

TOWN OF SPANISH

ZONING BY-LAW October 2015



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The Corporation of the Town of Spanish
By-law No. _____

Being a By-law to regulate the use of land, buildings and structures within the Town of Spanish;

WHEREAS authority is granted pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

AND WHEREAS the Town of Spanish has conducted a review of the zoning by-law pursuant to Section 26 of the Planning Act in association with the five year review of the Official Plan and deems it appropriate to update its zoning by-law;

NOW THEREFORE the Council of the Corporation of the Town of Spanish enacts as follows:

That Sections 1-24 and Schedules A and B as follows, are hereby deemed to be and to constitute the zoning by-law for the Town of Spanish;

That this by-law shall come into force and take effect subject to the provisions of the Planning Act.

Read a first and second time this ___th day of _____, 2015.

Read a third time and adopted this ___th day of _____, 2015.

Mayor

Clerk

Certified that the above is a true copy of By-law No. _____ as enacted and passed by the Council of the Corporation of the Town of Spanish on the ___th day of _____, 2015.

Clerk

THE CORPORATION OF THE TOWN OF SPANISH ZONING BY-LAW EXPLANATORY NOTE

Explanatory Note

The purpose of this By-law is to implement the Official Plan of the Town of Spanish and to regulate the use of land and the character, location and use of buildings and structures in the Town of Spanish. This By-law applies to all land within the Town of Spanish.

The By-law is passed by the authority of Section 34 of the *Planning Act*. The By-law conforms to the Official Plan for the Town of Spanish.

After the date of adoption of this By-law, any new development, redevelopment or alteration to an existing use or building must comply with the regulations of this By-law before a building permit can be issued. Applicants are encouraged to pre-consult with the Town on how the zoning regulations apply.

Changes to the regulations contained in this By-law may be made with prior approval from the Town as provided for under the *Planning Act*. Significant changes may require an amendment to the Zoning By-law. Minor variances to the By-law may be granted by the Town's Committee of Adjustment.

Minor Variances

Criteria for evaluating Minor Variances (section 45(1)) of the *Planning Act*:

- (1) The general intent and purpose of the Official Plan are maintained;
- (2) The general intent and purpose of the Zoning By-law are maintained;
- (3) The variance is minor; and
- (4) The proposed use of land, building or structure is desirable for appropriate development.

An application for a minor variance must meet all of the above four tests to be approved. Where a proposed variance is not minor or cannot satisfy the criteria for a minor variance, an amendment to this Zoning By-law may be required. Applications are available from the Town office or on the website www.townofspanish.com

How long does a minor variance application take to be approved?

Upon the receipt of a complete application a minor variance application usually takes 1-2 months to complete. The level of complexity and issues related to the proposal will affect the time line.

Zoning By-law Amendments

The Zoning By-law may be amended where the proposed amendment complies with the Town's Official Plan. In accordance with the requirements of Section 34 of the *Planning Act*, the usual procedure for amendments involves the following steps:

- (1) The person or public body wishing to amend the Zoning By-law must consult with the municipality before making an application. The application may then be made to the Clerk

of the Corporation of the Town of Spanish to amend the By-law under (subsection 34(10.0.1) of the *Planning Act*). Applications are available from the Town office and may be posted on the website www.townofspanish.com

- (2) Council determines whether the application is a 'complete' application. Additional information, reports or studies may be required to support the proposed amendment. Council has 30 days from the date of application to determine whether the application is complete (s. 34(10.1-10.3)).
- (3) Once the application is considered complete, Council circulates to prescribed agencies and bodies a Notice of Complete Application (s. 34(10.4)). If Council deems an application incomplete or does not make a decision within 30 days from the date of application, the person or public body may appeal to the Ontario Municipal Board (OMB) to determine whether the application is complete (s. 34(10.5)).
- (4) If an application is considered complete, Council advertises that a Public Meeting will be held in order to consider the amendment to Zoning By-law. Advertisement is given 20 days in advance of the public meeting (s. 34(12-13, 14.1)). The advertisement may be placed in the local newspaper, or may be mailed to all property owners within 120 m of the property affected by the application. Where the notice is mailed, the applicant must also post a notice in a location that is visible from the adjacent street.
- (5) Council holds a Public Meeting and evaluates the appropriateness of the proposed amendment. Council considers the proposal's conformity with the Official Plan, adequacy of services, conformity with the provisions of the requested zone, suitability of the proposed use in the proposed location, public opinion, etc. The application must also be consistent with the Provincial Policy Statement and must also comply with the Growth Plan for Northern Ontario. If the application is considered satisfactory, the amending By-law is passed by Council.
- (6) Within 15 days of the passing of the by-law, the Clerk will give written notice of the decision through a notice in the local newspaper and by first class mail to the applicant and to anyone who made a written request to receive notice of a decision and the applicant (s. 34(10.9, 18)).
- (7) If Council refuses the application and does not amend the by-law, the Clerk must give written notice with reasons to the applicant. The notice must be given within 15 days of Council's decision.
- (8) Any person who gave their opinion at a public meeting or who submitted their concerns in writing to the Clerk before the by-law was passed may appeal the decision of Council to the Ontario Municipal Board. The appeal must be filed with the clerk within the 20 day appeal period set out in the notice of the passing of the by-law being given of approval to the amendment to the Zoning By-law (s. 34(19)).
- (9) If Council refuses to approve the application or Council does not make a decision within 120 days from the date the application is deemed complete, the person or public body may appeal to the OMB within 20 days of the notice of decision of refusal of the application or within 20 days of the lapsing of the 120-day period (s. 34(11, 11.0.2)).

- (10) An amendment to the Zoning By-law takes effect on the day the by-law was passed where no appeal is filed.
- (11) If a decision or lack of a decision is appealed to the OMB, the Board can make any decision the Council of the Town had in regard to the specific application (s. 34(26)). In other words, the OMB can approve, or refuse the application or approve the application in part.

How long does a zoning By-law amendment take to be approved?

Upon the receipt of a complete application (including any required supporting studies); a zoning By-law amendment usually takes 2-3 months to complete. The level of complexity and issues related to the proposal will affect the time line.

How to Use this By-law

Step 1 – Locate Your Property and Determine the Zone

Use the zoning schedules (maps) at the end of this document to locate the property you are interested in. Identify the zone symbol that applies to that property. Zone examples include R1, R, M1, and C1.

Step 2 – Determine What Uses are Permitted in the Zone

Use the Permitted Uses section of your Zone to determine what use(s) is/are permitted in the Zone you have identified. Run your finger down the list to find the use you are interested in. If you find the use you are interested in, it is permitted in the Zone. Otherwise, it is not permitted in that Zone.

Step 3 – Determine What Zone Regulations Apply

Once the use is determined to be permitted, move down to the Zone Regulations section. In this section the regulations will indicate what the minimum regulations will be, i.e. minimum lot area, lot frontage, building setbacks etc. These standards will help you determine where you can locate a building or structure on your lot.

Step 4 – Determine if any General Provisions Apply

Development of the property may be affected by Section 4 (General Provisions). General Provisions can apply to any zone anywhere in the municipality. This section contains provisions that apply to such matters as Accessory Uses, Height Exceptions, Home Based Businesses, etc. Use this section to determine how a particular land use might be affected.

Step 5 – Clarify the Meaning of a Use

Throughout the By-law some words are shown in ***black italicized script***. These words are defined in Section 3 (Definitions). If you are unsure as to what a particular word means or what the scope of a permitted use includes, then refer to the alphabetical list of definitions to assist you. This section also contains illustrations which are intended to help with understanding the definition.

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Section 1 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. _____ of the Corporation of the Town of Spanish and shall consist of the text and one or more schedules attached hereto.

1.2 Application and Building Permits

In addition to the requirements of the Town of Spanish Building By-law, every planning application or application for a building permit shall be accompanied information required to determine compliance with this By-law. The regulations of this By-law must be met before a building permit is issued by the **Municipality** for the erection of any **building** or **structure**.

1.3 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Town of Spanish.

1.4 Enforcement

For example, a site plan drawn to scale should be prepared which illustrates

- *The true dimensions of the lot to be built upon;*
- *The proposed location, height and dimensions of any proposed building or structure;*
- *The setbacks of all existing and proposed buildings or structures from the nearest lot lines, the location and dimensions of parking spaces (conventional and barrier-free), parking aisles, parking areas and loading spaces;*
- *The location of sewage disposal systems and/or wells on the property and on abutting properties;*
- *Where the proposed building is to be used for residential purposes, the location of all livestock facilities within 0.5 km [0.31 mi] of the proposed dwelling.*

This By-law shall be enforced by the **Clerk** or such other **persons** 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 Penalty

Any **person** who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided for under the *Planning Act, R.S.O., 1990, c. P.13*, as amended.

1.6 Validity

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

1.7 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 the Town of Spanish, 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 requirement of the Province of Ontario or the Government of Canada.

1.8 Conflict

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

1.9 Effective Date

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

1.10 Metric and Imperial Terms

The imperial measurements contained in this By-law are included for convenience and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

1.11 Level of Accuracy

All calculations of the regulations of this By-law shall be to one decimal place, and in no case shall there be a rounding to such decimal place.
In the event of any conflict between the zone regulations of this By-law, the more restrictive regulation(s) shall apply.

1.12 Defined Terms

All defined terms are shown in ***bold italicised script*** throughout this By-law.

1.13 Diagrams and Figures

This By-law contains a number of diagrams and figures which are intended to assist with the interpretation of the By-law; however, they do not form part of this by-law.

1.14 Repeal of Existing By-laws

Upon this By-law coming into effect, any zoning By-laws or amendments thereto passed under Section 34 of the *Planning Act* or a predecessor thereto are hereby repealed. The adoption of this By-law shall not prevent any current, pending or future prosecution or action to abate any existing violation of previous By-laws.

1.15 Reference to Legislation

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean the statute currently in force and any amendments thereto and all applicable regulations thereunder.

1.16 Technical Revisions to the Zoning By-law

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

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

Section 2 CONFORMITY REQUIREMENTS

Explanatory Note

This short section establishes the authority of the By-law. It requires that all land uses, buildings and structures must comply with this Zoning By-law.

2.1 Compliance

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 Compliance of Severances

Subject to the granting of such minor variances as may be approved, no lands shall be severed from any **existing lot** if the effect of an approval for severance 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 Application to Building

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, with necessary modifications, as though the actual area occupied by the **use** was in a **building**.

Examples could include a flea market with vending booths, a manure storage area.

2.4 Minor Variances

All minor variances applied for prior to the enactment of this By-law and finally approved pursuant to Section 45 of the *Planning Act, R.S.O., 1990, c. P. 13*, as amended, shall continue to apply and remain in force as if they are variance to this By-law.

Section 3 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".

3.1 General

Definitions of words and phrases used in this By-law that are not included in the list of definitions in Section 3 shall have the meanings that are commonly assigned to as defined in a dictionary.

3.2 Definitions

Accessory

When used to describe a **use, building** or **structure**, shall mean a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a principle use, building or structure and located on the same lot therewith [see **Figure 3.1**].

Accessory Dwelling – see **dwelling, Accessory**

Accessory Apartment - see **Dwelling – Accessory Apartment**

Accessory Dwelling Unit – see **Dwelling, Accessory Dwelling Unit**

Examples of accessory buildings or structures are a detached garage, a storage shed, a swimming pool or a satellite dish. Examples of accessory uses are a home based business, an apartment above a store, or a retail outlet within a manufacturing plant.

Figure 3.1: Accessory Building and Main Building



Adult Entertainment Parlour

Means any **premises** or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations and for the purposes of this definition, the following terms shall be interpreted as follows:

1. "To provide" when **used** in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
2. "Services" includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include "goods" including books, clothing, magazines, pictures, slides and audio and/or video recordings;
3. "Services designed to appeal to erotic or sexual appetites or inclinations" includes:
 - a) Services of which a principal feature or characteristic is the nudity or partial nudity of any person; or
 - b) Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.

Adult Video Rental Outlet

Shall mean an establishment where pre-recorded video tape, video discs, game cartridges, video cameras or video players/recorders are offered for rent or rented as a principle or accessory business activity and includes the sale of electronic home entertainment products, computer disks, software, CD-ROMs or other computerized systems designed or advertised as designed to appeal to erotic or sexual appetites or inclinations.

Adventure Game

Means an outdoor sport or **recreation commercial establishment** operated commercially in which participants engage in games mimicking combat-type roles and which may include the use of paint ball or similar equipment.

Adverse Effects

As defined in the *Environmental Protection Act*, means one or more of:

1. Impairment of the quality of the natural environment for any use that can be made of it;
2. Injury or damage to property or plant or animal life;
3. Harm or material discomfort to any person;
4. An adverse effect on the health of any person;
5. Impairment of the safety of any person;
6. Rendering any property or plant or animal life unfit for human use;
7. Loss of enjoyment of normal use of property; and
8. Interference with normal conduct of business.

Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act* or the *Aggregate Resources Act*.

Agricultural Use

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

1. The growing of crops, including but not limited to nursery and horticultural crops and all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops produced on the lands.

2. Animal husbandry including the raising, boarding, and keeping of all forms of livestock, including poultry and fish, aquaculture, apiaries and all related activities such as breeding, training, feeding and grazing.
3. Agro-forestry, maple syrup production.
4. The production of animal products including but not limited to milk, eggs, wool, fur, or honey, and all related activities such as the collection, storage and sale of the products produced on the lands.
5. The use and storage of all forms of on-farm buildings and structures, equipment or machinery needed to accomplish the foregoing activities.
6. Agricultural use shall not be construed to include commercial activities related to agriculture such as **abattoirs**, tanneries and retail sales outlets, (except 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 Related Use

Means the **use** of land, **buildings** or **structures** which are farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Aisle

Means the traveled way by which **motor vehicles** enter and depart **parking spaces** or **loading/delivery spaces** or a **parking area**.

Alter

When used in reference to a **building, structure** or part thereof, means:

1. To change any one or more of the internal or external dimensions of such **building** or **structure**; or
2. To change the type of construction of the exterior walls or roof of such **building** or **structures**; or
3. To change the **use** of such **building** or **structure** or the number or types of uses or **dwelling units** contained therein.

When used in reference to a **lot** means:

1. To change the boundary of such **lot** with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the **lot**, or otherwise; or
2. To change any dimension or area, relating to such **lot** (e.g. *width, depth or area of a lot or required yard, landscaped open space or parking area*); or
3. To change the **use** of such **lot** or the number of uses located thereon.

When used in reference to a shoreline 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**.

Altered and alteration shall have corresponding meanings.

Alternative energy system

Means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Ambulance Facility

Means a **building** or part thereof where professional paramedics and personnel are stationed and their **motor vehicles** and equipment are kept or stored.

Animal Day Care Establishment

Means commercial premises **used** for a day care service for domestic pets, but shall not include an **animal shelter** or **kennel**.

Animal Shelter

Means a **building, structure** where animals, birds or other livestock are examined or treated and which may be kept on a short term basis, and may include the **premises** of a veterinarian or veterinary surgeon, but does not include a **commercial kennel**.

Apartment Building - see Dwelling – Apartment

Arcade or Video Arcade

Means a **place of amusement** used for the maintenance and operation of four or more amusement devices for use by the general public.

Archaeological Resources

Means artifacts, archaeological sites, and marine archaeological sites as defined under the *Ontario Heritage Act*.

Artisan Shop or Studio - see Studio

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**.

Assembly Hall - see Place of Assembly

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 buildings.

Attic

Means that portion of a **building** immediately below the roof and wholly or partly within the roof framing.

Auction Hall

Means a **building**, a **structure** or parts thereof, or any lands or **premises** used for the storage of goods or materials which are to be sold on the **premises** by public auction and for the sale of the said goods and materials by public auction. An auction barn shall be included within this definition.

Auditorium - see Place of Assembly

Auto Body Shop

Means a **building** or **structure** where painting, refinishing, restoration, alterations, or repairs are made to **motor vehicles** and where the services are performed for gain or profit, but does not include a **wrecking or salvage yard** or **auto repair garage**.

Auto Repair Garage

Means a **building** or **structure** for the storage, repair and servicing of **motor vehicles** or **recreational vehicles** performed for gain or profit.

Automotive Sales Establishment

Means land or **buildings used** for the display, storage and sales or leasing, or renting of new and/or used **motor vehicles** and **recreational vehicles** and related products, and may include **accessory uses** such as an **Auto Repair Garage** and/or **Auto Body Shop**, as defined, administrative offices and a customer lounge.

Automotive Service Station

Means a **building** and/or **lot** used for the sale of fuels or energy products, for **motor vehicles** or **recreational vehicles** and may include an **auto repair garage**, 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 [see also Gas Bar].

Automobile Wrecking Yard - see Wrecking or Salvage Yard

Bakery

Means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a **restaurant** or other premises where any such product is made for consumption on the premises or a bake shop.

Bake Shop

Means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

Balcony

Means an open platform projecting from the face of a building's wall, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

Basement

Means that portion of a **building** below the first floor which is partly underground. [See **Figure 3.4**]

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 but is not limited to 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 equipment.

Bed and Breakfast Establishment

Means a private **single detached dwelling** in which a maximum of three (3) **guest rooms** are provided for hire or pay as temporary accommodation on a daily basis with a breakfast service for the travelling or vacationing public as an **accessory use** and where the proprietor lives on the **premises**.

Bicycle Parking Space

Means a designated area for the exclusive parking of bicycles equipped with a rack or stand designed for the locking of a bicycle wheel or frame.

Bingo Hall

Means a **building** or part thereof used for bingo or a bingo event.

Boarding House

Means a **dwelling** other than a **single-detached dwelling** which contains three (3) or more rooming units wherein, for remuneration, lodgings, with or without meals, are provided to the public.

Boat House

Means a one-storey **accessory building** used for the storage of boats and boating equipment.

Boat Launch

Means a *use* of land adjacent to a *water body* that is used to launch and remove boats, marine vessels and watercraft.

Boat Slip

Means a single mooring space for a boat, marine vessel or watercraft forming part of a dock, *boat house* or other mooring facility.

Brewery or Winery

Means a *building used* primarily for the manufacturing, processing and distribution of beer, cider and wine and may include an accessory retail outlet.

Building

Means any *structure* consisting of walls, roof and floors used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof.

Building, Accessory - see Accessory**Building Envelope**

Means the buildable area on a *lot*, defined by all of the required *yards* and setbacks and the maximum height provisions, within which a *building* can be erected [see **Figure 3.2**].

Building Height - see Height**Building Inspector or Building Official - see Chief Building Official****Building, Main**

Means a *building* in which is conducted the *principle uses* of the *lot* on which the *building* is located [see **Figure 3.1**].

Figure 3.2: Building Envelope



Building Line

Means a line within a lot drawn parallel or concentric to a lot line establishing the minimum distance between that lot line and any portion of a **building** or **structure** which may be erected.

Building, Mixed Use

Means a **building** containing more than one land **use** (e.g. retail commercial and residential, **office** and residential, industrial and retail) that are designed and constructed as a single **building**.

Building Separation

Means the least horizontal distance **permitted** between the nearest portions of the walls of any **buildings** on a **lot**.

Building Supply Store or Depot

Means a **building** where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, hardware, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail or wholesale sale and may include a **bulk storage yard**. This definition shall not include a **wrecking yard**.

Building, Temporary

Means a **building** or **structure** intended for removal or demolition within a prescribed time period not exceeding two years or as set out in a building permit.

Built Heritage Resources

Means **buildings, structures**, monuments, installations or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. **Built heritage resources** are generally

located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial or federal registers.

Bulk Fuel Depot

Means lands, ***buildings*** and ***structures*** for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

Bulk Storage Yard

Means land or a ***lot*** used for the storage in the open or partially sheltered, of goods and materials and without limiting the foregoing shall include lumber, building supplies, construction equipment, but shall not include a ***wrecking yard***.

Bunkhouse

Means a ***building*** designed or ***used*** for the accommodation of up to 30 workers and may include sanitary facilities, a kitchen and sleeping accommodation.

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 but does not include a **seasonal dwelling**.

Campground

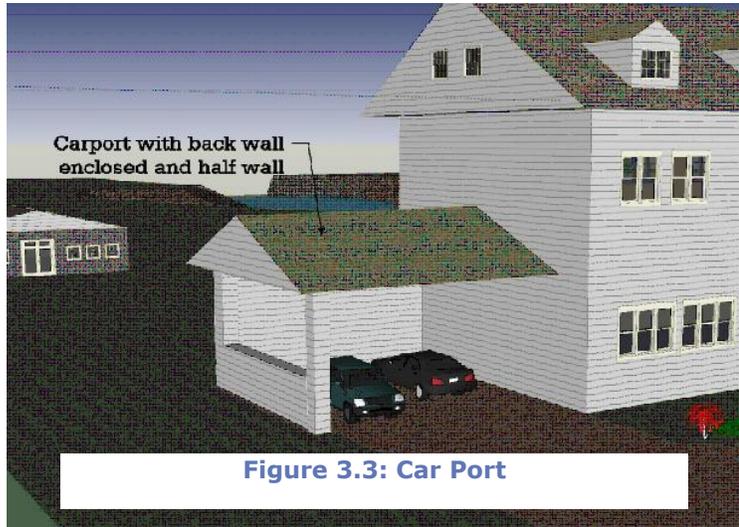
Means an area of land, managed as a unit, providing short term accommodation or overnight camping for tents, tent trailers, **recreational vehicles** or truck campers. A campground may include **accessory uses, buildings and structures** such as an **accessory dwelling, laundromat, convenience store**, pavilion, recreation hall, beach, the sale of propane fuels or firewood or other goods or supplies and equipment rentals that are **accessory** to the operation of the campground.

Camp Site

Means a parcel of land within a **campground** that is maintained as a site for the location of a tent, tent trailer, **recreational vehicle** or truck camper, but not a **mobile home**.

Canopy

Means a roof-like **structure** projecting from the exterior face of a **building** or is a stand-alone structure over a pump island or **gas bar**.



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**. A car port **attached** to the **main building** is not an **accessory structure**. [See **Figure 3.3**]

Car Rental Agency

Means the use of land, or **building** or **structure** where motor vehicles are kept for lease and where such vehicles may be dropped off or picked up.

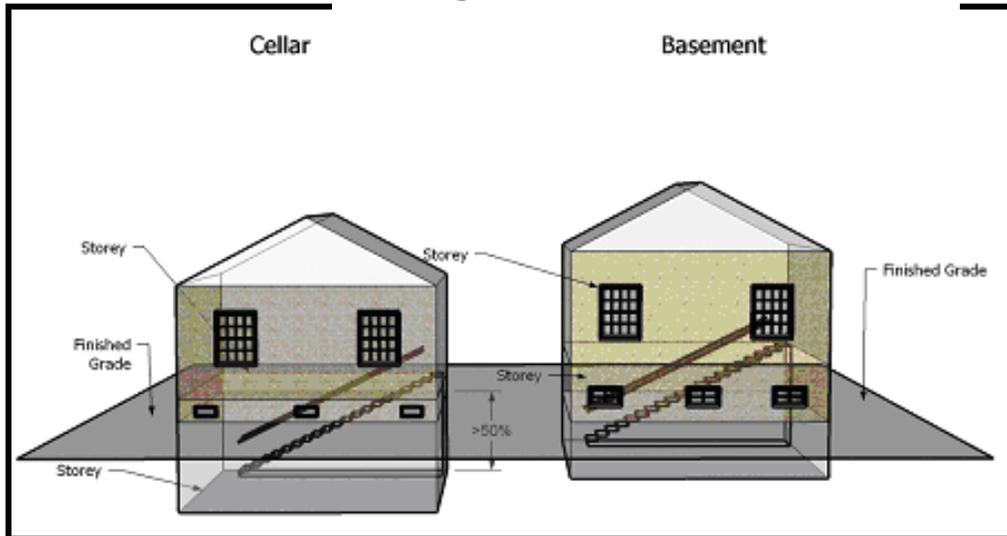
Car Wash

Means a commercial **building** or portion thereof used for the washing or cleaning of **motor vehicles**. A **car wash** may be an **accessory use**.

Catering Establishment

Means a commercial establishment or a **home based business** in which food and beverages are prepared for consumption off the **premises** and are not served to customers on the **premises**.

Figure 3.4: Cellar and Basement



Cellar

Means the portion of the **building** below the first floor, which is partly or wholly underground and which has more than one-half of its **height** from floor to ceiling or to the underside of the floor joists below the finished grade [see also Basement and **Figure 3.4**]

Cemetery

Means a cemetery within the meaning and as regulated by the *Funeral, Burial and Cremation Services Act, 2002* and includes a mausoleum, columbarium or other **building** or **structure** intended for the interment of human remains.

Cemetery, Pet

Means a **use** of land for the interment of cremated or intact animal remains.

Chief Building Official

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

Church - see Place of Worship

Clinic

Means a **building** or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more qualified health practitioners and without limiting the generality of the foregoing, the **building** may include administrative **offices**, waiting rooms, laboratories, professionals (e.g. *physicians, dentists, optometrists, chiropractors, chiropractors or drugless practitioners*), 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.

Club, Private

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.

Commercial Parking Lot

Means a **lot** forming the principal use of the land which is used for the temporary parking of two or more **motor vehicles** for profit or gain.

Commercial Vehicle

Means a **motor vehicle** having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

Communications Facility

Means an installation which transmits receives and/or relays communications such as a microwave relay tower, significant antenna, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility approved by *Industry Canada*.

Community Centre - see Place of Assembly**Community Garden**

Means a site operated by community members and/or a community organization where municipally owned lands are **used** for the growing of produce, flowers and native plants for non-profit use through individual or shared plots located on municipally owned lands.

Community Recycling Facility

Means a **building** or **structure used** for the collection, storage, redistribution and sale of reusable goods and materials to the general public and may also include a public education and/or an office facility. A recycling facility shall not include "on site" processing or manufacturing.

Conservation Use

Means the **use** of lands which are intended to remain open in character with the priority use given to preservation, protection or conservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses.

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, a retirement home and facilities associated with, and designed specifically to serve the senior or disabled population such as clinics, recreation centers, 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. This definition does not include a **group home**, **boarding house** or chronic care facility.

Convenience Store or Confectionary Store

Means a **retail store** used primarily for the sale of grocery and other daily household necessities required to fulfil the day-to-day needs of the surrounding community.

Convention Facility - see Place of Assembly

Corporation

Means the Corporation of the Town of Spanish except where reference is made in this By-law to a private corporation, in which case the definition shall mean a body corporate with share capital to which the *Business Corporations Act* applies.

Cottage Industry - see Home Based Business

Council

Means the Council of the Corporation of the Town of Spanish.

Coverage - see Lot Coverage

Crisis Care Facility

Means a residential facility that is licensed and funded by the Province of Ontario, Government of Canada or an appointed agency, for the short term, temporary care of persons requiring immediate emergency shelter and aid who are living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing.

Cultural Heritage Landscape

Means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as **structures**, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Custom Workshop

Means a **building** or **structure** or part of a **building** or **structure** used by a trade or craft for the individual custom production of articles. The sale of such products shall be **permitted** as an **accessory use**.

Day Lighting Triangle - see Sight Triangle

Day Care, Private Home

Means the **use** of a **dwelling unit** for the temporary care of five or fewer children who are under ten years of age, in exchange for reward or compensation and where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

Day Nursery

Means an establishment for pre-school-aged children governed by the *Day Nurseries Act*.

Deck

Means a **structure** above the ground cantilevered from a **dwelling** or **building** or supported by the ground with no roof or walls except for visual partitions and which is **used** as an outdoor living area.

Detached

When used in reference to a building or structure, means a **building** or **structure** which is not structurally dependent on, nor adjoins on any side, any other **building**.

Development

Means the creation of a new **lot**, a change of 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.

Dish Antenna - see Satellite Dish/Receiver

Dock

Means an **accessory structure** used for the mooring of boats, marine vessels or watercraft which is designed to float freely on the surface of the water and which may be secured or anchored to the **shoreline**.

Dormitory

Means a **building** designed or **used** to provide temporary lodging accommodation of miners, mining staff, contracted staff, mill employees or students and may include such facilities as an administrative office, cafeteria, recreational hall and living units, and where each living unit may contain washroom and kitchen facilities.

Drive-Through Facility

Means a **premise** used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in **motor vehicles** that are in a designated queuing space, and may be in combination with other land uses. Kiosks within a parking structure necessary for the operation of the parking facility or kiosks associated with a surface parking area are not considered drive through facilities.

Driveway

Means an unobstructed passageway used to provide access to a **lot** from a street or lane.

Driving Range

Means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding a golf course.

Dry Cleaning or Laundry Outlet means a **premises** used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering or dry cleaning at another location and may include facilities for the pressing or ironing of such articles.

Dry Cleaning or Laundry Plant means premises in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing and finishing of such goods are conducted.

Dwelling

Means a **building** or part of a **building** occupied or capable of being occupied as the home or residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a hotel or motel.

Dwelling - Accessory

Means a fully-detached **dwelling** which is **accessory** to a **permitted** non-residential use.

Dwelling - Apartment

Means a **building** containing three (3) or more **dwelling units** but shall not include a **row** or **townhouse dwelling** [see **Figure 3.5**].

Dwelling - Accessory Apartment

Means a self-contained **dwelling unit** which is **accessory** to and located within or attached to a **main building used** for a **permitted non-residential use** on the same **lot**.

Dwelling – Converted

Means an existing **single detached dwelling** which has or may be altered or converted to contain two (2) or more **dwelling units** but not more than four (4).

Dwelling - Duplex

Means a **building** that is divided horizontally into two (2) **dwelling units**, each of which has an independent entrance [see **Figure 3.5**].

Dwelling - Group or Group Housing or Group Housing Project

Means a combination of dwelling types (e.g. *semi-detached, triplex, row housing, and apartments*) where there are two or more such **dwelling units** located on the same lot, which lot is retained under one ownership or registered and in compliance with the *Condominium Act*.

Dwelling - Mobile Home

Means any **dwelling** that is designed to be made mobile, and constructed or manufactured in accordance with standards set out in the *Building Code* and designed to provide a permanent residence for one or more **persons**, but does not include a **recreational vehicle**.

Dwelling, Modular

Means any dwelling that is designed and built in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured off-site to provide a permanent residence for one or more persons, and includes a **mobile home**, but does not include a **recreational vehicle**.

(Note: a prefabricated or manufactured home shall have the same meaning. Such dwelling types are distinguished from mobile homes which are built on a chassis and transported on their own wheels.)

Dwelling - Multiple Unit

Means a separate **building** designed exclusively to contain three (3) or more **dwelling units**.

Dwelling - Row or Townhouse

Means a **building** that is divided vertically into three (3) or more **dwelling units**, each of which has an independent entrance at grade. [See **Figure 3.5**]

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 (e.g. cottage).

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** [see **Figure 3.5**].

Dwelling - Triplex

Means a **building** on a single foundation divided into three (3) separate **dwelling units**, each of which has an independent entrance either directly from the outside or through a common vestibule [see **Figure 3.5**].

Dwelling – Two-Unit

Means a **dwelling** containing two (2) **dwelling units** and for the purpose of this By-law a **Two-Unit Dwelling** may include a **semi-detached dwelling**, a **duplex dwelling**, but shall not include a **converted dwelling** or a **dwelling containing a secondary dwelling unit**.

Dwelling Unit

Means one or more **habitable** rooms or suites of two or more rooms, designed or intended for use by and occupied by one or more individuals as a household in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and with a private entrance from outside the **building** or from a common hallway or stairway inside the building.

Dwelling Unit – Secondary

Means a separate and self-contained **dwelling unit** (e.g. includes cooking, sanitation and sleeping facilities) within a new or **existing single detached dwelling unit, semi-detached dwelling** or **row or townhouse dwelling** that is subordinate to the principle **dwelling unit** on the property.

Dwelling Unit Area

Means the floor area of a **dwelling unit** measured within the interior faces of the exterior walls of the **dwelling unit**. The unfinished floor area in the **basement** shall not be included in the calculations of the dwelling unit area.

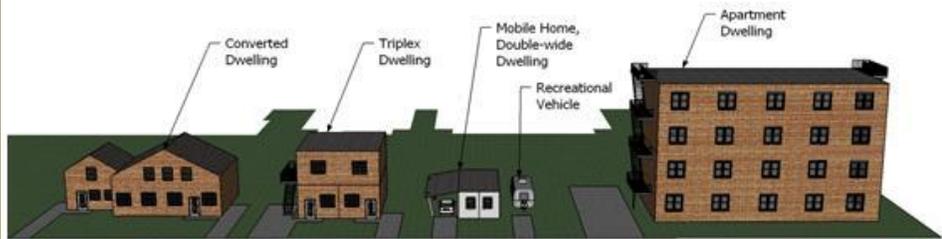
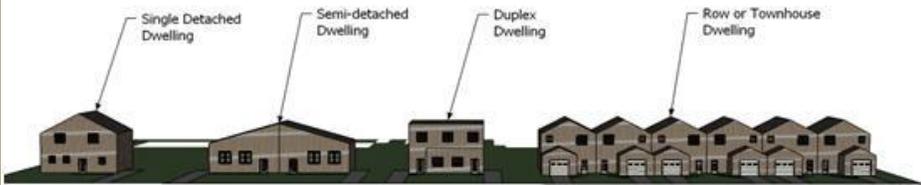


Figure 3.5: Dwelling Types



Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another and shall be deemed to include an easement for a water, sewer, gas or hydro or communications utility, drainage works, and a street, or road.

Eave

Means a roof overhang, free of enclosing walls, without supporting columns.

Entrance

Means in reference to a **lot**, the area of intersection between a **driveway** and a **street line**.

Equestrian Establishment

Means the **use** of land, **buildings** and **structures** for 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.

Equipment Sales, Service and Repair Establishment

Means a **building** or part of a **building** and land where machinery or equipment for use in construction undertakings, commercial vehicles, and other similar goods are kept for sale at retail or wholesale and which may be serviced, washed or repaired and may include an auto body shop. (*Examples include farm equipment, back hoes, floats or trailers.*)

Equipment and Vehicle Storage Yard

Means an uncovered area of land which is used for the storage of machinery and equipment for construction undertakings, commercial vehicles, and other similar goods requiring large areas for **outside storage**. Limited repair of such machinery, equipment, vehicles and goods may be **permitted** in a **building** provided such repair is clearly incidental and secondary to the storage use.

Erect

Means to build, construct, reconstruct, **renovate**, **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.

Figure 3.6: Established Building Line



Established Building Line

Means the average setback from the street line of **existing buildings** measured not more than 100 m [328 ft.] on one side of one block where more than one-half of the frontage of the same side of a block has been built upon [see **Figure 3.6**].

Established Grade

Means:

1. When used with reference to a **building**, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments, planters, berms or steps;
2. When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
3. When used with reference to a street, road or highway, the elevation of the street, road or highway established by a **public authority**.

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**

Factory Outlet

Means a **premise accessory** to a permitted **industrial use** where products or goods that are manufactured or produced on site by that industry are kept for wholesale or retail sale on the same **lot** as the principle **industrial use**.

Fairground

Means land, **buildings** and **structures used** for entertainment, agricultural and related exhibits, competitive events, food concessions, a carnival or midway which are conducted on a seasonal or temporary basis and may include grandstands, barns and other **accessory buildings** and **structures** normally associated with such a **use**.

Farm

Means land **used** for the tillage of soil and the growing of vegetables, fruits, grains, and other staple crops. This definition shall also apply to land used for animal husbandry, dairying or wood lots [see also **Agricultural Use**].

Farm, Hobby

Means land on which a **farm** may be operated primarily for recreational purposes or for home consumption by the occupants of the **dwelling** on the same **lot**, and which is clearly secondary and **accessory** to the **permitted use**. A hobby farm may also include a **farm produce outlet**.

Farm Produce Outlet

Means an **accessory use** 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, **buildings** and **structures used** for the sale of farm products, crafts and other merchandise of a local farming or rural community and designed for individual retailers.

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.

First Storey

Means the storey with its floor closest to but above grade.

Fitness Centre

Means a commercial **building** or part of a **building** in which facilities are provided for recreational or health related activities including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and saunas, a day spa, an administrative office, a cafeteria and an **accessory retail outlet** for fitness-related attire, equipment and dietary supplements.

Flea Market

Means:

1. A **building** or part of a **building** where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined in this By-law;
2. An occasional or periodic market or sales event held in an open area, which may include a street, or within a **building** or **structure** where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;
3. A **building** or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, homemade, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade;
4. A **building** or open area where food preserves or fresh produce or prepared foods are sold, but does not include a **restaurant**.

Flood Elevation or Floodline

Means a line established by a one in one hundred year storm as established by flood plain mapping or by an appropriate public authority.

Flooding Hazards

Means the inundation of areas adjacent to a **shoreline** or river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as a standard for that specific area by the Ministry of Natural Resources.

Flood Plain

For river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to **flooding hazards**.

Floor Area, Gross

Means the total area of all floors contained within a **building** 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, Ground

Means the floor area of the lowest storey of a building approximately at or above the **established grade** excluding any **basement** or **cellar**, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building; and for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

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:

1. Any **private garage, porch, veranda**, unfinished **basement, cellar** or **attic**; or
2. Any part of a **building** or **structure** below grade which is used for building services, storage or laundry facilities; or
3. Any part of the **building** or **structure used** for the storage or parking of **motor vehicles**; or
4. Any part of a commercial shopping area **used** as a hall way, corridor passageway, utility room, public washroom, balcony or mezzanine not otherwise used for the display or sale area for merchandise.

Forestry Use

Means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, saw logs, Christmas trees, other forestry products and silva culture practices.

Front Lot Line - see **Lot Line, Front**

Front Yard - see **Yard, Front**

Frontage - see **Lot Frontage**

Funeral Home

Means a **building** or part thereof used for the purpose of furnishing funeral services to the public, but shall not include a crematorium.

Garage – Detached Private

Means a fully enclosed **accessory building** which is designed or **used** for parking or storage in which there are no facilities for repairing or servicing of a **motor vehicle** for remuneration or commercial use.

Garden Centre - see Commercial Greenhouse, Garden Centre or Nursery

Garden Suite

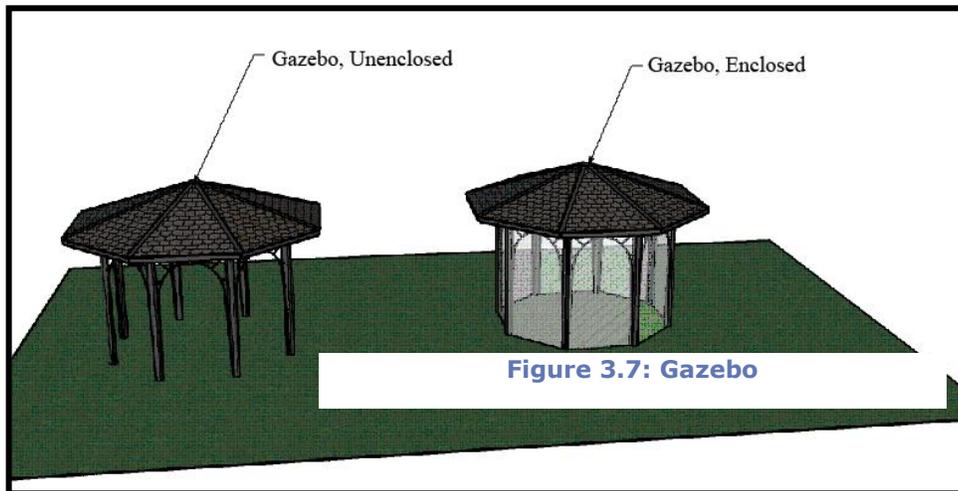
Means a one-unit detached residential **building** containing sanitary and kitchen facilities that is **accessory** to an **existing** permanent residential **building** and that is designed to be portable, but shall not include a **mobile home**, or a **recreational vehicle**.

Gas Bar

Means one or more pump islands, each consisting of one or more gasoline pumps, and a **building, structure** or booth which may be used by a sales attendant for the sale of gasoline products and convenience items including but not limited to beverages, prepared foods, newspapers, lottery tickets sundries and may include other **accessory** features such as a comfort station and ATM. [see also **Automotive Service Station**]

Gazebo

Means a freestanding, roofed **accessory structure** which is not enclosed, except for transparent screening (e.g. glass, netting) and which is utilized for the purposes of relaxation in conjunction with a principle use but shall not include any other use or activity otherwise defined or classified herein [see **Figure 3.7**].



Geothermal Power Facility

Means a heating facility such as a heat pump whose energy source is naturally created from the earth’s crust.

Golf Course

Means a public or private area operated for the **principle use** of playing the sport of golf but may also include a **driving** range and such **accessory buildings** and **structures** as are necessary for the operation and maintenance of the golf course including club house facilities, a **restaurant**, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

Green Roof

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

Greenhouse

Means a **building** used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same **lot** containing such greenhouse.

Greenhouse, Commercial, Nursery or Garden Centre

Means a **building** and/or outdoor area primarily used for the growing of flowers, sod, vegetables, shrubs or bushes, trees, landscaping or orchard stock and similar vegetation for wholesale or retail sale on or off the **premises** and may include the incidental sale of gardening supplies, gardening tools, planting materials, fertilizers, pesticides, lawn furniture and equipment.

Granny Flat - see Garden Suite**Green Energy Industries**

Means a **building** or **structure** in which products are manufactured for the generation of electricity from non-polluting or renewable source (i.e. wind, sun, geothermal, biomass). Products manufactured by a renewable energy industry may include but are not limited to solar panels, wind turbines, geothermal equipment, and parts or components thereof.

Group Home

Means a single housekeeping unit in a residential **dwelling**, which is registered with the **Corporation**, 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 [see also **Crisis Care Facility**].

Guest Cabin

Means an accessory **building**, located on the same **lot** as the **main building**, which is used for sleeping accommodation but does not contain any cooking facilities and may contain sanitary facilities.

Guest Room

Means a bedroom or suite of rooms, which contains no facilities for cooking and which is **used** or maintained for gain or hire by providing accommodation.

Guest House

Means a private **single detached dwelling** in which the **dwelling** or part thereof is rented for gain or hire as living quarters.

Habitable Room

Means any floor space within a **building** or **structure** designed and intended to be **used** for living, sleeping, cooking or eating purposes as defined under the *Building Code Act, S.O. 1992, Chapter 23*, as amended.

Hazardous Lands

Means property or lands that could be unsafe for *development* due to naturally occurring process including lands in a **flood** plain or subject to a **flooding hazard** or erosion hazard and shall include unstable soils and unstable bedrock.

Hazardous Substances

Means substances which individually, or in combination with other substances are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide variety of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Height

Means the vertical distance between the established grade and:

1. In the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest [see **Figure 3.8**], or
2. 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 3.9**].

Where the height is designated in terms of storeys, it shall mean the designated number of storeys above and including the **first storey**.

Heliport

Means a landing area or pad used for the landing and take-off of helicopters and may include incidental emergency service facilities, fuelling facilities and passenger and cargo areas.

Herein

Means in this By-law, and shall not be limited to any particular section of this By-law.

High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark. Features shall also include a naturel line or mark impressed on the bank or shore or rock, or other distinctive physical characteristics.

Highway

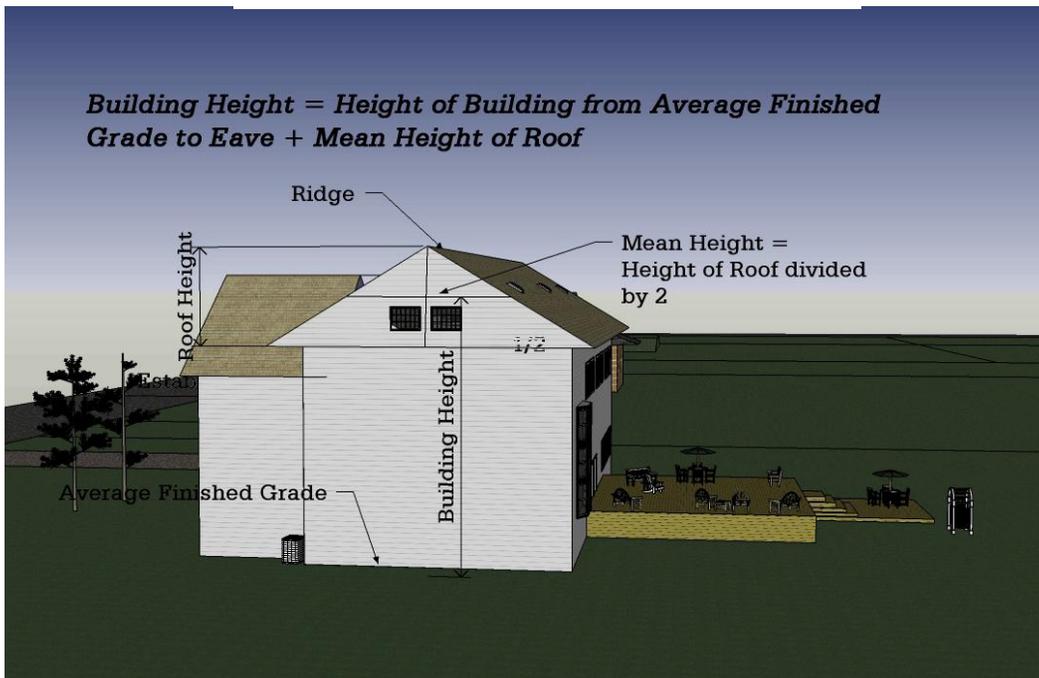
Means a **street** under the jurisdiction of the Provincial government.

Hobby Farm – see Farm, Hobby



Figure 3.8: Building Height with Flat Roof

Figure 3.9: Building Height – All Other Roofs



Home for the Aged – see Continuum-of-Care Facility

Home Based Business

Means a privately operated legal occupation, enterprise or business which is carried out as an **accessory use** to a **dwelling unit** for pursuits conducted by the occupant thereof and any employees and is compatible with a domestic household.

Home Industry

Means any privately operated legal occupation, enterprise or business which is carried out as an **accessory use** to the main agricultural or rural **residential use** of a property and only by the occupant thereof and any employees and is compatible with a domestic household.

Hospital

Means a regulated institution under the *Public Hospitals Act, R.S.O. 1990, c.P.40*, the *Private Hospitals Act, R.S.O. 1990, c.P.24*, the *Mental Health Foundation Act, R.S.O. 1990, c.D.26* and the *Community Psychiatric Hospitals Act, R.S.O. 1990, c.P.21* established to deliver health care services.

Hotel

Means a **building** designed or **used** for the accommodation of the travelling or vacationing public, with or without **accessory uses** such as a **restaurant**, meeting rooms, **swimming pool**, facilities for the temporary exhibition and sale of goods on an intermittent basis, **premises** licensed under the *Liquor License Act* and includes any establishment containing **guest rooms** which is defined as a "Hotel" in the *Hotel Registration of Guests Act, R.S.O. 1990, H.17* and shall also include a **motel** and hostel, but shall not include any **residential use** or **boarding house use**.

Industrial Use

Means the use of land, **building** or **structures** for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include a mine, **pit** or **quarry** or obnoxious industry. **Accessory uses** may include transportation, wholesaling, storage, shipping and receiving incidental to the **industrial use**.

1. Class I Industry - Light Industrial

Means a place of business for a small scale, self-contained plant or **building** which produces, manufactures, assembles or stores a product which is contained in a package and 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. 'Light Industrial Uses' or 'Class I Industry' is a classification and other uses defined in this By-law may be classified as such.

2. Class II Industry - Medium Industrial

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) 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. 'Medium Industrial Uses' or 'Class II Industry' is a classification and other uses defined in this By-law may be classified as such.

3. Class III - Heavy Industrial Uses

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 any potential **adverse effects** on the environment or the surrounding areas and public health. 'Heavy Industrial Uses' or 'Class III Industry' is a classification and other uses defined in this By-law may be classified as such.

Institutional Use

Means any land, **building**, **structure** or part thereof **used** to provide non-profit or non-commercial purposes for governmental, educational, charitable, fraternal or other public services.

Junk Yard - see Wrecking Yard

Kennel

Means a commercially operated **building** or **structure** where dogs animals are kept, bred or **boarded**, but does not include an **animal shelter**. [See also **Animal Shelter**]. Boarded shall mean a place where animals are kept for a fee and operated as a commercial business or by the Humane Society. The boarding kennel facility shall be constructed so that animals may be retained indoors between the hours of 8:00 pm and 8:00 am. Breeding shall mean any **building, structure**, dog run or other facility, or part thereof where animals are kept for the purposes of reproduction, and the use or sale of the offspring.

Landfill Site – see **Waste Management Facility**

Lane

Means a public thoroughfare other than a **street** or pedestrian way, improved or not, which has a right-of-way width of 10 m or less and which provides a secondary means of for vehicular traffic to abutting **lots** and which is not intended for general traffic circulation.

Laundromat

Means a self-serving clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment, and may include a laundry receiving depot.

Livestock

Means animals associated with an **agricultural use** such as but not limited to cattle, horses, goats, poultry, sheep, swine or the young thereof, raised for personal use or for commercial purposes.

Livestock Facility

Means one or more barns or permanent **structures** with livestock-occupied portions, intended for the keeping or housing of livestock and includes all manure or material storages. (Minimum Distance Separation Formulae Implementation Guidelines)

Livestock Sales Outlet

Means a **building** or **structure** where **livestock** are bought and sold.

Loading/Delivery Space

Means an unobstructed area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

Logging Operation

Means an area of land and/or **building** of a logging contractor where equipment and materials are stored and may include repairs to logging equipment.

Loft-Above-a-Garage

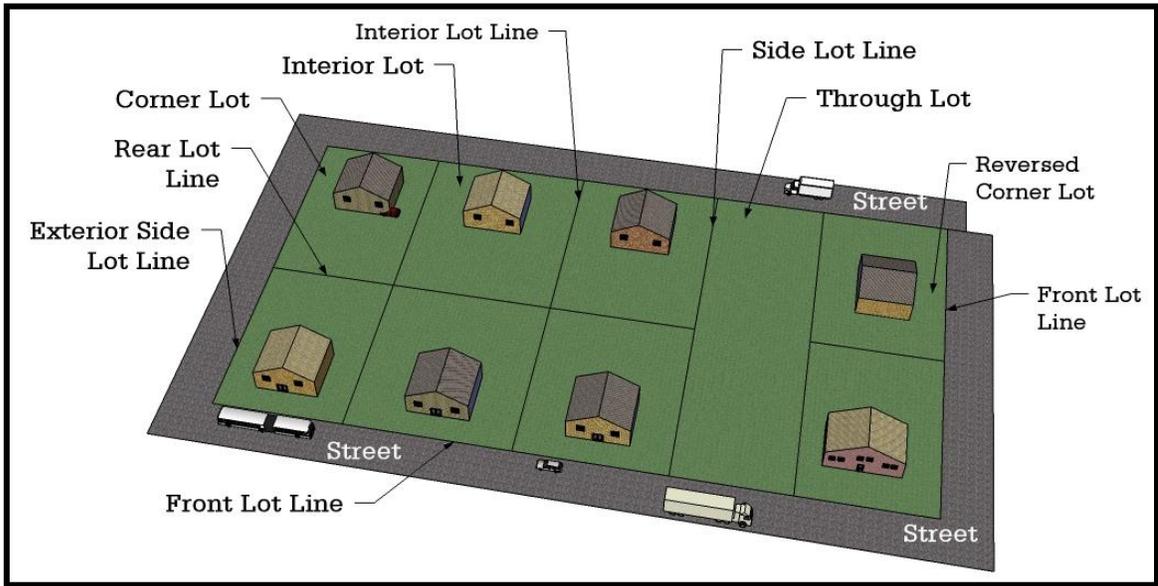
Means the portion of a **private garage** either attached or detached located above the vehicle storage area which is used for sleeping accommodation and may include sanitary facilities but not cooking facilities.

Lot

Means a parcel of land which is capable of being legally conveyed in accordance with the *Planning Act*.

Lot Area

Means the total horizontal area measured within the limits of the **lot lines** of the **lot** excluding the horizontal area of any flood plain or wetland area located on such **lot**. [See **Figure 3.1**]



Lot, Corner

Means a **lot** situated at an intersection of two 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, and any portion of a corner lot distant not more than 30 m (98.4 ft.) from the corner measured along the street line shall be deemed to be an **interior lot** [see **Figure 3.10**].

Lot, Water

Means a **lot** where all or part thereof is permanently submerged below the **high water mark**.

Lot Coverage

Means that percentage of land or **lot** area covered by **buildings** and **structures** above ground level and which excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level, and shall exclude a fence, patio, landings, steps, ramps, retaining wall, root cellar, a sewage disposal system and an in-ground swimming pool or hot-tub.

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" shall mean the length of a straight line joining the

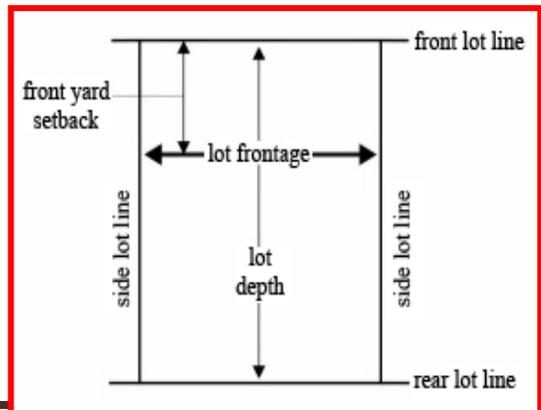


Figure 3.11: Lot Depth and Lot Frontage

middle of the **front lot line** with the middle of the **rear lot line**. If there is **no rear lot line**, "lot depth" shall mean 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 3.11**].

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 equal to the **front yard** setback back from and parallel or concentric to the **front lot line**. Arc distances shall apply on curved lines [see **Figure 3.11**].

Lot, Interior

Means a **lot** other than a corner or a **through lot** which has frontage on a **street**.

Lot Line

Means a boundary line of a **lot** or the vertical projection thereof. In the case of a **lot line** that has a bend or a series of bends, if the sum of the interior angles or angles of such bends is 130 degrees or greater, then they shall be deemed to be the same **lot line**.

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 3.10**].

Lot Line, Front

Means:

1. In the case of an **interior lot**, the line dividing the **lot** from the **street**, street allowance or **private road**;
2. In the case of a **corner lot**, the shorter **lot line** abutting a **street** shall be deemed to be the front lot line;
3. In the case of a **corner lot** with two street lines of equal length, the **lot line** that abuts the wider **street**, or abuts a **highway** shall be deemed to be in the front 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;
4. In the case of a lot with water access only, the front lot line shall be on the street side. In the case of a **waterfront lot** with water access only, the longest **shoreline** shall be deemed to be the front lot line;
5. in the case of a **private road**, the **lot line** adjacent to the **entrance** shall be deemed to be the front lot line;
6. In all other cases not described above, the front lot line shall be deemed to be where the principal access or **entrance** to the **lot** is approved.

Lot Line, Rear

Means the **lot line** furthest from, and opposite to, the **front lot line** [see **Figure 3.10**]. In the case of a **lot** with no **rear lot line**, the point where the two **side lot lines** intersect shall be the **rear lot line**.

Lot Line, Side Interior

Means a **lot line** other than a **front lot line**, **rear lot line** or **exterior side lot line**. On a **lot** with more than four sides, any **lot line** not otherwise defined as a front, rear or side lot line shall be considered as an **interior side lot line** [see **Figure 3.8**].

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel **streets** and where such **lot** qualifies as being both a **corner lot** and a **through lot**, such lot shall be considered as a corner lot [see **Figure 3.10**].

Lot, Width

Means the average horizontal dimension between the two longest opposite sides measured on a line 6 m [19.6 ft.] back from the **front lot line** and parallel to it.

Lot Width, Corner Lot

Means the horizontal distance between the longest **front lot line** and the opposite **side lot line**, measured along a line 6 m [19.6 ft.] back from and parallel to the shorter **front lot line**, except in the case:

1. Where the **front lot lines** are curved, in which case, the **lot width** shall be calculated on the basis that the street lot lines are deemed to be the tangents produced to their points of intersection, from the points of intersection of the side lot lines and curved street lot line; or

Where a **corner lot** indicates that a **sight triangle** has been removed or has a rounded corner, in which case, the **lot width** shall be calculated on the basis that the **front lot lines** shall be deemed to comprise the street lines produced to their point of intersection.

Marina

Means a use, building, structure or place located on a navigable waterway, which provides services or supplies primarily to boaters and may include boat docking, launching, mooring slips, storage facilities, and boat rental, sales, service, refueling and repairs, and facilities for the sale of accessories, food and refreshments, and associated uses. (By-law 95-13)

Marine Facility

Means a non-commercial **building** or **structure** which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, 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. No part of a **marine facility** may be **used** as a **dwelling unit**.

Massage Parlour

Means **premises used** for the practice of massage therapy by a Registered Massage Therapist.

Medical Clinic - see Clinic**Medical Marijuana Facility**

Means a **premises** approved and regulated under the *Canada Food and Drugs Act* and associated *Food and Drug Regulations*.

Microbrewery

Means a commercial operation where beer is produced at a small scale. A microbrewery may be **permitted** to sell the product that is produced on-site provided that there is no consumption of the purchased product on-site other than sampling. A bar, pub or brewpub shall not be considered a microbrewery. A microbrewery may also sell retail items directly related to the operation on-site.

Mine

Means a mine as defined in the *Mining Act*. Mining shall have a similar meaning.

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:

1. Lands under license or permit, other than for **wayside pits** and **quarries**, issued in accordance with the *Aggregate Resources Act*, or successors thereto, or a pits and quarries control By-law enacted under the *Municipal Act*, and
2. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Mining Operation

Means 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*.

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*.

Model Home

Means a *dwelling unit* that is *used* on a temporary basis to sell and/or *dwelling units* that are on sale, but is not *used* for human habitation.

Mobile Home – see Dwelling – Mobile Home**Mobile Home Park**

Means a *lot* under single management which has been planned, divided into *mobile home sites*, improved, and serviced with a *private communal sewage service* and *private communal water service* approved by the Ministry of the Environment and Climate Change for the placement of *mobile homes* as a permanent residential use.

Mobile Home Site

Means an area, similar to a *lot*, located in a *mobile home park*, intended to be or occupied by a *mobile home* or a *permitted accessory use*.

Mobile Home Yard

Means a line similar to a *front yard, rear yard, interior side yard* or *exterior side yard* as applied to a *mobile home lot or site*.

Motel

Means an establishment designed or *used* throughout all or part of a year that caters to the accommodation of the traveling or vacationing public, containing one or more *guest rooms*, including all such establishments as defined from time to time by the *Hotel Registration of Guests Act, R.S.O. 1990, c.H.17*, as amended. A *motel* may include *accessory uses* such as a *restaurant*, meeting rooms, *swimming pool*, facilities for the temporary exhibition and sale of goods on an intermittent basis, and *premises* licensed under the *Liquor License Act*.

Motocross Circuit

Means an off-road racing facility conducted on an outdoor enclosed dirt circuit over primarily natural, outdoor terrain and may include spectator facilities such as grandstands or concourses and fast food concessions.

Motor Home - see Recreational Vehicle**Motor Vehicle or Vehicle**

Means an automobile, commercial vehicle, truck, *recreational vehicle*, transport tractor, 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. A *motor vehicle* may include a self-propelled *recreational vehicle*.

Municipality

Means the Town of Spanish.

Museum

Means a **building** or buildings **used**, or to be **used**, for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or of mechanical scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and/or **premises** used or to be used in connection therewith.

Natural Heritage Features and Areas

Means features and areas, including significant **wetlands**, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species 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.

Nature Trail

Means an area **used** for walking, hiking, cross-country skiing, nature appreciation and similar non-motorized recreational travel.

Neighbourhood Serving Use

Means a small scale commercial use serving the local needs of a surrounding residential neighbourhood.

Non-Complying

Means any **existing building, structure** or **lot** which does not comply with one or more of the zone regulations and standards of this By-law.

Non-Conforming

Means any **existing use, building, structure** or **lot** which is does not conform to the **permitted** use provisions of any Zone in this By-law.

Non-Residential

Means a **use, building** or **structure** that does not contain a **dwelling unit**.

Nursing or Convalescent Home - see Continuum-of-Care Facility**Nursery - see Commercial Greenhouse, Nursery or Garden Centre**

Office

Means a **building, structure** or part thereof **used** for conducting the affairs of businesses, professions, services, industries, governments, or like activities.

Open Space

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

Open Storage

Means the storage of goods, merchandise or equipment outside of a **building or structure** on a **lot** or portion thereof. This definition shall not include a storage use located in a building, a **salvage yard**, a **parking area**, a **loading space** or a **parking space** or an area used for **outdoor display**.

Order Station

Means an ordering box, service window, display board or any other device, including communication equipment, used by the public and operator to facilitate sales and/or services in a **drive-through service facility**.

Outdoor Display

Means an area set aside outside of a **building or structure**, other than a **parking area, loading space** or **parking space** which is **used** in conjunction with a business located within the building or structure on the same property, for the display of goods, merchandise, equipment and seasonal produce and products and may include garden supplies and Christmas trees, new merchandise or the supply of services.

Outdoor Furnace

Means an appliance located outside of any **building or structure** which is intended to heat by combustion.

Owner

Means a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

Park

Means an area of land, whether enclosed or not, which is **used** for recreational or leisure uses and may include therein a beach, playground, play field, athletic field, field house, community centre, bleachers, skateboard facility, swimming pool, wading pool, splash pad, greenhouse, botanical gardens, zoological gardens, bandstand, skating rink, tennis courts, bowling green, boat livery, bathing station, curling rink, refreshment concession, **campground, fair ground, and conservation area, and associated accessory uses.**

Parking Area

Means an open area of land, **accessory** to a **permitted use**, not located on a public **street, private road or lane** which is used for the parking of **motor vehicles**, but shall not include any area where **motor vehicles** for sale or repair are kept or stored.

Parking Lot, Commercial - see Commercial Parking Lot

Parking Space

Means an area used for the temporary parking of one **motor vehicle** or one horse and buggy.

Parking Space, Barrier Free

Means a **parking space** for the temporary parking of a **motor vehicle** used by a handicapped or disabled person.

Patio

Means a surfaced, open space of land at grade adjacent to a residential dwelling which is used as an extension to the interior of the home for private entertainment or leisure activities and is uncovered. In a commercial setting, means an outdoor eating area **accessory** to a **restaurant** where, on a seasonal basis, food and/or refreshments prepared on the **premises** are consumed.

Permitted

Means **permitted** by this By-law.

Permitted Use

Means a **use** which is **permitted** in the **zone** where such **use** is located.

Person

Means 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 a **building** wherein a personal service is performed including but not limited to a barber shop, beauty salon, aesthetician, the **premises of an optician**, shoe repair, photographic store, **laundromat** or a **dry cleaning distribution station** but excludes a manufacturing or fabrication of goods for sale.

Pet Grooming Establishment

Means **premises** wherein cleaning, clipping and grooming services are provided for domestic pets, but shall not include an **animal shelter** or **kennel**.

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 commercial premises wherein amusement facilities are provided such as a video arcade, arcade, billiard or pool room but does not include an **adult entertainment parlour** or **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 shows, public meetings, banquets, conference meetings, civic, political, social or religious activities, a private club or a fraternal organization and similar activities.

Place of Worship

Means **premises** owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, and may include churches, chapels, temples, parish halls, mosques and synagogues including a **place of assembly**, offices for the administration of the religious institution, a convent, a seminary, a monastery, rectory, manse, parsonage, and a cemetery.

Playground

Means a **park** or part thereof which is equipped with active recreational facilities oriented to children [see also **Park**].

Porch or Veranda

Means a covered entrance to a **building** usually with a separate roof and unenclosed and used as an outdoor living space that is accessed by stairs from grade and which provides access to the **first storey** of a **dwelling unit**.

Portable Asphalt Plant

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

Portable Concrete Plant

Means a **building** or a **structure** with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

Premises

Means the area of a **building** and **lot** occupied by a business or enterprise. In a multiple tenancy **building** occupied by more than one business, each business area shall be considered separate premises.

Principle Use

Means the primary purpose for which a **lot, building** or **structure** is **used** or intended to be **used**.

Printing and Processing Service Shop

Means a **building** or part of a **building** used by one or more persons who are employed in the management, direction or conducting of an activity, specifically undertaken to aid an industrial or commercial office use including photocopying, mail processing, receiving, distribution, document finishing, laminating, faxing, and packaging.

Private Club - see Club, Private**Private Garage – see Garage, Private****Private Road**

Means a private right-of-way over private property which affords access to two or more abutting **lots** or a road created through the registration of a plan of condominium, but does not include a road established or maintained by a **public authority**.

Professional Office – see Office**Public Access Point**

Means public land designated, developed and maintained by the municipality, the Province of Ontario, or the Government of Canada as a public access to a waterbody; and, which is accessible by a publicly maintained road.

Public Authority

Means the Town of Spanish and any Boards or Commissions thereof, and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public agency

Public Service Use

Means any **use** of land, **buildings** or **structures** by or on behalf of a **public authority**, but does not include a **public utility**.

Public Street – see Street**Public Utility**

Means a **building, structure, premises** or **lot used** for public utility services by the Town of Spanish, any Boards or Commissions thereof, any Ministry or Commission of the Governments on Ontario or Canada, and shall include utilities that provide electricity, gas, steam, water, telephone, internet or telecommunication services, cable television, transportation, drainage or sewage or refuse collection and disposal services, including a communications facility.

Quarry

Means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, 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.

Queuing Lane

Means an area of land that is **used** exclusively for **motor vehicles** whose occupants are waiting to be provided with goods, materials or services at a **drive-through facility** and is comprised of **queuing spaces** and an access **aisle**.

Queuing Space

Means a portion of a **queuing lane** which provides standing room for **motor vehicles** in a queue for a **drive-through facility** while the occupants are awaiting service.

Railroad Use

Means a **building, structure** or **use** normally associated with a railroad operation subject to the *Railway Safety Act, R.S.C. 1985, c.32 (4th Suppl.)*, as amended.

Reconstruction

Means to re-build, **erect**, place, reconstruct, relocate, repair or assemble a previously **existing building** or **structure** to a habitable condition which may include complete replacement, and may also include:

1. Any preliminary operation such as excavating, filling or draining; or
2. **Altering** any existing **building** or **structure** by an addition, enlargement, extension or other structural change; or
3. Any work which requires a building permit.

‘Reconstructed’ and ‘reconstruction’ shall have corresponding meanings. For the purpose of this definition, reconstruction/renovation/restoration may include the complete replacement of a **building** or **structure**.

Recreational Commercial Establishment

Means an establishment, **building** or **structures** where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, or under lease, such as health clubs, 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 except as otherwise specifically defined in this By-law. [See also **Bingo Hall**]

Recreational Equipment

Means a portable **structure**, vessel or vehicle that is designed and built to be carried by a **motor vehicle**, or a unit designed and built to be transported or operated under its own power or propelled power, for the purposes of providing recreation enjoyment or travel, and may include boats, boat or vehicle trailers, personal water craft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.

Recreational Vehicle

Means any **vehicle** so constructed that is suitable for being **attached** to a **motor vehicle** for the purpose of being drawn or is propelled by the **motor vehicle** and is capable of being used for living, sleeping, eating or accommodation of **persons** on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. For the purposes of this definition, a **recreational vehicle** shall be considered a **structure** for the purposes of establishing **setbacks** only. A **recreational vehicle** shall not be deemed to include a **mobile home**. The definition of a **recreational vehicle** shall not be interpreted to include **recreational equipment**.

Recreational Vehicle Campground – see Campground

Recreational Vehicle Sales and Storage

Means a **building** and/or **lot** which are **used** for the display, storage and/or sale of boats, and **recreational vehicles** or recreational equipment.

Recreational Vehicle Repair Garage

Means a **building** used for the repair, servicing, painting, refinishing, restoration or alteration of **recreational vehicles** and boats for gain or profit, but does not include a salvage yard.

Recycling Depot or Transfer Station

Means a special **waste management facility** which only serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, white goods, metal, electronics 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 - see Development

Refreshment Pavilion

Means **premises** that is designed intended or **used** for the sale of food or refreshments to the general public and from which food or refreshment is made available to the customer within a **building**. In addition, no provision is made for consumption of the food or refreshment by the customer within the **building**.

Rental Store

Means a **retail store** where goods are kept for the purpose of temporary loan to the public but shall not include a **car rental agency**.

Renewable Energy System

Means a system that generates electricity, heat and/or cooling from a renewable energy source.

Renovate – see Reconstruction

Residential Care Facility – see Continuum-of-Care Facility

Residential Density

Means the number of **dwelling units** per hectare of **lot area**.

Residential Use

Means the use of land, **buildings** or **structures** for human habitation or as a **dwelling**.

Residential Zone

Means an R1, R2, R3, ROS, or LD **zone**.

Restaurant

Means premises, including a **drive-through service facility**, in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the **building** and which may include the preparation of food in a ready-to-consume state for consumption off the **premises**.

Retail Outlet

Means a single **retail store** which is **accessory** to a permitted **commercial** or **industrial use**.

Retail Store

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

Retirement Home – see Continuum-of-Care Facility

Right-of-way - see Easement

Road - see Street

Room, Non-Habitable

Means any room located within a **dwelling** that is not a **habitable** room, including but so as not to limit the foregoing, a laundry room, a pantry, a lobby, a stairway, a closet, a **porch**, a recreation room, a porch, a balcony, a **private garage**, an unfinished attic, a **cellar**, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between **storeys**.

Rooming Unit

Means a room or rooms rented as sleeping and living quarters, without cooking facilities and may include an individual bathroom.

Row House - see Dwelling, Row or Townhouse

Rural Zone

Means an RU, M2, MX, MM, or WMF **zone**.

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 wrecking yard, a scrap metal yard, and an automobile wrecking yard on the **premises**.

Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

Sauna

Means an **accessory building** or **structure** wherein facilities are provided for the purpose of a sauna bath, either wet or dry, and may include a change/relaxation room, storage areas and a washroom but not kitchen or sleeping facilities.

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.

Sawmill, Portable

Means equipment which is portable (e.g. may be drawn by a **motor vehicle**) and is **used** on a temporary basis for the cutting of saw logs

School

Means a Provincially-approved institution for academic instruction and shall include a public, private or separate **school**, a vocational **school**, or a post-secondary **school** such as a college or university.

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 items are stored in separate, secured storage areas or lockers and may include the exterior storage of boats and water-related equipment, **recreational equipment** and **recreational vehicles**.

Semi-Detached Dwelling - see Dwelling, Semi-Detached

Sensitive Land Use

Means **buildings**, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more **adverse effects** from contaminant discharges generated by a nearby major facility. **Sensitive land uses** may be a part of the natural or built environment.

Examples of sensitive land uses may include, but are not limited to: residences, day care centers, and educational and health facilities.

Separation Distance

Means the horizontal distance between **buildings** or **structures** or physical features measured from the closest point of the exterior wall or identifiable boundary of such **building** or **structure**, or of such physical structure.

Septage

Means untreated sanitary waste from a septic tank, privy or holding tank.

Service Outlet or Shop

Means a shop for selling, servicing, repairing, installing or renting items and equipment, including but without limiting the generality of the foregoing: radio or television shop, locksmith shop, small appliance shop, household and carpenter tool shop, shoe repair, a copy shop but shall not include a small engine shop or automotive repairs and automotive services.

Setback

Means:

1. With reference to a **street**, the least horizontal distance between the **front lot line** and the nearest **building line**.
2. With reference to a **water body**, the least horizontal distance between the **high water mark** and the nearest **building line**.
3. With reference to a **building, structure** or land **use** and not applicable under paragraph (1) or (2), shall mean the least horizontal distance from the **building, structure** or land **use** in question; and
4. With reference to a **private road**, shall mean the least horizontal distance between the edge of the travelled portion of the road or surveyed boundary of any **building** or **structure**, or the limit of the road as shown and measured on a survey.

Sewage and Water Services

Means:

1. Private Communal Sewage Services

Means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by the municipality.

2. Private Communal Water Services

Means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

3. Individual On-Site Sewage Services

Means sewage systems as defined in Ont. Reg. 332/12, under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

4. Individual On-Site Water Services

Means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

5. Municipal Sewage Services

Means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

6. Municipal Water Services

Means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

7. Partial Services

Means **municipal sewage services** or **private communal sewage services** and **individual on-site water services**; or **municipal water services** or **private communal water services** and **individual on-site sewage services**.

8. Sewage Works

Means any works for the treatment and disposal of sewage in a waste water stabilization pond and includes hauled sewage.

Shipping Container – see Storage Container

Shooting Range or Rifle Club

Means the **use** of land, **buildings, structures** or **premises** for commercial or private recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include **accessory** facilities.

Shopping Centre

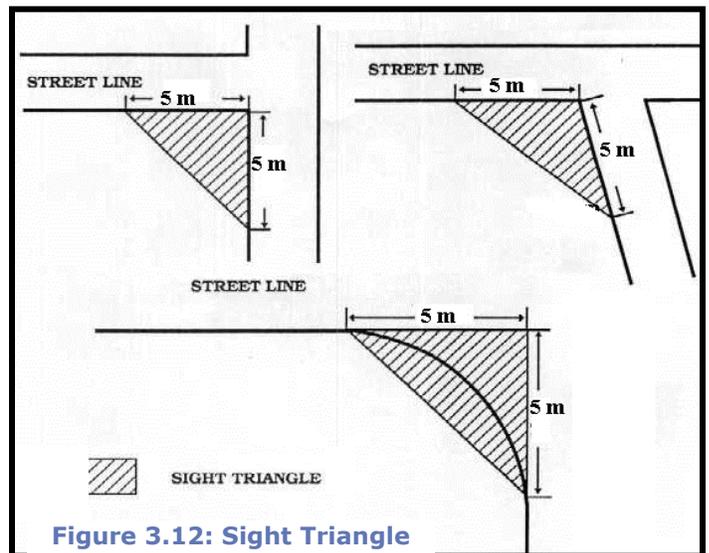
Means an integrated commercial development, the function of which shall be to permit a wide range of retail, service and office commercial uses.

Shoreline

Means a **lot line** or portion thereof which abuts or parallels the **high water mark** of a **water body**. [See also **High Water Mark**.]

Shoreline Buffer Zone

Means a natural area, adjacent to a **shoreline**, maintained or re-established in its natural pre-development state, with the exception of minimal pruning of vegetation, the removal of trees for safety reasons, for the purpose of protecting natural habitat and water quality and

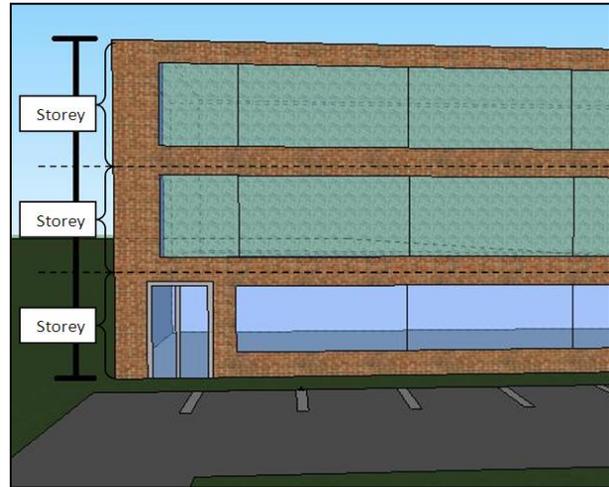


minimizing the visual impact of **buildings** or **structures** on a lot, and may include the installation of a pathway or trail providing water access.

Sight Triangle

Means a triangular space, free of **buildings, structures** and obstructions, including vegetation, 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 [See **Figure 3.12**].

Figure 3.13: Storey



Sign

Means 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:

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

Sleep Cabin - see Guest Cabin

Solar Collector

Means a Class 1 or 2 ground mounted or rooftop mounted or wall mounted device under the *Green Energy and Green Economy Act, 2009* with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun.

Solar Collector, Commercial

Means a Class 3 ground mounted device under the *Green Energy and Green Economy Act, 2009* with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun.

Solarium

Means a glassed-in **structure** or room projecting from an exterior or main wall of a **building** which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

Storage Container

Means the trailer portion of a tractor trailer or transport truck without the running gear or shall mean a rail or sea container or manufactured portable or mobile storage unit.

Storey

Means that portion of a **building** other than a **cellar** or **basement** included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it. [See **Figure 3.13**]

Street

Means an improved public thoroughfare, **lane**, road or **highway** affording principal means of access or **entrance** to abutting properties which is maintained year round by a **public authority**.

Street Line

Means the limit of the road or street allowance and is the dividing line between a **lot** and a **street** or a **private road**.

Structure

1. 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, a sign, a fence, a swimming pool, a deck, an individual on-site sewage services** (i.e. septic tank).

Studio

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

1. As the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale;
2. For the instruction of art, music, languages or similar disciplines.

Swimming Pool

Means an open or covered pool designed to be 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, inflatable pool or whirlpool but shall not include a natural dug or dammed pond intended for aesthetic or agricultural purposes.

Figure 3.14: Temporary Car Shelter

Tavern

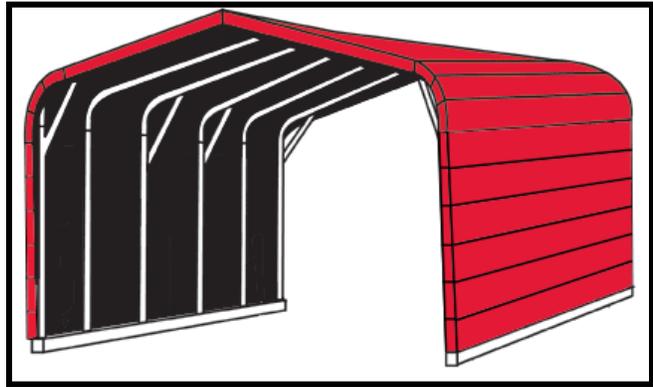
Means a "tavern" as defined by the *Liquor License Act*.

Taxi Stand or Dispatch Office

Means lands and/or *premises* where chauffeured passenger automobiles are kept for hire.

Temporary Building

Means a *building* or *structure* intended for removal or demolition within a prescribed time as set out in a building permit.



Temporary Car Shelter

Means a prefabricated temporary *structure* usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover *used* primarily for the storage of a *motor vehicle* or other equipment and is designed to be dismantled or removed. (See **Figure 3.14**)

Top of Bank

Means the first significant lakeward break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 measured perpendicularly from the break.

Tourist Establishment

Means land *buildings* or *structures* used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a *motel*, lodge or *bed and breakfast establishment*, 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 land, *buildings* or *structures* operated 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.

Townhouse - see Dwelling - Row of Townhouse

Trailer, Travel Trailer or Recreational vehicle - see Recreational Vehicle

Trailer Park - see Campground

Transfer Station (See Recycling Depot)

Triplex – see Dwelling, Triplex

Transportation Depot or Truck Terminal

Means land *buildings* or *structures* where commercial vehicles are kept for hire, rental and/or leased, 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.

Use or Used

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

Use, Accessory – see **Accessory Use**

Vehicle – see Motor Vehicle

Veterinary Establishment - see Animal Shelter

Warehouse

Means a **building** or **structure** or portion thereof used or intended to be **used** for the bulk storage and distribution of goods, merchandise, or materials but shall not include facilities for a **transportation depot**.

Waste Management Facility

Means land or a site which is licensed or approved by the Ministry of the Environment and Climate Change and/or its agents where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse compost, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots [see also **Recycling Depot**].

Water Access 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.

Watercourse

Means the natural channel for a perennial creek, stream or river.

Waterfront

Means the common boundary of a water body with an area of land.

Water Yard

Means a yard extending from the normal high water mark on any waterfront or watercourse to the nearest wall of any building or structure on a the lot. (By-law 95-13).

Wayside Pit

Means land from which unconsolidated aggregate is removed by means of open excavation on a temporary basis for use by a road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wayside Quarry

Means land from which consolidated aggregate is removed by means of open excavation on a temporary basis for use by a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Welding Shop

Means a **building** or **structure** or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

Wellhead Protection Areas

Means those areas around municipal wells, as identified by the **Municipality**, in which policies and provisions may be implemented in order to protect the integrity of the groundwater resource. The extent of wellhead protection areas is defined by the travel time for flows of groundwater to the municipal well.

Wellness Centre

Means a **premises** devoted to the actively sought goal of good health and includes the teaching and practice, in both individual and group sessions, of a range of holistic, alternative and integrative natural health practices and may include meditation, acupuncture, shiatsu, massage therapies, yoga, and healthy eating programs, and may include **accessory uses** such as administrative **offices**, physical fitness rooms, and waiting rooms, directly associated with the **premises**, but excludes a **recreational commercial establishment**.

Wetlands

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 (soils in which there is an abundance of water) and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wholesale Establishment

Means a **building** or part of a building where goods, wares, merchandise or articles are stored in bulk for sale in wholesale quantities but does not include **premises** where any goods, wares, merchandise, substances or articles are offered or kept for sale at retail.

Wind Farm

Means a collection of **wind turbines** all in the same geographical location which are used in combination for the generation of mechanical or electrical generation.

Wind Turbine

Means a Class 1 wind facility under the *Green Energy and Green Economy Act, 2009* with a name plate capacity less than or equal to 3 kW machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

Wind Turbine, Commercial

Means a Class 2, 3 or 4 wind facility under the *Green Energy and Green Economy Act, 2009* with a name plate capacity greater than or equal to 3 kW machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

Workshop - see **Custom Workshop**

Wrecking Yard – see **Salvage Yard**

Yard

Means an area of open land 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 **Figures 3.15 & 3.16**].

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** [see **Figures 3.15 & 3.16**].

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 **rear yard** shall be measured from the intersection of the **side lot lines** to the closest point of the main wall of the main building [see **Figures 3.15 & 3.16**].

Yard Sale

Means the occasional or infrequent sale (e.g. one or two days annually) of household goods, clothing, furniture, tools, recreational equipment or other second hand articles or sundry items, usually by the households on an individual property, and may include a joint sale by neighbours on the same **street** or a joint sale at a **school**, a **place of worship** or other location.

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** [see **Figures 3.15 & 3.16**].

Yard, Side Exterior

Means a **side yard** adjacent to a **street** [see **Figures 3.15 & 3.16**].

Yard, Side - Interior

Means a **side yard** other than an **exterior side yard** [see **Figures 3.15 & 3.16**].

EXAMPLE OF YARD DEFINITIONS

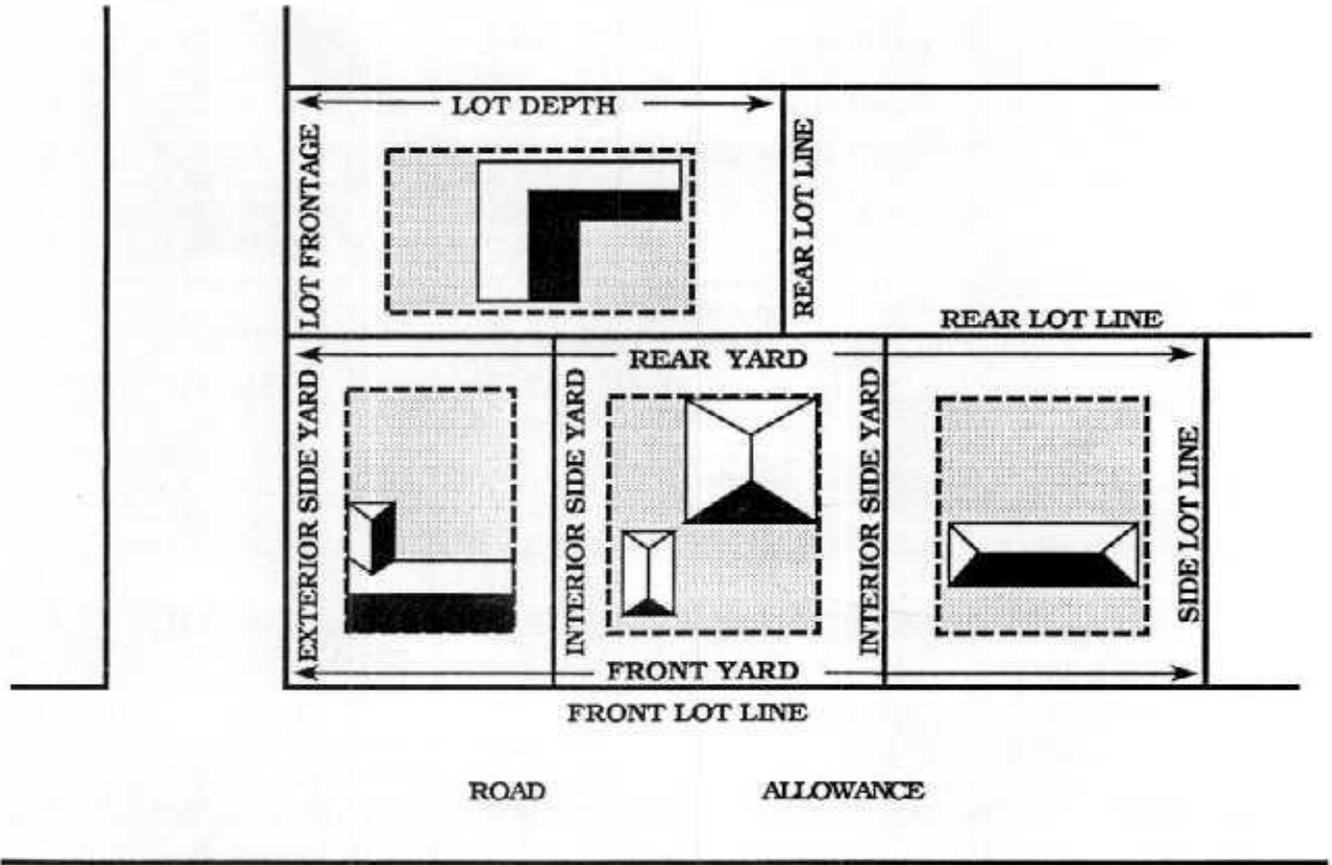
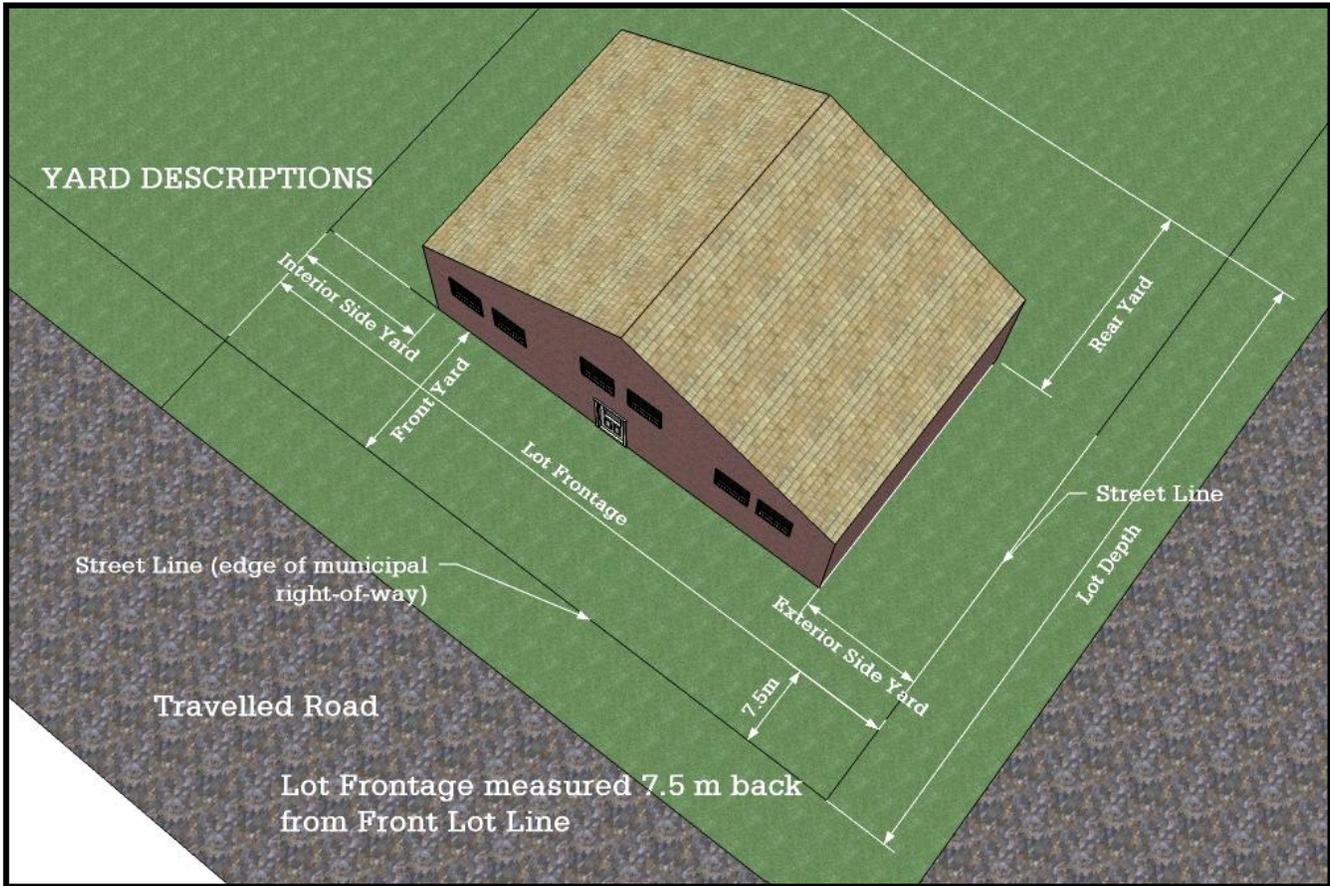


Figure 3.15: Yard Definitions

Figure 3.16: Yard Definitions



Zone

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

Zone Regulation

Means any provision of this By-law which is listed under the heading "Zone Regulations" or referred to as a **zoning regulation** and governs the **erection** of any **building** or **structure** or the **use** of land.

Zoning Administrator

Means the officer, employee or such other person as may from time-to-time be designated by Council charged with the duty of enforcing the provisions of this By-law.

Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the Zoning By-law sets out regulations which apply regardless of the specific zoning (Section 5). While the zones provide site specific controls corresponding to such items as permitted uses and other restrictions, the General Provisions provide regulations more general in nature. Development must comply with all applicable provisions in the General Provisions in addition to the requirements of the specific zone standards set out in Section 5

4.1 Accessory Buildings, Structures and Uses

4.1.1 General

1. **Accessory uses, buildings and structures** shall be **permitted** in all **zones** as set out in the list of permitted **accessory uses** for each specific **zone**.
2. **Accessory uses, buildings and structures** shall comply with the **zoning regulations** for the **zone** in which they are **permitted**. Where there is no minimum setback or other **zone regulation** specified for a **permitted accessory building**, or **structure** the minimum yard requirement or other **zone regulation** of the applicable **zone** shall apply.
3. All **accessory uses, buildings and structures** to a permitted **principle use** or **main building** shall be located on the same **lot** and in the same **zone** as the **principle use** or **main building**.
4. **Accessory uses, buildings and structures** shall not be **erected** or established prior to the **erection** or establishment of the **main building** or **use** except for:
 - a. a **permitted** temporary building [see **Section 4.29**] during the term of an active building permit; or
 - b. an **individual on-site sewage disposal system**; or
 - c. a **dock** on a **water access lot**.
5. No **accessory use** shall be erected closer to the **front lot line** or the **exterior side lot** line than the minimum **front yard** and **external side yard** setbacks required for the **main building** except for:

- a. A shelter for use by children waiting for a school bus, if such use is located in a RU or LD **zone**.
 - b. Any **farm produce outlet** if such **structure** is located in a RU. A freestanding **satellite dish/receiver** or **solar collector** (but not including a **communications facility**);
 - c. A **sign erected** in compliance with the **zone regulations** of this By-law or a By-law enacted under the *Municipal Act*;
 - d. A **wind turbine** or **solar collector**

provided that all such **structures** are set back a minimum of 3m [9.84 ft.] from the **front lot line** or **exterior side yard lot line** and comply with the **interior side yard** and **rear yard setbacks** in the zone in which they are located.
6. Common **private garages** which are detached from the **main building** may be mutually centred on the **side lot line**.
 7. A **green roof** and a **geothermal power facility** are **permitted accessory uses** in any **zone**.
 8. A **storage container** is not a **permitted accessory use** in any **residential zone**.
 9. **Legal non-conforming uses** shall be permitted to have **accessory uses** with the provisions in this section of this By-law and the **zone regulations** of the applicable **zone**.

4.1.2 Accessory Residential Uses

1. One (1) **guest cabin** or one (1) **loft-above-a-garage** above a detached garage shall be **permitted** per **lot** as an **accessory use** to a **permitted dwelling** in an RU, ROS or LD Zone. A **guest cabin** or a **loft-above-a-garage** shall not exceed 50 m² [538.2 ft.²] in **gross floor area**.
2. No **guest cabin** or **loft-above-a garage** above a detached garage shall be located less than 3 m [9.84 ft.] to any **interior lot line** or **rear lot line** or **main building**.
3. No **guest cabin** or **loft-above-a garage** shall be **permitted** on a **lot** occupied by a **garden suite**.
4. A **secondary dwelling unit** shall be **permitted** as an **accessory use** to a **single detached dwelling** or a **semi-detached dwelling** or a **row** or a **townhouse dwelling** except in an RU, ROS or LD Zone.

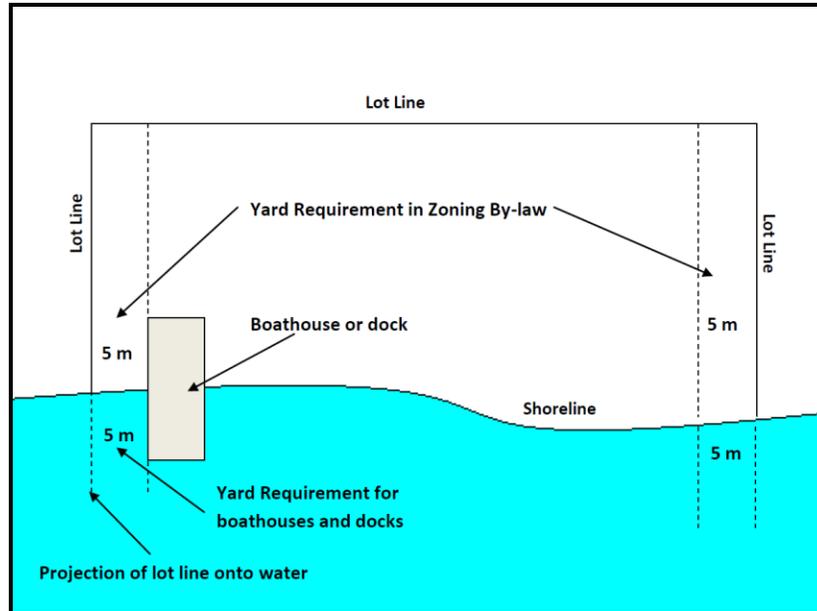
See also **Section 4.1.9 Garden Suites**.

4.1.3 Bed and Breakfast Establishments

1. A **bed and breakfast establishment** shall be **permitted** as an **accessory use** to any **permitted single detached dwelling**.
2. A maximum of three (3) **guest rooms** shall be **permitted** for any one **bed and breakfast establishment**.
3. The **use** of the **dwelling** as a **bed and breakfast** establishment shall not change the residential character of the **dwelling**.
4. **Bed and breakfast establishments** shall not be subject to the **home based business** regulations of **Section 4.11** of this By-law.
5. The **bed and breakfast establishment** shall comply with any applicable requirements of the local Health Unit, the **Building Code**, and the **Fire Code**.
6. One (1) **sign** only not exceeding 1 m² [10.76 ft²] in surface area shall be **permitted** to advertise a **bed and breakfast establishment**. The **permitted sign** may be a freestanding **sign** in a **front** or **side yard** or may be **attached** to a wall of a **permitted building** or **structure**.
7. A breakfast service shall be available to guests.
8. A **bed and breakfast establishment** shall comply with the applicable parking regulations of **Section 4.22** of this By-law.

4.1.4 Boat Houses

1. One (1) only single **storey** one-bay **boat house** shall be **permitted** as an **accessory use** to a **permitted seasonal dwelling** or **single detached dwelling** in an RU, ROS or LD Zone.
2. A **boat house** shall not be **erected** closer than 5 m [16.4 ft.] from the nearest adjacent **lot line** [see **Figure 4.1**].
3. A **boat house** shall not be **used** for sleeping accommodation or human habitation.
4. A flat roofed **boat house** may be **used** as a roof-top deck or patio.
5. The maximum **height** of a **boat house** shall be 6 m [19.6 ft.].
6. The provisions for **boat houses** in this section do not apply to a **marina**.



4.1.5 Docks

1. **Docks** shall be limited to floating, cantilevered or post dock construction.
2. Any component of a **dock** located above the **high water mark** and designed to anchor the **dock** to the land shall be excluded from the calculation of the maximum **dock** area except where the entire **dock** is constructed parallel to the **shoreline** in which case the entire deck area of the **dock** shall be included in the calculation.
3. **Docks** for residential purposes shall be built to the following **zone regulations**:

a. Maximum dock area	33 m ² [355 ft. ²]
b. Minimum dock width	1.8 m [6 ft.]
c. Minimum dock width for slips connecting to main dock	1.2 m [4 ft.]
d. Maximum dock length	20 m [65.6 ft.]
e. Minimum side yard	5 m [16.4 ft.]
f. Maximum number of docks per lot	1
4. No **dock** shall be permitted which constitutes a navigation or safety hazard.
5. In **water bodies** with a width of 150 m [492.1 ft.] or less, no **dock** shall be constructed which will exceed 20% of the width of the adjacent **water body**.
6. In shallow **water bodies** where the normal water depth is less than 0.5 m [1.64 ft.] beyond 20 m from the **shoreline** of the adjacent **lot** served by the **dock**, the **dock** length may be extended until the water depth reaches 1 m

[3.28 ft.] in which case the dock may be extended over a distance not exceeding 3 m [9.84 ft.].

7. No **dock** with a crib area of greater than 15 m² [161.4 ft.²] shall be constructed without a valid permit issued by the Ministry of Natural Resources and Forestry.

4.1.6 Fences in a Residential Zone

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 any provisions for **fences** as hereinafter set out in this By-law as follows:

1. The maximum **height** of a **fence** in any **interior side** or **rear yard** shall be 2 m [6.56 ft.] measured from the **established grade**.
2. The maximum **height** of a **fence** in any **front yard** or **exterior side yard** shall be 1 m [3.28 ft.] measured from the **established grade**.
3. No **fence** shall be erected so as to obstruct a **sight triangle**.
4. An unpierced hedgerow or other unpierced planting in a **front yard** or **exterior side yard** shall be deemed to be a **fence**.
5. The use of barbed-wire, spire tips, sharp objects or any device for projecting an electric current in any **fence** construction is prohibited in a **residential zone**.

4.1.7 Fences in a Non-Residential Zone

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 any provisions for **fences** as hereinafter set out in this By-law as follows:

1. The maximum **height** of a **fence** in any **yard** of a non-residential zone shall be limited to 2.5 m [8.20 ft.] measured from the **established grade** where the **fence** is a chain-link or other similar transparent construction materials or 2 m [6.56 ft.] for any other materials.
2. No **fence** shall be erected so as to obstruct a **sight triangle**.
3. **Section 4.1.6** shall not apply to **fences** required for a **public authority** or **communication facilities**.

4.1.8 Fences in a Rural Zone

The provisions for **fences** shall not apply in a **rural zone**.

4.1.9 Garden Suites

Subject to the passing of a site specific temporary use By-law under Section 39 of the *Planning Act*, a **garden suite** shall be permitted as an **accessory use** to a **permitted single detached dwelling** provided:

1. The minimum **lot area** conforms to the **zone** in which the **garden suites** are to be located.
2. The maximum **gross floor area** of the **garden suite** shall be 74 m² [800 ft.²].
3. The maximum **height** of the **garden suite** shall be one **storey**.
4. The **garden suite** shall be located in a **rear** or **interior side yard** and shall meet the **zone regulations** for building **separation** and **lot coverage** in the **zone** in which the **garden suite** is located.
5. The minimum **setback** from a **rear lot line** or **interior side yard lot line** shall be 3 m [9.84 ft.].
6. A **mobile home** which meets the **zone regulations** of this By-law shall be **permitted** as a **garden suite**.
7. A **garden suite** shall not be **permitted** on a **lot** occupied by an **existing guest cabin** or **loft-above-a-garage**.

4.1.10 Pump house

A pump house may be **erected** and **used** in the **shoreline buffer zone** provided its location complies with the minimum **interior side yard setback**.

4.1.11 Swimming Pools

Private **swimming pools**, both above-ground and in-ground and both open and covered, shall be **permitted** subject to the By-laws of the **Municipality** regarding swimming pools and the following regulations:

1. Outdoor Open Pools

- a. Open Pool areas shall be totally enclosed by a **fence** constructed with vertically boarded wood, chain link, masonry, plastic, metal construction or a material having an equivalent degree of strength and having no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing and shall have no opening with a horizontal dimension greater than 75 mm [2.4 inches] and having a minimum height of 1.5 metres [4.9 ft.] above the **established grade** and which shall be installed to include a self-closing and self-latching gate which shall be placed at the top of the gate on the pool side;
- b. Where a pool is an above-ground pool, any combination of the pool wall, surrounding **fence** or **structure** totaling a minimum of 1.5 m

[4.92 ft.] in **height** above the **established grade** shall be deemed to meet the fencing regulations provided that a self-latching gate or equivalent arrangement is installed to prevent unauthorized entry;

- c. A wall or walls of a **building** or buildings may form part of a swimming pool fence provided that all openings affording access from a **building** directly to an enclosed swimming pool area is/are equipped with a locking device located not less than 1.5 metres [4.9 ft.] from the bottom of the floor;
- d. 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**.
- e. No part of an outdoor **swimming 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 regulations 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**, and;
- f. Notwithstanding the foregoing, outdoor **swimming pools** which are accessory to **hotels** and **motels** may be located in the **front yard** provided the **swimming pool** meets all other regulations of this By-law.
- g. A **hot tub** shall be exempted from the fence provisions provided that the **hot tub** is adequately secured by a cover equipped with a self-locking device, which cover shall be kept locked in place over the tub when the **hot tub** is not in **use**.

2. Indoor Swimming Pools

Indoor pools shall comply to the **accessory building** regulations contained in **Section 4.1.1** or to the zone regulations where the pool is part of the **main building**.

4.1.12 Temporary Car Shelter

- 1. **Temporary car shelters** shall only be located on a **parking space** or **driveway**.
- 2. The minimum **setback** of a **temporary car shelter** shall be 3 m [9.84 ft.] from a **front yard lot line** or **exterior front yard lot line** and 1.5 m [4.92 ft.] from an **interior side yard lot line**.

4.2 Automotive Service Station, Gas Bar, Car Wash

Despite any other provisions contained in this By-law, for all **zones** within which an **automotive service station, gas bar** and/or **car wash** are **permitted**, the following **zone regulations** shall apply:

1. Minimum **lot frontage** 50 m [164 ft.]
2. Minimum **front yard** 15 m [49.2 ft.]
3. Minimum **exterior side yard** 15 m [49.2 ft.]
4. Minimum **interior side yard** 6 m [19.7 ft.]
5. Minimum **rear yard** 10 m [32.8 ft.]
6. Minimum **setback** from a canopy and any **lot line**..... 10 m [32.8 ft.]
7. Minimum **setback** of any pump island from any **lot line**..... 10 m [32.8 ft.]
8. Minimum entrance width for one way entrance 6 m [19.7 ft.]
9. Minimum width for a two way entrance 9 m [29.5 ft.]
10. Maximum entrance width 12 m [39.4 ft.]
11. Minimum distance between any two entrances and/or exits..... 22.5 m [73.8 ft.]
12. Minimum distance between an entrance or exit and the intersecting **street lines** on a **corner lot**..... 12 m [39.4 ft.]
13. Minimum number of entrances.....2
14. All fuel storage tanks above or below ground for any fossil fuels or propane shall comply with the *Technical Standards and Safety Act, 2000* and no building permit shall be issued without the prior approval of any equipment or fuel storage facilities by the Technical Standards & Safety Authority.

4.3 Buildings to be Moved

No **building** or **structure** shall be moved within the limits of the **Municipality** or shall be moved from outside the **Municipality** into the **Municipality** unless the **building** or **structure** is a **permitted** use and satisfies all the regulations of the **zone** in which it is to be located.

4.4 Change of Use

A **use** of a **lot, building or structure** which, under the provisions hereof is not **permitted** within the **zone** in which such **lot, building or structure** is located, shall not be changed except to a **use** which is **permitted** within such **zone** or as otherwise authorized by the Committee of Adjustment under Section 45(2) of the *Planning Act*.

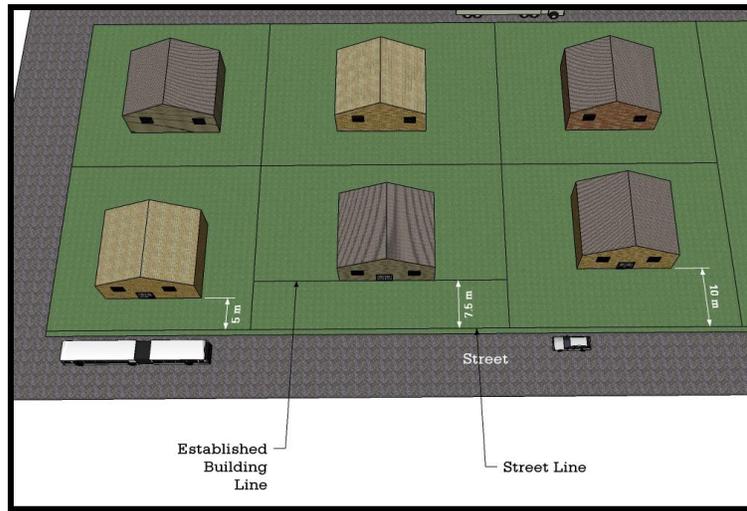
4.5 Cumulative Standards

Notwithstanding 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.

4.6 Established Building Line in Built-up Area

Despite any other **zone regulation** of this By-law, in any **residential zone** (see **Section 5.2** for list of **zones**), the **front yard** setback for a **dwelling** to be constructed between **existing buildings** or adjacent to **existing buildings** which are separated by no more than 60 m [196.8 ft.], may be reduced to a setback equal to the average setback of the said **existing buildings** or 6 m [19.6 ft.], whichever is the greatest [see **Figure 4.2**].

Figure 4.2: Established Building Line in a Residential Zone



4.7 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 **zone regulations** of that **zone** for a specific area governed by the By-law. All other applicable provisions of the By-law shall continue to apply. A number after the "-X" (e.g. R-X1) indicates the chronological order of the various exception zones.

4.8 Flood Plain

No **dwelling** shall be constructed or extended or expanded below the regulatory flood elevation of any **water body** (see Section 4.8.3.4) and no person shall use any land or erect, **alter** or **use** any **building** or **structure** in the **flood plain** of any **water body** except in accordance with the following provisions:

4.8.1 Permitted Uses Within the Flood Plain

1. **Buildings** or **structures** intended for flood or erosion control or slope stabilization;
2. **Conservation Use** excluding any **buildings** or **structures**;
3. **Forestry Use** excluding any **buildings** or **structures**;
4. **Parks** excluding any **buildings** or **structures**;
5. Hydro-electric generating facilities;
6. **Marine Facility**;
7. **Marina**; and

8. Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the **main building** of a water filtration plant or waste water treatment facility.

4.8.2 Prohibited Uses

Buildings and **structures** shall not be **permitted** to locate in **hazardous lands** where the **use** is:

1. An **institutional use** associated with hospitals, a **day nursery**, a **continuum-of-care facility**, and a **school**, where there is a threat to the safe evacuation of the sick, the elderly, **persons** with disabilities or the young during an emergency as a result of flooding, failure of flood proofing measures or protection works or erosion.
2. An essential emergency service such as that 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
3. Associated with the disposal, manufacture, treatment or storage of **hazardous substances**.

4.8.3 Flood Plain Zoning Standards

1. No **building** or **structure** shall be **erected** closer than 15 m [49.2 ft.] from the flood **elevation** or **flood line** of a **water body**.
2. Where no **flood elevation** or **flood line** has been established, the **setback** from the **top of bank** shall be 30 m [98.4 ft.].
3. Lands subject to flooding shall not be included in the calculation of the minimum **lot area**.
4. For the purposes of this By-law, the regulatory **flood elevation** along the shores of the North Channel of Lake Huron is established as 177.9 m CGD (Canadian Geodetic Datum).

4.9 Frontage on a Street

No **person** shall erect any **building** or **structure** or **use** any land in any **zone** unless the **lot** upon which such **building** or **structure** is to be **erected** or the land to be **used** has access to and meets the minimum **lot frontage** on a **street**.

4.9.1 Exceptions

Despite the above, access to a **lot** shall be permitted:

1. For a **permitted use** located on an **existing private road** or a **private road** located in a registered condominium.

2. For a resource related **use** located on Crown Land.
3. For a **communications facility**.
4. For a **public utility**.
5. For a **wayside pit or quarry**.
6. For a **water access lot** or island.
7. For any passive outdoor recreational **use** or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities, and
8. Where all other applicable **zone regulations** are met.

4.9.2 Exception for Existing Agreements

1. Despite **Section 4.9.1** where a development or subdivision agreement exists between the **Municipality** and a land **owner** and is registered on title, access to an unassumed, unopened or unmaintained public right-of-way shall be deemed to comply to the provisions of this section, provided that the development is in conformity with the **zone regulations** set out in the corresponding **zone** or any exception thereto.
2. Despite **Section 4.9.1**, where a legal right-of-way or a registered on title and provides for a right-of-way to an **existing lot** which is developed for a **single detached dwelling** or **seasonal dwelling**, such uses shall be deemed to comply with the provisions for access of this By-law.
3. Despite **Section 4.9.1**, where an agreement entered into with the **Municipality** for access via an unopened road allowance is registered on title and provides for an **easement** to an **existing lot** which is developed or intended to be **used** for a **permitted use**, such uses shall be deemed to comply with the provisions for access of this By-law.

4.10 Group Homes

A **group home** shall be **permitted** in all **residential zones** provided the **lot** is located on an improved **Street**.

4.11 Home Based Businesses

4.11.1 Scope of Permitted Home Based Businesses

The following **home based businesses** shall be **permitted** in any **zone** where a **home based business** is **permitted**:

1. Professional and consulting services including but not limited to an architect, engineer, financial advisor, accountant, consultant, legal services, physician, teleworker.
2. Instructional services include but not limited to music lessons, dance, art, academic tutoring.
3. Home craft businesses including but not limited to quilter, potter, jeweler, painter/visual artist, small scale assembler.
4. **A *Day nursery or private home day care.***
5. Distribution sales office, mail order sales or on-line sales and services including but not limited to cosmetics, clothing or small household appliances provided the product or service delivery is primarily from an off-site ***non-residential*** location.
6. An office for a contractor or trades plumber, and electrician.
7. Repair services including but not limited to small appliances, computers and not including auto repair and similar services.
8. High technology uses including but not limited to internet services, office call center services, desktop publishing, computer hardware and software development.
9. Personal care services including but not limited to a hairdresser, barber, massage therapist, aesthetician.
10. Sale of bait for recreational fishing purposes.
11. ***Pet grooming establishment***, but not including overnight keeping of animals.
12. A ***Catering establishment.***
13. A ***Studio.***
14. Seed sales
15. Gun repairs

4.11.2 Zone Regulations for Home Based Businesses

1. The ***home based business*** shall be clearly ***accessory*** to the main ***permitted*** residential ***use.***

2. A maximum of two (2) **home based businesses** shall be **permitted** in a **dwelling**.
3. The residential external character of the **dwelling** shall not be changed.
4. The business(es) shall be conducted entirely within the **dwelling** in an R1, R2, and R3 Zone, but shall be **permitted** to be operated in an **accessory building** or **structure** in an RU, ROS and LD Zone provided that the **home based business** does not occupy more than 140 m² [1,506 ft.²] of the **accessory building** or **structure**.
5. The **home based business** shall be operated by the owner or occupant of the **dwelling** on the **lot** on which the **home based business** is operated.
6. The **home based business** shall not create a public nuisance in regard to noise, traffic, parking or health safety.
7. The business(es) shall be legal and must have obtained the necessary permits or licenses from the **Corporation** and any other applicable government body having jurisdiction.
8. The **home based business(es)** shall cumulatively not occupy more than 25% of the **net floor area** of the **dwelling**.
9. No **outdoor storage** shall be **permitted**.
10. Only one (1) **sign** shall be **permitted** to advertise the **home based business(es)**. The **sign** shall not exceed 1 m² in surface area. The **permitted sign** may be a free standing sign in a **front** or **exterior side yard** or may be attached to the wall of a **permitted building** or **structure**. The **sign** may be illuminated where the illumination is directed onto the **sign** and complies with **Section 4.13** of this By-law. **Signs** may also be subject to any sign By-law enacted by the **Municipality** under the *Municipal Act*.
11. Parking for **home based business(es)** shall comply with **Section 4.22** of this By-law.

4.12 Home Industries

4.12.1 Scope of Permitted Home Industries

The following **home industries** shall be **permitted** in any RU, ROS and LD Zone and any **non-residential zone** which permits a **residential use**:

1. Any of the **home based businesses** listed in **Section 4.11.1**.

2. Any **agri-tourism use** to a **permitted agricultural use** including a home based business (as set out above), **uses** that produce value-added agricultural products from the farm operation on the property, a farm produce outlet, a welding or repair shop, commercial school bus or commuter transportation service, a retail outlet for farm supplies and machinery or other home industry.
3. The sale of firewood.
4. An appliance repair.

4.12.2 Zone Regulations for Home Industries

1. The **home industry** shall be clearly **accessory** to the main **permitted residential use**.
2. A maximum of two (2) **home based businesses** or **home industries** or a combination thereof shall be **permitted**.
3. The residential external character of the **dwelling** shall not be changed.
4. The business(es) may be conducted within the **dwelling** or may be located in an **accessory building** or a combination of both if located in an RU zone.
5. The **home based business** shall be operated by the owner or occupant of the **dwelling** on the **lot** on which the **home based business** is operated.
6. The **home based business** shall not create a public nuisance in regard to noise, traffic, parking or health safety.
7. The business(es) shall be legal and must have obtained the necessary permits or licenses from the **Corporation** and any other applicable government body having jurisdiction.
8. No **outdoor storage** shall be **permitted** except for the storage of firewood.
9. The **home industry(ies)** shall cumulatively not occupy more than 25% of the **net floor area** of the **dwelling** and an **accessory building**. Where the business is located in an **accessory building** the **net floor area** occupied by the business shall not exceed 140 m² [1,506 ft.²].
10. Only one (1) **sign** shall be **permitted** to advertise the **home based business(es)**. The **sign** shall not exceed 1 m² in surface area. The **permitted sign** may be a free standing sign in a **front** or **exterior side yard** or may be attached to the wall of a **permitted building** or **structure**. The **sign** may be illuminated where the illumination is directed onto the **sign** and

complies with **Section 4.13** of this By-law. **Signs** may also be subject to any sign By-law enacted by the **Municipality** under the *Municipal Act*.

11. Parking for **home based business(es)** shall comply with **Section 4.22** of this By-law.

4.13 Illumination

Illumination of **buildings, structures** and grounds shall be **permitted** provided:

1. Illumination does not cause direct or indirect glare on a **street or private road** that may interfere with traffic or pedestrian safety.
2. Illumination does not consist of a colour or be so designed or located that it may be confused with traffic signals.
3. Illumination does not cause direct or indirect glare on land or **buildings** or **structures** on any adjacent property that creates a public health or safety issue.

4.14 Kennel

A **kennel** shall only be **permitted** in the RU Zones subject to rezoning.

4.15 Land Suitability For Use

Despite any other provision of this By-law, no **habitable building** or **structure** shall be **erected, altered** or **used** on **hazardous lands**.

4.16 Licenses, Permits and Other By-laws

Nothing in this By-law shall exempt any person from complying with requirements of the Building By-law or any other By-law in force within the **Municipality** or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the Town of Spanish or by any other provincial or federal law in force from time to time.

4.17 Loading/Delivery Space Regulations

For every **building** or **structure erected** for a **commercial use, institutional use or industrial use** involving the receiving, shipping or unloading of merchandise or other goods, loading/delivery spaces shall be required in accordance with the following **zoning regulations**:

1. Minimum **loading/delivery space height** clearance..... 4.25 m [13.9 ft.]
2. Minimum **loading/delivery space width** 3.75 m [12.3 ft.]
3. Minimum **loading/delivery space length** 10 m [32.8 ft.]
4. Minimum **aisle** or **driveway** width leading to a loading/delivery space 6m [19.6 ft.]
5. Minimum no. of **loading/delivery** spaces 0 for net floor area less than 200 m²
6. Minimum no. of **loading/delivery** spaces... 1 for net floor area of 200 m²-1,000 m²
7. Minimum no. of **loading/delivery** spaces..... 1 for each additional 1,000 m²
8. All loading spaces shall be located within the property boundaries (**lot lines**) of the **lot** on which they are located.

9. Minimum **setback** of any required **loading/delivery space** from any **lot line** shall be 3 m [9.84 ft.].
10. The **loading/delivery space** regulations shall not apply to **existing buildings** or **structures**, but shall apply to any increase in the **net floor area** of an **existing building** or **structure** after the date of the passing of this By-law.

4.18 Minimum Distance Separation and Special Setbacks

Despite the **zoning regulations** in this By-law, no **person** shall **use** any land, **building** or **structure** unless the **use, building** or **structure** complies with the following

4.18.1 Waste Management Facility

1. No development or land use shall be **permitted** within 30 m [98.4 ft.] of the licensed fill area of an active **waste management facility**.
2. No **waste management facility** shall be **permitted** within 30 m [98.4 ft.] from the **high water mark** of any **water body** or **wetland**.
3. No **waste management facility** shall be **permitted** on land covered by water or in any area subject to flooding.

4.18.2 Pits and Quarries

1. No **sensitive land use** shall be **permitted** within 70 m [230 ft.] of the **zone** boundary of a **pit** measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** and the zone boundary of the **pit** or the nearest face of the excavation, whichever is the closest.
2. No **sensitive land use** shall be **permitted** within 300 m [984 ft.] of a **quarry** measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** and the **zone** boundary of the **quarry** or the nearest face of the excavation, whichever is the closest.

4.18.3 Industrial Uses

1. **Class I Industrial – Light Industrial:** The minimum **separation distance** from a **sensitive land use** and a Class I Industrial use shall be 20 m [65.6 ft.] and shall be measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** to the **lot line** of the Class I Industrial Use.
2. **Class II Industrial – Medium Industrial:** The minimum **separation distance** from a **sensitive land use** and a Class II Industrial use shall be 70 m [230 ft.] and shall be measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** to the **lot line** of the Class II Industrial Use.
3. **Class III Industrial – Heavy Industrial:** The minimum **separation distance** from a **sensitive land use** and a Class III Industrial use shall be 300 m [984.2 ft.] and shall be measured as the shortest horizontal distance between

the **lot line** of the **sensitive land use** to the **lot line** of the Class III Industrial Use.

4. Where an **industrial use** or **sensitive land use** is an **existing use** and an expansion or extension is proposed, the minimum **separation distance** for a **Class I, II** or **III Industry** shall be measured from the nearest main wall of the **building** or **structure** occupied by the **sensitive land use** and the nearest main wall of the **building, structure**, processing area, assembly or manufacturing area occupied by the **industrial use**.

4.18.4 Minimum Distance Separation Formulae I and II

1. The Minimum Distance Separation Formulae I and II of the Ministry of Agriculture, Food and Rural Affairs shall apply to new or expanding **livestock facilities** and the establishment of **residential uses** or *vice versa* on properties adjacent or in proximity to livestock operations, but shall not apply between a **dwelling** and a **livestock facility** on the same **lot**.
2. Any new **sensitive land use** located on a lot greater than 1 ha [2.47 ac] created after the date of passing of this By-law shall comply with the **Minimum Distance Separation Formulae I** as amended by the Province from time to time, where applicable. The Minimum Distance Separation Formulae I shall not apply to **existing lots** of record 1 ha [2.47 ac] or less.
3. Despite anything in this By-law to the contrary, where an **existing sensitive land use** that does not comply with the **Minimum Distance Separation Formulae I** is destroyed or rendered uninhabitable by fire or other natural cause, the **building** or **structure** may be reconstructed where the new **building** or **structure** is located no closer to a **livestock facility** than the original building or structure and the **gross floor area** and **height are not increased**.
4. The **Minimum Distance Separation Formulae I** shall not apply to the **erection** of a new **dwelling** that does not comply with the **Minimum Distance Separation Formulae I** where there are four or more existing non-farm uses closer to the subject **livestock facility** provided that the new **dwelling** is not constructed closer to the **livestock facility** than the four or more existing non-farm uses.
5. The **Minimum Distance Separation Formulae I** shall not apply to the construction of **accessory buildings** and **structures** to a **permitted existing dwelling** on the property (e.g. **deck, garage, gazebo**, greenhouse, picnic area, **patio**, shed).
6. The **Minimum Distance Separation Formulae I** shall not apply to proposed non-agricultural **uses** within an approved settlement area.

7. The **Minimum Distance Separation Formulae I** shall not apply to any cemetery that is closed to further **use** or receives low levels of visitation.

4.18.5 Water Bodies and Shoreline Buffer Zone

1. Subject to **Section 4.8**, the minimum **setback** from the **high water mark** for **dwelling**, a **non-residential** or **accessory building** or **structure** or an **individual on-site sewage service** shall be 30 m [98.4 ft.] except for a **marine facility** or **marina**. 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 **high water mark**.
2. A **shoreline buffer zone** shall be maintained between the **high water mark** and any **permitted use, building** or **structure** except a **marine facility** in a RU, LD and ROS Zone.

4.18.6 Wetland

No **dwelling**, non-residential or **accessory building** or **structure** or an **individual on-site sewage service** shall be **permitted** within 30 m [98.4 ft.] of the boundary of a significant **wetland** or fish habitat.

4.19 Non-Complying and Non-Conforming Buildings and Structures

4.19.1 Reconstruction, Enlargement of a Non-Complying Building or Structure

Nothing in this By-law shall prevent the enlargement, repair, renovation, **reconstruction**, or structural **alteration** of a **building**, or **structure** that **existed** one day prior to this By-law coming into effect, and which does not comply with the **zone regulations** or other requirements of this By-law provided:

1. The enlargement, repair, renovation, **reconstruction**, or structural **alteration** does not increase the situation of non-compliance; and
2. The enlargement, repair, renovation, **reconstruction**, or structural **alteration** does not pose a threat to public health or safety; and
3. All other applicable provisions of this By-law are complied with.

4.19.2 Non-Complying Lots

1. Despite anything else contained in this By-law, where a vacant **lot** having a lesser **lot frontage** and/or **lot 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 that no such **lot** has a **lot area** of less than 2,000 m² [21,529 ft.²] in a RR or LSR or R Zone or cannot be

adequately serviced with **water and sewage services** and provided all other applicable **zone regulations** in this By-law are complied with.

2. A **non-complying lot** that **existed** on the date of the passing of this By-law, and which does not comply with the minimum **lot frontage** and/or minimum **lot area zone regulations** of this By-law may be enlarged by a lot addition and the resultant **lot** shall be deemed to comply with all the **zone regulations** of this By-law including the minimum **lot frontage** and minimum **lot area**. All **zone regulations** applicable to any **existing buildings** on the resultant **lot** shall thereafter be deemed to comply with the **zone regulations** of this By-law.

4.19.3 Non-Conforming 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, or without permission from the Committee of Adjustment pursuant to the *Planning Act*. Where the **non-conforming use** ceases, the **use** will be deemed to have been discontinued.

4.19.4 Reconstruction of a Non-Conforming Use

1. Nothing in this By-law shall prevent the strengthening, restoration or **reconstruction** of any **non-conforming building** or **structure** which existed on the date of the passing of this By-law, provided that the strengthening, restoration or **reconstruction** does not increase the building height, size or volume or change the use of such **building** or **structure**, except such minor changes as may be expressly required for the restoration of the **building** or **structure** to a safe condition.
2. Nothing in this By-law shall prevent the strengthening, restoration or **reconstruction** of any **non-conforming building** or **structure** is destroyed or rendered uninhabitable by fire or other natural cause, provided the **height** and **gross floor area** are not increased, and the new building or structure is erected or on the same building footprint.

4.19.5 Prior Building Permits for a Non-Conforming Use

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*.

4.19.6 Road Widening Creating a Non-Complying Use

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 **exterior side yard setback**, as a result of a road widening taken by the Town of Spanish or the Ministry of Transportation of Ontario, provided all other **zone regulations** of this By-law are complied with.

4.20 Occupancy Restrictions

Human habitation shall not be **permitted** in any of the following **buildings, structures**, or parts thereof:

1. Any **private garage** or other **building** or **structure** which is **accessory** to a **residential use** unless specifically permitted by this by-law.
2. Any truck, bus, coach or streetcar body whether or not the same is mounted on wheels.

4.21 Open Storage and Outdoor Display

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

1. **Open storage** shall not be **permitted** within any required **front yard** and no closer than 5 m [16.4 ft.] to any **interior side lot line** or **rear lot line**.
2. Where **open storage** areas abut a **residential zone** (see **Section 5.2** for list of zones), the required **setback** of the **open storage** area shall be a minimum of 10 m [32.8 ft.] and shall also be visually screened from any **residential use**.
3. An **outdoor display** area shall be **permitted** as an **accessory** use to any **permitted** commercial use, **industrial use** or public service use provided that the **outdoor display** area does not reduce any required **parking area** or **loading space** required by this By-law. All **outdoor display** areas shall be setback a minimum of 3 m [9.84 ft.] from any **front lot line** or **interior side lot line**. Despite the above, seasonal sales of Christmas trees or a temporary (i.e. weekend) or a **yard sale** shall be **permitted** to occupy a designated **parking area** but shall be subject to any restrictions otherwise imposed by license or permit by the **Municipality**.

4.22 Parking, Motor Vehicles, Bicycles and Drive-Through Facilities

4.22.1 General

1. Except as provided herein, no **motor vehicles** shall be parked or stored in any **zone** (see **Section 5.2** for list of zones) unless the **motor vehicle** is located within a **garage, carport, driveway, parking area**, or on a **street** as **permitted** by Municipal By-law.

2. No **parking space** in a **residential zone** (see **Section 5.2** for list of zones) shall be used for the outdoor parking or storage of a **motor vehicle** unless such **motor vehicle** is used in operations incidental to the **residential use** of the **lot** on which it is parked or stored and bears a **motor vehicle** license plate or sticker which is currently valid.
3. Each standard **parking space** or **queuing space** in a **queuing lane** shall have a minimum width of 2.6 m [8.5 ft.] and a minimum length of 5.5 m [18 ft.] and each **barrier-free parking space** shall have a minimum width of 3 m [9.8 ft.] and a minimum length of 6 m [19.6 ft.].
4. Unless **permitted** elsewhere in this By-law, where two or more uses are **permitted** in any one **building** or **structure** on any **lot**, then the off-street parking regulations 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.
5. The regulations for **parking spaces** shall not apply to any **building** or **structure** 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 then **parking spaces** for the addition or area changed in **use** shall be provided.
6. Supplementary regulations for **parking spaces** for **dwelling**s in **residential zones** (see **Section 5.2** for list of zones) shall be as follows;
 - i) The **driveway** and **parking space** shall be constructed of crushed stone, asphalt paving, concrete, paver stones or similar materials.
 - ii) No more than fifty percent (50%) of the area of any required **front yard** shall be used or constructed as a **driveway** or **parking space**.
 - iii) No more than fifty percent (50%) of the **lot frontage** shall be used or constructed as a **driveway** or **parking space**.
7. Supplementary regulations for a **parking area** for more than four **motor vehicles** shall be as follows:
 - i) The **parking area** shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials.
 - 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 4 m [13.1 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 [11.4 ft.] where designed for one-way vehicular circulation or 6 m [19.7 ft.] where designed for two-way vehicular circulation.

8. Where the calculation of the minimum number of **parking spaces** required results in a fraction, the minimum requirement shall be the next higher whole number.

4.22.2 Barrier Free Parking

One **barrier free parking space** shall be required for any **use** requiring 10 standard **parking spaces** or more and **barrier free parking spaces** shall be provided at a ratio of one **barrier free parking space** for each 25 **standard parking spaces** and shall be included as part of the total number of standard **parking spaces** required.

4.22.3 Drive-Through Facilities

Despite any other **zone regulation** in this By-law, where a **use** of land, **building** or **structure** incorporates a **drive-through facility**, the following **zone regulations** shall apply:

1. A **drive-through facility** shall be a **permitted use** in the CG, CH and MG zones.
2. A **drive-through facility** is a **principle use** in combination with another **permitted use** and shall comply with the **zone regulations** in the **zone** in which the **drive-through facility** is located.
3. The minimum dimensions of a **queuing space** in a **queuing lane** shall be 2.7 m by 6 m [8.85 ft. x 19.6 ft.].
4. No part of any **order station** shall be located closer than 10 m [32.8 ft.] from the property boundary of any property or **lot** occupied or **zoned** for a **residential use**.
5. All **drive-through facilities** shall comply with the **zone regulations** for parking as set out in **Table 4.22** of this By-law.
6. **Queuing lanes** for any **drive-through facility** shall be designed to accommodate a minimum of eight (8) **motor vehicles**.

4.22.4 Bicycle Parking and Storage

1. Any **building**, except an **existing building**, with a **net floor area** of 200 m² [2,152 ft.²] **used** for a **commercial use**, **institutional use**, or an **industrial use** shall install a bicycle storage rack designed to securely store a minimum of ten (10) bicycles, and such bicycle storage rack shall be located within 15 m [49.2 ft.] of the main entrance of the **building**.

2. Any **apartment dwelling**, except an **existing building**, shall provide a secure storage area internally within the **building** designed to accommodate a minimum of 1 bicycle per **dwelling unit**.
3. Any **apartment dwelling**, except an **existing building**, with five (5) or more **dwelling units** shall install a bicycle storage rack designed to securely store a minimum of five (5) bicycles and such bicycle storage rack shall be located within 15 m [49.2 ft.] of the main entrance of the **building**.

4.22.5 Commercial Vehicle, Recreational Vehicles and Recreational Equipment

No **person** shall in any **residential zone**, **use** any **lot** for parking or storage of any commercial **motor vehicle**, **recreational vehicle** or **recreational equipment** except as follows:

1. The **owner** or occupant of any **lot**, **building** or **structure** in any **residential zone**, may **use** any attached or **detached private garage** located on the **lot** for the housing or storage of one (1) commercial **motor vehicle** operated by the **owner** or occupant and/or may also **use** any private driveway for the parking of one (1) commercial **motor vehicle** not exceeding 2,722 kg Gross Vehicle Weight (GVWR) or a Class 1 truck [6,000 lbs.] provided such commercial **motor vehicle** is not used in connection with any business or other **use** that is prohibited in this By-law.
2. In a **zone** where a **residential use** is **permitted**, **recreational equipment** and up to two (2) **recreational vehicles** may be stored on a **lot** in accordance with the following **zone regulations**:
 - a. No storage of any **recreational equipment** or **recreational vehicle** shall be permitted unless a **main building** has been constructed.
 - b. An attached or **detached private garage** may be **used** for the housing or storage of any **recreational equipment** or **recreational vehicle**.
 - c. Exterior storage shall be limited to an **interior side yard** or **rear yard** of the **lot** and no part of any **recreational equipment** or **recreational vehicle** shall cross a **lot line**, and
 - d. Exterior storage of any **recreational equipment** or **recreational vehicle** shall be permitted in a **front yard** or **exterior side yard** provided:
 - The **lot** has a minimum **lot frontage** of 15 m [49.2 ft.], and

- The **recreational equipment** or one (1) only **recreational vehicle** is stored on a driveway and does not occupy a required **parking space**, and
 - That and no part of any **recreational equipment** or a **recreational vehicle** shall cross a **lot line**.
3. No vacant **lot** of record shall be **used** for the storage or **use** of a **recreational vehicle** in an RU zone unless the lot has been created by consent.
 4. No **lot** in any other **zone** shall be **used** for the storage or **use** of a **recreational vehicle** unless otherwise listed as a **permitted use** in the **zone**.

4.22.6 Schedule for Parking Regulations

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 spaces** in accordance with the minimum number of parking spaces set out in **Table 4.22** as follows:

Table 4.22 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: <ul style="list-style-type: none"> • Accessory dwelling • Converted Dwelling • Duplex Dwelling • Guest House • Mobile home • Seasonal dwelling • Semi-detached dwelling • Single-detached dwelling 	2 spaces per dwelling
Residential: <ul style="list-style-type: none"> • Accessory Apartment • Apartment dwelling • Multiple-unit dwelling • Row or townhouse • Secondary Dwelling Unit • Triplex dwelling 	1.5 spaces per dwelling unit, 15% of which shall be reserved as visitor parking where eight or more parking spaces are required

Table 4.22 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: <ul style="list-style-type: none"> • Bachelor dwelling unit • Boarding house • Dormitory • Garden suite • Senior citizen dwelling 	<ul style="list-style-type: none"> • 1 space per dwelling unit, or 1 space per 38 m² [409 ft.²] whichever is greater • Dormitory or boarding house: 1 space per occupant
Animal Shelter	1 space per 30 m ² [322.9 ft. ²] of gross floor area
Auto body shop, auto repair shop, automotive service station, gas bar, recreational vehicle repair and garage	3 spaces per service bay plus 1 space per employee; minimum 6 spaces
Assembly hall, auction hall, auditorium, banquet facility, dance hall, entertainment establishment, stadium, theatre, bingo hall, funeral home and similar places of assembly	The greater of 1 space for every 4 seats or 1 space for every 12 m ² [129.1 ft. ²] of assembly space
Bed and Breakfast Establishment, Farm Vacation Establishment	1 space for each guest room available to the travelling public in addition to the required parking for the dwelling
Building supply store, lumber yard, garden centre, nursery, equipment and vehicle storage yard	1 space for each 22 m ² [236.8 ft. ²] of gross floor area and 1 space for each 35 m ² [376.2 ft. ²] of open storage
Car Rental Agency	30 spaces minimum
Clinic, medical marijuana facility	3 spaces per medical practitioner
Convenience store	1 space per 18 m ² [193.7 ft. ²] of gross floor area
Continuum-of-Care Facility	1 space for every 6 patient beds plus 1 space for every 4 employees
Crisis Care Facility	2 spaces minimum in addition to the required parking for a dwelling or if not located in a dwelling, 1 space per 38 m ² [409 ft. ²] of gross floor area
Day nursery	1 space per employee and 1 space per 5 children or 1 space for every 15 children registered or fraction thereof

Table 4.22 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Drive-through facility	1 parking space per 10 m ² [107.64 ft. ²] of gross floor area
Equipment Rental Establishment, Equipment Sales Establishment, Equipment Service and Repair Establishment, automotive sales establishment	1 space per 35 m ² [376.7 ft. ²] of open storage or gross sales area plus 1 space per employee
Factory Outlet, Retail Outlet	1 space per 28 m ² [301.3 ft. ²] of gross floor area plus required spaces for an industrial use or commercial use
Garden centre and nursery	1 space per 30 m ² [322.9 ft. ²] of gross floor area
General business including: adult video rental, animal day care establishment, bake shop, bank, brewery and winery, catering establishment, commercial and personal service establishment, dry cleaning or laundry outlet, office, grocery store, laundromat, microbrewery, pet grooming establishment, rental store, retail store, service outlet or shop, shopping centre, tourist outfitters establishment, wholesale establishment	1 space per 28 m ² [301.3 ft. ²] of gross floor area
Group Home	2 spaces plus the required parking for the dwelling
Home Based Business, Home Industry	A minimum of one (1) parking space and a maximum of three (3) parking spaces shall be permitted in addition to the required parking for the dwelling
Hotel, Motel, Tourist Establishment	1 space per guest unit, plus 1 space per 12 m ² [129.1 ft. ²] of gross floor area dedicated to administrative, banquet and meeting facilities
Industrial use, abattoir, agricultural-related use, bakery, custom work shop, studio, transportation depot or truck terminal	1 space per 30 m ² [322.9 ft. ²] of gross floor area
Place of amusement, arcade, recreational commercial establishment, fitness centre, massage parlour, wellness centre	1 space for every 4 persons that can be accommodated

Table 4.22 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Place of worship	1 space for every 5 seats, fixed or otherwise
Restaurant, Tavern	1 parking space per 10 m ² [107.64 ft. ²]
School - elementary	1.5 spaces per classroom plus 6 spaces for visitors
School - secondary or private	4 spaces per classroom plus 8 spaces for visitors

4.23 Parts of Buildings or Structures Permitted Above Height Level

1. The height regulations in this By-law shall not apply to any of the following:
 - a. Air conditioning system
 - b. Chimney
 - c. Church spire or belfry or turret
 - d. **Communications facility**
 - e. Drying tower
 - f. Elevator or stairway enclosure
 - g. Enclosed mechanical and electrical equipment
 - h. Farm buildings and structures including but not limited to a barn, silo or windmill
 - i. Flag pole
 - j. Hydro electric transmission tower or pole
 - k. Ornamental dome or clock tower
 - l. Receiving and transmitting antenna
 - m. Receiving stations
 - n. **Satellite dish/receiver**
 - o. Skylight
 - p. **Solar collector/commercial solar collector**
 - q. Ventilating fan or skylight
 - r. Water tower
 - s. **Wind Turbine/commercial wind turbine**

2. The minimum **setbacks** in all directions for a **communications facility** shall be the equivalent of the height of the tower except where such facility is authorized and/or approved by Industry Canada.

4.24 Permitted Projections

Every part of any **yard** required by this By-law shall be left open and unobstructed by any **structure** from the ground to the sky except that those structures listed in **Table 4.24** shall be **permitted** to project or extend into the minimum yards required by this By-law for the following specified distances:

Table 4.24 – Permitted Projections	
STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters, solar collectors where attached to a building, shutters cornices, parapets or other ornamental structures	0.75 m [2.46 ft.] into any required front yard , rear yard or interior 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 and walkways for use by persons with disabilities	No maximum into any required yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line
Porch , uncovered platform landing, patio or deck , balconies or steps	No maximum into any side yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line and 3 m [9.8 ft.] into any required front or rear yard
Air conditioner	0.5 m [1.6 ft.] into any yard
Fire escapes, exterior stair cases from a building having two storeys or more above grade	1.5 m [4.92 ft.] into an interior side or rear yard only
Heat pump or geothermal power facility	1.5 m [5 ft.] into an interior side yard or rear yard
Accessory building	As permitted by and as specified in this By-law
Fences , hedges, shrubs, trees, freestanding walls and retaining walls, flagpoles, light standards, garden trellises, clothes lines, and similar structures or features	No maximum into any yard except with respect to the zone regulations for a sight triangle
Solar collector , wind turbine , bicycle racks	No maximum into any yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line

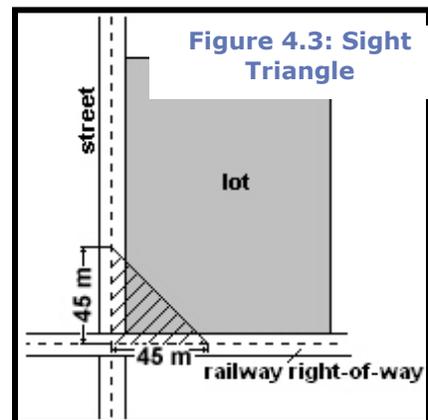
4.25 Prohibited Uses

The following **uses** are prohibited in any **zone**, unless otherwise permitted by this by-law:

1. **Adult Entertainment Parlour** and Body Rub Parlour; and
2. The **use** of any **accessory building** or **structure, boathouse** or **storage container** for human habitation; and
3. The **use** of bulk storage tanks for storage purposes on any **lot**; and
4. The storage of inoperative rail cars, streetcars, buses, truck bodies or trailers without wheels; and
5. The parking or storage of commercial **motor vehicles** on inoperative farm vehicles on a vacant **lot**; and
6. The outdoor storage of partially dismantled and/or unlicensed **motor vehicles** or **recreational vehicles**, or trailers or **motor vehicle** or trailer parts; and
7. Obnoxious uses; and
8. Smelters, ethanol plants, the manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, coal oil, creosote, explosives, fireworks, glue, petroleum, tar or other gases; and
9. The bulk storage of industrial chemicals, and hazardous waste, or liquid industrial waste as defined under the *Environmental Protection Act, R.S.O., c.E. 19*, as amended; and
10. The **use** of **storage containers** for storage except as otherwise permitted as an **accessory use** in an industrial **zone**.

4.26 Sight Triangle

1. Within any area defined as a **sight triangle**, the following **uses** shall be prohibited:
 - a. A **building, structure**, or **use** which would obstruct the vision of drivers of **motor vehicles**.
 - b. A **fence**, tree, hedge, bush or other vegetation, other than agricultural crops.
 - c. Any portion of a delivery space, **loading space, driveway** or **parking space**.
 - d. A berm or other ground surface which exceeds the elevation of the street by more



than 0.6 m [1.96 ft.].

2. For the purposes of this By-law, the following **sight triangle** distances shall apply (see definition of sight triangle for measurement of distances):
 - a. 15 m [49.2 ft.] in all commercial and industrial **zones**.
 - b. 5 m [16.4 ft.] in all other **zones**.
 - c. Despite the above in any **zone** where any street crosses a railway at the same grade the railway shall be deemed to be a street and a sight distance of forty-five metres (45 m [147.6 ft.]) shall be required measured from the point of intersection of the centre line of the railway right-of-way and the street line abutting the lot [see **Figure 4.3**].

4.27 Signs

Unless otherwise stated in this By-law, **signs** shall be **permitted** only in accordance with the Signs By-law(s) of the Corporation.

4.28 Streets, Parks, Playgrounds and Community Gardens

In any **zone** established by this By-law, **streets**, walkways, bike paths, parks, playgrounds and **community gardens** shall be **permitted**.

4.29 Temporary Buildings or Structures During Construction

1. No **accessory building** shall be **erected** prior to the **erection** of the **main building** on the same **lot** except where it is necessary for the storage of the tools and materials used for the construction of the **main building** or **structure**, and no such **accessory building** shall, prior to the **erection** of the **main building** be used for any other purpose other than the storage and shall not be **used** for human habitation unless otherwise permitted by this By-law.
2. In addition, a **building** or **structure used** as a construction or field office may be temporarily **permitted** on the same lot in the form of a mobile, relocatable, portable or transportable **building** or **structure** during construction provided:
 - a. Approval is obtained from the **Corporation**.
 - b. Such temporary accommodation is removed from the **lot** immediately upon completion of construction or abandonment of construction.
3. Nothing in this By-law shall prevent the **use** of land or the **use** or **erection** of a temporary sales or rental office for which a building permit has been issued and/or approval is obtained from the **Corporation**.

4.30 Use by Public Authority or Public Utility

The provisions of this By-law shall not apply to limit the **use** of any land or to the **erection** or **use** of any **building** or **structure** for a utility installation or municipal

infrastructure for the purpose of a **public service use** by the Town of Spanish and/or any public authority, any department of the Government of Ontario or Canada, including any Hydro One facilities and a federally or provincially regulated utility of communication service pursuant to the *Planning Act*, provided that where such land, **building** or **structure** is located in a **residential zone** (see **Section 5.2** for list of zones) or on a lot adjacent to a **residential zone**:

1. No goods, materials or equipment shall be stored in the open.
2. The **lot coverage** and **setback** regulations of the zone in which such land, **building** or above ground **structure** is located shall be complied with.
3. Any **building erected** under the authority of this section shall not be used for the purpose of an **office** except for a government **building**.
4. The regulations for **parking spaces** and loading regulations as contained in this By-law shall be complied with.
5. **Communications facilities** shall comply with Industry Canada Standards for construction and safety. A **communications facility** shall only be **permitted** in a **rural zone** or an Industrial (M1) Zone.
6. Secondary uses, such as active and passive recreation, agriculture, **community gardens**, other utilities, and **uses** such as **parking lots** and outdoor storage that are **accessory** to adjacent lands uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks.

4.31 Water and Sewage Disposal Systems

No **person** shall **erect** or **use** in whole or in part, any **building** or **structure** unless the **use, building** or **structure** is properly connected to approved **water and sewage systems** 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.

4.32 Wellhead Protection Area

No use of land or the erection of buildings or structures shall be permitted within a Wellhead Protection Area, as shown on Schedule C to this By-law, except in compliance with the following provisions:

1. Within the Wellhead Capture Zones 1 and 2, as shown on Schedule "A", all uses within Table 1- Categories "A, B, and C" are prohibited. Any permitted uses shall be developed only where they can be connected to full municipal water and sewage and where capacity is available. No underground storage or outside storage that does not have built-in secondary containment system shall be permitted, and such storage shall be restricted to the storage of fuel required for domestic use or for the short term storage as an energy supply for a non-residential use.

2. Within wellhead capture Zone 3, as shown on Schedule “C”, Category “C” uses shall be permitted where lands are permitted subject to a rezoning in compliance with the performance standards or best management practices respectively, of the Official Plan for such uses.

3. Existing Uses, Enlargements, Extensions or Change of Uses

Land uses in Table 1 existing within Zones 1 and 2 of the Wellhead Protection Area at the time of the coming into force of zoning by-law amendments adopted in accordance with the policies for Wellhead Protection Areas, will be recognized as legal non-conforming uses within the zoning by-law. Once these uses cease to exist, such legal conforming status will be lost and such uses will no longer be permitted. Existing Category “C” land uses in Table 1 located in Zone 3 may be expanded by amendment to this by-law where they comply with the performance standards set out in the Official Plan.

Table 1 - Risk Categories by Land Use
Category A Uses (High Risk)
<ul style="list-style-type: none"> • An On-site (private) sewage disposal system • A groundwater heat pump without secondary containment (Sealed basement for new construction with inside oil tank) • A gas or oil pipeline • A new sewage collection main • Above ground storage tanks (ASTs) with secondary containment except for a permitted non-residential use • Auto wrecking and salvage yards • Bulk road salt storage • Bulk storage of chemicals or hazardous substances, including on-farm storage for agricultural production purposes • Bulk storage of tires • Lagoons for sewage treatment • Land application of nutrients including bio-solids or septage • Manure storage facilities • Municipal landfills • Petroleum products refining and asphalt batching • Private facilities for the disposal, storage, handling, transfer, processing and/or recycling of any solid or liquid wastes, including private landfills, and excluding residential sewage systems. • Snow storage and disposal facilities • Underground storage tanks (USTs) and any in-ground process-related piping of chemicals and lubricants, sumps such as dry wells and machine pits, and automotive repair pits • Warehousing, bulk storage of oil, gasoline or petroleum products • Warehousing of cleaning products, pesticides, herbicides, fungicides and chemicals, excluding on-farm storage for agricultural production purposes

Table 1 - Risk Categories by Land Use
--

Category B Uses (Medium Risk)

- | |
|---|
| <ul style="list-style-type: none">• Assembly of aircraft and aircraft parts, motor vehicles, truck, but bodies, trailers, rail cars, mobile homes, ships and boats• Automobile service stations and gas stations• Commercial or industrial dry cleaning of textiles and textile products• Foundries non-ferrous metal smelting and refining• Leather tanning and finishing• Manufacturing and dyeing of textiles• Manufacturing of agricultural, commercial and industrial machinery• Manufacturing of cable and wire• Manufacturing of chemicals, resins, paints, varnish, printing inks, adhesives, plastics and reinforced fibreglass plastic• Manufacturing of electronic components such as semiconductors, printed circuit boards and cathode ray tubes• Manufacturing of engines, engine parts, steering and suspension parts, wheels and brakes• Manufacturing of jewellery and precious metals• Manufacturing of motor vehicle wiring• Manufacturing of pharmaceuticals and medicines• Manufacturing of unfinished fabricated metal products and parts• Manufacturing of wet electrical equipment and wet batteries• Metal casting operations• Metal finishing operation (electroplating, electro-coating, galvanizing, painting, application of baked enamel)• Underground storage tanks (USTs) and any in-ground process-related piping of chemicals and lubricants, sumps such as dry wells and machine pits, and automotive repair pits• Vehicle stamping operations• Wood and wood product preservation and treatment |
|---|

Table 1 - Risk Categories by Land Use

Category C Uses (Low Risk)

- Abattoirs
- Airports
- Asphalt paving and roofing contractor yards
- Automated manufacturing of soft drinks, distilleries, breweries and wine making
- Automated production of baked goods, dairy, canned goods, frozen foods, processed food and meat
- Cemeteries
- Funeral homes
- Furniture, casket, cabinet and other wood products manufacturing and assembly
- Glass and glass products manufacturing
- Golf courses
- Intensive livestock operations and associated manure storage facilities and land application of manure
- Lawn care contractors
- Machinery equipment rental outlets
- Market gardening farms
- Manufacturing of dry batteries
- Manufacturing electrical appliances, equipment, motors, lighting fixtures, lamps
- Manufacturing of electric light bulbs and tubes
- Manufacturing of paper, newsprint, boxes
- Manufacturing of plastic and foam parts and products
- Manufacturing of rubber products
- Manufacturing of soaps and toiletry preparations
- Medical health and other laboratories
- Photographic developing facilities
- Printing of newspaper, packaging and books
- Rendering facilities
- Repair of motor vehicles, aircraft, water craft, rail vehicles, trucks, buses and machinery
- Repair of photographic equipment, electrical motors, electrical equipment, vending machines, small motors, appliances, computer equipment and jewellers
- Retail sale of agricultural fertilizers and pesticides
- Storage, repair yards and facilities for contractors
- Transit terminals

4.33 Zones Applying to More than One Properties

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.

Section 5 ZONES

5.1 Zone Classification

For the purposes of this By-law, the Town of Spanish is divided into the following **zones** as named and described in the following sections, the boundaries of which are shown on the attached Schedules which are attached to and form part of this By-law.

5.2 Zones

Zones	
Name of Zone	Zone Symbol
Residential Zones	
Low Density Residential	R1
Medium Density Residential	R2
Apartment Residential	R3
Institutional Zone	
Institutional	I
Commercial Zones	
General Commercial	C1
Tourist Commercial	C2
Industrial Zones	
Service Commercial / Light Industrial	MC
General Industrial	M1
Rural Industrial	M2
Railroad Industrial	M3
Mineral Aggregate Resource	MX
Mining	MM
Waste Management	WMF
Other Zones	
Rural	RU
Parks and Open Space	OS
Restricted Open Space and Waterfront	ROS
Lakeshore Development	LD
Environmental Protection	EP

5.3 Use of Zone Symbols

The symbols listed in Section 5.2 may be used to refer to any of the **uses** of land, **buildings** or **structures permitted** by this By-law (including the zoning schedules) in the said **zones**, and the intent of the By-law is that the associated **zone regulations** apply.

5.4 Holding Zone “h” Designation

Any **zone** classification may be placed in a Holding Zone by adding to the zone symbol the letter “h”. No development is **permitted** on lands where the “h” symbol appears until

the applicable conditions have been met and the “h” is lifted by an amendment to this By-law under Section 36 of the *Planning Act*.

5.5 Interpretation of Zone Boundaries

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

1. A boundary indicated as following a **highway, street, private road** or **lane** shall follow the centre line of such highway, street, private road or lane.
2. A boundary indicated as following a **water body** or the right-of-way of a railway or an electrical, gas or oil transmission line shall follow the centre line of such **water body** or right-of-way.
3. A boundary indicated as following the **high water mark** shall follow such high water mark, and in the event of a change in the high water mark, the boundary shall be construed as moving with the actual high water mark.
4. 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.
5. Where a boundary is indicated as approximately parallel to a **street line** or other feature, indicated in clause (1), (2), and (3) above, and the distance from such street line or other feature is not indicated, and clause (4) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance there from shall be determined according to the scale shown on the appropriate Schedule.
6. A boundary indicated as following the limits of the **Municipality** shall follow such limits.
7. 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.
8. Where any **zone** boundary or a dimension is left uncertain after the application of the above provisions, then the boundary or dimension shall be determined from the zoning schedule using the scale bar thereon.

Section 6 LOW DENSITY RESIDENTIAL (R1) ZONE

No person shall use any land or erect, alter or use any building or structure in the Low Density Residential (R1) Zone except in accordance with the following **zone regulations**:

6.1 Permitted Uses

6.1 – R1 Permitted Uses	
Principle Use	Accessory Use
Duplex Dwelling Semi-Detached Dwelling Single Detached Dwelling Two-Unit Dwelling	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Accessory Residential Use (see 4.1.2) • Bed & Breakfast Establishment (see 4.1.3) • Fences (see 4.1.6) • Garden Suite (see 4.1.9) • Home Based Business (see 4.11) • Private Home Daycare • Swimming Pools (see 4.1.10) • Temporary Car Shelter (see 4.1.11)
Group Home (see 4.10)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6) • Swimming Pools (see 4.1.10)
Park, Playground, Community Garden (see 4.28)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1)
Public Service Use (see 4.30)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1)
R1- S Permitted Uses	
Principle Use	Accessory Use
Neighbourhood Serving Use including: <ul style="list-style-type: none"> • Convenience Store • Day nursery or private home day care. • Personal Service Establishment 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6)

Permitted Uses

6.2 Zone Regulations

6.2 – R1 Zone Regulations for Permitted Uses	
Minimum Lot Area	Municipal Water and Sewage Services: 600 m2 Municipal Water OR Sewage Services: 1250 m2 Private Individual On-Site Services: 0.4 ha
Minimum Lot Frontage	Municipal Water and/or Sewage Services: 20 metres Individual On-site Water and Sewage Services: 30 metres

6.2 – R1 Zone Regulations for Permitted Uses	
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	7 m [22.9 ft.]
Interior Side Yard	1.2 m [3.9 ft.]
Rear Yard	10 m [32.8 ft.]
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]
Minimum Gross Floor Area – Dwelling Unit	110 m ² [1,184 ft. ²]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
Main Building	Municipal Water and or Sewage Services - 30% Individual On-site Water and Sewage Services – 10%
Accessory Building	Municipal Water and/or Sewage Services - 5% Individual On-site Water and Sewage Services – 3%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	1.2 m [3.9 ft.]
Maximum Number of Dwelling Unit Requirements	
Maximum Number Dwellings per Lot	1 subject to Section 6.3.1
Floor Area per Dwelling Unit	
Minimum Net Floor Area per Dwelling Unit	70 m ² [753 ft. ²]
Driveways	
Maximum Number of Driveway Entrances per Lot	2

6.2 – R1 Zone Regulations for Permitted Uses	
Minimum Separation Distance between Driveways	13.5 m [44.2 ft.]
Minimum Width of Driveway	3 m [9.8 ft.]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line
R1-S Permitted Uses	
Principle Use	Accessory Use
Neighbourhood Serving Use including: <ul style="list-style-type: none"> • Convenience Store • Day Nursery or Private Home Day Care • Personal Service Establishment 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6)

6.3 Additional Regulations

1. A **garden suite** shall be subject to a Temporary Use By-law under Section 39 of the *Planning Act* and shall only be **permitted** as an **accessory use** to a **single detached dwelling**.
2. All applicable provisions of **Section 4 – General Provisions** shall apply.
3. The minimum **interior side yard** shall not apply to the common wall of a **semi-detached dwelling**.
4. The minimum **lot area** and **lot frontage zone regulations** shall not apply to a park, playground or community garden.
5. In the R1-S **zone**, only one (1) **neighbourhood serving use** shall be permitted on a **lot**.

Section 7 MEDIUM RESIDENTIAL (R2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential Medium Residential (R2) Zone except in accordance with the following **zone regulations**:

7.1 Permitted Uses

7.1 – R2 Permitted Uses	
Principle Use	Accessory Use
Converted Dwelling Row or Townhouse Dwelling Triplex Dwelling Two Unit Dwelling	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Accessory Residential Use (see 4.1.2) • Bed & Breakfast Establishment (see 4.1.3) • Fences (see 4.1.6) • Garden Suite (see 4.1.9) • Home Based Business (see 4.11) • Private Home Daycare • Swimming Pools (see 4.1.10) • Temporary Car Shelter (see 4.1.11)
Group Home (see 4.10)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6) • Swimming Pools (see 4.1.10)
Park, Playground, Community Garden (see 4.27)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1)
Public Service Use (see 4.30)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1)

7.2 Zone Regulations

7.2 – R2 Zone Regulations	Converted Dwelling	Two Unit, Dwelling, Triplex Dwelling	Rowhouse or Townhouse Dwelling
Minimum Lot Area	900 m ² on Municipal Water and/or Sewage Services or 0.4 hectares on Individual On-site Water and Sewage Services	500 m ² per dwelling unit or 0.4 hectares per dwelling unit on Individual On-site Water and Sewage Services	
Minimum Lot Frontage	20 metres or 30 metres on individual on-site water and sewage services		
Minimum Yard Requirements – Main Building			
Front Yard or Exterior Side Yard	7 metres		
Interior Side Yard	1.2 metres	1.4 metres	1.8 metres

7.2 – R2 Zone Regulations	Converted Dwelling	Two Unit, Dwelling, Triplex Dwelling	Rowhouse or Townhouse Dwelling
Rear Yard	10 metres		
Minimum Yard Requirements – Accessory Building (see also Section Error! Reference source not found.)			
Interior Side Yard or Rear Yard	1.2 m metres		
Maximum Height Requirements			
Main Building	10 metres		
Accessory Building	5 metres		
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)			
Main Building	Municipal Water and or Sewage Services - 25% Individual On-site Water and Sewage Services – 10%		
Accessory Building	Municipal Water and/or Sewage Services - 5% Individual On-site Water and Sewage Services – 3%		
Minimum Separation Distance Between Buildings Requirements			
Main Building and any Accessory Building	1.2 metres		
Maximum Number of Dwelling Unit Requirements			
Maximum Number Dwellings per Lot	1	1	1
Floor Area per Dwelling Unit			
Minimum Net Floor Area per Dwelling Unit	<ul style="list-style-type: none"> • Bachelor dwelling unit: 40 m² • One-bedroom dwelling unit: 55 m² • Two-bedroom dwelling unit: 70 m² • Three bedrooms or more in a dwelling unit: 80 m² 		
Driveways			
Maximum Number of Driveway Entrances per Lot	2		

7.2 – R2 Zone Regulations	Converted Dwelling	Two Unit, Dwelling, Triplex Dwelling	Rowhouse or Townhouse Dwelling
Minimum Separation Distance between Driveways	13.5 m [44.2 ft.]		
Minimum Width of Driveway	3 m [9.8 ft.]		
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line		

7.3 Additional Regulations

1. A ***garden suite*** shall be subject to a Temporary Use By-law under Section 39 of the *Planning Act* and shall only be ***permitted*** as an ***accessory use*** to a ***permitted dwelling***.
2. All applicable ***zone regulations*** of **Section 4 – General Provisions** shall apply.
3. The minimum ***interior side yard*** shall not apply to the common wall of a ***Row or townhouse dwelling***.
4. The minimum ***lot area*** and ***lot frontage zone regulations*** shall not apply to a park, playground or community garden.

Section 8 APARTMENT RESIDENTIAL (R3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Apartment Residential (R3) Zone except in accordance with the following **zone regulations**:

8.1 Permitted Uses

8.1 – R3 Permitted Uses	
Principle Use	Accessory Use
Apartment Dwelling Multiple Unit Dwelling	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6) • Swimming Pools (see 4.1.10) • Home Based Business (see 4.11)
Group Home (see 4.10)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6) • Swimming Pools (see 4.1.10)
Continuum-of-Care Facility	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.6) • Swimming Pools (see 4.1.10)
Park, Playground, Community Garden (see 4.27)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1)
Public Service Use (see 4.30)	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1)

8.2 Zone Regulations

8.2 – R3 Zone Regulations	
	Apartment or Multiple Dwelling
Minimum Lot Area	<ul style="list-style-type: none"> • 500 m² [5,382.1 ft.²] for first 4 units + 90 m² [968.8 ft.²] for each additional unit • Continuum-of-Care Facility: 925 m² [9,956.9 ft.²] + 80 m² [861.1 ft.²] for each bedroom over 12 units
Minimum Lot Frontage	30 metres
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	7 metres
Interior Side Yard	1.2 metres
Rear Yard	10 metres

8.2 – R3 Zone Regulations	
	Apartment or Multiple Dwelling
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	1.2 metres
Maximum Height Requirements	
Main Building	10 metres
Accessory Building	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
Main Building	25%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	1.2 metres
Maximum Number of Dwelling Unit Requirements	
Maximum Number Dwellings per Lot	--
Floor Area per Dwelling Unit	
Minimum Net Floor Area per Dwelling Unit	<ul style="list-style-type: none"> • Bachelor dwelling unit: 40 m² • One-bedroom dwelling unit: 55 m² • Two-bedroom dwelling unit: 70 m² • Three bedrooms or more in a dwelling unit: 80 m²
Driveways	
Maximum Number of Driveway Entrances per Lot	2
Minimum Separation Distance between Driveways	13.5 metres
Minimum Width of Driveway	3 metres

8.2 – R3 Zone Regulations	
	Apartment or Multiple Dwelling
Location of Parking Space	No closer than 1.5 metres to any street line

8.3 Additional Regulations

1. All applicable **zone regulations** of **Section 4 – General Provisions** shall apply.
2. All **development** shall be serviced with **municipal sewage services** and **municipal water services**.

Section 9 INSTITUTIONAL (I) ZONE

No person shall use any land or erect, alter or use any building or structure in the Institutional (I) Zone except in accordance with the following **zone regulations**:

9.1 Permitted Uses

9.1 – I Permitted Uses	
Institutional Uses	
<ul style="list-style-type: none"> • Ambulance Facility • Arena • Auction Hall • Bingo Hall • Cemetery • Clinic • Community Centre • Community Garden • Court House and Detention Centre • Crisis Care Facility • Curling Rink • Day Nursery • Fire Hall • Fitness Centre • Library • Municipal Administration Complex • Museum • Nursing Station 	<ul style="list-style-type: none"> • OPP Detachment Office • Park • Place of Assembly • Place of Worship • Playground • Private Club • Public Art Gallery • Public Service Use (see 4.30) • Public Works Garage • Recreation Facility • School • Skateboard Park • Splashpad • Swimming pool • Training and rehabilitation Centre • Vehicle Compound
Accessory Uses	
Permitted Institutional Use	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Fences (see 4.1.7) • Heliport • Parking Area

9.2 Zone Regulations

All Uses	
Minimum Lot Area	900 m ² on Municipal Water and/or Sewage Services or 0.4 hectares on Individual On-site Water and Sewage Services
Minimum Lot Frontage	20 metres or 30 metres on Individual On-site Water and Sewage Services
Minimum Yard Requirements – Main Building	

All Uses	
Front Yard or Exterior Side Yard	7 metres
Interior Side Yard	7 metres
Rear Yard	7 metres or 10 metres if abutting a residential use or zone
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	1.2 metres or 6 metres where a lot line abuts a residential use
Maximum Height Requirements	
Main Building	10 metres
Accessory Building	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
Main Building	70%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	2 metres

9.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

Section 10 GENERAL COMMERCIAL (C1) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Commercial (C1) Zone except in accordance with the following **zone regulations**:

10.1 Permitted Uses

10.1 – C1 Permitted Uses	
Commercial Uses	
<ul style="list-style-type: none"> • Animal Day Care Establishment • Animal Shelter • Apartment Dwelling • Arcade • Auction Hall • Bake Shop • Bakery • Bank and Financial Institution • Bed and Breakfast Establishment • Bingo Hall • Brewery or Winery • Catering Establishment • Clinic • Commercial Parking Lot • Convenience Store • Custom Workshop • Day Nursery • Drive-Through Facility • Dry Cleaning or Laundry Outlet • Entertainment Establishment • Existing Residential Use • Farmer’s Market • Fitness Centre • Funeral Home • Hotel • Laundromat • Massage Parlour • Microbrewery • Mixed Use Building 	<ul style="list-style-type: none"> • Museum • Office • Park, Community Garden • Personal Service Establishment • Pet Grooming Establishment • Pet Shop • Place of Assembly • Place of Amusement • Printing and Processing Service Shop • Private Club • Private School • Public Service Use (see 4.30) • Recreational Commercial Establishment • Restaurant • Retail Outlet • Retail Store • Service Outlet or Shop • Shopping Centre • Studio • Tavern • Taxi Stand • Tourist Establishment • Tourist Outfitters Establishment • Wellness Centre

Accessory Uses	
Permitted Commercial Use	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Drive-through Facility (see 4.22.3) • Fence (see 4.1.7) • Parking Area
Permitted Residential Use	<ul style="list-style-type: none"> • Accessory Dwelling in an upper storey

10.2 Zone Regulations

10.2 – C1 Zone Regulations	Commercial Uses	Apartment Dwelling
Minimum Lot Area	900 m ² on Municipal Water and/or Sewage Services or 0.4 hectares on Individual On-site Water and Sewage Services	The standards of the R3 Zone shall apply
Minimum Lot Frontage	20 metres or 30 metres on Individual On-site Water and Sewage Services	
Minimum Yard Requirements – Main Building		
Front Yard or Exterior Side Yard	3 metres	The standards of the R3 Zone shall apply
Interior Side Yard	3 metres or 7 metres where lot abuts a residential use	
Rear Yard	7 metres or 10 metres if abutting a residential use or zone	
Habitable Room Setback	The window of a habitable room shall be setback a minimum of 1.2 metres from an interior side or rear lot line	
Minimum Yard Requirements – Accessory Building (see also Section 4.1)		
Interior Side Yard or Rear Yard	1.2 metres	The standards of the R3 Zone shall apply
Maximum Height Requirements		
Main Building	10 metres	The standards of the R3 Zone shall apply
Accessory Building	5 metres	
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)		
Main Building	--	The standards of the R3 Zone shall apply
Accessory Building	--	
Minimum Separation Distance Between Buildings Requirements		
Main Building and any Accessory Building	1.2 metres	The standards of the R3 Zone shall apply
Maximum Number of Dwelling Unit Requirements		

10.2 – C1 Zone Regulations	Commercial Uses	Apartment Dwelling
Maximum Number Dwellings per Lot	--	The standards of the R3 Zone shall apply
Floor Area per Dwelling Unit		
Minimum Net Floor Area per Accessory Dwelling Unit	<ul style="list-style-type: none"> • Bachelor dwelling unit: 40 m² • One-bedroom dwelling unit: 55 m² • Two-bedroom dwelling unit: 70 m² • Three bedrooms or more in a dwelling unit: 80 m² 	The standards of the R3 Zone shall apply

10.3 Additional Regulations

All applicable **zone regulations** of **Section 4 – General Provisions** shall apply

1. Residential uses shall be restricted to the second storey in a **mixed use building**.

Section 11 TOURIST COMMERCIAL (C2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Tourist Commercial (C2) Zone except in accordance with the following **zone regulations**:

11.1 Permitted Uses

11.1 – C2 Permitted Uses	
<ul style="list-style-type: none"> • Gift shop • Marina and Marina-related Commercial Use • Park • Restaurant • Tourist Establishment • Tourist Outfitters Establishment 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1)
<ul style="list-style-type: none"> • Campground 	<ul style="list-style-type: none"> • Accessory Dwelling • Accessory use, building or structure (see 4.1) • Convenience Store • Restaurant
<ul style="list-style-type: none"> • Public Service Use (see 4.30) 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Fences (see 4.1.7)

11.2 Zone Regulations

11.2 – CR Zone Regulations	Tourist Establishment	Residential Use
Minimum Lot Area	0.4 hectares + 300 m ² for each additional guest room or rental cottage over 5 units	0.2 hectares in addition to lot area for tourist establishment
Minimum Lot Frontage	20 metres or 30 metres on Individual On-site Water and Sewage Services	
Minimum Yard Requirements – Main Building		
Front Yard or Exterior Side Yard	7 metres	7 metres
Interior Side Yard	4.5 metres	1.8 metres
Rear Yard	7 metres or 10 metres if abutting a residential use or zone	
Minimum Yard Requirements – Accessory Building (see also Section 4.1)		

11.2 – CR Zone Regulations	Tourist Establishment	Residential Use
Interior Side Yard or Rear Yard	5 metres or 7.5 metres if abutting a residential use or zone	3 metres
Maximum Height Requirements		
Main Building	10 metres	10 metres
Accessory Building	5 metres	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)		
Main Building	45%	
Accessory Building	5%	
Minimum Separation Distance Between Buildings Requirements		
Main Building and any Accessory Building or between multiple tourist establishment buildings	3 metres	
Driveways		
Maximum Number of Driveway Entrances per Lot	2	
Minimum Separation Distance between Driveways	13.5 metres	
Minimum Width of Driveway	3.5 metres	
Location of Parking Space	No closer than 2 metres to any street line or 5 metres where the lot abuts a residential use	

11.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

Section 12 SERVICE COMMERCIAL/LIGHT INDUSTRIAL (MC) ZONE

No person shall use any land or erect, alter or use any building or structure in the Service Commercial/Light Industrial (MC) Zone except in accordance with the following **zone regulations**:

12.1 Permitted Uses

12.1 – MC Permitted Uses	
Commercial Uses	
<ul style="list-style-type: none"> • Animal Day Care Establishment • Animal Shelter • Automotive Sales Establishment • Automotive Service Station • Brewery or Winery • Building Supply Store • Bulk Storage Yard • Class I Industry • Commercial Parking Lot • Custom Workshop • Dry Cleaning or Laundry Outlet • Farmer’s Market • Fitness Centre • Funeral Home • Gas Bar • Grocery Store • Laundromat • Microbrewery • Motel 	<ul style="list-style-type: none"> • Office • OPP Detachment Office • Printing and Processing Service Shop • Public Service Use (see 4.30) • Recreational Commercial Establishment • Restaurant • Self-Storage Facility • Service Outlet or Shop • Transportation or truck Terminal • Vehicle Compound • Warehouse • Wholesale Establishment

Accessory Uses	
Permitted Commercial or Light industrial Use	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Fence (see 4.1.7) • Open Storage Area (see 4.21) • Outdoor Display Area (see 4.21) • Parking Area
Permitted Residential Use	<ul style="list-style-type: none"> • Accessory Dwelling in an upper storey

12.2 Zone Regulations

12.2 – MC Zone Regulations	All Uses

12.2 – MC Zone Regulations	All Uses
Minimum Lot Area	800 m ²
Minimum Lot Frontage	30 metres
Minimum Yard Requirements – Main Building (see also Sections Error! eference source not found. and 4.32)	
Front Yard or Exterior Side Yard	9 metres
Interior Side Yard	5 metres or 9 metres where the lot abuts a zone other than an industrial zone
Rear Yard	10 metres or 15 metres where the lot abuts a residential use
Minimum Yard Requirements – Accessory Building (see also Section 4.1 and Error! Reference source not found.)	
Interior Side Yard or Rear Yard	3 metres
Maximum Height Requirements	
Main Building	10 metres
Accessory Building	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section Error! Reference source not found.)	
All Buildings and Structures	60%

12.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.3 for minimum separation distances for industrial uses and Section 4.32 for Wellhead Protection Area.)
2. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.

Section 13 GENERAL INDUSTRIAL (M1) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Industrial (M1) Zone except in accordance with the following **zone regulations**:

13.1 Permitted Uses

13.1 – M1 Permitted Uses	
Principle Use	Accessory Use
<p>Industrial Uses:</p> <ul style="list-style-type: none"> • Auto Body Shop • Automotive Sales Establishment • Auto Repair Garage • Automotive Service Station • Bakery • Bulk Fuel Depot • Building Supply Store • Class I Industrial Use • Class Industrial Use • Construction Yard or Contractors Yard • Custom workshop • Dry Cleaning or Laundry Plant • Equipment and Vehicle Storage Yard, Industrial • Parking Area • Printing and Processing Service Shop • Recycling Station or Transfer Depot • Research Laboratory • Service Outlet • Transportation Depot or Truck Terminal • Warehouse • Welding Shop • Wind Farm, Commercial Wind Turbine • Workshop 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Fence (see 4.1.7) • Open Storage Area (see 4.21) • Outdoor Display Area (see 4.21) • Retail Outlet • Parking Area
<p>Commercial and Other Uses:</p> <ul style="list-style-type: none"> • Equipment Rental Establishment • Office • Public Service Use (see 4.30) 	

13.2 Zone Regulations

13.2 – M1 Zone Regulations	All Uses
Minimum Lot Area	800 m ²
Minimum Lot Frontage	30 metres

13.2 – M1 Zone Regulations	All Uses
Minimum Yard Requirements – Main Building (see also Sections 4.18.3 and 4.32)	
Front Yard or Exterior Side Yard	9 metres
Interior Side Yard	5 metres or 9 metres where the lot abuts a zone other than an industrial zone
Rear Yard	10 metres or 15 metres where the lot abuts a residential use
Minimum Yard Requirements – Accessory Building (see also Sections Error! eference source not found., 4.18.3 and 4.32)	
Interior Side Yard or Rear Yard	3 metres
Maximum Height Requirements	
Main Building	10 metres
Accessory Building	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	60%

13.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.3 for minimum separation distances for industrial uses and Section 4.32 Wellhead Protection Area.)
2. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.

Section 14 RURAL INDUSTRIAL (M2) ZONE

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

14.1 Permitted Uses

14.1 – M2 Permitted Uses	
Principle Use	Accessory Use
Industrial Uses: <ul style="list-style-type: none"> • Class I, II and III Industrial Use • Batch Plant • Bulk Fuel Depot • Bulk Storage Yard • Commercial Solar Collector • Construction Yard or Contractor’s Yard • Electrical Generation or Cogeneration Facility • Equipment and Vehicle Storage Yard, Industrial • Logging Hauler • Lumber Yard • Retail and Supply Services for Mining and Forest Products • Salvage Yard • Sawmill and Planing Mill • Service Shop • Transportation Depot or Truck Terminal • Warehouse • Welding Shop • Wind Farm, Commercial Wind Turbine 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Fence (see 4.1.7) • Open Storage Area (see 4.21) • Outdoor Display Area (see 4.21) • Parking Area
Other Uses: <ul style="list-style-type: none"> • Public Service Use (see Section 4.30) 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1)

14.2 Zone Regulations

14.2 – M2 Zone Regulations	All Uses
Minimum Lot Area	2 hectares
Minimum Lot Frontage	100 metres
Minimum Yard Requirements – Main Building (see also Section 4.18.3)	
All Yards	15 metres
Minimum Yard Requirements – Accessory Building (see also Sections 4.1)	
Front and Exterior Side Yard	15 metres

14.2 – M2 Zone Regulations	All Uses
Interior Side Yard or Rear Yard	5 metres
Maximum Height Requirements	
Main Building	15 metres
Accessory Building	8 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	30%

14.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.3 for minimum separation distances for industrial uses and Section 4.32 Wellhead Protection Area.)
2. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.
3. All salvage yards shall be developed, operated or closed in compliance with the *Environmental Protection Act*. Where a salvage yard abuts a **residential zone** or a residential use or a **sensitive land use** on an adjacent **lot**, the wrecking yard shall be adequately screened on all sides either naturally or by artificial means (e.g. berm, fence, vegetation or a combination thereof) such that no portion of the operation including any storage area can be seen from a public road or from any other property.

Section 15 RAILROAD INDUSTRIAL (M3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Railroad Industrial (M3) Zone except in accordance with the following **zone regulations**:

15.1 Permitted Uses

15.1 – M3 Permitted Uses	
Principle Use	Accessory Use
<ul style="list-style-type: none">Railroad Use	<ul style="list-style-type: none">Accessory use, building or structure (see 4.1)
Other Uses: <ul style="list-style-type: none">Public Service Use (see 4.30)	

15.2 Zone Regulations

- The minimum building separation shall be 3 m.

15.3 Additional Regulations

- All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.3 for minimum separation distances for industrial uses and Section 4.32 Wellhead Protection Area.)

Section 16 MINERAL AGGREGATE RESOURCE EXTRACTION (MX) ZONE

No person shall use any land or erect, alter or use any building or structure in the Mineral Aggregate Resource Extraction (MX) Zone except in accordance with the following **zone regulations**:

16.1 Permitted Uses

16.1 – MX Permitted Uses	
Principle Use	Accessory Use
<ul style="list-style-type: none"> • Mineral Aggregate Operation • Pit • Portable Asphalt Plant • Public Utility • Quarry • Wayside Pit • Wayside Quarry 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Office

16.2 Zone Regulations

16.2 - MX Zone Regulations	All Permitted Main Uses
Minimum Lot Area	n/a
Minimum Lot Frontage	n/a
Minimum Yard Requirements – Main Building	
All yards	15 metres
Minimum Yard Requirements – Accessory Building	
All Yards	15 metres
Minimum Excavation Setbacks	
Site Boundary	15 metres from the boundary (lot line) of the site
Highway	30 metres from any part of the boundary that abuts a highway or public street
Residential Use	30 m metres from the boundary of any land in use for residential purposes
Water Body	30 m metres from any body of water that is not the result of excavation below the water table
Maximum Height Requirements	
Main Building	15.25 metres
Accessory Building	11 metres

16.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.2 for minimum separation distances for **pits** and **quarries**.)
2. Any **mineral aggregate operation, pit** or **quarry** shall comply with any By-law passed under the *Municipal Act* governing a **mineral aggregate operation, pit** or **quarry**.
3. No person shall pile aggregate, top soil, overburden or locate any processing plant or place or build or extend any **building** or **structure**:
 - a. Within 30 m [98.4 ft.] from the **lot line** of the site.
 - b. Within 90 m [295.2 ft.] from any **lot line** that abuts an existing residential dwelling or land zoned for residential use.
4. Earth berms intended to screen adjoining lands from the operations on site shall be located no closer than 3 m [9.84 ft.] from any lot line.
5. No **mineral aggregate operation** shall operate without a valid license issued under the *Aggregate Resources Act*, as amended.
6. No **portable asphalt plant, wayside pit** or **wayside quarry** shall operate without a valid *Environmental Compliance Approval*.

Section 17 MINING (MM) ZONE

No person shall use any land or erect, alter or use any building or structure in the Mining (MIN) Zone except in accordance with the following **zone regulations**:

17.1 Permitted Uses

17.1 – MM Permitted Uses	
Principle Use	Accessory Use
<ul style="list-style-type: none"> • Mining Exploration and prospecting • Mineral Aggregate Operation • Mineral Mining Operation • Supporting infrastructure; for example, water supply and waste disposal facilities, hydroelectric power facilities, natural gas facilities, roads • On-site Smelting and processing • Pit or Quarry • Storage buildings • Forestry Use 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 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.

17.2 Zone Regulations

17.2 – MM Zone Regulations	All Permitted Main Uses
Minimum Lot Area	n/a
Minimum Lot Frontage	n/a
Minimum Yard Requirements – Main Building	
All yards	<ul style="list-style-type: none"> • 50 metres • Pit or Quarry – in accordance with Section 16.2
Minimum Yard Requirements – Accessory Building	
All Yards	50 metres Pit or Quarry in accordance with Section Error! eference source not found.
Minimum Distance Separation: In accordance with Section 4.18.3 for Class III Industries	

17.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.3 for minimum separation distances for industrial uses.)

2. All mines and mining operations shall be developed, operated or closed in compliance with the *Mining Act* and the *Environmental Protection Act*.
3. **Pits** and **quarries** shall be operated in accordance with **Section 16**.

Section 18 WASTE MANAGEMENT (WMF) ZONE

No person shall use any land or erect, alter or use any building or structure in the Waste Management (WMF) Zone except in accordance with the following **zone regulations**:

18.1 Permitted Uses

18.1 – WMF Permitted Uses	
Principle Use	Accessory Use
<ul style="list-style-type: none"> • Sewage Works including a waste water stabilization pond • Waste Management Facility • Recycling Depot or Transfer Station 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1)

18.2 Zone Regulations

18.2 - WMF Zone Regulations		
	Industrial Use	Accessory Use, Building or Structure
Minimum Lot Area	10 ha	n/a
Minimum Lot Frontage	120 m	n/a
Minimum Front Yard	30 m	30 m
Minimum Rear Yard	30 m	30 m
Minimum Interior Side Yard	30 m	30 m
Minimum Exterior Side Yard	30 m	30 m
Maximum Height	15 m	14

18.3 Additional Regulations

1. No **Waste Management Facility** shall be operated without and except in conformity with a currently valid *Environmental Compliance Approval* issued by the Ministry of the Environment and Climate Change.
2. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 4.18.1 for minimum separation distances for waste management facilities.)

Section 19 RURAL (RU) ZONE

No person shall use any land or erect, alter or use any building or structure in the Rural (RU) Zone except in accordance with the following **zone regulations**:

19.1 Permitted Uses

19.1 – RU Permitted Uses	
Principle Use	Accessory Use
Residential Uses: <ul style="list-style-type: none"> • Duplex Dwelling • Semi-detached Dwelling • Single Detached Dwelling • Seasonal Dwelling • Mobile Home 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Accessory Residential Use (see 4.1.2) • Bed & Breakfast Establishment (see 4.1.3) • Fences (see 4.1.6) • Garden Suite (see 4.1.9) • Swimming Pools (see 4.1.10) • Home Industry (see 4.12)
Rural Uses: <ul style="list-style-type: none"> • Agriculture Use • Agriculture Related Use • Auction Hall • Camp • Cemetery • Commercial Greenhouse, Nursery or Garden Centre • Commercial Solar Collector • Commercial Wind Turbine • Communications Facility (see 4.9.1 & 4.23.2) • Conservation Use • Construction Yard or Contractor’s Yard • Equestrian Establishment • Forestry Use • Golf Course • Hobby Farm • Kennel • Livestock Facility • Livestock Sales Outlet • Logging Operation • Marine Facility • Outdoor Recreation • Park • Pet Cemetery • Portable Asphalt Plant • Portable Concrete Plant • Public Service Use (see Section 4.30) • Shooting Range or Rifle Club • Wayside Pit or Quarry 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Fences (see 4.1.8) • Accessory Dwelling to an Agricultural Use or Hobby Farm • Farm Produce Outlet accessory to an Agricultural Use • Home Industry (see 4.12)

19.2 Zone Regulations

19.2 - RU Zone Regulations	Residential Uses	Non-Residential Uses
Minimum Lot Area	1 hectare/dwelling	1 hectare
Minimum Lot Frontage	45 metres	45 metres
Minimum Yard Requirements – Main Building		
Front Yard or Exterior Side Yard	10 metres	10 metres
Interior Side Yard	3 metres	5 metres
Rear Yard	10 metres	10 metres
Minimum Yard Requirements – Accessory Building (see also Sections 4.1)		
Interior Side Yard or Rear Yard	3 metres	3 metres
Maximum Height Requirements		
Main Building	10 metres	12 metres
Accessory Building	5 metres	6 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)		
Main Building	15%	20%
Accessory Building	3%	5%
Minimum Separation Distance Between Buildings Requirements		
Main Building and any Accessory Building	5 metres	2 metres

19.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply.
2. Any **commercial wind farm** and **commercial solar collector** shall meet the regulations of the *Green Energy and Green Economy, Act, 2002*.
3. The minimum **separation distance** between a the main wall of a **kennel** and/or a dog run associated with a **kennel** and the main wall of an **existing dwelling** on an adjacent **lot** shall be 150 m [492 ft.].
4. **Development** may be serviced with **individual on-site water services** and **individual on-site sewage services**.

Section 20 PARKS AND OPEN SPACE (OS) ZONE

No person shall use any land or erect, alter or use any building or structure in the Parks and Open Space (OS) Zone except in accordance with the following **zone regulations**:

20.1 Permitted Uses

20.1 – OS Permitted Uses	
Principle Use	Accessory Use
Open Space Uses: <ul style="list-style-type: none"> • Archeological Resource • Boat Launch • Built Heritage Resource • Cemetery • Conservation Use • Community Garden • Cultural Heritage Landscape • Fairground • Forestry use • Golf Course • Park • Playground • Public Service Use (see Section 4.30) • Recreational Facilities • Skateboard Park • Sports Field 	<ul style="list-style-type: none"> • Accessory use, building or structure including an information kiosk, interpretation center, food concession or refreshment pavilion (see 4.1)

20.2 Zone Regulations

20.2 – OS Zone regulations	All Uses
Minimum Lot Area	--
Minimum Lot Frontage	--
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	15 m [49.2 ft.]
Interior Side Yard	7.5 m [14.6 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use or zone
Rear Yard	
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]

20.2 – OS Zone regulations	All Uses
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	10%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	3 m [9.84 ft.]

20.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

Section 21 RESTRICTED OPEN SPACE AND WATERFRONT (ROS) ZONE

No person shall use any land or erect, alter or use any building or structure in the Restricted Open Space and Waterfront (ROS) Zone except in accordance with the following **zone regulations**:

21.1 Permitted Uses

21.1 – ROS Permitted Uses	
Principle Use	Accessory Use
<ul style="list-style-type: none"> • Conservation Use • Park • Public Service Use (see Section 4.30) • Seasonal Dwelling 	<ul style="list-style-type: none"> • Accessory use, building or structure including an information kiosk, interpretation center, food concession or refreshment pavilion (see 4.1) • Fences (see 4.1.6) • Guest Cabin • Home Industry (see 4.12) • Swimming Pools (see 4.1.10) • Temporary Car Shelter (see 4.1.11)

21.2 Zone Regulations

21.2 - ROS Zone Regulations	All Uses
Minimum Lot Area	1 ha
Minimum Lot Frontage	100
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	30 m
Interior Side Yard	7.5 metres or 30 metres where the yard abuts water.
Rear Yard	
Minimum Yard Requirements – Accessory Building (see also Sections 4.1 and 4.18.5)	
Interior Side Yard or Rear Yard	3 metres or 30 meters if yard abuts water
Maximum Height Requirements	
Main Building	7.5 metres
Accessory Building	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	15%

21.2 - ROS Zone Regulations	All Uses
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	3 m

21.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply.
2. All **development** shall be serviced with **municipal sewage services** and **municipal water services**.

Section 22 LAKESHORE DEVELOPMENT (LD) ZONE

No person shall use any land or erect, alter or use any building or structure in the Lakeshore Development (LD) Zone except in accordance with the following **zone regulations**:

22.1 Permitted Uses

22.1 – LD Permitted Uses	
Principle Use	Accessory Use
<ul style="list-style-type: none"> • Single Detached Dwelling • Seasonal Dwelling 	<ul style="list-style-type: none"> • Accessory use, building or structure • Guest Cabin • Home Industry (see 4.12) • Swimming Pools (see 4.1.10) • Temporary Car Shelter (see 4.1.11)

22.2 Zone Regulations

22.2 - LD Zone Regulations	All Uses
Minimum Lot Area	1 ha
Minimum Lot Frontage	100
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	30 m
Interior Side Yard	7.5 metres or 30 metres where the yard abuts water.
Rear Yard	
Minimum Yard Requirements – Accessory Building (see also Sections 4.1 and 4.18.5)	
Interior Side Yard or Rear Yard	3 metres or 30 meters if yard abuts water
Maximum Height Requirements	
Main Building	7.5 metres
Accessory Building	5 metres
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	15%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	4 m

22.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See Sections 4.18.5)
2. All ***development*** shall be serviced with ***municipal sewage services*** and ***municipal water services***.

Section 23 ENVIRONMENTAL PROTECTION (EP) ZONE

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 following **zone regulations**:

23.1 Permitted Uses

23.1 – EP Permitted Uses	
Principle Use	Accessory Use
Environmental Protection Uses: <ul style="list-style-type: none"> • Conservation Use • Community Garden • Flood Control Infrastructure • Forestry use 	<ul style="list-style-type: none"> • Accessory use excluding any buildings or structures except infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main building of a water filtration plant or waste water treatment facility • Buildings or structures intended for flood or erosion control or slope stabilization

23.2 Zone Regulations

1. Existing setbacks for existing uses shall apply.

23.3 Additional Regulations

1. All applicable provisions of **Section 4 – General Provisions** shall apply.
2. Where the frontage of a residential lot is zoned Environmental Protection (EP) in its entirety a floating dock, having a maximum width of 0.8 m [6 ft.] shall be permitted.

24 ZONE EXCEPTIONS

24.1 General

The following are exceptions to this By-law that are carried over from By-law 89-20 of the Former Township of Shedden, now the Town of Spanish. This section also includes other exceptions which may be added from time to time. Each exception zone is unique and sets out exceptions to the list of permitted uses or the zone requirements of the By-law. Except where there is an exception stated, the other provisions of the by-law will continue to apply.

24.2 Exceptions to the By-law

Exceptions to Zoning By-law				
By-law No.	Zone	Uses Permitted	Uses Prohibited	Provisions
94-33	LD-X1	<ul style="list-style-type: none"> Seasonal Dwelling Accessory uses Public Authority Use or Public Utility subject to Section 4.41 		<ul style="list-style-type: none"> Minimum Lot Area - 0.33 ha Minimum Lot Frontage (water) – 45 metres Minimum Lot Frontage (road) – 27 metres Minimum Lot Depth – 33 m Minimum Front Yard (street) – 8 m Minimum Side Yard – 6 m Maximum Height – 11 m Max No. dwellings per lot – 1 Minimum Water Yard – 20 m Minimum Side Yard – Accessory Use – 3 m Minimum Front Yard (street_ - Accessory Use – 6 m Maximum Height – Accessory Use – 6 m Any erection of a building or structure shall be limited to lands with a minimum elevation above 101.4 metres local datum, and all openings to buildings or structures intended for human habitation shall be restricted to a minimum elevation of 101.4 metres local datum, except where such building or structure is intended for flood or erosion control or where a boathouse, dock or pump house is being erected or altered.
94-41	R1-X1	<ul style="list-style-type: none"> Same as R1 		<ul style="list-style-type: none"> A single detached dwelling is permitted without frontage

Exceptions to Zoning By-law				
By-law No.	Zone	Uses Permitted	Uses Prohibited	Provisions
				<ul style="list-style-type: none"> on an unopened public road • Minimum Lot Frontage – 0 • Minimum Lot Frontage – 0
94-42	C1-X1	<ul style="list-style-type: none"> • Same as C1 		
95-09	RU-X1	<ul style="list-style-type: none"> • One seasonal dwelling and accessory uses thereto 		
97-08	LD-X2			<ul style="list-style-type: none"> • A septic system will not be placed on any lands with a slope greater than 25% and on the eastern half of the property.
98-17	R1-X2	<ul style="list-style-type: none"> • Assisted Living Residence approved by Building Permit 98-07 • Outside Boat Storage • Other R1 uses 		
99-53	R1-X3	<ul style="list-style-type: none"> • Landscaped Open Space • 		<ul style="list-style-type: none"> • Landscaped Open Space – Defined as the growth of trees, grass flowers, shrubs, fruits, vegetables and other vegetation • Landscape Open Space is accessory to an adjacent residential use • Only a garden shed is permitted with a maximum of 100 m2 in area.
2000-2	C1-X2	<ul style="list-style-type: none"> • Small scale fabrication • Light manufacturing • Wholesale outlet • Warehouse 	<ul style="list-style-type: none"> • Storage, display or sale of goods and products outside of main building 	<ul style="list-style-type: none"> • Emission of air, water or noise pollution causing a nuisance outside of the main building is prohibited
	RU-X2	<ul style="list-style-type: none"> • Pet Cemetery 		

APPENDIX 'A'

SPECIAL EXCEPTION ZONES

- (1) SPECIAL PROVISIONS FOR BY-LAW 94-33 – EVERGREEN SHORES – RU (94-33)
See Section 3.8 of Zoning By-law.
- (2) SPECIAL PROVISIONS FOR BY-LAW 94-41, 46 HIGHWAY 17 EAST – RU (94-41)
 1. Notwithstanding Section 2.6 – “Frontage on a Road” of the Restricted Area Zoning By-law #89-20; 46 Highway 17 East, Part 2 & 3, 1R-4349, Township of Shedden will have:
 - (a) Relief from Section 2.6 of the Zoning By-law permitting a dwelling on an unopened public road.
 2. Notwithstanding Schedule “C”, “Standards for Uses” of the Restricted Area Zoning By-law #89-20, 46 Highway 17 East, Part 2 & 3, 1R-4349, Township of Shedden will have:
 - (a) Relief from Schedule “C” of the Zoning By-law requiring a minimum lot frontage of 23 metres where nil is provided.
- (3) SPECIAL PROVISIONS FOR BY-LAW 94-42 – 1 JOHN STREET – C (94-42)
 1. Notwithstanding Schedule "C", "Standards for Uses" of the Restricted Area Zoning By-law #89-20, 1 John Street, Lot 20121, Plan 17, Block B, Township of Shedden will have:
 - (a) Relief from Schedule "C" of the Zoning By-law requiring a minimum lot frontage of 6 metres where nil is provided.
- (4) SPECIAL PROVISIONS FOR BY-LAW 95-09 PARCEL 827 A.E.S. RU (95-09)
 1. Notwithstanding Schedule "B"- "Permitted Uses in Zones of the Restricted Area Zoning By-law #89-20' Section 25, NW114, RP AR398, Part 3, Parcel 827 A.E.S., Township of Shedden, District of Algoma, and as indicated on "Schedule 1 ", attached, is restricted to the following use' "Recreation Dwelling", and "Accessory Uses".
- (5) SPECIAL PROVISIONS FOR BY-LAW 95-38 JDD-339, AIRD ISLAND – RU (95-38)
 1. Notwithstanding Schedule "C", "Standards for Uses" of the Restricted Area Zoning By-law #89-20, JDD-339, RP AR430, Part 1, being Part of Island JD-1599, known as Aird Island, will have:
 - (a) Relief from Schedule "C" of the Zoning By-law- Column 8 "RSO" zone, requiring a minimum front yard of 15 metres where 6.10 metres is provided.
- (6) SPECIAL PROVISIONS FOR BY-LAW 97-08, PARCEL 1075 A.E.S., SHEDDEN BACKLINE ROAD – RU (97-08)
 1. Notwithstanding Schedule "C", "Standards for Uses" of the Restricted Area Zoning By-law #89-20;
 - (a) Part 1 & Part 2 of Plan JR-9335, Con. 4, Lot 2, Pt. Parcel 1075 A.E.S., Shedden Backline Road, Township of Shedden – Shedden will have an increased Minimum Front Yard from 12 metres to a 30 metre setback from the highwater mark of Denvic Lake (dwellings, buildings and saunas will be prohibited within this 30 metre setback).

- (b) Part 2 of Plan 1R-9335, Con 4, Lot 2, Pt. Parcel1075 A.E.S., Shedden Backline Road, Township of Shedden - A septic system will not be placed on any lands with a slope greater than 25% and in particular the eastern half of the property.

(7) SPECIAL PROVISIONS FOR BY-LAW 98-17, 3 GARNIER ROAD – RU2 SPECIAL (98-17)

1. Schedule "A" of By-law #89-20 is hereby amended by rezoning those lands outlined in red shown on Schedule No. 1 attached, being Parcel 1007 A.E.S.I East Part Section 39EPT, 3 Garnier Road, Township of Shedden from "Rural2" to "Rural 2 Special", which would permit an "Assisted Living Residence" and "Outside Boat Storage" in addition to the uses permitted in the "Rural 2" zone.
2. The use "Assisted Living Residence" would be restricted to the newly constructed addition approved by municipal building permit 98-07 and issued May 41 ", 1998 and which use will not come into effect until the passing of this By-law.
3. This "special" zoning would permit the "Assisted Living Residence" to a maximum of four bedrooms, accommodating a maximum of four persons with a maximum of 768 square feet.
4. "Assisted Living Residence" is defined as a foster home for seniors, adults, or children and where care, cooking and laundry is provided for by the owner.
5. Outside Boat Storage will be permitted as per Schedule No. 2, attached.

(8) SPECIAL PROVISIONS FOR BY-LAW 98-18, MEDICAL CENTRE BUILDING, MUNICIPAL OFFICE AND LIBRARY, 8-16 TRUNK ROAD – CF (98-18)

1. Schedule "A" of By-law #89-20 is hereby amended by rezoning those lands outlined in red shown on Schedule No. 1 attached, being Parcel934 and Parcel 5482 AES, Section 35SPT, 8-16 Trunk Road, Township of Shedden from "Residential" to "Community Facilities" zone which would include the Medical Centre Building, Municipal Office and Library Building;
2. Notwithstanding any other provision of By-law No. 89-20 the permitted uses in the "Community Facilities" zone shall include such uses as:
 - A government office
 - A library
 - A medical/dental/chiropractic clinic
 - A legal office
 - An alternative funeral service
 - Other similar uses

(9) SPECIAL PROVISIONS FOR BY-LAW 99-53, PARCEL 7250 A.E.S., NORTH SIDE OF VINCENT STREET – R (99-53)

1. Schedule "A" of By-law #89-20 is hereby amended by rezoning those lands outlined in red shown on Schedule No. 1 attached, being Part of the S.E ~.Section 35, Parcel 7250 AES, 1R-3833, Part 1 PT, Township of Shedden, Spanish, on the North Side of

the Unopened Road Allowance known as Vincent Street, from "Residential" to "Residential Special", which would restrict the use to Landscaped Open Space.

2. Landscaped Open Space is defined as follows:
 - Growth of trees
 - Grass, flowers, shrubs, trees, fruits
 - Vegetables and other vegetation
3. The use shall be non-commercial and accessory to a residential use to avoid a more intensive gardening that could disrupt the neighbourhood.
4. No Building or Structures other than a garden shed not more than 100 square metres in area shall be permitted.