i>retail store</i> , convenience store, <i>grocery store</i> , commercial and <i>personal service establishment</i> , <i>bank</i> , <i>office</i> , meeting rooms, professional office or <i>funeral parlour</i>	1 space per 20 m <sup>2</sup> [215.2 ft <sup>2</sup> ] of <i>Gross Floor Area</i> , minimum 5 spaces
<i>Group Home</i>	1 space for each non-resident staff member plus two spaces
<i>Home Based Business</i>	1 space for dwelling unit plus 1 space for each employee
<i>Hotel, motel, tourist outfitters establishment</i> (with road access)	1 space per guest unit, plus 1 space for each 6 <i>persons</i> of designated seating capacity of any eating establishment

Manufacturing, industrial storage or wholesale, <i>warehouse</i>	1 space per 95 m <sup>2</sup> [1022.6 ft <sup>2</sup> ] of <i>Gross Floor Area</i> plus 1 space per every 3 employees per shift
<i>Place of worship</i>	1 space for every 5 seats, fixed or otherwise
<i>Restaurant, restaurant-drive-in</i> , beverage establishment, <i>tavern or road house</i>	1 space per 10 m <sup>2</sup> [107.6 ft <sup>2</sup> ] of <i>Gross Floor Area</i>
<i>School</i>	2 spaces per classroom
<i>School - Private</i>	4 spaces per classroom
All other uses not listed above	1 space per 30 m <sup>2</sup> [322.9 ft <sup>2</sup> ] of <i>Gross Floor Area</i>

#### 4.27 Parts of Buildings or Structures Permitted Above Height Level

The height regulations herein set forth shall not apply to any of the following uses, buildings or structures:

- Air conditioning system
- Chimney
- Church spire or belfry
- Drying tower
- Elevator or stairway enclosure
- Enclosed mechanical and electrical equipment
- Farm buildings and structures such as a barn, silo or windmill
- Flag pole
- Hydro electric transmission tower
- Mine Headframe
- Receiving and transmitting antenna
- Receiving stations
- Satellite dish
- Smoke Stack or Emissions Stack
- Solar panels
- Ventilating fan or skylight
- Water tower or tank

#### 4.28 Permitted Projections

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky except that those structures listed in the following table shall be permitted to project into the minimum yards required by this By-law for the following specified distances:

Table 2: Permitted Projections

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters	0.75 m [2.46 ft] into any required front, rear or side yard
Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the established grade, with or without supporting posts	2 m [6.5 ft] into any required yard

Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (½) the setback of the building from the street line
Window awnings	1.2 m [3.9 ft] into any required yard
Steps, ramps for use by handicapped, and walkways	No maximum into any required yard
Porch, uncovered platform landing, patio or sun deck, balconies or steps	3 m [9.8 ft] into any required yard
Air conditioner	0.5 m [1.6 ft] Into any yard.
Heat pump, fire escape.	1.5 m [5 ft] Into a side or rear yard
<i>Accessory building</i>	As permitted by and as specified in this By-law

## 4.29 Prohibited Uses

Except as specifically permitted in this By-law, the following uses are prohibited:

- (a) No use shall be permitted within the Township which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture.
- (b) Except as otherwise specifically permitted in this By-law, no land shall be *used* and no *building* or *structure* shall be *erected*, *altered* or used for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.

## 4.30 Sight Triangles

On a corner lot no obstruction higher than 0.75 m [2.5 ft] (except a chain link fence for a school or park) shall be permitted on that part of a lot at the street corner composed of a triangle having sides 5 m [16.4 ft] in length along each street line measured from the street corner formed by the *lot lines*, or by the straight line projection of *lot lines* when *lot lines* are connected by a curved line.

## 4.31 Signs

Privately owned ground signs, freestanding signs, billboards, pole signs, pylon signs or portable signs which are larger than 1.5 m<sup>2</sup> [16.2 ft<sup>2</sup>] in sign face area shall be set back a minimum of 3 m [9.4 ft] from any *lot line*.

The location, size and construction of all signs larger than 1.25 m<sup>2</sup> [13.4 ft<sup>2</sup>] in area which are proposed to be located within any minimum *front yard* or minimum *exterior side yard* are subject to the approval of the Corporation. All signs shall conform to the *Ontario Building Code*.

*(Note: the requirements for signs shall be in addition to any setbacks or standards imposed by the Ministry of transportation or as may be contained within any municipal sign by-law.)*

#### **4.32 Sleep Cabin**

---

A maximum of one *sleeping cabin* per *lot* shall be permitted as an *accessory use* to a main permitted residential *seasonal dwelling* or residential *dwelling* with water frontage. Sleeping cabins shall not exceed 37 m<sup>2</sup> [400 ft<sup>2</sup>] in *gross floor area*. The regulations under **Section 4.1 - Accessory Buildings, Structures and Uses** shall also apply to the establishment of sleep cabin.

#### **4.33 Streets and Parks**

---

In any zone established by this By-law, streets, walkways, bike paths and parks are permitted.

#### **4.34 Temporary Buildings or Structures During Construction**

---

Nothing in this By-law shall prevent the *use* of land or the *use* or *erection* of a *temporary building* or *structure* or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.

In addition, temporary accommodation for a business or other *use* which is intended to occupy a *building* which is under construction with the work in progress on such *building*, may be temporarily permitted on the same *lot* in the form of a mobile, relocatable, portable or transportable building provided:

- (a) Approval is obtained pursuant to the matters contained herein; and
- (b) Such temporary accommodation is removed from the *lot* immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the Corporation it is no longer required (see also **Section 4.1.1[h]**).

#### **4.35 Use by Public Authority or Public Utility**

---

The provisions of this By-law shall not apply to the *use* of any land or to the *erection* or *use* of any utility installation for the purpose of public service by the Township of Nairn and Hyman and/or any public authority, any department of the Government of Ontario or Canada, including any Hydro One Networks or Ontario Power Generation facilities pursuant to the *Planning Act*, or publicly licensed authority provided that where such land, *building* or *structure* is located in or abutting a zone in which residential *uses* of land are permitted:

- (a) No goods, materials or equipment shall be stored in the open;

- (b) The *lot coverage* and *setback* regulations of the zone in which such land, building or above ground structure is located shall be complied with;
- (c) Any *building erected* under the authority of this section shall not be used for the purpose of an *office*;
- (d) parking and loading requirements as contained in this By-law shall be complied with.
- (e) A *communications facility* established by a public or private authority shall be permitted in any rural, commercial or industrial *zone* provided the construction standard complies with the applicable provincial and federal statutes and regulations and provided that the base of any freestanding tower is set back a minimum of 20 m [65.6 ft] from any lot line. *Communications facilities* shall comply with Industry Canada standards for construction and safety.

#### 4.36 Water and Sewage Disposal Systems

---

No *person* shall hereafter erect or use in whole or in part, any *building* or *structure* for any residential, commercial or industrial purposes on any land unless the *use, building or structure* is properly connected to an approved water supply and sewage disposal system under the *Ontario Water Resources Act* or the *Building Code Act* unless the use is exempted under the *Building Code Act* or prohibited or regulated by this By-law.

The use of a private communal sewage service and/or a private communal water service shall require a Responsibility Agreement between the developer and the Township of Nairn and Hyman in accordance with the Ministry of the Environment Procedure D-5-2.and

Within any Zone in the Village of Nairn Centre that cannot be serviced by municipal water supply, no use or occupancy of any *building* or *structure* shall be made unless the minimum *lot* size is 1 ha [2.47 ac] or 0.6 ha [1.48 ac] where accompanied by a hydrogeological study.

#### 4.37 Zones Applying to More than One Property

---

Where a *lot* is divided into more than one zone, each such portion of the *lot* shall be used in accordance with the provisions of this By-Law for the zone where such portion of the *lot* is located. Each such portion of the *lot* shall be considered as a separate lot for the purposes of determining zone provisions.

## **5.0 ZONES**

### **5.1 Zone Classification**

For the purposes of this By-law, the Township of Nairn and Hyman is divided into the following **zones** as named and described in the following sections, the boundaries of which are shown on Schedule "A" and on Schedule "B" which are attached and form part of this By-law.

### **5.2 Zones**

	Zone Symbol
<b><i>RESIDENTIAL ZONES</i></b>	
• General Residential Zone.....	R1
• Multiple Residential Zone .....	R2
• Rural Residential Zone .....	R3
<b><i>COMMERCIAL ZONES</i></b>	
• Highway and Tourist Commercial Zone.....	C
• Resort Commercial Zone.....	CR
• Local Commercial Zone.....	CL
<b><i>INDUSTRIAL ZONES</i></b>	
• Light Industrial Zone .....	M1
• Medium Industrial Zone .....	M2
• Rural Industrial Zone .....	M3
• Mineral Aggregate Resource Zone .....	MX
• Mining Zone .....	MM
• Waste Management Facility .....	WMF
<b><i>RURAL AND ENVIRONMENTAL ZONES</i></b>	
• Natural Resource (Rural) Zone .....	R
• Environmental Protection .....	EP

***OTHER ZONES***

- Heritage Zone ..... H

## 5.3 INTERPRETATION OF ZONE BOUNDARIES

---

5.3.1 When determining the boundary of any **zone** as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- (a) A boundary indicated as following a **highway, street** or **lane** shall be the centre line of such **highway, street** or **lane**;
- (b) A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- (c) A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual **shoreline**;
- (d) A boundary indicated as approximately following **lot lines** shown on a Registered Plan of Subdivision, or Reference Plan, or Township **lot lines** shall follow such **lot lines**;
- (e) Where a boundary is indicated as approximately parallel to a street line or other feature, indicated in clause (a), (b), and (c) above, and the distance from such **street** line or other feature is not indicated, and clause (d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule;
- (f) A boundary indicated as following the limits of the Municipality shall follow such limits; and.
- (g) In the event a dedicated **street, lane** or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such **street, lane** or right-of-way shall be included within the **zone** of the adjoining property on either side of such closed **street, lane** or right-of-way. If a closed **street, lane** or right-of-way is the boundary between two or more different **zones** the new **zone** boundaries shall be the former centre line of the closed **street, lane** or right-of-way.



## 5.4 GENERAL RESIDENTIAL - R1

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the General Residential - R1 zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.4.1 Permitted Uses

- Bed and Breakfast
  - Crisis Care Facility
  - Dwelling - Converted
  - Dwelling - Duplex
  - Dwelling - Seasonal
  - Dwelling - Semi-detached
  - Dwelling - Single Detached
  - Group Home (see **Section 4.16**)
  - Marine Facility
  - Mobile Home
  - Park
  - Parking Area
  - Place of Worship
  - Public Service Use (see **Section 4.35**)
  - Public Utility (see **Section 4.35**)
  - School
  - Skateboard Park
- Accessory Buildings Structures and Uses (see **Section 4.1**)**
- Accessory Dwelling
  - Home Based Business (see **Section 4.16**)
  - Parking Area

### 5.4.2 Zone Requirements

#### Minimum Lot Area - Municipal Water

- Single detached, mobile home, seasonal dwelling, group home, place of worship, public service use, school..... 929 m<sup>2</sup> [10,000 ft<sup>2</sup>]
- Semi-detached, duplex, converted dwelling .....700 m<sup>2</sup> per dwelling unit [7,534 ft<sup>2</sup>]

Minimum Lot Area - Individual On-Site System ..... 0.3 ha per dwelling unit [0.74 ac]

Minimum Lot Frontage per Dwelling Unit - Municipal Water ..... 30 m [98.4 ft]

Minimum Lot Frontage per Dwelling Unit - Individual On-Site System ..... 45 m [147.6 ft]

#### Minimum Yard Requirements - Main Building

- Front Yard..... 6 m [19.6 ft]
- Rear Yard ..... 7.5 m [24.6 ft]
- Interior Side Yard ..... 1.2 m [3.93 ft]
- Exterior Side Yard ..... 6 m [19.6 ft]

#### Minimum Yard Requirements - Accessory Building

- Front Yard..... 6 m [19.6 ft]
- Rear Yard ..... 1.5 m [4.92 ft]

• Interior Side Yard .....	1.5 m [4.92 ft]
• Exterior Side Yard .....	6 m [19.6 ft]
Maximum Building Height	
• Main Building .....	10.6 m [35 ft]
• Accessory Building .....	4.2 m [13.77 ft]
Maximum Lot Coverage - Municipal Water .....	30%
Maximum Lot Coverage - Individual On-Site System .....	10%
Maximum No. of Dwelling Units per Lot*	
• Dwelling - Single detached, mobile home, seasonal, group home .....	1
• Dwelling - Semi-detached, duplex, converted .....	2

\* Except where a lot is rezoned to permit a Garden Suite as a permitted use (see **Section 4.14**; or to permit an Apartment-in-a-House)

### 5.4.3 Additional Provisions

- (a) No part of any **kennel** may be located closer than 100 m [328 ft] to a **dwelling unit** on another **lot**.
- (b) A **park** or **parking area** shall not be subject to minimum **lot area** or **lot frontage** requirements but shall comply with the **setback** requirements of Section 5.4.2.
- (c) The minimum **interior side yard** shall not apply to the party wall of a **semi-detached dwelling**.

### 5.4.4 Exception Zones.

- (a) R1-x1, North Part of Lot 1, Concession 4, Nairn Township, Parcel 543

On lands described as located in the General Residential Special Exception (R1-x1) Zone, a **hobby farm** is a permitted use.

#### Additional Provisions

- Any **building** used to house livestock in association with a **hobby farm** shall comply with the Minimum Distance Separation (MDS) Formulae II as amended.
- Despite any other provision of this By-law to the contrary, a vegetative buffer having a minimum width of 15 m [49.2 ft] shall be maintained in its natural state between the lot line and any pasture area or **livestock facility**.

## 5.5 MULTIPLE RESIDENTIAL - R2

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Multiple Residential - R2 zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.5.1 Permitted Uses

- Continuum-of-Care Facility
- Crisis-Care-Facility
- Dwelling - Apartment
- Dwelling - Converted
- Dwelling - Row
- Marine Facility
- Park

#### Accessory Buildings Structures and Uses (see Section 4.1)

- Home Based Business (see Section 4.16)
- Parking Area

### 5.5.2 Zone Requirements

Minimum Lot Area - Municipal Water..... 455 m<sup>2</sup> per dwelling unit [4,897.7 ft<sup>2</sup>]

Minimum Lot Area - Individual On-Site System .....the greater of 1 ha [2.47 ac] or as required by a hydrogeological study

Minimum Lot Area - Continuum-of-Care Facility  
..... 0.8 ha [1.97 ac]

Minimum Lot Frontage - Municipal Water..... 30 m [98.4 ft]

Minimum Lot Frontage - Individual On-Site System ..... 45 m [147.6 ft]

#### Minimum Yard Requirements - Main Building

- Front Yard..... 6 m (19.6 ft)
- Rear Yard ..... 7.5 m [24.6 ft]
- Interior Side Yard ..... 1.2 m [3.93 ft]
- Other side ..... 3 m [9.84 ft]
- Exterior Side Yard ..... 6 m [19.6 ft]

#### Minimum Yard Requirements - Accessory Building

- Front Yard..... 7 m [22.9 ft]
- Rear Yard ..... 1.5 m [4.92 ft]
- Interior Side Yard ..... 1.5 m [4.92 ft]
- Exterior Side Yard ..... 7 m [22.9 ft]

#### Maximum Building Height

- Main Building..... 10.6 m [35 ft]
- Accessory Building..... 4.5 m [14.7 ft]

Maximum Lot Coverage - Municipal Water .....35%

Maximum Lot Coverage - Individual On-Site System .....20%

Maximum No. of Dwellings per Lot..... 1

### 5.5.3 Additional Provisions

- (a) No part of any *kennel* may be located closer than 100 m [328 ft] to a *dwelling unit* on another *lot*.
- (b) A *park* or *parking area* shall not be subject to minimum *lot area* or *lot frontage* requirements but shall comply with the *setback* requirements of Section 5.5.2.

### 5.5.4 Exception Zones.

## 5.6 RURAL RESIDENTIAL - R3

No *person* shall *use* any *land* or *erect, alter* or *use* any *building* or *structure* in the Rural Residential - R3 zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.6.1 Permitted Uses

- Crisis Care Facility
- Dwelling - Seasonal
- Dwelling - Single Detached
- Group Home (see Section 4.15)
- Marine Facility
- Mobile Home
- Park
- Public Service Use (see Section 4.33)
- Public Utility (see Section 4.35)
- Skateboard Park

#### Accessory Buildings, Structures and Uses (see Section 4.1)

- Bed and Breakfast
- Home Based Business (see Section 4.16)
- Parking Area
- Shoreline Structure (see Section 5.6.3)

### 5.6.2 Zone Requirements

Minimum Lot Area..... 6,000 m<sup>2</sup> [1.5 ac]  
 Minimum Lot Frontage..... 46m [150.9 ft]

#### Minimum Yard Requirements - Main Building

- Front Yard (1) with shoreline frontage..... 30 m [98.4 ft]
- Front Yard (2) back lot ..... 7 m [22.9 ft]
- Rear Yard ..... 7.5 m [24.6 ft]
- Interior Side Yard ..... 3 m [9.8 ft]
- Exterior Side Yard ..... 7 m [22.9 ft]

#### Minimum Yard Requirements - Accessory Building

- Front Yard..... 6 m [19.6 ft]
- Rear Yard ..... 1.5 m [4.92 ft]
- Interior Side Yard ..... 1.5 m [4.92 ft]
- Exterior Side Yard ..... 6 m [19.6 ft]

(See also 5.6.3 - Additional Provisions for Shoreline Structures)

#### Maximum Building Height

- Main Building ..... 10.6 m [35 ft]
- Accessory Building ..... 4.5 m [14.7 ft]
- Boat House ..... 1 storey

Maximum Lot Coverage ..... 15%  
Maximum No. of Dwelling Units per Lot\*

- Dwelling - Single detached, mobile home, seasonal, group home ..... 1

\* Except where a **lot** is rezoned to permit a **Garden Suite** as a permitted **use** (see **Section 4.14**; or where an **Apartment-in-a House** is permitted)

### 5.6.3 Additional Provisions

- (a) No part of any **kennel** may be located closer than 100 m [328 ft] to a **dwelling unit** on another **lot**.
- (b) A **park** or **parking** area shall not be subject to minimum **lot area** or **lot frontage** requirements but shall comply with the **setback** requirements of Section 5.6.2.
- (c) No **shoreline structure** shall be permitted within a depth of 15 m [49.2 ft] from the **shoreline** except a **boat house**, boat port, float plane hangar, **dock** or wharf.
- (d) With the exception of a **boat house** (wet), boat port, float plane hangar, **dock** or wharf, all **shoreline structures** shall be constructed within the confines of the property boundaries of a **lot**.
- (e) The **gross floor area** of a boat house or boat port, shall not exceed 80 m<sup>2</sup> [861.1 ft<sup>2</sup>].
- (f) A **sauna** or steam bath shall not exceed a **gross floor area** of 10 m<sup>2</sup> [107.6 ft<sup>2</sup>] and shall not be serviced by a pressurized water system.
- (g) No **dock** shall exceed 1.8 m [6 ft] in width or 10 m [32.8 ft] in length. Despite these dimensions, no **dock** or wharf shall be constructed which constitutes a navigation or safety hazard.
- (h) No **shoreline** structure which will destroy fish habitat shall be permitted.
- (i) No residential or other **use** which is intended for year round occupancy shall be permitted on a seasonally maintained road.

### 5.6.4 Exception Zones.

- (a) R3-X1: Wabigishik Lake, Part of Lot 3, Concession 1, Parcel 18498, S.W.S., Location AE 1047, Geographic Township of Nairn

On lands described as the Rural Special Exception Three (R3-x1) Zone, the minimum **lot frontage** shall be 45 m [147.67 ft], and the minimum **front yard** setback shall be 15.3 m [50.41 ft].

## 5.7 HIGHWAY AND TOURIST COMMERCIAL - C

No *person* shall *use* any *land* or *erect, alter* or *use* any *building* or *structure* in the Highway and Tourist Commercial - C zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.7.1 Permitted Uses

- Ambulance Facility
  - Auto Service Station
  - Automotive Sales Establishment
  - Bakery
  - Bank or Financial Institution
  - Building Supply Store
  - Clinic
  - Commercial Greenhouse
  - Convenience Store
  - Equipment Rental Establishment
  - Flea Market
  - Garden Centre
  - Gasoline Bar
  - Gasoline Card Lock Facility
  - Licensed Refreshment Sales Vehicle
  - Motel
  - Office
  - Parking Lot - Commercial
  - Personal Service Establishment
  - Place of Amusement
  - Place of Assembly
  - Place of Worship
  - Public Service Use (see **Section 4.35**)
  - Public Utility (see **Section 4.35**)
  - Recreational Commercial Establishment
  - Recreational Vehicle Sales and Storage and Repair
  - Restaurant (may include a licensed establishment subject to the L.L.B.O)
  - Retail Store
  - Self-Storage Facility
  - Studio
  - Tavern or Road House
  - Tourist Establishment
  - Veterinary Establishment
  - Warehouse
  - Workshop or Custom Workshop
- Accessory Buildings, Structures and Uses (see Section 4.1)**
- Accessory Dwelling

### 5.7.2 Zone Requirements

Minimum Lot Area -Municipal Water.....	750 m <sup>2</sup> [8,073 ft <sup>2</sup> ]
Minimum Lot Area - Individual On-Site System .....	6,000 m <sup>2</sup> [1.5 ac]
Minimum Lot Frontage.....	46m [150.9 ft]
Minimum Yard Requirements - Main Building	
• Front Yard.....	6 m [19.6 ft]
• Rear Yard .....	7.5 m [24.6 ft]
• Interior Side Yard .....	1.2 m [3.93 ft]

- Exterior Side Yard ..... 6 m [19.6 ft]

#### Minimum Yard Requirements - Accessory Building

- Front Yard ..... 6 m [19.6 ft]
- Rear Yard ..... 7 m [22.9 ft]
- Interior Side Yard ..... 3 m [9.84 ft]
- Exterior Side Yard ..... 6 m [19.6 ft]

#### Maximum Building Height

- Main Building ..... 10.6 m [35 ft]
- Accessory Building ..... 6 m [19.7 ft]

Maximum Lot Coverage ..... 40%

Maximum No. of Dwelling Units per Lot ..... 2

#### Minimum Separation Distance between the Main

Wall of a Detached Dwelling Unit and a commercial use ..... 6.0 m [19.7 ft]

### 5.7.3 Additional Provisions

- An **accessory dwelling** may be located within a **building** occupied by any commercial **use** except an automotive use or may be detached. Where the accessory dwelling is detached, the minimum **lot area** shall be as set out in the R1 Zone and shall be in added to the minimum **lot area** in the C1 Zone.
- Where a commercial **zone** abuts a residential **zone** or a residential **use** or a **sensitive land use** on an adjacent **lot**, a landscaped strip of not less than 1.5 m [4.92 ft] in width shall be provided along the abutting lot line(s).
- Where a commercial **zone** abuts a residential **zone** or a residential **use** or a **sensitive land use** on an adjacent **lot**, the **setback** on the abutting **yard** shall be a minimum of 7.5 m [24.6 ft]

### 5.7.4 Exception Zones.



## 5.8 RESORT COMMERCIAL - CR

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Resort Commercial - CR zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.8.1 Permitted Uses

- Campground - Tourist
  - Communications Facility
  - Dwelling - Seasonal
  - Dwelling - Single Detached
  - Marina
  - Marine Facility
  - Parking Lot - Commercial
  - Private Club
  - Public Service Use (see **Section 4.35**)
  - Public Utility (see **Section 4.35**)
  - Recreational Commercial Establishment
  - Tourist Establishment
- Accessory Buildings, Structures and Uses (see **Section 4.1**)**
- Accessory Dwelling
  - Home Based Business (see **Section 4.16**)
  - Parking Area
  - Shoreline Structure (see **Section 5.8.3**)

### 5.8.2 Zone Requirements

Minimum Lot Area:

- Per Dwelling Unit..... 6,000m<sup>2</sup> [1.5 ac]
- Other Uses..... 1.0 ha [2.5 ac]

Minimum Lot Frontage..... 46m [150.9 ft]

Minimum Yard Requirements

- Front Yard..... 10 m [32.8 ft]
- Rear Yard ..... 7 m [22.9 ft]
- Interior Side Yard ..... 7 m [22.9 ft]
- Exterior Side Yard ..... 7 m [22.9 ft]

Minimum Yard Requirements - Accessory Building

- Front Yard..... 10 m [32.8 ft]
- Rear Yard ..... 1 m [3.28 ft]
- Interior Side Yard ..... 1 m [3.28 ft]
- Exterior Side Yard ..... 7 m [22.9 ft]

Maximum Building Height

- Main Building ..... 10.6 m [35 ft]
- Accessory Building ..... 6.0m [19.7 ft]

Maximum Lot Coverage .....40%

Maximum No. of Dwelling Units per Lot ..... 2

### 5.8.3 Additional Provisions

- (a) No part of any **kennel** may be located closer than 100 m [328 ft] to a **dwelling unit** on another **lot**.
- (b) A **park** or **parking area** shall not be subject to minimum **lot area** or **lot frontage** requirements but shall comply with the **setback** requirements of Section 5.8.2.
- (c) No **shoreline structure** shall be permitted within a depth of 15 m [49.2 ft] from the **shoreline** except a **boat house**, boat port, float plane hangar, **dock** or wharf.
- (d) With the exception of a **boat house** (wet), boat port, float plane hangar, **dock** or wharf, all **shoreline structures** shall be constructed within the confines of the property boundaries of a **lot**.
- (e) The **gross floor area** of a boat house or boat port, shall not exceed 80 m<sup>2</sup> [861.1 ft<sup>2</sup>].
- (f) A sauna or steam bath shall not exceed a **gross floor area** of 10 m<sup>2</sup> [107.6 ft<sup>2</sup>] and shall not be serviced by a pressurized water system.
- (g) No **dock** or wharf shall be constructed which constitutes a navigation or safety hazard.
- (h) No **shoreline structure** which will destroy **fish habitat** shall be permitted.
- (i) Where a commercial **zone** abuts a residential zone or a residential **use** or a **sensitive land use** on an adjacent **lot**, a landscaped strip of not less than 1.5 m [4.92 ft] in width shall be provided along the abutting **lot line(s)**.
- (j) Where a commercial **zone** abuts a residential **zone** or a residential use or a sensitive land **use** on an adjacent **lot**, the **setback** on the **abutting yard** shall be a minimum of 7.5 m [24.6 ft]

### 5.8.4 Exception Zones.

## 5.9 LOCAL COMMERCIAL - CL

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Local Commercial - CL zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.9.1 Permitted Uses

- Antique Store or Craft Shop
- Convenience Store
- Laundromat
- Video Rental Outlet

#### Accessory Buildings, Structures and Uses (see Section 4.1)

- Accessory Dwelling
- Bed and Breakfast

### 5.9.2 Zone Requirements

Minimum Lot Area - Municipal Water..... 929 m<sup>2</sup> [10,000 ft<sup>2</sup>]

Minimum Lot Area - Individual On-Site System ..... 0.3 ha [0.74 ac]

Minimum Lot Frontage - Municipal Water..... 30 m [98.4 ft]

Minimum Lot Frontage - Individual On-Site System ..... 45 m [147.6 ft]

#### Minimum Yard Requirements - Main Building

- Front Yard..... 6 m [19.6 ft]
- Rear Yard ..... 7.5 m [24.6 ft]
- Interior Side Yard ..... 1.2 m [3.93 ft]
- Exterior Side Yard ..... 6 m [19.6 ft]

#### Minimum Yard Requirements - Accessory Building

- Front Yard..... 6 m [19.6 ft]
- Rear Yard ..... 1.5 m [4.92 ft]
- Interior Side Yard ..... 1.5 m [4.92 ft]
- Exterior Side Yard ..... 6 m [19.6 ft]

#### Maximum Building Height

- Main Building ..... 10.6 [35 ft]
- Accessory Building ..... 4.5 m [14.7 ft]

Maximum Lot Coverage .....30%

Maximum Lot Coverage - Individual On-Site System .....10%

Maximum No. of Dwelling Units per Lot ..... 1

### 5.9.3 Additional Provisions

- (a) Where a commercial **zone** abuts a residential **zone** or a residential **use** or a **sensitive land use** on an adjacent **lot**, a landscaped strip of not less than 1.5 m [4.92 ft] in width shall be provided along the abutting lot line(s).
- (b) Where a commercial **zone** abuts a residential **zone** or a residential **use** or a **sensitive land use** on an adjacent **lot**, the **setback** on the abutting **yard** shall be a minimum of 7.5 m [24.6 ft].
- (c) A local commercial **use** shall have **lot frontage** on and direct access onto a major **street** utilized for through traffic.

### 5.9.4 Exception Zones.

## 5.10 LIGHT INDUSTRIAL - M1

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Light Industrial - M1 zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.10.1 Permitted Uses

- Auto Body Shop
- Auto Service Station
- Class I Industry
- Gasoline Bar
- Gasoline Card Lock Facility
- Parking Lot - Commercial
- Public Service Use (see **Section 4.35**)
- Public Utility (see **Section 4.35**)

- Warehouse
- Workshop or Custom
- Workshop

#### Accessory Buildings, Structures and Uses (see **Section 4.1**)

- Office
- Parking Area

### 5.10.2 Zone Requirements

Minimum Lot Area.....1 ha [2.5 ac]  
 Minimum Lot Frontage..... 45 m [147.6 ft]

#### Minimum Yard Requirements - Main Use

- All Yards..... 15 m [49.2 ft]

#### Minimum Yard Requirements - Accessory Use

- Front and Exterior Side yard..... 15 m [49.2 ft]
- Rear or Interior Side Yard..... 5 m [16.4 ft]

#### Maximum Building Height

- Main Building ..... 15 m [49.2 ft]
- Accessory Building..... 8 m [26.2 ft]

Maximum Lot Coverage .....30%

### 5.10.3 Additional Provisions

- (a) See also requirements of **Section 4.20** of this By-law for separation distances for industries.
- (b) Where an industrial **zone** abuts a residential **zone** or a residential **use** or a sensitive land **use** on an adjacent **lot**, landscaped open space or a landscaped strip of not less than 15 m [49.2 ft] in width shall be provided along the abutting **lot line(s)**.

#### 5.10.4 Exception Zones

## 5.11 MEDIUM INDUSTRIAL - M2

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Medium Industrial - M2 zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.11.1 Permitted Uses

- Auto Body Shop
  - Auto Service Station
  - Class II Industry
  - Compressed Gas Sales and Service
  - Contractor's Yard
  - Feed Supply Outlet
  - Fuel Depot
  - Gasoline Bar
  - Gasoline Card Lock Facility
  - Lumber Yard
  - Parking Lot - Commercial
  - Produce Grading Station or Storage Facility
  - Public Service Use (see **Section 4.35**)
  - Public Utility (see **Section 4.35**)
  - Transportation Depot
  - Warehouse
  - Well Drilling Establishment
  - Workshop or Custom
  - Workshop
- Accessory Buildings, Structures and Uses (see **Section 4.1**)**
- Office
  - Parking Area

### 5.11.2 Zone Requirements

Minimum Lot Area.....1 ha [2.5 ac]  
 Minimum Lot Frontage..... 45 m [147.6 ft]

#### Minimum Yard Requirements - Main Use

- All Yards..... 15 m [49.2 ft]

#### Minimum Yard Requirements - Accessory Use

- Front and Exterior Side yard..... 15 m [49.2 ft]
- Rear or Interior Side Yard..... 5 m [16.4 ft]

#### Maximum Building Height

- Main Building ..... 15 m [49.2 ft]
- Accessory Building ..... 8 m [26.2 ft]

Maximum Lot Coverage .....30%

### 5.11.3 Additional Provisions

- (a) See also requirements of **Section 4.20** of this By-law for separation distances for industries.
- (b) Where an industrial **zone** abuts a residential **zone** or a residential **use** or a sensitive land **use** on an adjacent **lot**, landscaped open space or a landscaped strip of not less than 15 m [49.2 ft] in width shall be provided along the abutting **lot line(s)**.

### 5.11.4 Exception Zones.



## 5.12 RURAL INDUSTRIAL - M3

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Rural Industrial - M3 zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.12.1 Permitted Uses

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Class I, II and III Industries</li> <li>• Public Utility (see <b>Section 4.35</b>)</li> <li>• Salvage Yard</li> <li>• Sawmill</li> <li>• Warehouse</li> </ul> | <p><b>Accessory Buildings, Structures and Uses (see <b>Section 4.1</b>)</b></p> <ul style="list-style-type: none"> <li>• Office</li> </ul> |
|--|--|

### 5.12.2 Zone Requirements

Minimum Lot Area.....2 ha [4.94 ac]  
 Minimum Lot Frontage..... 100 m [328 ft]

#### Minimum Yard Requirements - Main Use

- All Yards..... 15 m [49.2 ft]

#### Minimum Yard Requirements - Accessory Use

- Front and Exterior Side yard..... 15 m [49.2 ft]
- Rear or Interior Side Yard..... 5 m [16.4 ft]

#### Maximum Building Height

- Main Building ..... 15 m [49.2 ft]
- Accessory Building ..... 8 m [26.2 ft]

Maximum Lot Coverage .....30%

### 5.12.3 Additional Provisions

- See also requirements of **Section 4.20** of this By-law for separation distances for industries.
- Where an industrial **zone** abuts a residential **zone** or a residential **use** or a sensitive land **use** on an adjacent **lot**, landscaped open space or a landscaped strip of not less than 15 m [49.2 ft] in width shall be provided along the abutting **lot line(s)**.

#### 5.12.4 Exception Zones.

## 5.13 MINING ZONE – MM

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Mining - MR zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.13.1 Permitted Uses

- Mineral Aggregate Operation
- Mineral Mining Operation
- Mining Exploration and prospecting
- Mining and mineral extraction operations
- Supporting infrastructure; for example, water supply and waste disposal facilities, hydro electric power facilities, natural gas facilities, roads
- On-site Smelting and processing
- Pits and quarries
- Storage buildings
- Forestry Use
- Outdoor recreation

- Conservation use

#### Accessory Buildings, Structures and Uses (see Section 4.1)

- Accessory uses essential to mineral extraction operations (e.g. administration offices, weigh scales, assay office, power plant, lunch room, security facilities) and including only an accessory dwelling unit required for security or administration of mining operations.

### 5.13.2 Zone Requirements

Minimum Lot Area .....no minimum

Minimum Lot Frontage .....no minimum

Minimum Yard Requirements

- All Yards ..... 50 m [164 ft]
- Pit or Quarry ..... in accordance with **Section 5.14**

Minimum Separation Distance: In accordance with **Section 4.20** for Class III Industries

### 5.13.3 Additional Provisions

1. All mines and mining operations shall be developed, operated or closed in compliance with the *Mining Act* and the *Environmental Protection Act*.

2. No *person* shall operate a pit or quarry or a wayside pit or wayside quarry unless any required approvals under the *Aggregate Resources Act* of the *Environmental Protection Act* have been obtained and are valid for the operation of the pit or quarry or a wayside pit or wayside quarry.

3. Pits and quarries shall be operated in accordance with **Section 4.20**.

#### **5.13.4 Exception Zones**

## 5.14 MINERAL AGGREGATE RESOURCE - MX

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Mineral Aggregate Resource - MX zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.14.1 Permitted Uses

- Agriculture (not including buildings and structures)
  - Camp
  - Conservation Use
  - Forestry Use (not including buildings and structures)
  - Mineral Aggregate Operation
  - Pit
  - Portable Asphalt/Concrete Plant
  - Public Service Use (see **Section 4.35**)
  - Public Utility (see **Section 4.35**)
  - Quarry
  - Wayside Pit
  - Wayside Quarry
- Accessory Buildings, Structures and Uses (see **Section 4.1**)**

### 5.14.2 Zone Requirements

#### Minimum Yard Requirements

- All Yards..... 15.0m [49.2 ft]

#### Maximum Building Height

- Main Building ..... 15.0m [49.2 ft]
- Accessory Building ..... 8.0m [26.2 ft]

### 5.14.3 Additional Provisions

- (a) Despite the yard requirements stated above, a minimum of 30m [98.4 ft] setback will be required from lot lines adjacent to public roads.
- (b) See also requirements of **Section 4.20** of this By-law for for Mineral Aggregate Resources.

### 5.14.4 Exception Zones

## 5.15 WASTE MANAGEMENT FACILITY - WMF

---

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Waste Management Facility - WMF zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.15.1 Permitted Uses

- Agriculture (not including buildings and structures)
- Forestry Use (not including buildings and structures)
- Waste Management Facility

### 5.15.2 Zone Requirements

Minimum Yard Requirements

- All Yards..... 30 m [98.4 ft]

### 5.15.3 Additional Provisions

- (a) See also requirements of **Section 4.20** of this By-law for for a Waste Management Facility.

### 5.15.4 Exception Zones

## 5.16 NATURAL RESOURCE (RURAL) - R

---

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Natural Resource (Rural) - R zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.16.1 Permitted Uses

- Ambulance Facility
- Conservation Use
- Forestry Uses
- Natural Heritage Feature and area
- Outdoor Recreation use (excluding and buildings)
- Public Service Use (see **Section 4.35**)
- Public Utility (see **Section 4.35**)
- Wayside Quarry
- Wayside Pit

**Accessory Buildings, Structures and Uses** (see **Section 4.1**)

### 5.16.2 Zone Requirements

No minimum lot area, frontage or setbacks.

### 5.16.3 Additional Provisions

- (a) See also requirements of **Section 4.20** of this By-Law for separation distances for various land uses. See also **Section 4.21** for requirements for Natural Heritage Features and Areas.

## 5.17 ENVIRONMENTAL PROTECTION - EP

---

No *person* shall *use* any land or *erect, alter* or *use* any *building* or *structure* in the Environmental Protection - EP zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 5.17.1 Permitted Uses

- Conservation Use
- Forestry Use
- Natural Heritage Feature

### 5.17.2 Zone Requirements

No minimum *lot area, lot frontage* or *setbacks*.

### 5.17.3 Additional Provisions

- (a) No *building* or *structure* is permitted in the Environmental Protection (EP) Zone except as otherwise permitted in Section 4.12.2 of this By-law.
- (b) All land under water is within the Environmental Protection (EP) zone and *uses* of such land shall be limited to only those specifically approved by the Ministry of Natural Resources; and
- (c) See also requirements of **Section 4.20** of this By-Law for separation distances for various land uses. See also **Section 4.8** (requirements for shoreline vegetative buffers) and **Section 4.21** for requirements for *Natural Heritage Features and Areas*.

### 5.17.4 Exception Zones.



## 5.18 HERITAGE – H

No *person* shall *use* any *land* or *erect, alter* or *use* any *building* or *structure* in the Heritage – H zone except in accordance with the following provisions.

### 5.18.1 Permitted Uses

- Areas of archaeological potential
- Built heritage resources
- Cultural heritage landscape
- Historically established cemetery or burial site

### 5.18.2 Zone Requirements

- Minimum Lot Area N/A
- Minimum Lot Frontage N/A
- Minimum Yard Requirements – new buildings or structures or extensions thereto:

#### (a) Main Building

- Front yard – Main building ..... 6.0 m [19.69 ft]  
     – Accessory building ..... 6.0 m [19.69 ft]
- Rear yard – Main building ..... 8.0 m [26.25 ft]  
     – Accessory building ..... 3.0 m [9.84 ft]
- Interior Side Yard – Main building ..... 3.0 m [9.84 ft]

#### (b) Accessory Uses and Building

- Existing Buildings or structures .....existing setbacks

Note: *Accessory uses* include *buildings* that are complimentary to the primary *use* (see Section 4.1 for restrictions).

### 5.18.3 Additional Provisions

- (a) All *development* in this *Zone* shall also comply with the relevant provisions of **Section 4** (General Provisions) of this By-law;

### 5.18.4 Exception Zones