



CORPORATION OF THE TOWNSHIP OF TAY

GENERAL ZONING BY-LAW No. 2000-57

Township of Tay
Planning & Development Department
Consolidated to February 28, 2013

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THE CORPORATION OF THE TOWNSHIP OF TAY
BY-LAW NO. 2000-57

*Being a General Zoning By-law
for the Township of Tay*

WHEREAS the Township of Tay adopted a new Official Plan and the new Official Plan was approved by the Province of Ontario on February 23, 1999; and,

WHEREAS the Council of the Corporation of the Township of Tay deems it appropriate to implement the new Official Plan with a new General Zoning By-law; and,

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Tay the following:

SECTION 1 - TITLE

- 1.1 This By-law shall be known as the “Township of Tay General Zoning By-law”.

SECTION 2 – INTERPRETATION

2.1 GENERAL

The interpretation and application of the provisions of this By-law shall be held to be the minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the inhabitants of the Township of Tay.

2.2 SCOPE

No building, structure or land shall be used, and no building or structure shall be hereafter erected, altered, or enlarged, within the corporate limits of the Township of Tay except in conformity with the provisions of this By-law.

2.3 ADMINISTRATION AND ENFORCEMENT

This By-law shall be administered and enforced by the Zoning Administrator or such other person as Council shall designate and no permit for the use of land or for the erection of any building or structure or approval of any municipal license within the jurisdiction of Council shall be issued where the proposed use, building or structure would be in violation of any provision of this By-law.

2.4 OBLIGATION

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, or any other by-law of the Municipality, where the obligation to obtain any permit, license, authority or approval is otherwise lawfully required.

2.5 GREATER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate in any way any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

2.6 INSPECTION

The person or persons from time to time having jurisdiction to enforce this By-law is hereby authorized after reasonable notice to the owner or assessed owner, occupant or apparent occupant of the property in question, to enter at all reasonable hours for the purpose of inspection, and for the purpose of

carrying out their duties under this By-law.

2.7 VIOLATION AND PENALTIES

The conviction of an offender upon the breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeat breaches of the By-law.

Any person who contravenes any provision of this By-law is guilty of an offence, and for the purposes of this By-law, each day that a breach of this By-law continues, shall constitute a separate offence and on summary conviction, the offender shall be liable to a fine under the provisions of The Planning Act, being Chapter P.13 of the Revised Statutes of Ontario, 1990, as amended from time to time.

2.8 RESTRAINT

In case any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure, or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the insistence of any ratepayer, or of the Corporation of the Township of Tay, pursuant to the provisions of The Planning Act. R.S.O. 1990, c.P.13, as amended.

2.9 COMBINED USES

Where more than one use is to be established on a lot, the greater use requirements shall be applied and become the combined use minimum or maximum as applicable.

2.10 METRIC CONVERSION

The conversion of Imperial units of measurement to Metric units of measurement, and the associated decimals involved, shall not in itself result in the creation of non-conforming uses, buildings, or structures, in the interpretation and administration of this By-law.

2.11 CONFORMITY WITH THIS BY-LAW

No person shall change the purpose for which the land, building or structure is used, or erect any new building or alter any existing building or convey lands from any existing parcel if the effect of such action is to cause the original, adjoining or remaining lands, buildings or structures to be in contravention of this By-law.

2.12 INTERPRETATION OF TERMS

For the purpose of interpretation and application of the provisions of this By-law the word "altered" when used in reference to a building or part thereof, shall mean a change in the total floor area or an addition made to a building or a change made in the type of construction of the exterior walls or roof thereof. When used in reference to a building lot, the word "altered" shall mean a decrease in the width, depth or area of any required yard, or a change in the location of any boundary of such lot with respect to a public highway or land way, whether such alteration is made by conveyance or alienation of any portion of the said lot, or otherwise.

2.13 VALIDITY

Any section, clause or provisions of this By-law, including anything contained in Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, and N attached hereto, if for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole, or any part thereof other than the section, clause or provisions so declared to be invalid, and is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared invalid.

2.14 IMPLEMENTATION

All By-laws in force within the Township of Tay regulating the use of land and the character, location and use of buildings and structures shall be, and the same are amended insofar as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern.

SECTION 3 - DEFINITIONS

3.1 APPLICATION:

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. Words used in the present tense include the future; words used in the singular number include the plural; and words in the plural include the singular number. The words “used” and “occupied” shall include the words “intended or arranged and designed to be used or occupied”. The word “shall” is mandatory.

3.2 IN THIS BY-LAW:

- 3.2.1 Abattoir, shall mean a slaughter house designated for the purpose of butchering animals, skinning, dressing and cutting up of carcasses, wrapping for sale for human consumption, with cooler and freezer storage and includes indoor confinement of animals while awaiting slaughter and shall include any cooking or processing related to processing plants, such as smoking, curing or the manufacture of meat by-products, but shall not include any process related to rendering plants, such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.
- 3.2.2 Accessory Building or Structure, shall mean a building, or a structure that is normally incidental and/or subordinate, and is exclusively devoted to a main use and/or building and/or structure, and located on the same lot therewith.
- 3.2.3 Accessory Use shall mean a use, detached building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure but not include a building or structure which is used for human habitation unless otherwise permitted.
- 3.2.4 Administrative or Rental Office shall mean, in the case of a mobile home park, a building or part thereof, designed, intended or used for the carrying out of the mobile home park business and the administration of the mobile home park.
- 3.2.5 Adult Entertainment Establishment shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business, or occupation, services designed to appeal to the erotic or sexual appetites or inclinations; or which a principal feature or characteristic is nudity or partial nudity of any person, or 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.

- 3.2.6 *Agricultural Building* shall mean any building or structure, other than a barn, that is used to store agricultural equipment and/or to grow specialty crops and/or from which agricultural products are sold and includes a greenhouse.
- 3.2.7 *Agricultural Use, General* shall mean the non-intensive use of lands, buildings or structures for the production of crops or other similar uses normally associated with agriculture.
- 3.2.8 *Agricultural Use, Intensive* shall mean the rearing of domestic livestock such as cattle, horses, swine, poultry, sheep or goats for business purposes and may involve the housing of such livestock in an intensive agricultural building.
- 3.2.9 *Agriculture, Market Garden* shall mean the non-intensive use of lands buildings and structures for the production of crops or other similar uses normally associated with agriculture and may include the keeping of animals including domestic fowl, plus offspring until weaned provided that the animals do not total more than 5 Nutrient Units as defined by the Ontario Ministry of Agriculture and Food.
- 3.2.10 *Animal Shelter* shall mean any land and/or building or structure or part thereof that is used for the care of lost, abandoned or neglected domestic animals, but shall not include long-term pounding facilities.
- 3.2.11 *Antique Shop* means a building or part thereof which is used for the sale of authentic objects which have attained increased value because of their age or rarity.
- 3.2.12 *Apartment Building* shall mean a building containing three or more dwelling units each of which have a common entrance from the street level and the occupants of which have the right to use the common halls, stairs, yards or one or more of them.
- 3.2.13 *Aquaculture* shall mean the farming of aquatic organisms such as fish, crustaceans, mollusks and aquatic plants.
- 3.2.14 *Arena* shall mean a building or structure containing recreational facilities which may include artificial ice surface(s) for hockey or curling but does not include gymnasiums or pools.

- 3.2.15 Assembly Plant shall mean a building or structure in which mechanical or industrial products are assembled but no goods are manufactured on site from raw materials.
- 3.2.16 Auction Centre shall mean any premises used predominantly as an auction facility and may include the auction of agriculturally related chattels on an incidental or accessory basis only.
- 3.2.17 Automobile Body Shop shall mean a building or structure used for the painting or repairing of automobile bodies, but shall not include an automobile wrecking yard or salvage yard.
- 3.2.18 Automobile Gas Bar shall mean a building, land, or structure where vehicle fuel (not including propane), or lubricants, are offered for sale but no provisions are made for the repair of motor vehicles. The sale of sundry items and prepared foods is allowed, provided the gross floor area of the building does not exceed 20m² in gross floor area.
- 3.2.19 Automobile Repair Garage shall mean any building used for the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers.
- 3.2.20 Automobile Sales and Service Establishment shall mean a building or structure or clearly defined space on a lot used for the display, sale, storage and rent of new and used motor vehicles and motor vehicle parts, and may include facilities for the provision of repairs essential to the actual operation of motor vehicles but which does not include the sale of gasoline.
- 3.2.21 Automobile Service Station shall mean a building or place where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs or batteries for motor vehicles are stored, or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed, or performed, but shall not include an automobile washing establishment or automobile body shop.
- 3.2.22 Automobile Washing Establishment shall mean a building or structure which contains motor vehicle washing facilities utilizing either mechanical, production line, or self-service equipment.
- 3.2.23 Automobile Wrecking Yard shall mean an area where motor vehicles are disassembled, dismantled or junked or are otherwise not in

operable condition, and where the parts of used motor vehicles may be stored.

- 3.2.24 Balcony shall mean a partially enclosed platform attached to or extending horizontally from one or more main walls of a dwelling and used as an outdoor porch or sundeck.
- 3.2.25 Barn shall mean a building that is designed to shelter livestock such as cattle poultry, horses, sheep, goats or swine.
- 3.2.26 Basement shall mean a storey or storeys of a building located below the first storey.
- 3.2.27 Bed and Breakfast Establishment shall mean a dwelling in which not more than three rooms are used to provide overnight accommodation and meals to the travelling public, but is not a hotel or motel.
- 3.2.28 Boat Launching Ramp shall mean an inclined piece of land, either natural or man-made, that enters a navigable water body and is used for the purpose of transferring a boat from a trailer to water”
- 3.2.29 Boathouse shall mean a building or structure or part thereof used for the storage of private boats and equipment accessory to their use.
- 3.2.30 Boat Slip shall mean any facility to which marine craft are intended to be or are customarily attached and include a dock, a pier and a wharf.
- 3.2.31 Building shall mean any edifice other than a lawful boundary wall or fence, used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.
- 3.2.32 Building, Main shall mean the building in which is carried on the principal purpose for which the lot is used, and in a Residential Zone, the dwelling is the main building.
- 3.2.33 Bulk Fuel Storage and Supply shall mean facilities and grounds where large quantities of fuel are stored for the purpose of distribution and retail.
- 3.2.34 Business or Professional Office shall mean a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business, or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment.

- 3.2.35 Cabin Rental Establishment shall mean an establishment specializing in the rental of cabins capable of accommodating one family in a detached building.
- 3.2.36 Campground shall mean a parcel of land used and operated to provide temporary sleeping accommodation for the traveling public for the temporary and seasonal accommodation of persons in tents or travel trailers and includes services and facilities in connection with the campground.
- 3.2.37 Campsite shall mean an area of land within a campground that is used for the temporary and seasonal accommodation of the travelling public in tents or trailers.
- 3.2.38 Carport shall mean a structure whose roof is structurally dependent upon the main building and which has not more than fifty (50) percent of the structure enclosed by walls and is used for the parking or storage of a motor vehicle.
- 3.2.39 Cellar shall mean that portion of a building that is partly or wholly underground, but which has more than one-half of its height, from the finished floor to finished ceiling, below the average finished grade surrounding the exterior walls of the building.
- 3.2.40 Cemetery shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, columbiums, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
- 3.2.41 Clinic shall mean a building or part of a building used for medical, dental, surgical or therapeutical treatment of human beings, but does not include a public or private hospital.
- 3.2.42 Club shall mean a meeting place for members of an organization not operated for profit or of an athletic, social or recreational club not operated for profit.
- 3.2.43 Commercial Garage shall; mean a building other than an attached or private garage, which is used for the servicing and repairing or equipping essential to the actual operation of motor vehicles or where such vehicles are parked or stored for remuneration, hire or sale, but does not include the repair of motor vehicle bodies.
- 3.2.44 Commercial School shall mean any school conducted for hire or gain, other than a private academic, religious or philanthropic school, and shall include a studio of dancing, a school of music, an art school,

sport or recreation instruction school, school, studio, or spa of fitness or calisthenics, business or trade school, and any other such specialized school conducted for hire or gain.

- 3.2.45 Commercial Use shall mean the use of land, building or structure for the purpose of buying or selling commodities and supplying services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.
- 3.2.46 Commercial Self-Storage Facility shall mean a building containing separate, individual self storage units, divided from the floor to the ceiling by a wall with a independent entrance from the exterior of the building, designed to be rented or leased on a short term basis to the general public for the private storage of personal goods, materials and equipment.
- 3.2.47 Community Centre shall mean any lands on which may be erected one or more buildings to be used for community activities, including recreational and institutional uses, with commercial uses incidental thereto.
- 3.2.48 Conservation Use shall mean the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.
- 3.2.49 Conservation and Wildlife Sanctuary shall mean land left in its natural state for the purpose of providing sanctuary, habitat and/or breeding grounds for wild birds, animals and plant life and includes a forest reserve.
- 3.2.50 Construction Camp shall mean a temporary land use required during the construction of large scale public works projects to house workers and/or store equipment necessary for the cost effective and timely completion of such project.
- 3.2.51 Construction or Building Supply Yard shall mean a lands, buildings or structures in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement and may include the stockpiling or storage of supplies or materials for sale.
- 3.2.52 Contractors Yard shall mean a yard, including any accessory buildings, of any building trade or general contractor, where equipment and materials are stored, or where a contractor performs shop or assembly

work, but does not include any other yard or establishment defined or classified herein.

- 3.2.53 Convenience Store shall mean an establishment where foodstuffs, tobacco, patent medicines, periodicals and other similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood, provided the number of persons employed in the establishment for the service of the public during all times the store is open, including the proprietor does not exceed three and the total floor area, used for servicing the public or for selling or displaying to the public in the establishment is less than 220 square metres.
- 3.2.54 Corporation shall mean the Corporation of the Township of Tay.
- 3.2.55 Council shall mean the Council of Corporation of the Township of Tay.
- 3.2.56 County shall mean the Corporation of the County Of Simcoe.
- 3.2.57 Craft Shop shall mean a building or part thereof in which a handcraft is produced for gain or profit and may include sales of such handicraft.
- 3.2.58 Crisis Intervention Centre shall mean any land and/or building or structure or parts thereof where short term and temporary accommodation is provided for persons in emergency situations and, without limiting the generality of the foregoing, shall include facilities for battered or abused adults or children, facilities for youth requiring emergency, temporary shelter and facilities for elderly persons.
- 3.2.59 Custom Workshop shall mean a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles and includes upholstery, but does not include metal spinning, or furniture manufacture, or any factory production or any shop or factory otherwise classified or defined in this By-law.
- 3.2.60 Day Care Facility shall mean a premises that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for the continuous period not exceeding twenty-four hours, where the children are:
- a) under eighteen years of age in the case of a day nursery for children with developmental handicap; and
 - b) under ten years of age in all other cases, but does not include:

- i. part of a public school, separate school, private school or a school for challenged children under The Education Act; or
- ii. a place that is used for organized programs of culture, recreation or fitness.

- 3.2.61 Day Care, Private Home means a *dwelling* used for the temporary care of five (5) or fewer children, other than children residing in the *dwelling* as a principle residence, for a continuous period not exceeding 24 hours.
- 3.2.62 Deck shall mean a structure abutting a dwelling with no roof or walls except for visual partitions and railings, which is constructed on piers or a foundation above grade for use as an outdoor living area.
- 3.2.63 Driveway shall mean an area of entrance and/or exit for regular use of motor vehicles.
- 3.2.64 Dry Cleaning Establishment shall mean a building or part thereof used for the purpose of receiving, pressing, dyeing, dry cleaning (wherein only non-inflammable solvents are or can be used, no odour or fumes are emitted, no noise or vibration is created which cause nuisance, or inconvenience within or exterior to the premises) and distribution of any such articles, goods or fabric.
- 3.2.65 Dry Industrial Use shall mean a use which does not require a water supply other than that available within the limits of the lot upon which the use is located and requires water only for use by employees.
- 3.2.66 Dwelling, Boarding or Lodging House shall mean any building or portion thereof in which the proprietor resides and supplies for hire, or gain, to more than two (2) persons, lodging and/or meals.
- 3.2.67 Dwelling, Bungalow shall mean a single detached dwelling with no storey and/or partial storey located above the first storey of the dwelling and where the first storey ceiling is more than 1.8 metres above grade and less than 3.3 meters above grade and may include a walkout basement at the rear of the dwelling.
- 3.2.68 Dwelling, Duplex shall mean a building that is divided horizontally into two separate dwelling units, each of which has two independent entrances contained within the building.
- 3.2.69 Dwelling, Fourplex shall mean a building which is divided horizontally and vertically so as to create four (4) dwelling units each of which has an independent entrance.

- 3.2.70 Dwelling, Low Rise Apartment shall mean a building consisting of four or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in the common halls and/or stairs and/or elevators and/or yards and/or storage and/or laundry rooms and facilities.
- 3.2.71 Dwelling, Semi Detached means a building containing a pair of attached dwelling units with a common masonry wall dividing the two dwellings vertically.
- 3.2.72 Dwelling, Single Detached shall mean a dwelling containing only one (1) dwelling unit.
- 3.2.73 Dwelling, Stacked Townhouse shall mean a building that is divided horizontally and vertically by common walls into three or more attached dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- 3.2.74 Dwelling, Street Townhouse shall mean a building, as described in Subsection 3.2.74 in which each dwelling unit abuts a public street and where each dwelling unit is located on a separate lot.
- 3.2.75 Dwelling, Townhouse shall mean a building that is divided vertically by common walls into three or more attached dwelling units, each of which has an independent entrance to and from a yard immediately adjacent to an exterior wall of each dwelling unit.
- 3.2.76 Dwelling, Triplex shall mean a building that is divided horizontally into three separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- 3.2.77 Dwelling Unit means a residential unit that:
- (a) consists of a self-contained set of rooms located in a building or structure,
 - (b) is used or intended for use as a residential premises,
 - (c) contains kitchen and bathroom facilities that are intended for the use only of the unit, and
 - (d) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit

- 3.2.78 Dwelling Unit, Accessory shall mean a self-contained dwelling unit accessory to the main use of the property and contained within or attached to a main use building, or as a detached dwelling unit.
- 3.2.79 Equestrian Facility shall mean an area of land where more than five horses are boarded and taken out to be ridden by their owners or rented to others and where riding lessons may be given.
- 3.2.80 Erect shall mean to build, construct, reconstruct and relocate, and, without limiting the generality of the word, also includes:
- (a) Any preliminary physical operation such as excavating, filling or draining, and/or
 - (b) Altering any existing building or structure by an addition, enlargement, extension or other structural change; and/or
 - (c) Any work which requires a building permit under the Building Code of Ontario.
- 3.2.81 Established Building Line shall mean the average setback of at least three existing buildings on each side of a vacant lot on one side of a street as indicated by a survey prepared by an Ontario Land Surveyor. A building line is considered to be established when more than one half of the lots having street access upon said side of such block have been built upon.
- 3.2.82 Existing shall mean existing and continues to exist as of January 1st, 1994.
- 3.2.83 Fabricating Plant shall mean the use of land, building or structures where the primary activities include carving, cutting, dressing and shaping of stone, wood, metal or similar materials.
- 3.2.84 Family Healing Lodge and Learning Centre shall mean any land and/or building or structure or parts thereof in which facilities are provided for a non-profit, community directed, culturally based learning centre intended for the improvement of mental and physical well-being, through the instruction of aboriginal culture and through the provision of individual, group and family counselling in both mainstream and traditional healing practices, and may include group living quarters for a short term residential program for participants and staff with a group kitchen and dining facility to service all the residents.
- 3.2.85 Farm Implement Sales Outlet shall mean the use of land, buildings, or structures for the sale, storage or repair of equipment and machinery directly associated with the operation of an agricultural use.

- 3.2.86 Farm Produce Sales Outlet shall mean a use accessory to an agricultural use which consists of the retail sale of agricultural products produced on the same lot where such outlet is located.
- 3.2.87 Feed Mill shall mean a permanent commercial building or structure that functions as a packaging and distribution centre for livestock and animal feed that is intended for agricultural use.
- 3.2.88 Fertilizer Plant shall mean a building or structure which specializes in the development of fertilizers and may also act as a distributor and retailer for the product.
- 3.2.89 Fill shall mean any type of material deposited or placed on lands and includes but is not limited to sand, soil, stone, granular material, concrete, sod or turf either singly or in combination.
- 3.2.90 Financial Institution shall mean an establishment concerned with the custody, loans, exchange or issue of money, extension of credit and the transmission of funds, either through a chartered bank, trust company or other business or facility.
- 3.2.91 Floor Space Commercial shall mean the total floor area of a commercial building including any basement area designed or used for commercial purposes, but excluding the furnace room, laundry room or washroom, stairwell or elevator shaft or any area, the permanent use of which is designed for storage space.
- 3.2.92 Forest Reserve shall mean an area of planted trees on private or public land for the purpose of reforesting the property and done so under the guidance and supervision of the County or Ministry of Natural Resources.
- 3.2.93 Forestry Use shall mean the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which it is being applied and which minimizes detriments to forest values including: important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health; and the aesthetic and recreational opportunities of the landscape and the cutting and removal of hazardous, severely damaged, diseased and insect infested trees which must be removed in order to prevent the contamination or infestation of other trees, or which no longer contribute to the achievement of forest values.
- 3.2.94 Funeral Home shall mean a building designed for the purpose of furnishing funeral supplies and services to the public and includes

facilities intended for the preparation of the dead human body for interment or cremation.

- 3.2.95 Garage shall mean an accessory building or portion of a building including a carport which is designed or used for the temporary parking or storage of motor vehicles and the storage of household equipment incidental to residential occupancy and where there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.
- 3.2.96 Garage, Attached shall mean a garage, accessory to a dwelling unit on the same lot, and separated therefrom by a common wall and/or common roof structure.
- 3.2.97 Garden Centre shall mean the use of lands, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment.
- 3.2.98 Garden Suite shall mean a temporary detached dwelling unit which is considered secondary and incidental to an existing single detached dwelling unit.
- 3.2.99 Gasoline Pump Island shall mean an area containing one or more gasoline pumps, which may or may not include a shelter having a floor area of not more than 10 square metres, in addition to any washroom, mechanical or storage area. This shelter area shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing or any other motor vehicle repair or service.
- 3.2.100 General Storage Compound shall mean, in the case of a mobile home park, an enclosed area, designed for the storage of material or equipment that is non-toxic and environmentally secure and intended for use by the owners and tenants of the mobile home park
- 3.2.101 Golf Course shall mean a public or private area operated for the purposes of playing golf and includes a par three golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses and similar uses.
- 3.2.102 Golf Driving Range shall mean an open air recreation facility where the sport of golf is practiced from individual tees and which may include accessory structures to house the tees, a kiosk for golf balls and golf club rentals, a structure from which the golfers tee off and a residence for the grounds keeper.

- 3.2.103 Grade, Finished or Established the average of the finished ground level at the centre of all walls of a building or structure.
- 3.2.104 Grinding Site shall mean land, buildings or parts of buildings where the treatment of waste is undertaken by uniformly reducing the waste to particles of controlled maximum size is conducted.
- 3.2.105 Gross Floor Area shall mean the aggregate of the areas of each floor above grade, except in the case of an apartment building where part of a basement is used for habitation purposes, in which case such area shall constitute part of the gross floor area, measured between the exterior faces of exterior walls of the building or structure at the level of each floor, but excluding any private garage, breezeway, porch, verandah, balcony, attic or cellar, unless such attic is habitable in all seasons.
- 3.2.106 Ground Floor Area shall mean the maximum area of a building or structure to the outside wall measurement, excluding in the case of a dwelling, any private garage, porch, verandah or sun room, unless such sun room is habitable in all seasons.
- 3.2.107 Group Home shall mean a single housekeeping unit in a residential dwelling in which three to six residents, excluding staff, live under reasonable supervision consistent with the requirements of its residents. The home is licensed or approved under Provincial statute in compliance with municipal By-laws.
- 3.2.108 Guest Room shall mean a room or suite of rooms which is used or maintained for gain or profit by providing accommodation to the public.
- 3.2.109 Habitable shall mean a room designated for living, sleeping, eating or food preparation.
- 3.2.110 Heavy Equipment Sales shall mean a building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation.
- 3.2.111 Height of Building shall mean the vertical height from the average finished grade on all sides of the structure and shall be calculated as follows:
- (a) In the case of a flat roof, the highest point of the roof surface on the parapet, whichever is the greater; and
 - (b) In the case of a mansard roof, the deck roof line; and

- (c) In the case of a gable, hip or gambrel roof, the average heights between the eaves and ridge;

exclusive of any accessory roof construction such as a chimney, tower, steeple, television antenna or mechanical penthouse.

- 3.2.112 Hobby Farm shall mean the keeping of no more than five livestock units, each livestock unit being defined as a 450 kg of animal(s) housed at one time, or no more than 14 animals including domestic fowl, plus offspring until weaned, whichever is more restrictive, for personal use and enjoyment on the same lot as a single detached dwelling but does not include an intensive agricultural use or a kennel.
- 3.2.113 Home Industry shall mean a small-scale dry industrial use, such as a carpentry shop, a metal working shop, a welding shop or an electrical shop that provides services or wares to the rural community and which is accessory to a rural or agricultural use or a single detached dwelling. For the purposes of this By-law, the repairing of motor vehicles, mobile homes and/or trailers is not a home industry.
- 3.2.114 Home Occupation shall mean the use of part of a dwelling unit for skilled pursuits that are compatible with a domestic household and that are undertaken by owners or tenants of the dwelling.
- 3.2.115 Hospital shall mean an institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for the convalescent of ill persons.
- 3.2.116 Hotel shall mean a building designed for the accommodation of the traveling or vacationing public wherein no room within the establishment shall be occupied by the same guest for a period of time exceeding 31 consecutive days and shall contain therein three or more guest rooms, that may include culinary facilities and individual sanitary facilities for each guest room being served by a common entrance together with an office and/or lobby serving the patrons of the hotel. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, recreational facilities, meeting rooms or similar uses.
- 3.2.117 Independent Retirement Home shall mean a residential building(s) containing dwelling units, designed to provide residence primarily for senior citizens and others with special needs such as barrier-free accessibility and assisted mobility requirements, who do not require assistance with daily living, and which may provide ancillary health,

personal service, and/or recreational services to serve the residents of the home. The definition of retirement home shall not include a long-term care facility or semi-independent retirement home

- 3.2.118 Industrial Use shall mean the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting, for sale of any goods, substance, article or thing, of any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supply of personal services and shall include printing and food processing.
- 3.2.119 Industrial, Extractive shall mean land including accessory buildings and structures, used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources and includes a borrow pit, a gravel pit and a stone quarry.
- 3.2.120 Institutional Use shall mean the use of land, building, structure or part thereof used by an organization, group or association for the promotion of charitable, religious, educational, medical or benevolent objectives.
- 3.2.121 Kennel, Commercial Means a premises primarily for the boarding and/or training of dogs for hire or gain.
- 3.2.122 Kennel, Private Means the accessory use of land, building or structure for the keeping and/or training of more than three (3) but less than nine (9) dogs as pets for personal use, and there is no boarding and no revenue derived from the kennel
- 3.2.123 Landscaped Open Space shall mean the open unobstructed space at grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes any surfaced walk, patio or similar area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.
- 3.2.124 Landscaping shall mean a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property.
- 3.2.125 Laundromat shall mean an establishment containing one or more washers, each having a capacity not exceeding 30 kilograms, and drying, ironing, finishing and incidental equipment in which only water

and detergents or soaps are or can be used, and which emit no odour or fumes, noise or vibration, causing nuisance or inconvenience within or exterior to the premises.

3.2.126 Lot shall mean a parcel or tract of land:

- (a) Which is a whole lot having a good and marketable title in fee simple as shown on a Registered Plan of Subdivision and which has been registered pursuant to Section 51 of the Planning Act R.S.O. 1990 c.P.13, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 50 of The Planning Act, R.S.O., c.P.13, as amended; or,
- (b) Which is a separate parcel of land without adjoining lands being owned by the same owner or owners as of the date of the passing of this by-law; or,
- (c) The description of which is the same as in a deed which has been given consent pursuant to Section 53 of The Planning Act, R.S.O. 1990, c.P. 13, as amended; or,
- (d) Is the whole remnant parcel remaining to an owner or owners after a conveyance made with consent pursuant to Section 53 of The Planning Act, R.S.O. 1990, c.P.13; Ontario 1990, as amended from time to time; or,
- (e) Was created by a will, prior to the passage of Section 50.1 of the Planning Act, R.S.O. 1990, Ch. P11, as amended; or,
- (f) Which is a unit of a registered Vacant Land Condominium.

but for the purpose of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by any public agency.

3.2.127 Lot Area shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or marsh or between the rim of the banks of a river or watercourse or filled areas over what was navigable waters or areas shown as Environmental Protection. Only the lot area lying within the Zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this By-law for such permitted use.

- 3.2.128 Lot Coverage shall mean that percentage of the total lot area covered by the horizontal area of all buildings, exclusive of canopies, balconies and overhanging eaves which are not less than 2.5 metres above finished grade.
- 3.2.129 Lot, Corner shall mean a lot situated at the intersection of two streets, of which two adjacent sides that abut the intersecting streets contain an angle of not more than 135 degrees; where such adjacent sides are curved, the angle of the intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that 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. A lot shall be deemed not to be a corner lot where the exterior lot line is on an unopened municipal road allowance.
- 3.2.130 Lot Depth shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining in the middle of the front lot line with the apex of the triangle formed by the side lot lines.
- 3.2.131 Lot Frontage shall mean the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein distant from the front lot line a distance equal to the minimum required front yard depth in the Zone in which the lot is located
- 3.2.132 Lot, Interior shall mean any lot other than a corner lot.
- 3.2.133 Lot Line shall mean any boundary of a lot, or the vertical projection thereof.
- 3.2.134 Lot Line, Exterior shall mean a side lot line which abuts the street on a corner lot.
- 3.2.135 Lot Line, Front shall mean in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line abutting a street shall be deemed to be flankage lot line. In the case of a through lot, the shorter lot line abutting a street shall be deemed to be the rear lot line. In the case of a through lot or corner lot whose exterior lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front

line. In the case of a waterfront lot, the lot line abutting a public or private street shall be the front lot line.

- 3.2.136 Lot Line, Rear shall mean in the case of a lot having four or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four lot lines, there is no rear lot line.
- 3.2.137 Lot Line, Side shall mean a lot line other than a front or rear lot line.
- 3.2.138 Lot, Through shall mean a lot which has a front and rear lot line fronting on a street.
- 3.2.139 Lot, Waterfront shall mean a lot which fronts on Georgian Bay.
- 3.2.140 Machine Shop shall mean the use of a building or structure where power-driven tools are used for making, finishing, or repairing machines or machine parts or where metal is shaped by cutting, filing or tuning.
- 3.2.141 Main Wall shall mean the exterior front, side or rear wall of a building and all structural members essential to the support of a fully enclosed space or roof.
- 3.2.142 Manufacturing Plant shall mean the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.
- 3.2.143 Marina shall mean a building, structure or place that may contain docking facilities where boats and boat accessories may be stored, serviced, repaired and/or kept for sale or rent and where facilities for the sale of marine fuels and lubricants and facilities for waste water pump out may be provided and may also contain facilities for the sale of food goods accessory to the marina.
- 3.2.144 Marine Heritage use shall mean a building or part of a building or a former ship, to be used for the appreciation of historical marine activity, together with any ancillary retail, ancillary offices and ancillary private functions.
- 3.2.145 Marine Sales and Service Establishment shall mean a building or structure or clearly defined space on a lot where marine craft and snowmobile and marine craft and snowmobile parts are stored and kept for sale, and may include facilities for the provision of repairs essential to the actual operation of marine craft and snowmobiles.

- 3.2.146 Medical Clinic shall mean a building or a part thereof used solely for the purpose of consultation, diagnosis, and treatment of human beings by two or more qualified medical practitioners, dentists, optometrists, chiroprodists, chiropractors or other drugless practitioners, but shall not include a hospital.
- 3.2.147 Marihuana/Cannabis Production Facility
Shall mean a wholly enclosed *building, structure* or part thereof, *used* to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis by a Licensed Producer authorized by Health Canada according to the Marihuana for Medical Purposes Regulations SOR/2013-119 and any successor thereto.
- 3.2.148 Mobile Home shall mean a dwelling unit that is designed to be made mobile and constructed or manufactured in accordance with the Ontario Building Code Act to provide a permanent residence for one or more persons, but does not include a motor home, camper trailer, travel trailer or trailer otherwise defined.
- 3.2.149 Mobile Home Park shall mean a lot under single ownership which has been improved for the placement of mobile homes for non-transient use.
- 3.2.150 Mobile Home Site shall mean that portion of land used for the placement of a single mobile home and the exclusive use of its occupants. For the purposes of Section 14, a mobile home site is a lot as herein defined.
- 3.2.151 Motel shall mean a building designed for the accommodation of the traveling or vacationing public wherein no room within the establishment shall be occupied by the same guest for a period of time exceeding 31 consecutive days and shall contain therein three or more guest rooms, that may include culinary facilities and individual sanitary facilities for each guest room having a separate entrance directly from outside the building together with an office serving the patrons of the motel. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, recreational facilities, meeting rooms or similar uses.
- 3.2.152 Motor Home shall mean a self-propelled vehicle capable of being used for the living, sleeping, eating or accommodation of persons.
- 3.2.153 Motor Vehicle shall mean vehicles designed to transport people, goods or objects, and without limiting the generality of the foregoing, shall

include automobiles, motorcycles, trucks, buses, and recreation oriented vehicles such as snowmobiles and boats.

- 3.2.154 Motor Vehicle, Commercial shall mean a motor vehicle having attached thereto a truck or delivery body and includes pick-up trucks, vans, cube vans, medium duty straight frame trucks, heavy duty straight frame trucks, tractors used for hauling purposes on the highways and buses.
- 3.2.155 Non-Complying shall mean a building, structure or lot existing which does not comply with a provision or provisions of the Zone within which it is located.
- 3.2.156 Non-Conforming shall mean a use which is not permitted in the Zone in which the use is located.
- 3.2.157 Nursery shall mean a place where young trees, shrubs, flowers and other bedding plants are grown for transplanting or for sale, and may also include the sale of related accessory supplies.
- 3.2.158 Nursing Home shall mean a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment if required, and includes a rest home or convalescent home and any other establishment required to operate under The Nursing Home Act, R.S.O. 1990, c.N.7, as amended.
- 3.2.159 Obnoxious Use shall mean a use which may be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission from the said land or any part thereof, or the creation therefrom of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or depositing or leaving unsightly particulate objects or chattels thereon or otherwise.
- 3.2.160 Outdoor Display and Sales Area shall mean an area set aside outside a building or structure, used in conjunction with a business located within the building or structure on the same lot for the display or sale of products.
- 3.2.161 Open Space shall mean the open, unobstructed space on a lot, including the open, unobstructed spaces accessible to all occupants of any residential or commercial building or structure on the lot, which is suitable and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, patio, pools or similar areas but does not include any driveway, ramp or parking area.

- 3.2.162 Outdoor Recreation shall mean the use of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, swimming pools, snow skiing and all similar uses.
- 3.2.163 Outdoor Solid-fuel-combustion Appliance shall mean an outdoor wood burning appliance or solid-fuel-burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose and which is located in a separate building or on the exterior of the building which it serves and for the purposes of this definition:
- (a) "Solid Fuel" means wood or any other non-gaseous or non-liquid fuel.
 - (b) "Wood burning appliance" means a solid fuel burning device including, without limitation, a stove, a fireplace, or any similar device.
- 3.2.164 Outside Storage shall mean the storage of equipment, goods, chattels, raw or processed materials outside of any building or structure. For the purpose of this By-law, the overnight parking of vehicles shall not be deemed to be outside storage.
- 3.2.165 Park shall mean an area, consisting largely of open space, which may include a recreational area, playground, playfield or similar use, but shall not include a mobile home park, a campground or trailer park.
- 3.2.166 Park, Commercial shall mean a park which is privately owned or controlled and which is operated for profit.
- 3.2.167 Park, Private shall mean a park other than a public park or commercial park, which is not operated for profit.
- 3.2.168 Park, Public shall mean a park owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.
- 3.2.169 Parking Area shall mean an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces, ingress and egress lanes, but shall not include any part of a street. This definition may include a private garage.
- 3.2.170 Parking Lot shall mean any parking area other than a parking area accessory to a permitted use on the same lot.
- 3.2.171 Parking Space shall mean a portion of a parking area exclusive of any aisles or ingress and egress lanes, usable for the temporary parking or storage of a motor vehicle and may include a private garage.

- 3.2.172 Personal Service Shop shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes barber shops, beauty shops and parlours, laundromats, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery and similar uses.
- 3.2.173 Pet Cemetery shall mean any land used for the burial and/or interment of dead companion animals or pets and may include ornamental buildings or structures as part of the cemetery.
- 3.2.174 Pit shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- 3.2.175 Place of Amusement shall mean any premises or separate part of a premises wherein, for profit or gain, two or more amusement machines are provided for use by the public.
- 3.2.176 Place of Entertainment shall mean a motion picture theatre or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.
- 3.2.177 Place of Worship shall mean any building or buildings dedicated to religious worship and includes a church, synagogue, mosque, or assembly hall, and may include such accessory uses as a school of religious education, a convent, a monastery or parish hall.
- 3.2.178 Planting Strip shall mean an area which shall be used for no purpose other than planting a row of trees or a continuous hedgerow of evergreens or shrubs, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting shrubs, flowers, grass or similar vegetation.
- 3.2.179 Playground shall mean an area of landscaped open space equipped with children's play equipment such as slides, swings or similar equipment.
- 3.2.180 Point of Intersection shall mean the point at which two street lines abutting a corner lot intersect or if the two street lines meet a curve,

then it is the point at which the projection of the two lot lines abutting the streets intersect.

- 3.2.181 Post Office shall mean a building that is capable of receiving and sending mail, and selling stamps. The building may be government or privately owned but must be operated by a government sanctioned employee.
- 3.2.182 Porch shall mean a structure abutting a building having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof except for removable screens and storm sashes or awnings, used as an outdoor living area.
- 3.2.183 Pre-Fabricated Shipping Container means a pre-fabricated metal container that is conventionally used for the purpose of shipping goods, but does not include a truck body, trailer or transport trailer, and does not have wheels and cannot be capable of human habitation.
- 3.2.184 Processing Plant shall mean the use of lands, buildings, or structures where agricultural produce including meat and poultry products are washed, cleaned, dusted, waxed, or otherwise prepared and packaged and from which such produce is shipped to a wholesale or retail outlet.
- 3.2.185 Public Swimming or Bathing Area or Beach shall mean any open or closed body of water as designated by a public authority for use by the public.
- 3.2.186 Public Use shall mean a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, and any telephone or telegraph company.
- 3.2.187 Quarry shall mean a place where consolidated rock has been or is being removed by means of an open excavation and the crushing, screening or washing of sand, gravel, ballast or any other surface or subsurface material, to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open metal mine.
- 3.2.188 Recreational Centre shall mean, in the case of a mobile home park, lands, buildings or structures designed or intended for passive or active recreational use, and without limiting the generality of the foregoing, shall include swimming pools, swings or play structures

when used in connection with the recreational facility for the owner or tenants of a mobile home park.

- 3.2.189 Recreational Trail shall mean, a path or track to be used for generally passive recreation and fitness but may include active recreational uses.
- 3.2.190 Recreation Vehicle Sales and Service shall mean a building or structure or clearly defined space on a lot where recreational vehicles, being self propelled motor vehicles in a form that is equipped as a temporary travel home, are stored and kept for sale, and may include facilities for the provision of repairs essential to the actual operation of recreational vehicles but which does not include the sale of gasoline.
- 3.2.191 Recreation Facilities shall mean lands, buildings or structures designed or intended for passive or active recreational use, and without limiting the generality of the foregoing, shall include swimming pools, swings or structures when used in connection with the recreational facility.
- 3.2.192 Private Recreation Facility shall mean land(s), building(s) or structure(s) which is accessory to the main use and designated or intended for passive or active residential use, and without limiting the foregoing may include an artificial ice surface for privately endorsed sport activities such as figure skating, hockey or curling.
- 3.2.193 Rectory shall mean a building used as a residence, operated as a single housekeeping unit, solely by and for an individual or a group of persons who are associated with the religious functions of a church, temple, synagogue, or other religious institution.
- 3.2.194 Recycling Establishment shall mean a building and/or lands in which used material is separated and processed prior to shipments to others who will use those materials to manufacture new products.
- 3.2.195 Refuse Construction Bin shall mean a uncovered refuse receptacle used for the collection of construction waste.
- 3.2.196 Refuse Transfer Station Site shall mean a waste disposal site used for the purpose of transferring waste from a collection vehicle to another carrier for transportation to another waste disposal site.
- 3.2.197 Renovation shall mean the structural or cosmetic alteration of a building or structure.
- 3.2.198 Residential Use shall mean the use of a building or structure or parts thereof as a dwelling.

- 3.2.199 Restaurant shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption either on or off the premises, and includes such uses as a restaurant, cafe, cafeteria, ice cream parlour, tea or lunchroom, dairy bar, coffee shop, snack bar, or refreshment room, or stand, but does not include a boarding or lodging house.
- 3.2.200 Retail Store shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, but does not include any establishment otherwise defined or classified herein.
- 3.2.201 Retirement Home shall mean a residence providing accommodation primarily for private persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of foods are provided, and common lounges, recreation rooms and medical care facilities may also be provided.
- 3.2.202 Salvage Yard shall mean a lot where goods, wares, merchandise, articles or things are processed for further use, and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk yard, a scrap metal yard, an automobile wrecking yard, and a used lumber yard, and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled.
- 3.2.203 Saw or Planing Mill shall mean a building, structure or area where timber is cut or milled, and temporarily stored either to finish lumber, or as an intermediary step.
- 3.2.204 School shall mean a school or a private school as defined by the Education Act, R.S.O. 1990, c.E2, as amended.
- 3.2.205 Seed Cleaning Plant shall mean a permanent commercial building or structure designed to separate seed lots to ensure seeds are pure for farm use.
- 3.2.206 Service Repair Shop shall mean a building or part of a building not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail shop or not, for the servicing or repairing or renting of articles, goods or materials and includes an appliance store, auto and tire supply, dry cleaners, electrical store, plumber, radio and television sales, sign painter and tool sharpener, but does not include the manufacture of articles, goods and/or materials.

- 3.2.207 Sewage Outfall Pipe shall mean a pipe or pipes which lay on the bottom of a lake or river whose function is to transfer treated waste water from a treatment plant to a lake or river.”
- 3.2.208 Sewage Treatment Plant shall mean any facility either publicly or privately owned and/or operated for the purpose of collection, treatment and disposal of sewage.
- 3.2.209 Shoreline shall mean any lot line or portion thereof which abuts a navigable waterway, or which abuts a twenty (20) metre road or shoreline allowance adjacent to a navigable waterway.
- 3.2.210 Sign shall mean a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot, which directs attention to an object, product, place, activity, person, institute, organization or business.
- 3.2.211 Sight Triangle shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point being measured in accordance with Section 4.26 from the point of intersection of the street lines, measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street line.
- 3.2.212 Storey shall mean the portion of the building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- 3.2.213 Storey, First shall mean the storey of a building with its floor closest to grade and having its ceiling more than 1.8 metres above grade.
- 3.2.214 Storey, One-Half shall mean the portion of building situated wholly or in part within a sloping roof and in which there is sufficient space to provide a height between finished floor and finished ceiling sufficient to meet the requirements of the Ontario Building Code, over a floor area equal to at least 50 percent of the area of the floor next below.
- 3.2.215 Street, Public, shall mean a highway:
- a) As defined under The Highway Traffic Act, R.S.O. 1990, c.H8, as amended, and The Municipal Act, R.S.O. 1990, c.M.45, as amended, which has been assumed for the public use; or
 - b) Within a Registered Plan of Subdivision that has not been

deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to and the provisions of The Planning Act, R.S.O. 1990, Ch. P.13, as amended.

- 3.2.216 Street Line shall mean the limit of the road or street allowance and is the dividing line between a lot and a street.
- 3.2.217 Street, Private shall mean a street or right-of-way other than a public street which provides the primary means of access to a lot.
- 3.2.218 Structure shall mean anything constructed or erected, the use of which requires location on or in the ground, or which is attached to something having location on or in the ground. For the purpose of this By-law, fences and retaining walls are deemed not to be structures.
- 3.2.219 Swimming Pool shall mean any body of water over 45 centimetres in depth constructed outdoors, contained by artificial means and used or maintained for the purpose of diving, swimming or bathing.
- 3.2.220 Tavern shall mean a building or part thereof where, in consideration of payment thereof, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food as licensed under The Liquor License Act, R.S.O. 1990, c.L.19, as amended.
- 3.2.221 Tent shall mean a portable and temporary shelter composed of a fabric or material supported by a pole, or poles, and stretched by cords secured to the ground, or some object on or in the ground.
- 3.2.222 Tourist Lodge shall mean a building designed for the accommodation of the traveling or vacationing public wherein no room within the establishment shall be occupied by the same guest for a period of time exceeding 31 consecutive days and shall contain therein no more than ten (10) guest rooms, that may include sanitary facilities for each guest room. All guest rooms shall be served by a common entrance together with an office and/or lobby serving the patrons of the lodge. Accessory uses may include accommodation for staff, which may include the owners, and one or more beverage rooms, dining rooms, recreational facilities, conference/meeting rooms or similar uses and may include educational and recreational programming.
- 3.2.223 Trailer, Camper shall mean any vehicle so constructed as to be suited for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the temporary living, sleeping or eating accommodation of persons,

notwithstanding that such vehicle is jacked up or that its running gear is removed.

- 3.2.224 Trailer, Travel shall mean any vehicle so constructed as to be suited for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the temporary living, sleeping or eating accommodation of persons, and is currently licensed under the Highway Traffic Act and has its running gear and towing equipment are permanently attached and is capable of being towed and is not permanently affixed to the ground.
- 3.2.225 Trailer, Utility shall mean a non-motorized vehicle which is generally pulled by a motorized vehicle and features a rear cargo area (bed) and is used for the hauling of light loads, or boats, off road recreational vehicles and other recreational equipment and includes a boat trailer, an off road recreational trailer and a snowmobile trailer.
- 3.2.226 Trailer Park shall mean an establishment comprising land or premises under single ownership for the use of tents, camper trailers, travel trailers and motor homes as temporary accommodations and includes services and facilities in connection with the trailer park. A trailer park may also include an accessory residential dwelling unit for use by the trailer park owner and/or manager.
- 3.2.227 Transportation Terminal shall mean the use of land, buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transport trailers and/or busses, but does not include automobile service stations or transportation sales or rental outlets.
- 3.2.228 Uncovered Private Dock shall mean an uncovered structure for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland at which boats or other floating vessels are berthed or secured.
- 3.2.229 Use shall mean the purpose for which any land, building or structure, or any part or combination thereof is designed, arranged, intended, occupied or maintained.
- 3.2.230 Vacant Land Condominium shall mean a freehold condominium, as defined in the Condominium Act, meaning a corporation in which all of the units and their appurtenant common interests are held in fee simple by the owners, and the units are not part of a building or structure and are not located above or below any other unit.
- 3.2.231 Veterinary Establishment shall mean a building or part of a building used as the premises of a veterinary surgeon where domestic animals,

birds or other livestock are treated, but shall not include a boarding kennel.

- 3.2.232 Warehouse shall mean a building used primarily for the storage of goods and materials but shall not include facilities for a truck or transport terminal or yard or fuel storage tank.
- 3.2.233 Waste Disposal Site shall mean land, buildings or parts of buildings used for the disposal of waste by deposit, under controlled conditions and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals.
- 3.2.234 Watercourse shall mean the natural or man-made channel, for a stream of water and/or an intermittent stream of water and, for the purposes of this By-law, includes all watercourses shown on the schedules of this By-law.
- 3.2.235 Water Intake Pipe shall mean a pipe or pipes which lie on the bottom of a lake or river whose purpose is to transfer water from a lake or river to a water treatment plant, water reservoir, or private water system.
- 3.2.236 Water Reservoir shall mean a pond, lake, tank or basin, natural or man-made and used for the storage, regulation and control of water.
- 3.2.237 Water Setback shall mean the straight line horizontal distance from the high water mark of a watercourse or lake, to the nearest part of any excavation, building, or structure or open storage use on the lot.
- 3.2.238 Water Supply shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by or on behalf of the Corporation of the Township of Tay for public use.
- 3.2.239 Water Treatment Plant shall mean any facility, either publicly or privately owned and/or operated, where the quality of water is improved through filtering or chemical treatments for distribution.
- 3.2.240 Waste Disposal Assessment Area shall mean an area identified in the Township of Tay Official Plan that identifies areas of potential environmental sensitivity for future development due to the disposal of waste in the area.
- 3.2.241 Wayside Pit or Wayside Quarry shall mean a temporary pit or quarry opened and used by public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

- 3.2.242 Wellness Centre shall mean the use of lands buildings and structures for wellness training and activities such as meditation, psychotherapy, pilates, tai chi, yoga and similar activities, and may include passive outdoor recreation and accommodation and food service facilities for guests, but does not include a treatment centre for persons placed on probation or parole.
- 3.2.243 Wholesale shall mean relating to, or engaged in the sale of goods in quantity usually for resale by a retail merchant.
- 3.2.244 Wildlife Rehabilitation Centre shall mean any land and/or building or structure or part thereof in which facilities are provided for the cure and alleviation of disease and injury to wild animals and in conjunction with which there may be shelter provided within the buildings or structures during the period of rehabilitation. The release of rehabilitated animals shall not occur on site.
- 3.2.245 Wildlife Sanctuary shall mean lands that are used for the preservation of wildlife species.
- 3.2.246 Yard shall mean an open area of land, adjacent to a main building or structure and which is unoccupied and unobstructed except as otherwise provided or required by this By-law.
- 3.2.247 Yard, Exterior Side shall mean the side yard of a corner lot which side yard extends from the front yard to the rear yard between the exterior lot line and the nearest main wall of any building or structure.
- 3.2.248 Yard, Front shall mean a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.
- 3.2.249 Yard, Interior Side shall mean a side yard immediately adjacent to an abutting interior side lot line, or in the case of reversed corner lots and key lots, also means a side yard immediately adjacent to a rear lot line.
- 3.2.250 Yard, Rear shall mean a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.
- 3.2.251 Yard, Required shall mean the minimum distance of a yard required from a lot line. In calculating minimum required yards, the minimum horizontal distance from the respective lot lines to the nearest main wall of the main building on the lot shall be used. In the case of a lot which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.

- 3.2.252 Zone shall mean a designated area of land use shown on a Schedule or Schedules of this By-law.
- 3.2.253 Zoning Administrator shall mean the officer or employee of the Corporation of the Township of Tay for the time being charged with the duty of administering and enforcing the provisions of this By-law.

SECTION 4 - GENERAL PROVISIONS

4.1 ACCESSORY BUILDINGS, USES AND STRUCTURES

4.1.1 Where a use is permitted under the provisions of this By-law, accessory uses, buildings and structures normally incidental to the main use, building or structure shall also be permitted. Swimming pools and structures accessory there to are considered to be detached accessory structures for the purpose of this section.

4.1.2 No accessory building or structure shall be used for human habitation except where a dwelling is a permitted accessory use or where the accessory building or structure forms part of the main building.

4.1.3 Where an accessory building is necessary for the storage of tools or materials for use in connection with the construction of the main building on a lot in any Zone, the accessory building may be erected on the lot before the erection of the main building provided that a building permit is issued for the main building and further provided that such building shall be used only for the purpose of storage.

4.1.4 No accessory building in any Residential Zone shall,
(a) be a quonset or nissen hut;
(b) have a half-cylindrical or semi-circular roof shape; and
(c) Pre-Fabricated Shipping Container

4.1.5 Maximum Lot Coverage

The maximum lot coverage for all detached accessory buildings and structures in the R1, R2, R3, SR, LSR, RMH, RE, RU and A Zones shall be 10%. A swimming pool shall not be considered as part of the lot coverage in any Zone, provided no part of the swimming pool protrudes more than 1.4 metres above the ground level surrounding the swimming pool. Decks which are attached or directly abutting a dwelling shall be considered part of the lot coverage for the main building

4.1.6 Maximum Ground Floor Area

The maximum ground floor area of any one detached accessory building or structure in any Residential Zone shall not exceed 93 square metres on lots that have a lot area of less than 4,046 square metres (1 acre), nor shall the height exceed 5.0 metres. On residential zoned lots with a lot area greater than 4,046 square metres, no accessory building or structure shall occupy more than 111 square

metres of ground floor area, nor shall the height exceed 6.0 metres.

On lots in the Agricultural and Rural Zones which are less than 2 hectares in lot area, no accessory building or structure shall occupy more than 130 square metres of ground floor area, nor shall the height exceed 11.0 metres.

This provision shall not apply to accessory buildings or structures in the C1, C2, C3, C4, C5, C6, MAR, M1 or M2 Zones.

4.1.7 Maximum Quantity

In the Village Residential “R1” Zone, the Village Residential “R2” Zone, the Village Residential – Special “R2-S” Zone, Residential Estate “RE” Zone, the Shoreline Residential “SR” Zone and the Limited Service Residential “LSR” Zone, a maximum of two detached accessory buildings shall be permitted. Accessory buildings which are less than 15m² in floor area shall not be included as part of this section 4.1.7 of the Zoning By-law.

4.1.8 Setbacks

- a) Unless otherwise prescribed in this sub-section, detached accessory buildings and structures must comply with the minimum yard requirements of the Zone in which the building or structure is located.
- b) In Residential Zones a maximum of one (1) detached Accessory building may be permitted to be located in the front yard, but not in the required front yard setback of the main building. Accessory Buildings/Structures in the A and RU Zones are permitted in the front yard, but not in the required front yard.
- (c) For those lands in the R1, R2, R3, SR, RMH, D and LSR Zones, a detached private garage or other accessory building/structure may be erected and used in an interior side and/or rear yard provided that it shall be no closer than two (2) metres to the interior side or rear yard lot line.
- (d) For those lands in the RU and A Zones, detached private garage or other detached building accessory to a dwelling may be erected and used in an interior side and/or rear yard provided that it shall be no closer than three (3) metres to the interior side and/or rear yard; shall not exceed 54 square metres in ground floor area; and, shall not exceed a height of 4.5 metres, provided that the maximum number of said buildings is one (1). Detached private garage or other detached accessory building greater than

55 square metres shall meet the same setback as the main use on the lot. Private garages which are attached to the dwelling shall meet the setbacks of the main use.

- (e) For those lands in the RU and A Zones, detached buildings accessory to a dwelling may be erected and used in an interior side and/or rear yard provided that they shall be no closer than one (1) metre to the interior side and/or rear yard; shall not exceed 10 square metres in ground floor area per accessory building; and, shall not exceed a height of 3.0 metres, provided the maximum number of said buildings is two (2).
- (f) For those lands in the C1, C2, C3, C4 and I Zones, accessory buildings and structures are permitted in the interior side and/or rear yards provided it is setback a minimum of 1.5 metres from any lot line.
- (g) Notwithstanding any of the above provisions, a detached accessory building or structure is permitted in the front yard on a waterfront lot, provided it is located no closer than 6.0 meters from the front lot line.
- (h) The minimum required setback for an accessory building/structure for a through lot shall be the same as the main building on the lot.
- (i) Accessory Buildings/Structures shall be set back a minimum distance of 1.0 metre from the main building on the lot and be set back a minimum distance of 1.0 metres from any detached accessory building on the same lot.

4.1.9 Detached Accessory Building and Structures less than 15m²

Detached accessory building or structures which are less than 15 square metres in ground floor area shall:

- a) shall not be located in the front yard in all residential zones;
- b) shall be setback a minimum of 1.0 metres from the rear lot line
- c) shall be setback a minimum of 1.0 metres from interior side lot lines;
- d) shall meet the exterior setback of the main building of the zone;
- e) shall have a maximum height of 2.5 metres;
- f) shall be no closer than 0.5 metres from the main use of the lot;
- g) Shall be limited to 2 detached accessory structures/buildings with a size of less than 15 square metres. This shall not be included in the maximum number of accessory buildings as outlined in Section 4.1.7; and
- h) Shall be subject to the lot coverage provisions of Section 4.1.5.

4.1.10 Boat Houses, Pump Houses, and Boat Docks

Boat House, Pump House	Interior Side Yard Setback 2 metres
Boat Dock	Interior Side Yard Setback 4 metres

4.1.11 Swimming Pools

Notwithstanding any provisions in this section, in a Residential Zone a swimming pool shall not be located any closer than 1.0 metres from the interior side and rear lot lines. In all zones, swimming pools shall not be located in the front or exterior side yards.

4.1.12 Fences

Notwithstanding any provision of this By-law to the contrary, in Residential Zones, fences shall not exceed 1.2 metres in height on the front lot line, and shall not exceed 1.2 metres in height to the distance required for front yard setbacks and thereafter a maximum of 2.13 metres. For the purpose of this By-law, fences are deemed not to be structures.

4.1.13 Outdoor Solid-fuel-combustion Appliance

An outdoor solid-fuel-combustion appliance is only permitted in Rural and Agricultural Zones in accordance with the following provisions:

- (a) Not more than one (1) outdoor solid-fuel-combustion appliance per lot accessory to a permitted main use;
- (b) The outdoor solid-fuel-combustion appliance cannot be located closer than 45 metres to any lot line;
- (c) The outdoor solid-fuel-combustion appliance cannot be located closer than 15 metres to any building;
- (d) The outdoor solid-fuel-combustion appliance must be fitted with a chimney no less than 3.6 metres in height from ground and must be equipped with a rain cap/spark shield.
- (e) That the perimeter around the outdoor solid-fuel-combustion appliance to a distance of 3 metres from the unit shall remain free from any combustible material.
- (f) Outdoor solid-fuel-combustion appliance must be listed as a "Phase 2 White Tag Model" by the United States Environmental Protection Agency or bear a certification mark certifying conformity with the Canadian CSA-415 standard for these appliances.
- (g) Outdoor solid-fuel-combustion appliances shall be maintained and operated so as not to cause a nuisance for a duration of more than two minutes except during the starting or refueling of

the appliance for a period not to exceed thirty minutes in any four-hour period.

- (h) Notwithstanding the provisions of Sections 4.12 “Legal Non-complying Building and Structures” any replacement of an outdoor solid-fuel-combustion appliance must meet the provisions of this By-law.

4.2 ACCESSORY DWELLING UNITS

4.2.1 Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to permit the construction of an accessory dwelling unit, as an accessory use to a **Single Detached Dwelling**, or **Semi-Detached Dwelling**, in the permitted residential, rural, and agricultural zones subject to the following provisions:

Notwithstanding any other provisions of this By-Law, one accessory dwelling unit is permitted in a detached dwelling in the R1, R2, SR, A, RU, & LSR Zones provided:

- (a) All existing buildings and structures on the lot are lawful and compliant with the zone provisions of their appurtenant zone;
- (b) The maximum lot coverage for all detached accessory buildings and structures shall be 10%;
- (c) The minimum distance between a principal dwelling unit and a detached accessory dwelling unit shall be 5 metres;
- (d) Accessory dwelling units are not permitted in the Grandview Beach/Paradise Point Development Area;
- (e) The minimum gross floor area of the detached accessory dwelling unit shall be no less than 37.0 m² (400.0 ft²) excluding the settlement areas of Port McNicoll and Victoria Harbour with full municipal services;
- (f) The maximum gross floor area for a detached accessory dwelling unit permitted is based on the lot area chart below;

Lot Area	Maximum Dwelling Size
0 ha (0 ac.) to 0.20 ha (0.5 ac.)	0.0 - 56.0 m ² (0-600 ft ²)
0.24 ha (0.51 ac.) to 0.4 ha (1.0 ac.)	0.0 - 74.0 m ² (0-800 ft ²)
Greater than 0.41 ha (1.1 ac.)	0.0 - 111 m ² (0-1200 ft ²)

- (g) A detached accessory dwelling unit shall be confined to a single storey, unless located above a detached accessory structure;

- (h) Crawlspace foundations are permitted in detached accessory dwelling unit for the purposes of containing mechanical/utility equipment (heating, cooling, plumbing, electrical), provided the same does not allow for human habitation and that same crawlspace foundation does not exceed 1.8 metres in total height. Crawlspace foundations are not included in the gross floor area of the detached accessory dwelling unit;
- (i) No home occupation or home industry shall be permitted within a detached accessory dwelling unit;
- (j) The maximum height of a detached accessory dwelling unit shall be 4 metres unless located above an accessory structure the maximum height shall be 6 metres in total;
- (k) A detached accessory dwelling unit shall not be permitted to have an attached garage unless the detached accessory dwelling unit is located to the rear of the attached garage maintaining the current width or proposed width of the garage. The height for an additional residential unit will remain at 4 metres;
- (l) An additional dwelling unit contained within an accessory structure shall be a permanent structure anchored to a permanent foundation.
- (m) A detached Accessory Dwelling Unit must comply with the following yard requirements in the R1, R2, SR, A, RU, & LSR Zones:

Minimum Front Yard Setback	8 m
Minimum Interior Side Yard Setback	2 m
Minimum Exterior Side Yard Setback	4.5 m
Minimum Rear Yard Setback	2 m

4.2.2 ADU’s Contained Within the Main Dwelling on Properties Zoned R1, R2, SR, A, RU & LSR Not on Full Municipal Services will be subject to the following provisions:

- (a) An additional dwelling unit contained within an accessory structure shall be a permanent structure anchored to a permanent foundation.
- (b) An accessory dwelling unit located at, or above grade shall not be larger than 50% of the gross floor area of the principal dwelling or 93 m², whichever is lesser. If located in the

basement of the principal dwelling the second accessory dwelling unit may occupy the entire basement area.

- (c) For an accessory dwelling unit contained within the main building, the zone provisions in the underlying zone with respect to lot area, lot frontage, lot coverage, required yards, and building height shall apply.
- (d) Detached accessory dwelling units are not permitted in the Grandview Beach/Paradise Point Development Area;

4.2.3 Accessory Dwelling Units within the Port McNicoll and Victoria Harbour Settlement Areas with Full Municipal Services will be subject to the following provisions:

- (a) Accessory Dwelling Units within the Port McNicoll and Victoria Harbour Settlement Areas with Full Municipal Services will be subject to the following provisions:
- (b) Accessory dwelling units are permitted within any legally permitted single detached, semi-detached dwelling. An accessory dwelling unit may also be permitted within an accessory building on the same lot for a maximum total of three dwelling units on a lot.
- (c) An Accessory dwelling unit located at, or above grade shall not be larger than 50% of the gross floor area of the principal dwelling or 93 m², whichever is lesser. If located in the basement of the principal dwelling the second accessory dwelling unit may occupy the entire basement area.

4.2.4 Lots that have private or partial services within the settlement areas of Tay Township are permitted a detached accessory dwelling unit (Excluding Grandview Beach/Paradise Point), subject to the provisions set out in Section 4.2.1.

4.3 ADDITIONS TO BUILDINGS – INSUFFICIENT PARKING

When a building or structure has insufficient parking on the date of the passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built and no change of use may occur, however, the effect of which would be an increase in that deficiency.

Notwithstanding the provisions of Subsection 5.3 “Parking Requirements by Use” where an agreement between Council and the

owner of a property has been entered into pursuant to The Planning Act, as amended, exempting the owner from the requirement to provide parking, only the number of parking spaces as set out in the agreement are required to be provided and for the purpose of this By-law, the property and use shall be deemed to comply with the Zoning By-law in this respect.

4.4 BED AND BREAKFAST ESTABLISHMENTS

In all Zones where bed and breakfast establishments are permitted, the use shall be carried out in accordance with the following provisions:

- (a) The use shall be carried on by the landowner who resides in the dwelling unit.
- (b) Any plate or sign shall be attached and parallel to the main building.
- (c) The use shall not create or become a nuisance because of noise or traffic or otherwise interfere with the enjoyment of the amenities of the adjacent neighbourhood or lands.
- (d) The use shall only be permitted where the existing lot abuts upon and has frontage on a public street assumed for public use.

4.5 FRONTAGE ON A PUBLIC STREET

4.5.1 No buildings or structure shall be erected, extended or enlarged on any lot within the Township of Tay unless such lot fronts on an improved public street.

4.5.2 *Lots in a Limited Service Residential "LSR" Zone*

Notwithstanding Section 4.5.1, where an existing lot that is in a Limited Service Residential "LSR" Zone, does not abut upon an improved public street, a building permit may be issued for a building or a structure to be erected, extended, enlarged or replaced provided:

- (a) The Holding (H) symbol applying to the lands is removed; and,
- (b) The lot in question meets all of the other requirements of this By-law and is a lot as defined herein; and,
- (c) Approval from the appropriate agency is obtained for the sewage system; and,

- (d) The applicant, at his or her expense, prior to a building permit being issued, enters into an acknowledgement with the municipality. This acknowledgement shall indicate that:
- (1) the owner acknowledges and agrees that the lot in question does not front on an improved public road or street;
 - (2) the owner acknowledges and agrees that the Township does not maintain or snow plow the said private road or street;
 - (3) the owner acknowledges and agrees that the Township will not take over or assume a private road or street as a Township public road or street unless it has been built according to municipal standards; and,
 - (4) the owner acknowledges and agrees not to request the Township to assume or take over the said private road or street.

4.5.3 Lots on Islands

Notwithstanding Section 4.5.1, where an existing lot is located on all or part of an island surrounded by navigable water, a building permit may be issued for a building or structure to be erected, extended or enlarged provided:

- (a) The Holding (H) symbol applying to the lands is removed if required; and,
- (b) Lot in question meets all other requirements of this By-law and is a lot as defined herein; and,
- (c) Approval from the appropriate agency is obtained for the sewage disposal system.

4.6 **HEIGHT EXCEPTIONS**

Notwithstanding the height provisions established in each Zone, nothing in this By-law shall apply to prevent the erection of a church spire, belfry, clock tower, chimney, farm building, or structure, water tank, radio or television tower or antenna, silo, windmill, drive-in theatre screen, forestry tower, aid to navigation, flag pole, ventilator, elevation enclosure or fire hose tower that does not comply with the maximum height provision of a Zone.

4.7 HOLDING SYMBOL

4.7.1 Where a Zone symbol is followed by the symbol (H), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than those existing at the date of the passing of the specific By-law. Notwithstanding the above, accessory buildings to an existing use such as barns or private garages and renovations to existing accessory buildings shall be permitted without the need to remove the holding symbol.

Unless otherwise specified in this section, in order to remove a Holding (H) symbol, one, two or all of the conditions below must be fulfilled:

- (a) Provision of, and connection to, full municipal services.
- (b) Issuance of permits for private sewage disposal and water supply from the appropriate agencies where full municipal services are not planned.
- (c) Enter into a private road acknowledgement with the Township of Tay referred to in Section 4.5.

4.7.2 For those lands that are located within a Waste Disposal Assessment Area, existing and accessory use are permitted; and further the said use may be extended enlarged, reconstructed, replaced, repaired or renovated provided that the coverage of the property is not increased and all other applicable zone provisions of the by-law are complied with.

4.7.3 For those lands located in Part Lot 15, Concession 8 and north and south of the unopened portion of Lovejoy Street and zoned with the Holding Symbol (H), the following conditions shall be met prior to the removal of the Holding Symbol by By-law:

- (a) Provision of full municipal services,
- (b) Dedication to the Township of a 3.36 metre road widening strip free and clear of all encumbrances.
- (d) Payment to the Township of the lots share of the cost of the extension of full municipal services.

4.7.4 LSR(H)

For those lands zoned "LSR(H)", located in part of Lot 15, Concession 12 and south of Gerhardt Road and east of the private Severn Trail Lane, and having an approximate area of 5 hectares, these lands may not be used for any other purpose than that which legally existed on

the March 8th, 2001 until the Holding Symbol (H) is removed in accordance with the Planning Act. Specifically, the Holding (H) symbol shall not be removed until such time as a Environmental Impact Assessment study as required by Section 4.8.3.4 of the Official Plan has been submitted and approved for the 5 hectare parcel.

4.7.5 LSR – 7 (H)

In addition to the provisions of Subsection 4.5, for property zoned LSR-7(H), the Holding Symbol shall not be removed until such time as the Owner of the subject property has completed the following at his/her expense:

- (a) the private street on which the subject property fronts, must have a driveable width of 6 metres and a minimum weight rating of 11,340 kg from Bass Bay Drive to and including the full frontage of the property to the Township's satisfaction;
- (b) the recommendations of an engineer's drainage study for the development of the subject property, including downstream improvements, have been implemented to the Township's satisfaction;
- (c) the recommendations of a hydrogeologist's study for the development for the subject property addressing both well and septic servicing has been implemented to the Township's satisfaction;
- (d) the subject property be serviced with a tertiary treatment sewage system meeting the requirements of the Ontario Building Code; and,
- (e) a development agreement between the Owner of the subject property and the Township shall be required to implement mandatory road maintenance by the Owner regarding the private street from Bass Bay Drive to and including the full frontage of the property and to implement any/or all of the above requirements.

4.8 HOME OCCUPATIONS and HOME INDUSTRIES

In all Zones where a home occupation or home industry is permitted, such uses shall be conducted in accordance with the following provisions:

- 4.8.1 Home occupations are accessory to a residential use, and are intended to accommodate a practitioner or professional residing on the premises. Uses that may be considered a home occupation include:

- A professional, medical or business office (e.g., chiropractor, law office).
- A personal service shop (e.g., pet groomer, hairstylist).
- An art/music studio (e.g., photography, piano).
- A private home daycare.
- A private tutor/instructor.
- A home catering service preparing food to be consumed off-site.
- A small electronic, appliance or computer repair.

Where a home occupation is permitted in a zone, the home occupation:

- a) *A home occupation shall be located entirely within a detached accessory building and/or the main building on the lot.*
- b) Shall clearly be secondary to the main residential use on the lot and does not change the residential character of the dwelling;
- c) The residential appearance and character of the *dwelling* shall be maintained.
- d) A maximum of one (1) *home occupation* shall be permitted per *dwelling unit*.
- e) *A home occupation shall only occupy a maximum of 35% of the gross floor area of the dwelling unit, if the home occupation is contained in a dwelling unit in the main building on the lot.*
- f) *A home occupation shall not occupy more than 50 percent of the gross floor area of one (1) detached accessory building in a Residential Zone and 100 percent of the gross floor area up to a maximum of 100 square metres in one (1) detached accessory building in the Agricultural or Rural Zones up to a maximum of 100 square metres if the home occupation is contained within a detached accessory building.*
- g) *A home occupation shall be operated by the person or persons whose principal residence is the dwelling in which the home occupation is located, and a maximum of two persons who does not reside in the dwelling as a principal residence shall be employed by the home occupation, in addition to the residents of the dwelling.*
- h) *A sign is permitted to be displayed on the lot for home occupation, provided:*
 - i. *A maximum of one (1) sign is permitted on a lot for each permitted home occupation; and,*
 - ii. *The sign shall comply with the Township's Sign By-law.*

- i) The use shall not create or become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the amenities of the adjacent neighbourhood or lands.
- j) There shall be no outside storage or display of materials, containers, finished products or mechanical equipment in Residential Zones.
- k) The use shall only be permitted where the existing lot abuts upon and has frontage on an improved public street assumed for public use.
- l) The use shall not involve retailing or the sale of any commodity not produced on the premises except that a telephone, internet or mail order sale of goods is permitted.
- m) The use shall not require the receipt or delivery of merchandise, goods or equipment by any other than a passenger motor vehicle or parcel carrier employed in residential deliveries.
- n) Notwithstanding the requirement for a home occupation to be conducted entirely within a dwelling or accessory building, a private home daycare facility may allow for an outdoor play or amenity area, which shall not be counted as part of the size of the operation.
- o) To monitor and control home occupation uses, the Township may require the appropriate licensing of such uses as may be provided for under the Municipal Act.

4.8.2 Home Industries

Home industries are considered to be uses located outside of settlement areas and are accessory and subordinate to the residential and/or agricultural use of the property. Home industries are intended to accommodate a single professional or tradesperson. Uses that may be considered a home industry are limited to a trade business or a more intensive home occupation requiring the use of an accessory building (e.g., woodworking).

Where a home industry is permitted in a zone, the home industry:

- a) Shall clearly be secondary and incidental to a permitted residential use.
- b) Shall be conducted either entirely within a primary dwelling or an accessory building thereto.
- c) Shall be conducted by at least one of the residents of a dwelling unit located on the same lot.

- d) Shall not occupy more than twenty-five percent (35%) of the gross floor area of the dwelling unit, if the home occupation is contained in a dwelling unit in the main building on the lot.
- e) May occupy one hundred percent (100%) of the gross floor area to a maximum of 100 square metres of one (1) detached accessory building, if the home industry is contained within a detached accessory building.
- f) Shall not create noise, vibration, fumes, odour, dust, glare, or radiation which is evident outside the building in which the use occurs.
- g) Shall not employ more than two (2) employees who is not a resident of the dwelling unit on the lot.
- h) Shall not involve the use or storage of hazardous substances in types or quantities exceeding those normally found in a residential use.
- i) Shall not involve the repair or maintenance of motor vehicles, construction equipment or vehicles, or industrial equipment or vehicles, but may involve small engine repair outside of a settlement area as outlined in the Official Plan.
- j) The use shall not involve retailing or sale of any commodity not produced on the premises, except that telephone, internet or mail order sales of goods is permitted.
- k) Shall, other than on lands zoned Agricultural or Rural, not require receipt or delivery of merchandise, goods, or equipment by other than intermittent delivery by a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicles typically employed in residential deliveries.
- l) A *sign* is permitted to be displayed on the *lot* for the home industry, provided:
 - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted home and;
 - ii. The *sign* shall comply with the *Township's Sign By-law*.
- m) Shall not include accessory outdoor storage, display or sales.
- n) To monitor and control home industry uses, the Township may require the appropriate licensing of such uses as may be provided for under the Municipal Act.

4.9 INFILLING LOTS - EXCEPTION TO FRONT YARD REQUIREMENTS

Notwithstanding any other provisions in this By-law, where a single detached dwelling is to be erected in a R1, R2, R3, SR or LSR Zone where there is an established building line, the minimum required front

yard for any such use may be reduced, in accordance with the established building line, as defined by this By-law.

In no case shall the front yard be less than fifty (50) percent of the otherwise required front yard.

4.10 INGRESS – EGRESS

- 4.10.1 Ingress and egress to and from the required parking spaces and areas for non-commercial and non-industrial zones shall be provided by means of unobstructed driveways or passageways at least 3.0 metres in perpendicular width.
- 4.10.2 Ingress and egress to and from the required parking spaces and areas for commercial and industrial zones shall be required by means of unobstructed driveways or passageways at least 5.5 metres minimum for one-way traffic and 7.5 metres minimum for two-way traffic in perpendicular width.
- 4.10.3 The maximum width of any driveway for ingress and egress in a residential area shall be 6.0 metres or 35 percent, whichever is greater. Ingress and egress shall be measured along the street line. Unless otherwise specified in this By-law the maximum width of a driveway for ingress or egress in all other zones shall be 7.5 metres.
- 4.10.4 Driveways shall not be permitted within 15.0 metres from the intersection of two streets or their projection.
- 4.10.5 The minimum angle of intersection between a driveway and a street line shall be sixty (60) degrees.
- 4.10.6 Every lot shall be limited to the following number of driveways:
- (a) Up to the first 30 metres of frontage, no more than (2) driveways with a combined width not exceeding thirty-five (35) percent of the lot frontage; and
 - (b) For each additional 30 metres of frontage, not more than one (1) additional driveway.
 - (c) When a lot is permitted to have more than one driveway, each driveway ingress and egress shall be separated by a minimum 3 metres *landscaped open space*, which is to be measured along the front or exterior lot lines.

4.11 LOTS, SUBSTANDARD

- 4.11.1 Where a vacant lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with.
- 4.11.2 Where a public authority acquires lands and such acquisition deprives a parcel of land from street frontage, the part of such parcel so deprived of street frontage shall be deemed for the purpose of this By-law to have frontage on such street provided the land has a permanent right-of-access to such street granted in accordance with the Planning Act.
- 4.11.3 Where a contravention to this By-law exists as a result of an expropriation or acquisition by an authority possessing such powers or is the result of an authorization granted pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, that part of such remaining lands, buildings or structures shall be deemed to conform to the provisions of this By-law.

4.12 LEGAL NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS

Where a building or structure has been lawfully erected prior to January 1, 1994 on a lot having less than the minimum frontage and/or area, or having less than the minimum setback, and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any such deficiency or deficiencies; and further the said building or structure may be extended, enlarged, reconstructed, relocated, replaced, repaired or renovated provided that:

a) Legally Existing Buildings and Structures

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

- i. The expansion or reconstruction does not reduce the front yard, and/or side yard, and/or rear yard or increase the

amount of gross floor area or ground floor area, or height in a required yard as outlined in this Zoning By-law.

- ii. The legally existing building or structure is being used for a purpose permitted within the Zone in which it is located; and,
- iii. All other applicable Provisions of this By-law are complied with.

b) Reconstruction of Legally Existing Building

Nothing in this By-law shall prevent the reconstruction of a legally existing building that does not comply with the provisions in this By-law, provided that no part of the legally existing building that is non-complying is increased in height, volume or gross floor area and the reconstruction does not reduce the front yard and/or side yard and/or rear yard.

c) Damaged Legally Existing Buildings and Structures

Nothing in this By-law shall apply to prevent the reconstruction of any permitted legally existing building or structure which is damaged by causes beyond the control of the owner, and such permitted legally existing building may be reconstructed as it previously existed, even if such did not comply with one or more of the provisions of this By-law, but the non-compliance may not be further increased. A legally existing building damaged or destroyed because of natural flooding shall not be reconstructed, except in accordance with the provisions of this By-law.

4.13 LEGAL NON-CONFORMING USES

Nothing in this By-law shall:

- 4.13.1 Prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose; or
- 4.13.2 Prevent the strengthening or restoration to a safe condition of any building or structure lawfully used on the date of passing of the by-law applicable, provided that such strengthening or restoration will not change the location, height, area, volume or use of the building or structure; or

- 4.13.3 Prevent the replacement of a building or structure with a new building or structure in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or act of God, or demolition by order of the Corporation of the Township of Tay, or other authority for safety, health or sanitation requirements, so long as the replacement will not change the location, height, area volume or use of the original building or structure.
- 4.13.4 Prevent the addition of an unenclosed deck, stair or ramp, onto any building or structure used for any purpose prohibited by this By-law if such building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose.
- 4.13.5 For the purposes of this by-law, the date of passing of the Zoning By-law shall be January 1, 1994.

4.14 MOTOR VEHICLES, NOT IN RUNNING ORDER

Notwithstanding any other provision of this By-law, no person may use any lot in any Zone for the parking or storage of any vehicle that is not in running order, except that one such vehicle may be stored in a private garage in a Residential Zone. In all Commercial and Industrial Zones, such vehicles are permitted on a lot, provided the subject vehicles are not stored in a required yard and provided the storage of such vehicles is permitted by this By-law.

4.15 NUMBER OF DWELLINGS PER LOT

Not more than one dwelling per lot shall be allowed in any Zone unless otherwise specifically permitted.

4.16 OBNOXIOUS USES

Except as otherwise specifically permitted in this by-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both:

- (a) By the creation of noise or vibration; or,
- (b) By reason of the emission of gas, fumes, smoke, dust or objectionable odour, except in the case of agricultural uses operating in compliance with The Farming and Food Protection Act; or,

- (c) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery or other such material; or,
- (d) By any combination of these things described in clauses (a), (b), (c) of this subsection.

4.17 OCCUPANCY OF PARTIALLY COMPLETED DWELLINGS

No building shall be used for human habitation before an occupancy permit has been issued by the Municipality, to the effect that the proposed use complies with this By-law and the Building Code of Ontario.

4.18 OUTSIDE DISPLAY AND SALE OF GOODS

4.18.1 Where the outside display and sale of goods and materials is permitted, the following provisions shall be complied with:

- (a) Such outside display and sale is accessory to a commercial use carried on in an enclosed building or portion thereof, on the same lot;
- (b) The area used for outside display and sale shall not be more than twice the floor area above grade of the commercial building or portion thereof of any building constructed upon the lot, and used for the commercial purposes for which outside display and sale is permitted, and in any event, such area for outside display and sale shall not be more than thirty-five (35) percent of the lot area;
- (c) If the interior side lot line or rear lot line of a lot upon which such outside display and sale is permitted abuts a Residential Zone, then a planting strip shall be provided along such abutting lot line, or portion thereof in accordance with the requirements for planting strips set out in Section 4.21.
- (d) Where lighting facilities are provided, they shall be so arranged as to deflect the light onto the outside display and sale area and away from adjoining properties and streets;
- (e) The area used for outside display and sale shall be in addition to and separated from the areas required for parking;
- (f) The area used for outside display and sale shall provide side

and rear yards in accordance with the provisions for the Zone in which the land is situated, but in any event shall not be closer to any side or rear lot line than 3.0 metres; and,

- (g) The area used for outside display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone and/or other hard surface and dustless materials, or maintained as a lawn.

4.19 OUTSIDE STORAGE PROHIBITED

Except as otherwise permitted in this By-law, no outside storage of goods or materials shall be permitted in any Zone.

4.20 PERMITTED YARD ENCROACHMENTS

The following structures are permitted to encroach into any required yard:

STRUCTURE	YARDS IN WHICH PROJECTION IS PERMITTED	MAXIMUM PROJECTION INTO REQUIRED SETBACK
Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters	All yards	0.5 m
Fire escapes and exterior staircase	Rear yard Side yard	0.92 m over a maximum width of 3.04 m
Window bays	Front yard Rear yard Exterior side yard	0.61 m over a maximum width of 3.66 m
Cantilevered Main walls	All yards	0.61 m
Verandahs, decks, stairs and porches not exceeding one storey in height	Front yard Rear yard	1.83 m including eaves and cornices
	Interior Side Yard Exterior Side Yard	0.5 metres (on one side) including eaves and cornices

Enclosures to any porch or terrace permitted by this section shall be limited to 1.07 metres in height exclusive of roof supports, except where any form of latticing or screening is used for such enclosure.

4.21 PLANTING STRIPS

Where, in any Zone, this By-law requires that a planting strip be provided and maintained adjacent to a lot line or Zone boundary, such planting strip shall be provided in accordance with the following requirements:

- (a) The planting strip shall have a minimum width of 2.5 metres:
- (b) The planting strip shall consist of a solid and unbroken planting of shrubs or trees, the ultimate height of which is not less than 2.0 metres and a fence protected by vehicle curb stops or barriers. Such plant material shall not be less than 1.0 metre in height when planted.
- (c) The planting strip required in this By-law shall be installed and maintained by the owner of the lot upon which the planting strip is required.
- (d) The planting strip shall be completely contained on the lot or within the Zone for which the provision of planting strips is a requirement. Planting strips shall run along the entire length of the Zone boundary or lot line, unless otherwise specified.
- (e) A planting strip shall not be required where a sight triangle is required, as defined in this By-law.

4.22 PROHIBITED USES

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

- (a) refining coal oil or petroleum products;
- (b) the manufacture or storage of or the use in manufacturing of coal, oil, burning fluid, naphtha, benzol benzine, gasoline, dynamite, nitro glycerine, gun powder, petroleum or other similar combustible or inflammable or dangerous liquid or material.
- (c) tanning hides or skins;
- (d) manufacturing gas except for personal utilization involving a

permitted agricultural use;

- (e) manufacturing glue;
- (f) a facility for the racing or competitive demolition of motor vehicles, motorcycles, go-carts, all-terrain vehicles or snowmobiles;
- (g) locating or storing on any land for any purpose whatsoever any disused railroad car, truck, bus or coach body or whether or not the same is situated on a foundation;
- (h) bulk storage of industrial chemicals or waste.

4.22.2 In addition to the uses prohibited in 4.22.1 of this Section, any use is prohibited which, from the nature of the materials used therein is declared under the Public Health Act or any regulations adopted thereunder to be a noxious trade, business or manufacture.

4.22.3 In addition to the uses prohibited in 4.22.1 of this Section, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Use" subsection of one or more Zones established by this By-law are and shall be deemed to be prohibited in each Zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of Section 4.24 hereof.

4.23 PROVISIONS FOR LANDS IN THE VICINITY OF WATERCOURSES

4.23.1 Notwithstanding any other provision in this By-law, no main and/or habitable building or structure shall be located within 15.0 metres from the top of bank or high water mark of any watercourse.

4.23.2 No part of any flood plain shall be used in calculating the lot frontage, lot area, lot coverage, setback or yards required by this By-law.

4.24 PUBLIC USES

4.24.1 Nothing in this By-law shall prevent the use of any land or use of any building or structure for the purposes of public service by any telephone or telegraph company, any natural gas, hydro-electric transmission or distributing company, any department or Ministry of the Government of Ontario or Canada, provided that where such land, building or structure is located in any Zone:

- (a) No goods, material or equipment shall be stored in the open except as permitted in such Zone; and
- (b) The Zone provisions of the Zone in which the use is located shall be complied with; and
- (c) Any above ground use carried on under the authority of this Section in any Residential or Rural Zone shall be designed and maintained in general harmony with the residential buildings of the type permitted in the Zone; and
- (d) Areas not used for parking or playgrounds on any lot used in a Residential Zone or Rural Zone under the authority of this paragraph shall be landscaped in general harmony with the surrounding properties; and
- (e) Any parking and loading regulations prescribed for these uses are complied with.

4.24.2 Nothing in this By-law shall prevent the use of any land as a public park, community park, playground, road allowance or as a site for a statue, monument, cenotaph, fountain or other memorial or ornamental structure.

4.24.3 Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro and telephone line.

4.24.4 Where a public authority acquires lands and such acquisition deprives a parcel of land from street frontage, the part of such parcel so deprived of street frontage shall be deemed for the purpose of this By-law to have frontage on such street provided the land has a permanent right-of-access to such street granted in accordance with the Planning Act.

4.24.5 Where a contravention to this By-law exists as a result of an expropriation or acquisition by an authority possessing such powers or is the result of an authorization granted pursuant to the provisions of The Planning Act, R.S.O. 1990, c.P. 13, as amended, that part of such remaining lands, buildings or structures shall be deemed to conform to the provisions of this By-law.

4.25 SERVICING REQUIREMENT

4.25.1 Any lot which has direct access to a municipal year round water supply or sanitary sewage collection system shall utilize such municipal service, otherwise the uses and structures permitted by this By-law to

occur on the subject lot shall not be permitted. If a lot does not have direct access to a municipal year round water supply or sanitary sewage collection system, then uses and structures may be permitted on a private sewage treatment system or water services that have been approved by the appropriate agencies or authorities.

4.25.2 The Martyrs' Shrine, Sainte-Marie among the Hurons and the Wye Marsh Wildlife Centre

For those lands zoned Institutional "I", Institutional "I(H)" and/or Open Space "OS" that are located on Part of Lots 15 to 18, Concession 3, addressed as 16163 Highway 12 being The Martyrs' Shrine; Part of Lot 16, Concession 3, addressed as 16164 Highway 12 being Sainte-Marie among the Hurons; and, Part of Lots 13 to 16, Concession 3 addressed as 16160 Highway 12 being the Wye Marsh Wildlife Centre, all new development including new buildings and structures and/or renovations to any existing structures that would increase the water and/or waste water servicing capacity provided by the Town of Midland, shall require the review and approval of the Town of Midland prior to issuance of any planning or building permit approvals.

4.26 SIGHT TRIANGLES

No hedge, shrub, tree or fence shall be planted, maintained or erected which would obstruct the vision of vehicular traffic on a corner lot within the triangular space formed by the street lines for a distance of 6.0 metres from their point of intersection.

4.27 TEMPORARY USES

4.27.1 Notwithstanding any other provisions of this By-law, uses such as a construction camp or other such temporary work camp, tool shed, scaffold, sign or other building or structure incidental to the construction, shall be permitted provided that:

- (a) Any sign which is erected does not exceed 3.0 square metres in area; and,
- (b) Such uses, buildings or structures are used only as long as same are necessary for work in progress which has neither been finished nor abandoned; and,
- (c) Such uses, buildings or structures are removed when the work in connection with which they were constructed is terminated; and,
- (d) Abandoned in this Section shall mean the failure to proceed expeditiously with the construction of a work.

4.28 THROUGH LOTS

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

4.29 STORING OF SPECIAL VEHICLES

- 4.29.1 No person shall use any lot in any Zone for the purpose of parking or storing a camper trailer, *travel trailer*, motor home, utility trailer, or boat except in accordance with the provisions of this section or as provided elsewhere in this By-law.
- 4.29.2 In a Rural or Agricultural Zone, the parking or outside storage of a camper trailer, *travel trailer*, a motor home, a utility trailer, a boat is permitted only where such use:
- i) is accessory to an existing permitted uses;
 - ii) is located in the rear or side yard and no closer than 1.0 metres to the lot lines; and,
 - iii) is limited to a maximum of one of each of either a camper trailer, *travel trailer*, a motor home, a utility trailer, or a boat and/or boat trailer.
 - iv) shall not be parking in the front yard with the exception of being permitted on a driveway, and shall have a 0.5 metre setback from the front lot line
- 4.29.3 In a Residential Zone and Development Zone, the parking or outside storage of a camper trailer, a motor home, *travel trailer*, utility trailer, a boat is permitted only where such use:
- i) is accessory to an existing residential use;
 - ii) is located in the rear or interior side yard and no closer than 1.0 metres to the lot lines;
 - iii) is limited to a maximum of one each of either a camper trailer, a motor home, *travel trailer*, utility trailer, or a boat.
 - iv) Such camper trailer, motor home, *travel trailer*, utility trailer, boat shall not exceed 9.5 metres in length over all exclusive of the hitch or tongue and 3.5 metres in width. In the case of a boat, the length shall not exceed 9.0 metres or 3.0 metres in beam width;
 - v) shall not be parked or stored in the front yard with the exception of being permitted on a driveway, and shall have a 0.5 metre setback from the front lot line.
- 4.29.4 The provisions of Subsection 4.29.3 shall also apply to an accessory residential use in a Non-Residential Zone.
- 4.29.5 Notwithstanding Subsection 4.29.3, in a Multiple Residential "R3"

Zone, the parking or storing of a camper trailer, *travel trailer*, a motor home, a utility trailer, or boat is only permitted within a fully enclosed building, unless such property is being used for a single detached dwelling.

4.29.6 In all Zones, human habitation is prohibited in a *travel trailer*, *utility trailer*, a boat, camper trailer or motor home unless otherwise permitted.

4.29.7 Notwithstanding the preceding subsections, the limitations imposed therein shall not restrict the number of camper trailers, *travel trailer*, motor homes, *utility trailers*, or boat that are fully enclosed within a private garage.

4.29.8 Notwithstanding the preceding subsections, the parking or storage of a *travel trailer*, a camper trailer, or a motor home may be permitted in the front yard on a driveway of a *lot* in a Residential Zone from 1 April to 31 October of each calendar year.

A *utility trailer* not more than 5.5m in length inclusive of projections and attachments is permitted to be parked or stored in a driveway year round, and shall be setback 0.5 metres from the front lot line.

4.30 USE OF VACANT LANDS

No vacant lot shall be used for the purpose of the storage of motor vehicles, machinery or equipment, trailers or other similar objects which are not incidental to the expeditious construction of a building on such lot, and where not otherwise specifically permitted by the provisions of this By-law.

4.31 WATERFRONT LOTS

Notwithstanding any other provision in this By-law, no building or structure shall be located within 15.0 metres of the 178.0 metres G.S.C. elevation on a waterfront lot abutting Georgian Bay. In addition, openings to any building or structure on a waterfront lot abutting Georgian Bay shall be located no lower than 178.5 metres G.S.C. This provision shall not apply to detached non-habitable accessory buildings and structures or structural works required for flood and/or erosion control or sedimentation control. This provision shall not apply to decks and/or stairs attached to a main dwelling provided that the encroachment meets the applicable zone regulations for the required minimum Rear Yard.

4.32 TEMPORARY PLACEMENT OF PRE-FABRICATED SHIPPING CONTAINERS

Notwithstanding any other provision in this By-law, the temporary placement of one pre-fabricated shipping container is permitted per lot in a Residential Zone provided the pre-fabricated shipping container:

- a) Is located on the driveway;
- b) Is set back a minimum of 1.0 metre from any lot line;
- c) not be located in a daylight corner;
- d) Has a maximum height of 2.5 metres, or a maximum width of 2.5 metres or a maximum length of 6.1 metres;
- e) Not encroach onto a public sidewalk or municipal right-of-way;
- f) Is not located on the lot for more than 90 days in a calendar year;
- g) Shall not be used for human habitation.

4.33 TEMPORARY PLACEMENT OF REFUSE CONSTRUCTION BINS

Notwithstanding any other provision in this By-law, the temporary placement of one *Refuse Construction Bin* is permitted per lot in a Residential Zone provided the refuse construction bin is:

- a) Is located on the driveway;
- b) Is set back a minimum of 1.0 metre from any lot line;
- c) Shall not be located in a daylight corner,
- d) Shall not encroach onto a public sidewalk or municipal right-of-way
- e) Is not located on the lot for more than 90 days in a calendar year.
- f) Shall not exceed 6.0 metres in length or 2.4 metres width or 2.4 in height.

4.34 BREEZWAYS

Where a breezeway connects a private garage to the main building on the lot, forming part of the main building, the following criteria must be met:

- a) The breezeway is a roof structure that is structurally connected to both buildings;
- b) The minimum width of a breezeway shall be 1.8 metres to a maximum of 2.5 metres in width, which is measured from the outside of support posts;
- c) The maximum permitted height of a breezeway shall be 4.5 metres;
- d) The maximum length of a breezeway shall be 9.0 metres.

SECTION 5 - PARKING AND LOADING REQUIREMENTS

5.1 GENERAL PARKING REGULATIONS

- 5.1.1 Parking areas are required under the By-law in accordance with the following provisions:
- 5.1.2 Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick or file, cinders, asphalt, concrete, Portland cement binder, or like material, and with provisions for drainage facilities.
- 5.1.3 Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 9 metres above the established grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent properties.
- 5.1.4 When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.
- 5.1.5 Where the calculation of the required number of parking spaces results in a fraction, one full parking space shall be provided to represent that fraction.
- 5.1.6 A parking space shall have a minimum length of 5.5 metres and a minimum width of 2.5 metres.
- 5.1.7 Minimum aisle width in parking lots shall be calculated as follows:
- (a) Where parking spaces have an angle of 30 degrees or less, the minimum aisle width shall be 4.0 metres;
 - (b) Where parking spaces have an angle of equal to or greater than 30 degrees and less than 50 degrees, the minimum aisle width shall be 5.0 metres;
 - (c) Where parking spaces have an angle of equal to or greater than 50 degrees and less than 70 degrees, the minimum aisle width shall be 5.5 metres;

- (d) Where parking spaces have an angle of equal to or greater than 70 degrees and less than 90 degrees, the minimum aisle width shall be 7.0 metres.

5.2 SPECIFIC PARKING REGULATIONS

- 5.2.1 Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback as follows:
 - (a) In the Rural Zone, all yards, provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any street line.
 - (b) In the Residential Zones, all yards, except in the required front and exterior side yard wherein parking shall be limited to a properly surfaced driveway where the width of such driveway does not exceed 35 percent of the width of the lot or 6.0 metres, whichever is greater, except in the case of a townhouse or street townhouse, where the maximum driveway width shall not exceed 3 metres.
 - (c) In the Institutional and Commercial Zones, all yards, provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any street line.
 - (d) In the Industrial Zones, interior side and rear yards only, except for visitor parking provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any street line.
- 5.2.2 The parking area shall be provided and maintained on the same lot or parcel as the building which it is intended to serve or the use for which it is required.
- 5.2.3 Where the owner of a commercial building or structure in a C1, C2 or MU Zone proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such spaces and areas shall be located not more than 150 metres from the said lot and shall be located within the same Zone as the said lot. Notwithstanding the above, where a residential use is permitted in a C1, C2 or MU Zone, the required parking spaces shall be located on the same lot with the residential use, and restricted for the use of the residential occupants only.
- 5.2.4 A strip of land 2.5 metres in width, abutting the entire length of the lot line shall be provided as follows:

- (a) Along the lot line which is the boundary between a Commercial or Industrial Zone and a Residential Zone, or
- (b) Along the lot line of a parking area of an Institutional Zone, which is adjacent to a Residential Zone, or
- (c) Along the lot line of a parking area which abuts a street.

The 2.5 metre wide area shall be used for no other purpose than for sodding and/or planting except for the areas that are to be used for ingress and egress to the street. Such a 2.5 metre wide strip shall be located in the Commercial Zone or Industrial Zone in (a) and the parking areas in (b) and (c).

5.2.5 No person shall use any lot, or part thereof, in any Residential Zone for the parking or storing of a commercial motor vehicle, except for a maximum of one (1) commercial motor vehicle per lot, that may be enclosed or unenclosed, which shall be owned or operated by the occupant of the said lot and shall meet the following provisions:

- a) the commercial motor vehicle and any attached equipment does not exceed a height of 2.2 metres above the ground surface on which it is located;
- b) the commercial motor vehicle does not exceed a length of 6.4 metres measured from front bumper to rear bumper; and,

In addition to the above provisions, in the case where the commercial motor vehicle is parked or stored unenclosed on the lot, the commercial motor vehicle shall be parked or stored within a front yard on a properly surfaced driveway.

5.2.6 A parking area shall have at least one entrance and one exit provided from or onto a street or land adjoining or extending through the Zone in which the parking area is situated.

5.2.7 A parking area shall be provided for Commercial and Industrial Zones with a means of access or driveway at least 5.5 metres wide but not exceeding 7.5 metres in width measured perpendicular to the centre line of driveway, unless the driveway is a joining ingress and egress driveway, in which case the width shall be a minimum of 7.5 metres and a maximum of 11 metres.

5.2.8 The distance between the nearest side of a driveway and the side lot line of a property, not at an intersection, shall be at least one metre.

- 5.2.9 Where in this By-law parking facilities are required for other than buildings or sites being used for single family detached dwellings, duplex dwellings, semi-detached dwellings, triplex dwellings, fourplex dwelling, townhouse dwellings, or converted apartment dwellings, the following provisions shall apply:
- (a) The parking area shall have visible boundaries.
 - (b) Each parking space in the parking area shall be clearly marked.
 - (c) Ingress and egress, to and from the required parking spaces and parking areas shall be provided by maintained driveways with a minimum width of 4 metres.
 - (d) The minimum angle of intersection between a driveway and a street or road shall be 60 degrees.
 - (e) Every lot or parcel shall be limited to the following number of driveways:
 - (1) up to the first 30 metres of frontage
 - not more than 2 driveways; and
 - (2) for each addition 30 metres of frontage
 - not more than one additional driveway; and,
 - not more than 2 driveways.
- 5.2.10 Any area where off-street parking is required under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid license plates except where on site unlicensed vehicles are considered incidental to the permitted use.
- 5.2.11 Accessible Parking Regulations
- 5.2.11.1 Every owner or operator of a parking area shall provide designated parking spaces for the exclusive use of vehicles operated by or conveying an accessible parking permit holder upon whose vehicles shall be properly displayed an accessible parking permit as issued by the Province of Ontario. The minimum number of designated parking spaces that must be provided shall equal one accessible parking space required for any parking area required to have 11 or more parking spaces and that one additional accessible parking space be required for every 100 parking spaces thereafter.
- 5.2.11.2 Accessible parking space shall have a minimum length of 5.5 metres and a minimum width of 4.6 metres and shall be hard surfaced.

5.2.11.3 Accessible parking space shall be located in proximity to the building entrances and accessible ramps, walkways and elevators.

5.2.11.4 Accessible parking spaces shall be identified by signs conforming to the requirements of the Ontario regulation made under the Highway Traffic Act.

5.3 PARKING REQUIREMENTS BY USE

For every building or structure to be erected or enlarged in any Zone, off-street parking shall be provided and maintained in accordance with the following provisions:

5.3.1 Apartment House Dwelling

1.25 spaces per dwelling unit plus one visitor space for every 4 dwelling units.

5.3.2 Assembly Hall and Educational Institution

One space for every 20 square metres of gross floor area, with a minimum of two spaces being provided.

5.3.3 Business or Professional Office

One space for every 18 square metres of gross floor area, with a minimum of two spaces being provided.

5.3.4 Commercial Uses Not Specifically Listed

One space for every 20 square metres of gross floor area, with a minimum of two spaces being provided.

5.3.5 Day Care Facility

One space for every 20 square metres of gross floor area, with a minimum of two spaces being provided.

5.3.6 Restaurant

One space per 10 square metres of gross floor area; or one space for every four persons to be accommodated according to the maximum permitted capacity.

5.3.7 Fire Station or Police Station

One space for every 28 square metres of floor area.

5.3.8 Garden Suite

One space per bedroom to a maximum of two spaces.

5.3.9 Government Administration Office

One parking space for every four employees plus five visitors' parking spaces.

5.3.10 Group Homes

see "Senior Citizens Homes and Group Homes"

5.3.11 Hospital

The greater of one (1) space for each two beds or each 40 square metres of gross floor area.

5.3.12 Hotel, Motel and Other Commercial Establishments Providing Accommodations

One space per guest room plus one space for every 10 square metres of gross floor area devoted to public use.

5.3.13 Industrial Uses other than those Specified

One space for every 40 square metres of gross floor area.

5.3.14 Library

One space for every 46 square metres of gross floor area.

5.3.15 Low-Rise Apartment Dwelling

1.25 spaces per dwelling unit plus 1 (one) visitor space for every 4 dwelling units

5.3.16 Marina

1.5 spaces per boat slip.

5.3.17 Medical, Dental, Drugless Practitioners, Clinics

One space for every 20 square metres of gross floor area.

5.3.18 Motel

see "Hotel, Motel and other Commercial Establishments Providing Accommodations"

5.3.19 Nursing Homes

The greater of one space for every two beds or each 40 square metres of gross floor area.

5.3.20 Other Residential Dwellings not specifically listed in this Section

One space per dwelling unit.

5.3.21 Place of Entertainment

The greater of one space for every 10 square metres of gross floor area or one space for every six persons to be accommodated.

5.3.22 Place of Worship

The greater of one space for every 8 seats or one space for every six metres of bench space.

5.3.23 Recreational Uses

One space for every 10 square metres of gross floor area.

5.3.24 Repair Shop

One space for every 27.5 square metres of floor space, with a minimum of two spaces being provided.

5.3.25 Retail Store

One space per 27.5 square metres of gross floor area, with a minimum of two parking spaces being provided.

5.3.26 School, Elementary

1.5 spaces per classroom plus one bus space for every eight classrooms.

5.3.27 School, Secondary

One space per 8 students enrolled and one bus space for every three classrooms.

5.3.28 Senior Citizens Homes and Group Homes

One space per 27.5 square metres of gross floor area, with a minimum of two spaces being provided.

5.3.29 Single Detached Dwelling

One space per dwelling unit.

5.3.30 Trailer Park or Camping Lot

One space per tent or trailer space.

5.3.31 Undertaking Establishment

One space for every 20 square metres of gross floor area.

5.4 LOADING STANDARDS5.4.1 Loading Spaces

No person shall erect or use any building or structure in any Zone for any commercial or industrial purpose involving the movement of goods or persons unless loading spaces are provided and maintained in accordance with the following provisions:

AREA OF BUILDING	LOADING SPACE
300 square metres or less	1 space
exceeding 300 square metres but not 2,300 square metres	2 spaces
exceeding 2,300 square metres but not 7,400 square metres	3 spaces
exceeding 7,400 square metres	3 spaces plus 1 additional space for each additional 9,300 square metres of

fractional part therefore in
excess of 7,400 square
metres

There shall be sufficient driveway space to permit maneuvering vehicles on the lot so that they do not cause an obstruction or a hazard condition on adjacent streets.

5.4.2 Loading Space - Size

A loading space shall be a minimum of 9 metres in length and 3.5 metres in width, and shall have a vertical clearance of at least 4.2 metres.

5.4.3 Loading Space - Provisions

Where in this By-law loading spaces are required or permitted:

- (a) Drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality; and
- (b) The loading space and approaches shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and
- (c) The lights used for illumination of the loading space shall be so placed as to divert the light away from adjacent residential uses; and
- (d) A strip of land not less than 3.0 metres wide, lying within the lot in which the loading space is located, and along all boundaries of said area shall be used for landscaping and fencing excluding those areas used as entrances and exits; and
- (e) Where the lot has access at both the front and the rear to a road or lane, said loading spaces shall be located in the rear yard.

SECTION 6 - USE ZONES AND BOUNDARIES

6.1 USE ZONES

For the purposes of this By-law, the Township of Tay is hereby divided into the following use Zones:

SECTION NUMBER	SECTION HEADING
7.	Village Residential "R1"
8.	Village Residential "R2"
9.	Village Residential-Special "R2-S"
10.	Multiple Residential "R3"
11.	Residential Estate "RE"
12.	Shoreline Residential "SR"
13.	Limited Service Residential (LSR)
14.	Residential Mobile Home Park "RMH"
15.	Recreational Trailer Park "RTP"
16.	Village Commercial "C1"
17.	Neighbourhood Commercial "C2"
18.	Tourist Accommodation Commercial "C3"
19.	Service Commercial "C4"
20.	Rural Commercial "C5"
21.	Marine Commercial "C6"
22.	General Industrial "M1"
23.	Prestige Industrial "M2"
24.	Mineral Aggregate Resources "MAR"
25.	Agricultural "A"
26.	Rural "RU"
27.	Institutional "I"
28.	Environmental Protection "EP"
29.	Open Space "OS"
30.	Lake Side "LS"
31.	Future Development "D"
32.	Mixed Use "MU"

SECTION 7 - VILLAGE RESIDENTIAL "R1" ZONE

7.1 GENERAL PROHIBITION

Within a Residential "R1" Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsection 3, 4, and 5 of this Section.

7.2 USES PERMITTED

Dwelling unit, Accessory
 Bed and breakfast establishment
 Home occupation
 Dwelling, Single Detached

7.3 ZONE REGULATIONS

7.3.1 Single Detached Dwelling

(a)	Minimum Lot Area	2000 m ²
(b)	Minimum Lot Frontage	30 metres
(c)	Minimum Required Yards	
	(i) Front Yard	7.5 metres
	(ii) Rear Yard	7.5 metres
	(iii) Interior Side Yard	3 metres
	(iv) Exterior Side Yard	4.5 metres
(d)	Maximum Lot Coverage	35%
(e)	Maximum Building Height	11 metres
(f)	Minimum Gross Floor Area	55.74 m ²

7.4 ZONE EXCEPTIONS

7.4.1 R1-1 Zone

Notwithstanding the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the minimum lot area and lot frontage for lands within the R1-1 Zone shall be 0.34 hectares and 35 metres respectively.

7.4.2 R1-2 Zone

Notwithstanding the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the minimum area and frontage for lands within the R1-2 Zone shall be 0.41 hectares and 35 metres respectively.

7.4.3 R1-3 Zone

Notwithstanding the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the minimum lot area and lot frontage for lands zoned "R1-3" shall be 0.69 hectares and 50 metres respectively, with the exception of Lot 1, Registered Plan 51M-665. For Lot 1 the minimum frontage and area requirements shall be 45.9 metres and 0.68 hectares respectively. As well, for those lands within the "R1-3" Zone, the calculation of lot area may include lands within the Environmental Protection "EP" Zone.

7.4.4 R1-4 Zone

Notwithstanding the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the minimum lot area and lot frontage for those lands zoned "R1-4" shall be 0.80 hectares and 50 metres respectively, with the exception of Lots 46, 87 and 90 on Registered Plan 51M-665. For Lots 46, 87, and 90 the minimum frontage and/or area requirements shall be 20.15 metres and 0.42 hectares, 42.6 metres, and 0.39 hectares respectively. As well, for those lands zoned within the "R1-4" Zone, the calculation of lot area may include lands within the Environmental Protection "EP" Zone.

7.4.5 R1-5 Zone

Notwithstanding the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the minimum lot area and frontage for those lands zoned "R1-5" shall be 0.3 hectares and 35 metres respectively,

with the exception of Lot 94 on Registered Plan 51M-665. For Lot 94 the minimum frontage requirement shall be 31.80 metres.

7.4.6 R1-6 Zone

Notwithstanding the permitted uses of the Residential "R1" Zone, the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the permitted uses, minimum lot or block area and lot or block frontage and other provisions for those lands zoned "R1-6" shall be 0.8 hectares and 35 metres respectively, with the exception of lots 67, 69, and 70 on Registered Plan 51M-665. For lot 67 the minimum frontage shall be 32.3 metres and for lots 69 and 70, Registered Plan 51M-665 the minimum area shall be 0.69 and 0.42 hectares respectively.

7.4.7 R1-7 Zone

Notwithstanding the minimum lot area and lot frontage provisions of the Residential "R1" Zone, the minimum lot area and lot frontage for lands zone "R1-7" shall be 0.8 hectares and 10 metres respectively. As well, for those lands zoned "R1-7", the calculation of lot area may include lands within the Environmental Protection "EP" Zone.

7.4.8 R1-8 Zone

Notwithstanding the permitted uses and Zone regulations of the Residential "R1" Zone, one accessory boathouse may be permitted on those lands zoned "R1-8" subject to the following provisions:

- (a) The boathouse is accessory to a main dwelling use located no greater than 30 metres from the lot within the "R1-8" Zone.
- (b) No living or habitation space shall be permitted.
- (c) Minimum Side Yard shall be 1.22 metres and the Minimum Rear Yard shall be 3.0 metres.
- (d) Maximum Coverage shall be 20%.
- (e) No permit for a boathouse shall be issued where shoreline alterations are proposed unless accompanied by a Work Permit from the appropriate Ministry or Agency.

7.4.9 R1-9 Zone

Notwithstanding the provisions of Section 7.3.1 (a) and (b), for those lands described as 46 Hazel Street and zoned “R1-9”, the minimum frontage and minimum area shall be 21 metres and 180 square metres respectively.

SECTION 8 - VILLAGE RESIDENTIAL "R2" ZONE

8.1 GENERAL PROHIBITION

Within a Residential "R2" Zone, no person shall use any land, erect alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and in accordance with the regulations contained or referred to in Subsections 3 and 4 of this Section.

No person shall erect or use any building or structure on any lot in a Village Residential "R2" Zone unless such lot is serviced by a municipal piped water supply and sanitary sewer system.

8.2 USES PERMITTED

Dwelling unit, Accessory
 Bed and breakfast establishment
 Home occupation
 Single detached dwelling
 Semi-detached dwelling

8.3 ZONE REGULATIONS

8.3.1 Single Detached Dwelling

(a)	Minimum Lot Area	557 square metres
(b)	Minimum Lot Frontage	18 metres
(c)	Maximum Lot Coverage	35%
(d)	Minimum Required Yard	
	(i) Front	7.5 metres
	(ii) Interior Side	1.2 metres
	(iii) Exterior Side	4.5 metres
	(iv) Rear	7.5 metres
(e)	Maximum Height of Building	9 metres
(f)	Minimum Gross Floor Area	55.74 m ²

8.3.2 Semi-Detached Dwelling

(a)	Minimum Lot Area	320 m ² per dwelling
(b)	Minimum Lot Frontage	9.0 m per dwelling unit
(c)	Maximum Lot Coverage	40%
(d)	Minimum Required Yard	
	(i) Front	7.5 metres
	(ii) Interior Side	1.2 metres exposed end wall, 0 metres vertical common wall
	(iii) Exterior Side	4.5 metres
	(iv) Rear	7.5 metres
(e)	Maximum Height of Building	9 metres
(f)	Minimum Gross Floor Area	80 m ² per dwelling unit

8.4 ZONE EXCEPTIONS

8.4.1 R2-1 Zone

Notwithstanding the provisions of By-law, lands within the “R2-1” Zone may be used to construct a garage and/or a non-habitable accessory structure, provided all required setbacks of the “R2” Zone are met and the main dwelling use is located no greater than 30 metres from the lot within the “R2-1” Zone.

8.4.2 R2-2 Zone

Notwithstanding the provisions of Section 8.3.1, for those lands zoned “R2-2”, the minimum frontage shall be 15 metres and the minimum lot area shall be 525 square metres.

8.4.3 R2-3 Zone

Notwithstanding the provisions of Section 8.3, the minimum required front yard shall be 6 metres and the minimum required rear yard shall be 15 metres for the lands zoned “R2-3”.

8.4.4 R2-4 Zone

Notwithstanding the provisions of Section 4.5, the lands zoned “R2-4” may be used in accordance with the provisions of Section 8.

8.4.5 R2-5 Zone

Notwithstanding the provisions of Section 8.3.1, for those lands zoned “R2-5”, the minimum lot area shall be 525 square metres, the minimum lot frontage shall be 15.0 metres and the maximum lot coverage shall be 33%.

8.4.6 R2-6 Zone

Notwithstanding Sections 8.3, the following provisions shall apply to those lands Zoned “R2-6”:

Minimum Lot Area	608 square metres
Minimum Lot Frontage	16 metres
Maximum Lot Coverage	33%

8.4.7 R2-7 Zone

Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply to lands Zoned “R2-7”;

Minimum Lot Frontage	15.00 metres
Exterior Side Yard	8.0 metres
Maximum Lot Coverage	35%
Minimum Ground Floor Area	
1 Storey	85 m ²
1.5 Storey	55 m ²
2 Storey	55 m ²
Maximum Height of Building	11 metres

8.4.8 R2-10 Zone

Notwithstanding the provisions of Section 4.1.7 (c) and 8.4.1, for those lands zoned “R2-10”, the minimum lot area shall be 600 square metres, the minimum rear yard shall be 9.5 metres, the maximum coverage shall be 40%, and the minimum rear yard for an accessory structure shall be 0.25 metres.

8.4.9 R2-11 Zone

In addition to the uses of Subsection 8.2, a duplex dwelling is also permitted.

8.4.10 R2-12 Zone

Notwithstanding anything to the contrary the following zone regulations apply:

(a) Minimum Lot Area	500 square meters
(b) Minimum Lot Frontage	15 meters
(c) Maximum Lot Coverage	35%
(d) Maximum Lot Coverage	40% for a bungalow
(e) Minimum Required Yard	
i. Front Yard	6 meters
ii. Interior Side	1.2 meters
iii. Exterior Side	4.5 meters
iv. Rear Yard	8 meters
v. Rear Yard	11 meters for lots having more than 35% lot coverage
(f) Maximum Height of Building	9 meters
(g) Minimum Gross Floor Area	93 m ²

8.4.11 R2-13 Zone

Notwithstanding the provisions contained in Section 8.4.1 (a) and (b) of this By-law, the following provisions shall apply to lands zoned “R2-13”

Minimum Lot Area	890 square metres
Minimum Lot Frontage	16.5 metres

8.4.12 R2-14 Zone

Notwithstanding any other provisions of this By-law to the contrary, a home occupation use, specifically a craft shop, shall be a permitted use on the lands zoned as “R2-14”. The home occupation use shall be limited to the existing garage, which consists of approximately 31.3 square metres. In addition, the minimum required exterior side yard requirement for the lands zoned as “R2-14” shall be 2.43 metres.

8.4.13 R2-15 Zone

Notwithstanding any other provisions of this By-law to the contrary, two single detached dwellings may be located on those lands zoned “R2-15”.

8.4.14 R2-16 Zone

8.4.14.1 Nothing in Section 8.3 shall prevent the erection of a single detached dwelling on any lot on those lands zoned as “R2-16” provided that the following requirements are complied with:

(a) Minimum Lot Frontage	15 metres
(b) Minimum Lot Area	464 square metres
(c) Minimum Front Yard	7.5 metres
(d) Minimum Rear Yard	7.5 metres
(e) Minimum Exterior Side Yard	4.5 metres
(f) Minimum Interior Side Yard	1.2 metres
(g) Minimum Gross Floor Area	83.5 square metres
(h) Maximum Lot Coverage	30%
(i) Maximum Height of Building	7 metres

8.4.14.2 The R2-16 Zone shall only permit a single detached dwelling. A Bed and Breakfast establishment is not permitted.

Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the effluent load of the replacement or addition, and such dwelling unit shall be connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

8.4.15 R2-18 Zone

Notwithstanding the provisions of the R2 Zone, the following provisions apply to lands zoned R2-18:

a) General Prohibitions

Within a Village Residential "R2-18" Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained or referred to in Subsections 2 and 3 of this Section.

(b) Uses Permitted

- Single detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Triplex dwelling
- Townhouse dwelling
- Low-rise or apartment dwelling
- Public park or private recreation area

(c) Zone Regulations

<i>Minimum lot area for single detached dwelling unit</i>	370 square metres
<i>Minimum lot area requirement for semi-</i>	Determined by multiplying

<i>detached, townhouses</i>	the number of units by 220 square metres
<i>Minimum lot area for duplex, triplex, low rise apartment dwelling</i>	Determined by multiplying number of units by 185 square metres.

<i>Minimum Yards</i>	1 Storey Building	2 Storey Building	3 or More Storeys
Front Yard	3 metres	5 metres	8 metres
Rear Yard	3 metres	5 metres	8 metres
Interior Side Yard	1.22 metres	1.8 metres	5 metres
Exterior Side Yard	3 metres	5 metres	5 metres

Minimum Floor Area Per Dwelling Unit 85 square metres

Maximum Building Height 11 metres

Buffering

Where any multiple dwelling is located adjacent to a single dwelling unit, a 1 metre planting strip shall be required.

Sewage Treatment Plant Set Back

No residential dwellings shall be located within 150 metres of the expanded and upgraded Port McNicoll Sewage Treatment Plant.

Environmental Setback

Notwithstanding any other provision of this by-law, the setback for defining the line between the Environmental Protection "EP-2" Zone and the Village Residential "R2-18(H)" Zone shall be established at 15 metres from the shoreline for the area presently zoned in the Environmental Protection "EP-2" Zone located on Hogg Bay to the west of the "Special Study Holding Area D-1 Zone". In certain instances where the top of the existing railway embankment is less than 15 metres, the top of the existing railway embankment shall be used as the setback from the shoreline.

Open Space

In each development phase respecting those lands zoned in the “R2-18” Zone, a minimum of 5% of the land area shall be provided for public or private recreational use.

8.4.16 R2-19 Zone

Notwithstanding subsection 8.3 for those lands zoned “R2-19” the following provisions shall apply:

(a)	Minimum Lot Area	695 square metres
(b)	Minimum Lot Frontage	15 metres
(c)	Minimum Yards	
	(i) Front Yard	8 metres
	(ii) Rear Yard	8 metres
	(iii) Interior Side Yard	1.2 metres
	(iv) Exterior Side Yard	8 metres
(d)	Maximum Lot Coverage	35%
(e)	Maximum Building Height	9 metres

8.4.17 R2-20 Zone

In addition to the uses of Subsection 8.2, a semi-detached dwelling is also permitted.

8.4.18 R2-21 Zone

Notwithstanding the General Provisions of Subsections 4.5.1 “Frontage on a Public Street” and 8.1 “General Prohibition” regarding servicing by municipal piped water supply and sanitary sewer system, on lands zoned “R2-21” an existing single detached dwelling may be used in accordance with the provisions of Section 8 Village Residential “R2”.

8.4.19 R2-22 Zone

Notwithstanding the provisions of subsection 8.3, for those lands zoned “R2-22”, the following provisions shall apply:

(a)	Minimum Lot Area	370 square metres
(b)	Minimum Lot Frontage	12 metres
(c)	Minimum Yards	
	(i) Front Yard	6 metres
	(ii) Rear Yard	8 metres
	(iii) Interior Side Yard	1.22 metres
	(iv) Exterior Side Yard	5 metres
(d)	Maximum Lot coverage	30%
(e)	Maximum Height of Building	9 metres

8.4.20 R2-23 Zone

Notwithstanding the Zone Regulations of subsection 8.3.1 “Village Residential, Zone Exceptions, Single Detached Dwelling” the following regulations apply:

- | | | |
|----|-----------------------|-------------------|
| a) | Minimum Lot Area | 438 square metres |
| b) | Minimum Lot Frontage | 12.19 metres |
| c) | Maximum Lot Coverage | 35% |
| d) | Minimum Required Yard | |
| | i) Front | 4.5 metres |
| | ii) Interior Side | 1.0 metres |
| | iii) Rear | 7.5 metres |

8.4.21 R2-24 Zone

In addition to the Zone Provisions of Subsection 8.3; notwithstanding the General Provision, Frontage on an Improved Street of Subsection 4.5.1; and, the Zone Provision, Minimum Lot Frontage of Subsection 8.3.1(b) of this By-law, for those lands zoned “R2-24”, frontage on a public street is not required; the minimum lot frontage shall be 17.6 metres; and, not more than one single detached dwelling shall be permitted within the zone.

8.4.22 R2-25 Zone

Notwithstanding the Zone Provisions of Subsections 8.3.1 (b) “Village Residential “R2” Zone, Zone Regulations, Single Detached Dwelling, the minimum lot frontage shall be 15 metres and notwithstanding subsection 8.3.1 (d) as it relates to the rear yard, the minimum rear yard shall be 30 metres.

8.4.23 R2-26 Zone

8.4.23.1 Nothing in Section 8.3 shall prevent the erection of a single detached dwelling on any lot on those lands zoned as “R2-26” provided that the following requirements are complied with:

- | | | |
|-----|----------------------------|--------------------|
| (a) | Minimum Lot Frontage | 15 metres |
| (b) | Minimum Lot Area | 464 square metres |
| (c) | Minimum Front Yard | 7.5 metres |
| (d) | Minimum Rear Yard | 7.5 metres |
| (e) | Minimum Exterior Side Yard | 4.5 metres |
| (f) | Minimum Interior Side Yard | 1.2 metres |
| (g) | Minimum Gross Floor Area | 83.5 square metres |
| (h) | Maximum Lot Coverage | 35% |

- | | |
|--------------------------------|----------|
| (i) Maximum Height of Building | 7 metres |
|--------------------------------|----------|

8.4.23.2 The R2-26 Zone shall only permit a single detached dwelling. A Bed and Breakfast establishment is not permitted.

Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the effluent load of the replacement or addition, and such dwelling unit shall be connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

8.4.24 R2-27 Zone

Notwithstanding the provisions of subsections 4.1.8(c), 4.5, 4.31 and 8.3 of this By-law to the contrary, for those lands zoned Village Residential 2 Exception 27 “R2-27”, the following provisions shall apply:

8.4.24.1 Permitted Uses

- (a) A maximum of 60 units of single detached dwellings within a Vacant Land Condominium.

8.4.24.2 Zone Regulations

- | | |
|---|-------------------|
| (a) Minimum Lot Area | 510 square metres |
| (b) Minimum Lot Frontage | 14.0 metres |
| (c) Maximum Lot Coverage | 35 % |
| (d) Minimum Required Yards for a single detached dwelling | |
| (i) Front | 6.0 metres |
| (ii) Interior Side | 1.8 metres |
| (iii) Exterior Side | 3.0 metres |
| (iv) Rear yard for Units 1-38 | 2.9 metres |
| (v) Rear yard for Units 42 and 59 | 7.6 metres |

(vi)	Rear yard for Unit 60	9.0 metres
(vii)	Rear yard for Units 40, 41, and 43-58	15.0 metres
(e)	Minimum Required Yards for an accessory building	
(i)	Front	6.0 metres
(ii)	Interior Side	1.0 metre
(iii)	Exterior Side	3.0 metres
(iv)	Rear yard for Units 1-38	1.0 metre
(v)	Rear yard for Units 42 and 59	7.6 metres
(vi)	Rear yard for Unit 60	9.0 metres
(vii)	Rear yard for Units 40, 41, and 43-58	15.0 metres
(f)	Maximum Building Height for a single detached dwelling	10.0 metres
(g)	Maximum absolute height of an architectural feature not exceeding 33% of roof area for a single detached dwelling	13.4 metres
(h)	Minimum Gross Floor Area for a single detached dwelling	93.0 sq metres
(i)	Minimum opening elevation for a single detached dwelling	178.9 metres G.S.C.

8.4.25 R2-28 Zone

All of the provisions and permitted uses of the R2-27 Zone apply to the R2-28 Zone with the exception of Subsections 8.4.27.2 (d), (e) and (i) and notwithstanding the provisions of Subsections 4.1.6 and 4.1.11, the following provisions apply:

8.4.25.1 Permitted Uses

- (a) A maximum of one single detached dwelling
- (b) A maximum of one dwelling unit in an accessory building

8.4.25.2 Zone Regulations

- (a) Minimum Required Yards for a single detached dwelling
 - (i) Front 6.0 metres
 - (ii) Interior Side East/Harbour 2.9 metres
 - (iii) Interior Side West 8.0 metres
 - (iv) Rear yard 20 metres
- (b) Minimum Required Yards for an accessory building:
 - (i) Front 6.0 metres
 - (ii) Interior East Side/Harbour 1.0 metre
 - (iii) Interior West Side 8.0 metres
 - (iv) Rear yard 1.0 metre
- (c) Maximum Height for an accessory building 6.6 metres
- (d) Maximum absolute height of an architectural feature not exceeding 33% of roof area for an accessory building 10.4 metres

- | | | |
|-----|---|---------------------|
| (e) | Minimum opening elevation of a single detached dwelling and a dwelling in an accessory building | 179.2 metres G.S.C. |
| (f) | Maximum height fences along front lot line and side lot line | 2.1 metres |

8.4.26 R2-29 Zone

8.4.26.1 Nothing in Section 8.3 shall prevent the erection of a single detached dwelling on any lot on those lands zoned as “R2-29” provided that the following requirements are complied with:

- | | | |
|-----|----------------------------|--------------------|
| (a) | Minimum Lot Frontage | 15 metres |
| (b) | Minimum Lot Area | 464 square metres |
| (c) | Minimum Front Yard | 7.5 metres |
| (d) | Minimum Rear Yard | 7.5 metres |
| (e) | Minimum Exterior Side Yard | 4.5 metres |
| (f) | Minimum Interior Side Yard | 1.2 metres |
| (g) | Minimum Gross Floor Area | 83.5 square metres |
| (h) | Maximum Lot Coverage | 30% |
| (i) | Maximum Height of Building | 7 metres |

8.4.26.2 The R2-29 Zone shall only permit a single detached dwelling. A Bed and Breakfast establishment is not permitted.

Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the effluent load of the replacement or addition, and such dwelling unit shall be connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

8.4.27 R2-30 Zone

8.4.27.1 Nothing in Section 8.3 shall prevent the erection of a single detached dwelling on any lot on those lands zoned as “R2-30” provided that the following requirements are complied with:

(a)	Minimum Lot Frontage	15 metres
(b)	Minimum Lot Area	464 square metres
(c)	Minimum Front Yard	7.5 metres
(d)	Minimum Rear Yard	7.5 metres
(e)	Minimum Exterior Side Yard	4.5 metres
(f)	Minimum Interior Side Yard	1.2 metres
(g)	Minimum Gross Floor Area	83.5 square metres
(h)	Maximum Lot Coverage	30%
(i)	Maximum Height of Building	7 metres

8.4.27.2 The R2-30 Zone shall only permit a single detached dwelling. A Bed and Breakfast establishment is not permitted.

Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the effluent load of the replacement or addition, and such dwelling unit shall be connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

8.5.28 R2-31 Zone

Notwithstanding anything to the contrary the following zone regulations apply to those lands as shown on Schedule A:

a)	Minimum Lot Area	500 Square metres
b)	Minimum Lot Frontage	15 metres
c)	Maximum Lot Coverage	40%
d)	Minimum Required Yard:	

- | | | |
|------|---|------------------|
| i. | Front Yard | 6.0 metres |
| ii. | Interior Side | 1.2 metres |
| iii. | Exterior Yard | 4.5 metres |
| iv. | Rear Yard | 8.0 metres |
| e) | Maximum Height | 9.0 metres |
| f) | Minimum Gross Floor Area | 93 square metres |
| g) | That a maximum of 10 square metres of an unclosed porch not be included in the lot coverage | |

8.4.29 R2-32 Zone (By-law 2017-05)

Notwithstanding the provisions of subsection 8.4 the following zone regulations apply to those lands shown on Schedule A as amended:

- | | | |
|----|--|-------------|
| a) | Minimum Required Yard | |
| | a. Front Yard | 3.11 metres |
| | b. Exterior Side | 3.17 metres |
| | c. Maximum Height of Building | 10.0 metre |
| b) | That the Holding Symbol (H) shall not be removed until a Site Plan Agreement in accordance with Section 41 of the Planning Act is entered into with the Township of Tay and registered on title. | |

8.4.30 R2-33 Zone

Notwithstanding anything to the contrary the following zone regulations apply to those lands as shown on Schedule A:

- | | | |
|----|--|------------|
| a) | Minimum Require Yard: | |
| | a. Front Yard (Lots 10, 11, 14,18, 19, 43, 72, and 81) | 6.0 metres |
| | b. Front Yard (Lots 12, 13, 15 and 21 to 42) | 7.0 metres |
| | c. Exterior Yard | 4.5 metres |

8.4.31 R2-34 Zone

Notwithstanding Section 8.1, a Single Detached Dwelling is permitted with a private individual septic system.

8.4.32 R2-35 Zone

8.4.32.1 Notwithstanding Section 8.1, a Single Detached Dwelling is permitted on private services.

8.4.32.2 Zone Regulations:

Notwithstanding the Zone Regulations of subsection 8.3.1 "Village Residential Zone Exceptions," the following regulations apply:

- (a) Minimum Gross Floor Area for a single detached dwelling 23.0 m²
- (b) That a building permit shall not be issued until a Site Plan Agreement in accordance with Section 41 of the Planning Act is entered into with the Township of Tay and registered on title.

8.4.33 R2-36 Zone

8.4.33.1 Notwithstanding Section 8.1, a Single Detached Dwelling is permitted on private services (tertiary system By-law 2023-10 for Todd Lane)

8.4.33.2 Zone Regulations:

Notwithstanding the Zone Regulations of subsection 8.3.1 “Village Residential Zone Exceptions,” the following regulations apply:

- (a) That a building permit shall not be issued until a Site Plan Agreement in accordance with Section 41 of the Planning Act is entered into with the Township of Tay and registered on title.

8.4.34 R2-37 Zone

Notwithstanding the provisions of Section 8.1, a Single Detached Dwelling and Semi-Detached Dwelling subject to the following provisions:

- | | |
|--|--|
| a) Minimum Lot Frontage | 14.0 metres, measured along the front lot line |
| b) Minimum Required Front Yard | 50.0 metres |
| c) Minimum Required Yard abutting 314 William Street | 1.2 metres |
| d) Minimum Required Rear Yard | 7.5 metres |
| e) Maximum Height | 11.0 metres |

SECTION 9 – VILLAGE RESIDENTIAL - SPECIAL "R2-S" ZONE

9.1 GENERAL PROHIBITION

9.1.1 Within the Village Residential "R2S" Zone, no person shall use any land, erect alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained or referred to in Subsections 3 and 4 of this Section.

No person shall erect or use any building or structure on any lot in a Village Residential Special "R2S" Zone unless such lot is serviced by a Municipal piped water supply and sanitary sewer system.

9.2 USES PERMITTED

Dwelling unit, Accessory
Bed and breakfast establishment
Home occupation
Dwelling, Single detached

9.3 ZONE REGULATIONS

9.3.1 Single Detached Dwelling

(a)	Minimum Lot Area	500 square metres
(b)	Minimum Lot Frontage	15 metres
(c)	Maximum Lot Coverage	40%
(d)	Minimum Yard Requirements:	
	(i) Front	4.5 metres
	(ii) Interior Side	1.2 metres
	(iii) Exterior Side	4.5 metres
	(iv) Rear	7.5 metres
(e)	Maximum Height of Building	9 metres
(f)	Minimum Gross Floor Area	55.74 square metres

9.3.2 Garages

- (a) In no case shall the wall of an attached or detached garage facing the street be located closer than 1.0 metre to the front lot line than any other exterior wall or main entry feature or porch of the main building.
- (b) The maximum width of an attached or detached garage, measured from the inside walls shall be 7.0 metres.
- (c) The front exterior wall of the garage used for vehicular access shall be located no closer than 6.0 metres from the front lot line, or if such wall is facing the exterior lot line, 6.0 metres from the exterior lot line.

9.3.3 Porches and Stairs

Porches and stairs are permitted to encroach into the required front and/or exterior side yards, provided they are located no closer than 2.0 metres from the front or exterior lot line.

9.4 **ZONE EXCEPTIONS**

9.4.1 R2-S-1 Zone

Notwithstanding the regulations of Subsection 9.3.1(c) and (e) and 9.3.2(a), the maximum lot coverage shall be 35%; the maximum height of building shall be 9.5 metres; 9.3.2(b) shall not apply; and, notwithstanding subsection 9.3.2(a), in no case shall the wall of an attached or detached garage facing the street be located closer than 2.0 metres to the front lot line than any other exterior wall or main entry feature or porch of the main building.

9.4.2 R2-S-2 Zone

Notwithstanding the regulations of Subsection 9.3.1(c) and (e) and 9.3.2(a), the maximum lot coverage shall be 35%; the maximum height of building shall be 11.5 metres for a feature not exceeding 23.3 square metres and 9.5 metres hereafter; 9.3.2(b) shall not apply; and notwithstanding subsection 9.3.2(a), in no case shall the wall of an attached or detached garage facing the street be located closer than 2.0 metres to the front lot line than any other exterior wall or main entry feature or porch of the main building.

9.4.3 R2-S-3 Zone

Notwithstanding the regulations of Subsection 9.3.1(d)(i), 9.3.1(c) and (e), 9.3.2(a) and 9.3.3, the following regulations apply:

-
- (a) Minimum Front Yard 5.5 metres
 - (b) Porches and stairs are permitted to encroach into the required front yard, provided they are no closer than 3.0 metres from the front lot line, and no closer than 2.0 metres from the exterior side lot line.
 - (c) Maximum Lot Coverage 35%
 - (d) Maximum Building Height 11.5 metres for a feature not exceeding 23.3 square metres and 9.5 metres thereafter.
 - (e) In no case shall the wall of an attached or detached garage facing the street be located closer than 2.0 metres to the front lot line than any other exterior wall or main entry feature or porch of the main building.
 - (f) Subsection 9.3.2(b) shall not apply.

SECTION 10 - MULTIPLE RESIDENTIAL "R3" ZONE

10.1 GENERAL PROHIBITIONS

Within a Multiple Residential "R3" Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained or referred to in Subsections 3 and 4 of this Section

No person shall erect or use any building or structure on any lot in a Multiple Residential "R3" Zone unless such lot is serviced by a Municipal piped water supply and sanitary sewer system.

10.2 USES PERMITTED

Dwelling Unit, Accessory
 Apartment Building
 Bed and Breakfast Establishment
 Dwelling, Duplex
 Dwelling, Triplex
 Dwelling, Fourplex
 Home Occupation
 Dwelling, Low Rise Apartment
 Dwelling, Semi-detached
 Dwelling, Street Townhouse
 Dwelling, Townhouse
 Dwelling, Single Detached

10.3 ZONE REGULATIONS

10.3.1 Single Detached Dwellings and Duplex Dwellings

- | | |
|----------------------------|-----------|
| (a) Minimum Lot Area | 557 sq.m |
| (b) Minimum Lot Frontage | 18 metres |
| (c) Maximum Lot Coverage | 35% |
| (d) Minimum Required Yards | |

(i) Front	6 metres
(ii) Interior Side	1.2 metres
(iii) Exterior Side	5 metres
(iv) Rear	8 metres
(e) Maximum Height of Building	9 metres
(f) Minimum Gross Floor Area	
(i) Single Detached Dwelling	93 m ²
(ii) Duplex Dwelling	80 m ²

10.3.2 Triplex and fourplex dwelling

No person shall use any lot or erect, alter or use any building or structure for the purposes of a triplex or fourplex dwelling unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions.

(a) Minimum Lot Frontage	18.5 metres
(b) Minimum Lot Area	557 square metres
(c) Minimum Lot Coverage	35% of the lot area
	Minimum Required Yards
(d) Front Yard	6.0 metres
(e) Rear Yard	7.5 metres
(f) Interior Side Yard	5.0 metres on one side 3.0 m on other side.
(g) Minimum Exterior Side Yard	4.5 metres
(h) Minimum Dwelling Unit Area	65 square metres
(i) Minimum Landscaped Open Space	30% of the lot area
(j) Maximum Height Of Building	9.5 metres

10.3.3 Semi-Detached Dwellings

- (a) Minimum Lot Area **320 m² per dwelling unit**
- (b) Minimum Lot Frontage **10.5 m per dwelling unit**
- (c) Maximum Lot Coverage **40% per dwelling unit**
- (d) Minimum Required Yards
 - (i) Front **6 metres**
 - (ii) Interior Side – vertical common wall- **0 metres**
 – exposed end wall **1.2 metres**

- | | |
|--------------------------------|---|
| (ii) Exterior Side | 5 metres |
| (iv) Rear | 8 metres |
| (e) Maximum Height of Building | 9 metres |
| (f) Minimum Gross Floor Area | 80 m² per dwelling unit |

10.3.4 Townhouses

- | | |
|---|-------------------|
| (a) Minimum Lot Area - 210 m ² per dwelling unit | |
| (b) Minimum Lot Frontage - 7 metres per dwelling unit | |
| (c) Maximum Lot Coverage- 40% | |
| (d) Minimum Required Yards | |
| (i) Front | 6 metres |
| (ii) Interior Side | 4 metres |
| (iii) Exterior Side | 5 metres |
| (iv) Rear | 8 metres |
| (e) Maximum Height of Building | 9 metres |
| (f) Minimum Gross Floor Area | 65 m ² |

10.3.5 Street Townhouses

- | | |
|---|----------|
| (a) Minimum Lot Area- 210 square metres | |
| (b) Minimum Lot Frontage- 7.0 metres | |
| (c) Maximum Lot Coverage- 40% | |
| (d) Minimum Required Yards | |
| (i) Front | 6 metres |
| (ii) Interior Side | |
| a) vertical common wall | 0 metres |
| b) exposed end wall | 3 metres |
| (iii) Exterior Side | 5 metres |
| (iv) Rear | 8 metres |

- | | |
|--------------------------------|-------------------|
| (e) Maximum Height of Building | 9 metres |
| (f) Minimum Gross Floor Area | 65 m ² |

10.3.6 Apartment and Low Rise Apartment Dwelling

- | | |
|--|-------------|
| (a) Minimum Lot Area- 1021 square metres | |
| (b) Minimum Lot Frontage | 36.5 metres |
| (c) Maximum Lot Coverage | 30% |
| (d) Minimum Required Yards | |
| (i) Front | 7.5 metres |
| (ii) Interior Side | 4 metres |
| (iii) Exterior Side | 7.5 metres |
| (iv) Rear | 7.5 metres |
| (e) Maximum Height of Building | 11 metres |

10.4 ZONE EXCEPTIONS

10.4.1 R3-1 Zone

Notwithstanding Section 10.3, the interior side yards for lands zoned "R3-1" shall be 2.56 metres and 2.98 metres respectively.

10.4.2 R3-2 Zone

Notwithstanding the minimum gross floor area and density requirements, the lands within the area zoned "R3-2" shall have a minimum gross floor area of 27 square metres and a maximum of five dwelling units.

10.4.3 R3-3 Zone

Notwithstanding the provisions of Section 10.3.4, for those lands described as Lot 3 and part of Lot 2, Registered Plan 201 and known municipally as 139 Richard Street and zoned "R3-3", the minimum frontage shall be 20 metres.

10.4.4 R3-4 Zone

Notwithstanding the provisions of Subsection 10.2 "Uses Permitted", the following uses are permitted:

- (a) Dwelling, Duplex
- (b) Dwelling, Low rise apartment
- (c) Dwelling, Semi-detached

10.4.5 R3-5 Zone

Notwithstanding the provisions of Subsections 4.1.7 "Accessory Buildings, Uses and Structures, Maximum Quantity", 4.1.11 "Fences" 10.2 "Multiple Residential, Uses Permitted" 10.3. "Zone Regulations", the following provisions apply:

1. Permitted Uses:

- (a) Bed and breakfast establishment
- (b) Dwelling, Semi-detached
- (c) Dwelling, Street Townhouse
- (d) Dwelling, Townhouse
- (e) Home Occupation

2. Zone Regulations:

- (a) Minimum Lot Area 165 square metres
- (b) Minimum Lot Frontage 5.2 metres
- (c) Maximum Lot Coverage 57.5 %
- (d) Minimum Required Yards:
 - (i) Front 4 metres
 - (ii) Interior Side
 - (a) Vertical common wall 0 metres
 - (b) Exposed end wall 1.1 metres
 - (iii) Exterior Side 3.3 metres
 - (iv) Rear 6 metres
- (e) Projection from the main rear wall of the building for decks and pergolas shall be a maximum of 4 metres.
- (f) Maximum depth of dwelling 17.3 metres
- (g) Decks, porches and pergolas shall not be calculated in lot coverage.
- (h) Maximum Height of Buildings 11 metres
- (i) No detached accessory buildings shall be permitted.

- (j) Fences shall be at least 1/3rd open and shall not exceed 0.9 metres in height.
- (k) Maximum Number of dwelling units in the zone shall be 82.
- (l) For the purpose of this zone a pergola shall be defined as an open slated bar arbour or trellises covered walk.

10.4.6 R3-6 Zone

All the provisions of the Multiple Residential Exception Five "R3-5" Zone shall apply to the "R3-6" Zone with the exception of Subsection 10.4.5 2(d)(i) "Minimum Required Yards, Front" whereby the minimum front yard shall be 4 metres.

10.4.7 R3-7 Zone

All the provisions of the Multiple Residential Exception Five "R3-5" Zone shall apply to the "R3-7" Zone with the exception of Subsection 10.4.5 2(d)(iv) "Minimum Required Yards, Rear" whereby the minimum rear yard shall be 2.5 metres.

10.4.8 R3-8 Zone

Notwithstanding the provisions of Subsections 4.20 "Permitted Yard Encroachments" as it relates to verandas, decks, uncovered terraces and porches in the front yard; and, 10.3.4(c) "Maximum Lot Coverage", and 10.3.4(d)(i), (ii), and (iii) "Minimum Required Yards", the following provisions apply:

1. Zone Regulations:
 - (a) Maximum Lot Coverage 50 %
 - (b) Minimum Required Yards:
 - (i) Front 7 metres
 - (ii) Interior Side
 - (a) vertical common wall 0 metres
 - (b) exposed end wall 1.2 metres
 - (iii) Exterior Side 4.2 metres
 - (c) The front wall of the garage shall be located, no closer to the front lot line, than the main front wall of the dwelling.

- (d) The maximum projection into the front yard setback for verandas, decks uncovered terraces and porches not exceeding one storey in height, is 1.5 metres.

10.4.9 R3-9 Zone

Notwithstanding the provisions of Subsections 10.3.5(a), (b) and (d)(iv) to the contrary, the minimum lot area shall be 930 square metres, the minimum lot frontage shall be 25 metres and the minimum rear yard shall be 6 metres.

10.4.10 R3-10 Zone

Notwithstanding the regulation to the contrary regarding subsection 10.3.4 Street Townhouses, the following zone regulations apply:

Street Townhouse Dwellings:

- Minimum Lot Area of 210 square metres
- Minimum Lot Frontage of 7 metres
- Maximum Lot Coverage of 40%
- Minimum Front Yard Setback of:
 - 4.5 metres to dwelling
 - 7 metres to garage
- Minimum Exposed End Wall Setback of 1.2 metres
- Minimum Exterior Side Yard of 4.5 metres
- Minimum Rear Yard of 7.5 metres
- Maximum Building Height of 10 metres
- Minimum Gross Floor Area of 65 square metres

Notwithstanding the regulation to the contrary regarding subsection 10.3.1 Single Detached Dwellings, the following zone regulations apply:

Single Detached Dwellings

- Minimum Lot area of 360 square metres
- Minimum Lot Frontage of 12 metres
- Maximum Lot Coverage of 40%
- Minimum Front Yard Setback of:
 - 4.5 metres to dwelling
 - 7 metres to garage
- Interior side yard of 1.2 metres

- Minimum Exterior Side Yard of 4.5 metres
 - Minimum Rear Yard Setback of 7.5 metres
 - Maximum Building Height of 10 metres
 - Minimum Gross Floor Area of 93 square metres”
1. Notwithstanding Section 10.2 of Zoning By-law 2000-57, a public park shall also be a permitted uses for those lands zoned Multiple Residential Exception 10 (R3-10) Zone
 2. Notwithstanding Section 4.20 of Zoning By-law 2000-57, lands that are zoned Multiple Residential Exception 10 (R3-10) Zone, shall permit a 1.0 metre encroachment (including eaves and cornices) for an unenclosed veranda/porch in the exterior side yard setback.

10.4.11 R3-11 Zone (757 Fourth Avenue)

Notwithstanding the provisions of Section 10.3.6 ‘Apartment and Low Rise Apartment Dwelling’, the following provisions shall apply for existing development within the R3-11 Zone as:

(a)	Minimum Lot Area	645 square metres
(b)	Minimum Lot Frontage	18 metres
(c)	Minimum Front Yard	0.0 metres
(d)	Minimum Interior Side Yard	0.0 metres (south)

10.4.12 R3-11 Zone (199 Pine Street)

In addition to the Zone Provisions of Section 10.3.6 “Apartment and Low Rise Apartment Dwelling”, the following zone provisions shall apply to the R3-11 Zone (199 Pine Street):

(a)	Minimum Lot Frontage	19.81 m (Thiffault St.)
(b)	Minimum Setbacks	
	i. Interior Side Site Line	0.68 m
	ii. Exterior Side Site Line	5.12 m (Elm St.)
	iii. Rear Yard	5.12 m (Elm St.)
	iv. Parking Spaces	16 spaces including 1
	Barrier Free Space.	

SECTION 11 - RESIDENTIAL ESTATE "RE" ZONE

11.1 GENERAL PROHIBITION

Within a Residential Estate "RE" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

11.2 USES PERMITTED

Dwelling unit, Accessory
 Bed and breakfast establishment
 Home occupation
 Dwelling, Single detached

11.3 ZONE REGULATIONS

11.3.1	Minimum Lot Area	0.8 hectares
11.3.2	Minimum Lot Frontage	60 metres
11.3.3	Minimum Required Yards	
	(i) Front	15 metres
	(ii) Rear	12 metres
	(iii) Interior Side	9 metres
	(iv) Exterior Side	15 metres
11.3.4	Maximum Lot Coverage	35%
11.3.5	Maximum Building Height	11 metres
11.3.6	Minimum Gross Floor Area	112 m ²

11.4 ZONE EXCEPTIONS

11.4.1 RE-1 Zone

Notwithstanding the regulations of Subsection 11.3 with respect to minimum lot area and minimum lot frontage, the following provisions shall apply to lands zoned Residential Estate "RE-1":

Minimum Lot Area	4.72 hectares
Minimum Lot Frontage	134 metres

11.4.2 RE-2 Zone

Notwithstanding regulations of Subsection 11.3 with respect to the minimum lot area, the requirement for the lands zoned “RE-2” shall be 5,300 square metres.

11.4.3 RE-3 Zone

Notwithstanding the regulations of Subsection 11.3 with respect to minimum lot frontage and minimum lot area, the following provisions shall apply to those lands zoned Residential Estate Exception “RE-3”:

Minimum Lot Frontage	40.0 metres
Minimum Lot Area	4000.0 square metres

11.4.4 RE-4 Zone

Notwithstanding the regulations of Subsection 11.3 with respect to the minimum lot area, the requirement for the lands zoned “RE-4” shall be 7,000 square metres.

SECTION 12 – SHORELINE RESIDENTIAL “SR” ZONE

12.1 GENERAL PROHIBITION

Within a Shoreline Residential "SR" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsection 3 and 4 of this Section.

12.2 USES PERMITTED

Dwelling unit, Accessory
 Bed and breakfast establishment
 Home occupation
 Dwelling, Single detached

12.3 ZONE REGULATIONS

12.3.1	Minimum Lot Area	2000 square metres
12.3.2	Minimum Lot Frontage	30 metres
12.3.3	Minimum Required Yards	
	(i) Front	7.5 metres
	(ii) Rear	7.5 metres
	(iii) Interior Side	3 metres
	(iv) Exterior Side	4.5 metres
12.3.4	Maximum Lot Coverage	30%
12.3.5	Maximum Building Height	11 metres
12.3.6	Minimum Gross Floor Area	93 square metres

12.4 ZONE EXCEPTIONS

12.4.1 SR-1 Zone

Notwithstanding the provisions of subsection 12.3, for those lands zoned “SR-1” the following provisions shall apply:

(a) Minimum Lot Area	890 square metres
(b) Minimum Lot Frontage	16.5 metres
(c) Minimum Yards	
(i) Front Yard	7.5 metres
(ii) Rear Yard	7.5 metres
(iii) Interior Side Yard	1.2 metres
(iv) Exterior Side Yard	4.5 metres
(d) Maximum Lot Coverage	35%
(e) Maximum Height	9 metres

12.4.2 SR-2 Zone

Notwithstanding the provisions of subsection 12.3 for those lands zoned SR-2 the following provisions shall apply:

Minimum Lot Area	557 square metres
Minimum Lot Frontage	18 metres
Minimum Yards	
Front Yard	7.5 metres
Rear Yard	7.5 metres
Interior Side Yard	1.2 metres
Exterior Side Yard	4.5 metres
Maximum Lot Coverage	35%
Maximum Height	9 metres

12.4.3 SR-3 Zone

Notwithstanding the provisions of subsection 4.32 of this By-law, for those lands described as Lot 2, Registered Plan 1532 and known municipally as 58 Forest Harbour Parkway and zoned "SR-3", the following provisions shall apply:

- (a) That fill shall be placed on the property for the building site to a minimum elevation of 178 metres GSC. The fill shall be at or above the 178 metre elevation and placed at least 2 metres out from the exterior walls of the dwelling.
- (b) No openings in any habitable structure shall be below 178.5 metres GSC.
- (c) All development not requiring direct access to the water shall be setback a minimum of 5.0 metres from the 177.5 metre GSC elevation.

12.4.4 SR-4 Zone

In addition to the Zone Regulations of subsection 12.3 for those lands zoned SR-4 a residential unit shall be serviced by a tertiary treatment sewage system meeting the requirements of the Ontario Building Code. Further, in the absence of a permanent municipal water supply, a well, properly protected using a steel well casing grouted in place to seal all water bearing zones to a depth of 15 metres together with an attached and activated UV filtration system or similar bacterial disinfection system is required.

12.4.5 SR-5 Zone

Notwithstanding Subsections 12.3.1 and 12.3.2 the minimum lot area shall be 1400 square metres and the minimum lot frontage shall be 13 metres.

12.4.6 SR-6 Zone

Notwithstanding Subsection 12.3.1 the minimum lot area shall be 1690 square metres.

12.4.7 SR-7 Zone

Notwithstanding Subsection 12.2, in addition to the zone regulations of 12.3 and notwithstanding any provisions to the contrary, the following provisions apply:

12.4.7.1 Permitted Uses

A maximum of one single detached dwelling
A maximum of one detached accessory building containing a single accessory dwelling unit
Bed and Breakfast establishment
Home occupation

12.4.7.2 Zone Regulations

- (a) At least one dwelling unit shall be owner occupied.
- (b) Notwithstanding the setbacks of Subsection 4.1.8(c), the minimum required yards for a single detached dwelling shall apply for a detached accessory building containing an accessory dwelling unit;
- (c) The maximum height of a detached accessory building containing an accessory dwelling unit shall not exceed 6.8 metres;
- (d) The maximum gross floor area of the accessory dwelling unit in a detached accessory building shall be 84 square metres.

SECTION 13 – LIMITED SERVICE RESIDENTIAL "LSR" ZONE

13.1 GENERAL PROHIBITION

Within a Limited Service Residential 'LSR' Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsection 3 and 4 of this Section.

13.2 USES PERMITTED

Dwelling unit, Accessory
Home Occupation
Dwelling, Single detached

13.3 ZONE REGULATIONS

13.3.1	Minimum Lot Area	2000 square metres
13.3.2	Minimum Lot Frontage	30 metres
13.3.3	Minimum Required Yards	
	(i) Front	7.5 metres
	(ii) Rear	7.5 metres
	(iii) Interior Side	3 metres
	(iv) Exterior Side	4.5 metres
13.3.4	Maximum Lot Coverage	30%
13.3.5	Maximum Building Height	11 metres
13.3.6	Minimum Gross Floor Area	93 m ²

13.4 ZONE EXCEPTIONS

13.4.1 LSR-1 Zone

Notwithstanding any other provisions of this By-law to the contrary, on lands zoned "LSR-1" no habitable building shall have any exterior opening below the elevation of 178.83 metres C.G.D. on the windward side of the island and

an exterior opening below the elevation of 178.33 metres C.G.D. on the leeward or mainland side of the Island. Furthermore, no fill shall be placed except for the purpose of tile field construction and building foundations.

13.4.2 LSR-2 ZONE

Notwithstanding the provisions of subsection 13.3.3, for those lands zoned "LSR-2" the following provisions shall apply:

- | | |
|--------------------------|------------|
| (a) Minimum Yards | |
| (i) Front Yard | 7.5 metres |
| (ii) Rear Yard | 7.5 metres |
| (iii) Interior Side Yard | 1.2 metres |
| (iv) Exterior Side Yard | 4.5 metres |

13.4.3 LSR-3 Zone

Notwithstanding anything to the contrary found in this by-law, the following provisions shall apply to the lands zoned "LSR-3":

- (a) That fill be placed on the property to a minimum elevation of 177.83 metres C.G.D. The fill should be at or above 177.83 metres and at least 2 metres out from the exterior walls.
- (b) No opening in any habitable structure shall be below 178.33 metres C.G.D.
- (c) The minimum lot area shall be the existing lot area.
- (d) The minimum setback from the centreline of the road shall be 16.8 metres.

All other Zone provisions shall apply.

13.4.4 LSR-4 Zone

Notwithstanding the provisions of subsection 13.3.2 and 13.3.3 of this By-law, for those lands zoned "LSR-4", where a lot does not abut upon an improved public street, a building permit may be issued for a building or structure to be erected, extended or enlarged providing the applicant complies with the conditions of Section 4.5.2.

13.4.5. LSR-5 Zone

Notwithstanding the provisions of subsection 4.31 of this By-law, for those lands described as Lot 21, Registered Plan 701 and known municipally as 9 Fowler Lane and zoned “LSR-5”, the following provisions shall apply:

- (a) That fill shall be placed on the property for the building and sewage treatment system sites to a minimum elevation of 178 metres GSC. The fill shall be at or above the 178 metre elevation and placed at least 2 metres out from the exterior walls of the dwelling.
- (b) No openings in any habitable structure shall be below 178.5 metres GSC.
- (c) All development not requiring direct access to the water shall be setback a minimum of 5.0 metres from the 177.5 metre GSC elevation.

13.4.6 LSR-6 Zone

13.4.6.1 Nothing in Section 13.3 shall prevent the erection of a single detached dwelling on any lot on those lands zoned as “LSR-6” provided that the following requirements are complied with:

(a) Minimum Lot Frontage	15 metres
(b) Minimum Lot Area	464 square metres
(c) Minimum Front Yard	7.5 metres
(d) Minimum Rear Yard	7.5 metres
(e) Minimum Exterior Side Yard	4.5 metres
(f) Minimum Interior Side Yard	1.2 metres
(g) Minimum Gross Floor Area	83.5 square metres
(h) Maximum Lot Coverage	35%
(i) Maximum Height of Building	7 metres

13.4.6.2 The LSR-6 Zone shall only permit a single detached dwelling. A Bed and Breakfast establishment is not permitted.

Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the

effluent load of the replacement or addition, and such dwelling unit shall be connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

13.4.7 LSR-7 Zone

In addition to the zone regulations of subsections 13.3, on those lands zoned LSR-7, in the absence of a municipal sanitary sewage system, a dwelling unit shall be serviced by a tertiary treatment sewage system meeting the requirements of the Ontario Building Code.

13.4.8 LSR-8 Zone

13.4.8.1 In addition to the permitted uses as listed in subsection 13.2, a Private Recreation Facility shall be a permitted use on those lands zoned LSR-8.

- a. That the maximum ground floor area of accessory buildings for a private recreation facility be 436 square metres;
- b. That the maximum height for an accessory building be 7.2 metres for the private recreational facility in the “LSR-8” Zone.
- c. That a half-cylindrical or semi-circular roof shape accessory buildings in the “LSR-8” zone be permitted for a private recreation facility.

13.4.8.2 Notwithstanding the provisions of subsection 13.3.3, the following zone regulations apply to those lands shown on Schedule A as amended:

- a) Minimum Required Front Yard Setback 6.43 m (dwelling)

SECTION 14 - RESIDENTIAL MOBILE HOME PARK "RMH" ZONE

14.1 GENERAL PROHIBITION

Within a Residential Mobile Home Park "RMH" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsection 3, 4, and 5 of this Section.

14.2 USES PERMITTED

Administrative or rental office
Convenience Store
Dwelling Unit, Accessory
General storage compound
Mobile Home
Mobile Home Park
Open space and park use
Recreational centre
Storage shed or garage for each mobile home

14.3 ZONE REGULATIONS

14.3.1 Park Area

Minimum Park Area shall be 4 hectares.

14.3.2 Park Frontage

Minimum Park Frontage shall be 135 metres.

14.3.3 Minimum mobile home site setbacks from mobile home park boundary

- | | | |
|-----|--------------------|----------|
| (a) | Front yard | 8 metres |
| (b) | Interior side yard | 8 metres |
| (c) | Exterior side yard | 8 metres |
| (d) | Rear yard | 8 metres |

14.3.4 Site Areas

- (a) Minimum mobile home site area having communal water and sewage facilities shall be 550 square metres.
- (b) Minimum mobile home site area having communal water and septic tank facilities shall be 900 square metres.
- (c) Minimum mobile home site width shall be 15 metres.
- (d) Minimum mobile home setbacks:
 - (i) Front yard 6 metres
 - (ii) Interior side yard 3 metres
 - (iii) Exterior side yard 6 metres
 - (iv) Rear yard 9 metres
- (e) Maximum mobile home site coverage shall be 35 percent.
- (f) Minimum mobile home floor area shall be 65 square metres.
- (g) Maximum building height shall be 7 metres.
- (h) Maximum mobile homes per mobile home site shall be 1.
- (i) Accessory structures in interior side or rear yard:
 - (i) Garage maximum 45 square metres per site
 - (ii) Other maximum 15 square metres per site
 - (iii) Height maximum 4 metres
- (j) Minimum visitor parking requirements shall be .25 spaces per mobile home site.

14.3.5 Park Density

Maximum density shall not exceed 15 mobile homes per gross hectare.

SECTION 15 - RECREATIONAL TRAILER PARK "RTP" ZONE

15.1 GENERAL PROHIBITION

Within a Recreational Trailer Park "RTP" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also accordance with the regulations contained or referred to in subsection 3 and 4 of this Section.

15.2 USES PERMITTED

Dwelling unit, Accessory
Accessory structures and buildings such as a Trailer Park management office, a Laundromat, washroom facilities, and a Retail Store not to exceed 75 square metres in Gross Floor Area.
Trailer Park

15.3 ZONE REGULATIONS

15.3.1 Minimum Lot Area 1.5 hectares

15.3.2 Access

A trailer park shall have access to an open and maintained public street.

15.3.3 Boundary Setback

No building or structure, shall be located within 9 metres of the Recreational Trailer Park (RTP) Zone boundary.

15.3.4 Services

A trailer park shall be serviced by communal water and sewage disposal facilities.

15.3.5 Building Height – Residential Unit

The height of an accessory dwelling unit in a trailer park shall not exceed 8 metres.

15.3.6 Flood Proofing

Notwithstanding the requirements of Section 4.32, all new buildings or structures shall be flood proofed to 0.2 metres above the maximum flood level.

15.3.7 Minimum Required Yards

Exterior side 5 metres

15.4 **ZONE EXCEPTIONS**

15.4.1 RTP-1 Zone

That in addition to the Zone provisions of Section 15.3 “Recreational Trailer Park: Zone Regulations”, the following zone provisions shall apply to the RTP-1 Zone:

a) Minimum Site Area	180 m ²
b) Minimum Site Frontage	12 m
c) Minimum Site Depth	12 m
d) Minimum Setbacks	
i) Front Site Line	3.0 m
ii) Rear Site Line	0.3 m
iii) Interior Side Site Line	0.5 m
iv) Exterior Side Site Line	0.3 m

That a 15.0 metre **Naturalized Landscaping Buffer (NLB)** be placed along the outer shores (west side) of the marina (spit).

Naturalized Landscaping Buffer (NLB) means a natural area, adjacent to a shoreline, maintained or re-established in its natural predevelopment state or improved to an acceptable standard established in a site plan or development agreement for the purpose of protecting natural habitat and water quality and minimizing the visual impact of buildings and structures on a lot.

That notwithstanding the provisions under Section 4.31 “Waterfront Lots” an 8.0 metre setback from the 178.0 G.S.C. elevation is permitted on the portion of lands within the marina on the protected basin side (east side) of the spit.

SECTION 16 - VILLAGE COMMERCIAL "C1" ZONE

16.1 GENERAL PROHIBITION

Within the General Commercial "C1" Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

16.2 USES PERMITTED

Antique Shop
Automobile sales and service establishment
Automobile, service station
Automobile washing establishment
Business or professional office
Clinic
Commercial garage
Commercial school
Craft shop
Club
Day Care Facility
Dwelling units, Accessory
Financial Institution
Funeral home
Garden Centre
Hotel
Laundromat
Motel
Parking lot
Personal service shop
Place of entertainment
Post office
Public use
Restaurant
Retail store
Tavern
Veterinary establishment

16.3 ZONE REGULATIONS

16.3.1 Minimum Lot Area 930 square metres

16.3.2 Minimum Lot Frontage 25 metres

16.3.3 Minimum Required Yards

- (i) Front 0 metres
- (ii) Rear 0 metres
4.5 metres if abutting a Residential Zone, of which 1.5 metres shall be maintained in an open space condition.
- (iii) Exterior Side 0 metres
- (iv) Interior Side 0 metres
4.5 metres if abutting a Residential Zone, of which 1.5 metres, shall be maintained in an open space condition.

16.3.4 Maximum Building Height 11 metres

16.3.5 Planting Strip

The parking of cars or the siting of a parking area shall not be permitted in any yard in a General Commercial "C1" Zone which abuts a Residential Zone without the provision of a planting strip in accordance with the requirements of Section 4.21.

16.3.6 Provisions for Accessory Dwelling Units

- (a) Minimum Floor Area 50 m²
- (b) In no case shall the amount of Commercial Floor Space be less than 60% of ground floor area.

16.3.7 Provisions for Automobile Service Stations/Commercial Garages

Notwithstanding any other provisions where any land, building or structure is altered, erected or used for an automobile service station and/or commercial garage, the following provisions shall apply:

- (a) Gasoline pump islands shall not be located within five (5) metres of any street line, six (6) metres of any interior lot line or fifteen (15) metres of the intersection of any two streets.
- (b) Access ramps shall not exceed eight (8) metres in width or be located within ten (10) metres of any other access ramp, within fifteen (15) metres of the intersection of two streets or within three (3) metres of any interior lot line.

- (c) The minimum interior approach angle of an access ramp to a street line shall be sixty (60) degrees and the maximum interior approach angle shall be ninety (90) degrees.
- (d) All petroleum products shall be stored, handled and dispensed in accordance with the provisions of The Gasoline Handling Act, R.S.O. 1990 as amended, and any regulations made thereunder.

16.4 ZONE EXCEPTIONS

16.4.1 C1-1 Zone

Notwithstanding any other provisions in this By-law, lands zoned "C1-1" may in addition to the uses presently existing be used for two additional dwelling units located in the basement.

16.4.2 C1-2 Zone

In addition to Section 16.2, Uses Permitted, the following uses shall also be permitted on those lands zoned "C1-2":

Existing Automobile body shop
Sale of motor vehicles accessory to the auto body repair shop.

16.4.3 C1-3 Zone

In addition to Section 16.2, Uses Permitted, the following uses shall also be permitted on those lands zoned "C1-3":

Convenience Store

16.4.4 C1-4

Notwithstanding any other provisions of this By-law to the contrary, those lands zoned "C1-4", described as Lot 82, Registered Plan 533 and known municipally as 731 Fourth Avenue, may be used for two (residential) units in total as well as an existing office in one of the dwelling units.

16.4.5 C1-5

In addition to the permitted uses of Subsection 16.2 and in addition to the zone regulations of Subsection 16.3 "Village Commercial" "C1" Zone, on lands zoned "C1-5" the following applies:

- (a) Permitted Uses:
 - (i) Bed and breakfast establishment
 - (ii) Existing single detached dwelling

- (iii) Existing dwelling units
- (iv) Home occupation

(b) Zone Regulations:

- (i) Where a residential use and a commercial use co-exist on a lot, the location of at least a portion of the commercial use must be occupied within space that abuts the front wall of the building.
- (ii) Subsection 16.3.6(b) shall not apply;
- (iii) Should the main floor commercial area be less than 60%, the maximum number of accessory dwelling units shall be two (2).
- (iv) Commercial uses shall not be permitted above a dwelling unit except above existing dwelling units located in the basement;
- (v) The first 56 square metres of antique shop, bank, business and professional office, clinic, commercial school, craft shop, club, day nursery, financial institution, laundromat, personal service shop, restaurant or eating establishment, retail store and/or veterinary establishment shall be exempt from providing any additional parking, and;
- (vi) Any of the aforementioned uses having a floor area over 56 square metres shall comply with the parking provisions of Section 5 of this By-law.

16.4.6 C1-6 Zone

In addition to the permitted uses of Subsection 16.2 and in addition to the zone regulations of Subsection 16.3 and notwithstanding the zone regulations of Subsections 16.3.1, 16.3.2 and 16.3.3(ii) within the "Village Commercial "C1" Zone, on lands zoned "C1-6" the following applies:

(a) Permitted Uses:

- (i) Bed and breakfast establishment
- (ii) Single detached dwelling
- (iii) Home occupation

(b) Zone Regulations:

- (i) Minimum lot area: 470 square metres serviced by municipal water and sewer
930 square metres not serviced by municipal water and sewer;
- (ii) Minimum lot frontage: 18 metres
- (iii) Minimum rear yard: 5 metres

- 7.5 metres if abutting a Residential Zone, of which 1.5 metres shall be maintained in an open space condition;
- (iv) Minimum number of storeys for a single detached dwelling shall be (2) two;
 - (v) Where a residential use and a commercial use co-exist on a lot, the location of at least a portion of the commercial use must be occupied within space that abuts the front wall of the building.
 - (vi) Subsection 16.3.6(b) shall not apply;
 - (vii) Should the main floor commercial area be less than 60%, the maximum number of accessory dwelling units shall be two (2).
 - (viii) Commercial uses shall not be permitted above a dwelling unit except above existing dwelling units located in the basement;
 - (ix) The first 56 square metres of antique shop, bank, business and professional office, clinic, commercial school, craft shop, club, day nursery, financial institution, laundromat, personal service shop, restaurant or eating establishment, retail store and/or veterinary establishment shall be exempt from providing any additional parking, and;
 - (x) Any of the aforementioned uses having a floor area over 56 square metres shall comply with the parking provisions of Section 5 of this By-law.

16.4.7 C1-7 Zone

In addition to the permitted uses of Subsection 16.2 “Village Commercial “C1” Zone” a bed and breakfast establishment, single detached dwelling, existing dwelling units and a home occupation may be permitted.

16.4.8 C1-8 Zone

- 16.4.8.1 Notwithstanding anything to the contrary, no dry land boat storage and no pumps or similar structures for the sale of marine fuels or boat repair shall be permitted in the C1-8 Zone.
- 16.4.8.2 Notwithstanding subsection 5.2.3 “Specific Parking Regulations”, parking spaces are permitted in a location more than 150 metres from the said lot but not more than 200 metres.
- 16.4.8.3 Notwithstanding subsection 16.3.3 (ii) “Minimum Required Yards”, and subsection 4.31 “Waterfront lots” a principle building may be constructed a minimum of 5.0 metres from the rear lot line and accessory buildings including the deck of a principle building may be constructed a minimum of 1.0 metre from the rear lot line. Rear lot line for the purpose of the “C1-8”

Zone shall be the lot line deemed to be adjacent to the waterfront pedestrian path.

16.4.8.4 Notwithstanding subsection 16.3.3(iv) “Minimum Required Yards”, the interior side yard setback shall be a minimum of 1.5 metres, and shall be maintained in an open space condition.

16.4.8.5 Notwithstanding subsection 4.22.1(g) “Prohibited Uses” with respect to rail cars only, that a maximum of four disused railroad cars may be used for a permitted use within the C1-8 Zone, however, the rail cars shall not be stored on the property.

Notwithstanding subsection 16.4.8.5 in regard to storage of railcars, for those lands zoned C1-8 and known municipally as 311 Talbot Street, a maximum of four rail cars may be permitted to be stored on the property for a period of eighteen (18) months from the date of passage of this By-law in accordance with the provisions of Section 39 of the Planning Act.

16.4.9 C1-9 Zone

All of the provisions of the Village Commercial Exception Five “C1-5” Zone shall apply to the “C-19” Zone with the exception of Article 16.4.5(b)(iii), and the following provision shall apply:

- a) In no case shall the main floor commercial area shall be no less than 50%; and,
- b) Where the main floor commercial area is less than 60%, the maximum number of accessory dwelling units shall be three (3).

16.4.10 C1-10 Zone

Notwithstanding the provisions of Section 16.2 the following permitted use is permitted:

- a) A service repair shop.

SECTION 17 - NEIGHBOURHOOD COMMERCIAL “C2” ZONE

17.1 GENERAL PROHIBITION

Within a Neighbourhood Commercial “C2” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

17.2 USES PERMITTED

Antique shop
 Business and professional office
 Craft shop
 Clinic
 Club
 Convenience store
 Day Care Facility
 Dwelling units, Accessory
 Laundromat
 Personal service shop
 Veterinary clinic

17.3 ZONE REGULATIONS

17.3.1	<u>Minimum Lot Area</u>	930 square metres
17.3.2	<u>Minimum Lot Frontage</u>	25 metres
17.3.3	<u>Minimum Required Yards</u>	
	(i) Front	7.5 metres
	(ii) Rear	7.5 metres, 14 metres if abutting a residential zone
	(iii) Exterior Side	7.5 metres
	(iv) Interior Side	4.5 metres
17.3.4	<u>Maximum Lot Coverage</u>	40%
17.3.5	<u>Maximum Building Height</u>	11 metres

17.3.6 Separation Provision

A new C2 Zone shall not be established closer than 600 metres from another C2 Zone.

17.3.7 Floor Area

The maximum gross floor area for a retail use shall not exceed 220 square metres.

17.3.8 Planting Strip

Where a Neighbourhood Commercial “C2” Zone abuts a Residential Zone, a three (3) metre planting strip, properly landscaped with trees and hedges of at least two (2) metres in height shall be provided along the abutting lot line.

17.4 ZONE EXCEPTIONS

17.4.1 C2-1 Zone

Notwithstanding the requirements of Sections 4 and 17 of this By-law, the lands zoned “C2-1” may in addition to the uses presently existing be used for two additional dwelling units located in the basement.

17.4.2 C2-2 Zone

17.4.2.1 The C2-2 Zone shall have the same permitted uses and zone provisions as the regular “C2” zone except as following. A dwelling unit is permitted.

17.4.2.2 Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the effluent load of the replacement or addition, and such dwelling unit shall be connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

17.4.3 C2-3 Zone

In addition to the uses permitted in Subsection 17.2 the following uses shall also be permitted: single detached dwelling, bed and breakfast, garden centre, home occupation, restaurant and retail store.

17.4.4 C2-4 Zone

In addition to the permitted uses and notwithstanding the regulation to the contrary, the following permitted uses and zone regulation shall apply:

- a. Financial Institution
- b. Post Office
- c. Restaurant
- d. Retail Store
- e. Tavern
- f. Coffee Shop
- g. Medical Office

SECTION 18 – TOURIST ACCOMMODATION COMMERCIAL “C3” ZONE

18.1 GENERAL PROHIBITION

Within a Tourist Accommodation Commercial “C3” Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section

18.2 USES PERMITTED

Accessory retail store
 Antique shop
 Automobile service station
 Cabin rental establishment
 Commercial park
 Craft Shop
 Dwelling unit, Accessory
 Dwelling, Accessory single detached
 Existing seasonal campground or camp
 Existing trailer park
 Hotel
 Motel
 Restaurant

18.3 ZONE REGULATIONS

18.3.1	<u>Minimum Lot Area</u>	4000 square metres
18.3.2	<u>Minimum Lot Frontage</u>	45 metres
18.3.3	<u>Minimum Required Yards</u>	
	(i) Front	20 metres
	(ii) Rear	10 metres
	(iii) Exterior Side	12 metres
	(iv) Interior Side	9 metres
18.3.4	<u>Maximum Building Height</u>	11 metres

18.3.5 Planting Strip

The parking of cars or the siting of a parking area shall not be permitted in any yard in a Tourist Commercial "C3" Zone which abuts a Residential Zone without the provision of a planting strip in accordance with the regulations of Section 4.21.

18.3.6 Outside Storage

Outside storage of goods, materials or objects shall not be permitted in a Tourist Commercial "C3" Zone.

18.3.7 Provisions for Automotive Service Stations

Notwithstanding any provisions of Section 18.3 where any land, building or structure is altered, erected or used for an automobile service station, the following provisions shall apply:

- (a) Gasoline pump islands shall not be located within five (5) metres of any street line, six (6) metres of any interior lot line or fifteen (15) metres of the intersection of any two streets.
- (b) Access ramps shall not exceed eight (8) metres in width or be located within ten (10) metres of any other access ramp, within fifteen (15) metres of the intersection of two streets or within three (3) metres of any interior lot line.
- (c) The minimum interior approach angle of an access ramp to a street line shall be sixty (60) degrees and the maximum interior approach angle shall be ninety (90) degrees.
- (d) All petroleum products shall be stored, handled and dispensed in accordance with the provisions of The Gasoline Handling Act, R.S.O. 1990, and any regulations made thereunder.

18.3.8 Provisions of Existing Campground or Camp and Existing Trailer Park

Notwithstanding any provision of subsection 18.3 to the contrary, the number of camp sites permitted in an existing campground or camp or the number of trailer sites permitted in an existing trailer park shall be limited to the number of camp sites developed or the number of trailer sites developed and serviced for occupation, as the case may be, on January 1, 1994 and any expansion thereof shall require a further amendment to this by-law.

18.3.9 Provisions for Accessory Residential Single Detached Dwelling

(a) Minimum Lot Area	4000 square metres
(b) Minimum Lot Frontage	45 metres
(c) Minimum Required Yards	
(i) Front	8 metres
(ii) Rear	8 metres
(iii) Interior Side	6 metres
(iv) Exterior Side	8 metres
(d) Maximum Building Height	11 metres

18.4 **ZONE EXCEPTIONS**

18.4.1 C3-1 Zone

Notwithstanding the provisions of subsection 18.2 of this By-law, for those lands described as Part of Lot 16, Concession 12 and legally described as Part 1, Reference Plan 51R-23946 and Part 2, Reference Plan 51R-3323, and known municipally as 2986 West Service Road and zoned “C3-1”, the following additional uses and provisions shall apply:

- (a) Additional permitted uses include “Place of Entertainment”, “Retail Store”, and “Accessory dwelling unit provided it is attached and forms part of the commercial structure”.
- (b) Notwithstanding subsection 18.2, an Accessory single detached dwelling is not permitted.

18.4.2 C3-2 Zone

18.4.2.1 The C3-2 Zone permitted the following uses: a single detached dwelling, garden centre, home occupation and a retail store.

18.4.2.2 Within the area affected by the above exception and where the “H” Holding Zone is applied and notwithstanding the provisions of Section 4.7, Holding Symbol, the following permitted uses, and regulations apply.

A new dwelling unit on a vacant lot shall utilize a tertiary sewage treatment system and shall be connected to municipal water and shall be required to remove the Holding Zone provision.

An existing dwelling unit may be replaced or enlarged provided the existing septic system or new septic system is designed and approved to manage the effluent load of the replacement or addition, and such dwelling unit shall be

connected to municipal water. Where a new septic system is required, a tertiary sewage treatment system is required. Removal of the Holding Zone provision is required for a dwelling unit that is being replaced and where a new septic system is required.

Accessory and non-habitable detached buildings including garages and sheds are permitted. Non-habitable additions to a dwelling unit including an attached garage, carport, porch, and unenclosed deck are also permitted. The removal of the Hold provision is not required.

SECTION 19 - HIGHWAY/SERVICE COMMERCIAL “C4” ZONE

19.1 GENERAL PROHIBITION

Within a Highway/Service Commercial “C4” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

19.2 USES PERMITTED

Automobile sales or rental establishment
 Automobile service station
 Commercial garage
 Construction or building supply yard
 Convenience store
 Craft, gift, or antique shop
 Custom workshop
 Dwelling unit, Accessory, except where in a commercial garage or motor vehicle station
 Farm implement or heavy equipment sales outlet
 Garden Centre
 Hotel
 Laundromat
 Marine Sales and Service Establishment
 Motel
 Nursery
 Personal service shop
 Place of entertainment
 Restaurant
 Service repair shop

19.3 ZONE REGULATIONS

19.3.1	<u>Minimum Lot Area</u>	4000 square metres
19.3.2	<u>Minimum Lot Frontage</u>	45 metres

19.3.3 Minimum Required Yards

- | | | |
|-------|---------------|------------|
| (i) | Front | 9 metres |
| (ii) | Rear | 10 metres |
| (iii) | Exterior Side | 5 metres |
| (iv) | Interior Side | 1.5 metres |

19.3.4 Maximum Building Height 11 metres

19.3.5 Minimum Lot Depth 75 metres

19.3.6 Provisions

- (a) The parking of cars or the siting of a parking area shall not be permitted in any yard in a Highway/Service Commercial "C4" Zone which abuts a Residential Zone without the provision of a planting strip in accordance with the regulations of Section 4.21.
- (b) Outside storage areas shall be screened from the surrounding area by a wall, a fence and landscaping, or other barrier, or a combination thereof being a minimum of 2.0 metres in height and so designed as to obscure the stored materials from public view.
- (c) No outside storage shall be permitted within 30 metres of any Provincial Highway.

19.3.7 Automobile Service Station, and Service Repair Shops

Notwithstanding any provisions of Section 19.3, where any land, building or structure is altered, erected or used for an automobile service station or a commercial garage or a service repair shop, the following provisions shall apply:

- (a) Gasoline pump islands shall not be located within 5.0 metres of any street line, 6.0 metres of any interior lot line or 15.0 metres of the intersection of any two streets.
- (b) Access ramps shall not exceed 8.0 metres in width or be located within 10.0 metres of any other access ramp, within 15.0 metres of the intersection of two streets or within 3.0 metres of any interior lot line.
- (c) The minimum interior approach angle of an access ramp to a street line shall be sixty (60) degrees and the maximum interior approach angle shall be ninety (90) degrees.

- (d) All petroleum products shall be stored, handled and dispensed in accordance with the provisions of The Gasoline Handling Act, R.S.O. 1990 as amended, and any regulations made thereunder.

19.4 ZONE EXCEPTIONS

19.4.1 C4-1 Zone

Notwithstanding the *provisions* of Section 19.2, for those lands zoned “C4-1” the following shall be the uses permitted:

Accessory Dwelling Unit
 Restaurant and tavern
 Motel (Maximum 24 units)

19.4.2 C4-2 Zone

Notwithstanding the permitted uses of Subsection 19.2 for those lands zoned C4-2 the following additional uses shall also be permitted:

Convenience Store

19.4.3 C4-3 Zone

Notwithstanding the provisions of Subsections 4.18.1(b) “Outside Display and Sale of Goods”, 19.2 “Uses Permitted”, 19.3.1 “Minimum Lot Area”, 19.3.2 “Minimum Lot Frontage”, and 19.3.3 “Minimum Required Yards, Rear” as it relates to the rear yard, the following provisions apply:

- (a) Uses Permitted:
 Accessory dwelling unit
 Craft, gift or antique shop
 Custom workshop
 Farm implement or heavy equipment sales outlet
 Garden centre and nursery
 Marine sales and service establishment
 Single detached dwelling
- (b) Minimum Lot Area 9,000 sq. m
- (c) Minimum Lot Frontage 140 m
- (d) Minimum Required Rear Yard: 9 m
- (e) Maximum Commercial Building Gross Floor Area 280 square metres
- (f) Maximum Display Area 1,210 square metres

19.4.4 C4-4 Zone

Notwithstanding the provisions of Subsection 19.2 “Uses Permitted”, and notwithstanding the provisions of Subsection 19.3.1 “Minimum Lot Area” and 19.3.2 “Minimum Lot Frontage” and in addition to the provisions of Subsection 19.3, the following provisions apply:

- (a) Uses Permitted:
 - Construction and building supply yard
 - Craft, gift or antique shop
 - Custom workshop
 - Garden centre
 - Marine sales and service establishment
 - Nursery
 - Restaurant
 - Retail Store
- (b) Minimum Lot Area 5.6 hectares
- (c) Minimum Lot Frontage 135 metres
- (d) A planting strip shall be required abutting a residential use.

19.4.5 C4-5 Zone

Notwithstanding the provisions of Subsection 4.18.1(b) “Outside Display and Sale of Goods” regarding the ratio of the building to outside display; Subsection 19.2 “Uses Permitted”; Subsection 19.3.1 “Minimum Lot Area” and 19.3.2 “Minimum Lot Frontage” and in addition to the provisions of Subsection 19.3, the following provisions apply:

- (a) Uses Permitted:
 - Construction and building supply yard
 - Craft, gift or antique shop
 - Custom workshop
 - Garden centre and nursery
 - Marine sales and service establishment
 - Restaurant including a drive-through or take out restaurant
 - Retail store
- (b) Minimum Lot Area 5.6 hectares
- (c) Minimum Lot Frontage 135 metres
- (d) A planting strip shall be required abutting a residential use.
- (e) Subsection 4.18.1(b), in regard to ratio of floor area of the building to

outside display, shall not apply to the display of garden centre and nursery or construction and building supply yard items.

19.4.6 C4-6 Zone

Notwithstanding the uses permitted in Subsection 19.2 and the zone regulations of Subsection 19.3 as it relates to the look-out tower/lighthouse and notwithstanding parking requirements of Section 5.3 for all uses except a hotel or motel, the following provisions apply:

1. Uses Permitted:

- Automobile service station
- Building supply centre
- Business and professional office
- Clinic
- Commercial garage
- Commercial school
- Convenience store
- Club
- Custom workshop
- Day nursery
- Equipment rental
- Fitness or sports centre
- Financial Institution
- Funeral Home
- Garden Centre
- Gas bar
- Hotel
- Marine sales and service
- Motel
- Place of entertainment
- Personal service shop
- Public use
- Recreation vehicle sales
- Restaurant
- Service repair shop
- Tavern
- Theatre
- Veterinary establishment

2. Zone Regulations:

- | | | |
|-----|---|---------|
| (a) | Maximum number of look-out tower/lighthouse | One (1) |
| (b) | Maximum building height for a look-out tower/lighthouse | 21.25 m |

- (c) A planting strip, in accordance with the provisions of this By-law shall be required along the lot line abutting a residential zone.
- (d) One parking space per 21 sq.m. of gross floor area shall be provided.
- (e) Convenience store shall be defined as a retail store, not exceeding 120 square metres in gross floor area, in which a variety of at least four of the following product categories, one of which shall include food, are offered for sale, and no one product category can take up more than 40% of the floor area dedicated to sales: food items such as milk, bread, packaged meat and cheese, canned and bottled goods, soft drinks, ice cream, snacks and candy; entertainment items such as magazines, books, CD's, DVD, games; toiletries such as shampoo, shaving cream, ASA, tissue products; gifts; housewares; and, tobacco products.

19.4.7 C4-7 Zone

In addition to the permitted uses of Subsection 19.2 for those lands zoned C4-7, retail store shall also be permitted.

SECTION 20 - RURAL COMMERCIAL “C5” ZONE

20.1 GENERAL PROHIBITION

Within a Rural Commercial “C5” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

20.2 USES PERMITTED

Auction Centre
 Farm implement dealer
 Feed mill
 Fertilizer plant
 Nursery and garden centre
 Seed Cleaning Plant

Single detached dwelling accessory to the permitted uses listed above, in accordance with the provisions of Section 7, or a dwelling unit within the building containing the principal use on the lot in accordance with the regulations of Section 16, for the owner or operator of the principal use.

20.3 ZONE REGULATIONS

20.3.1	<u>Minimum Lot Area</u>	5 hectares
20.3.2	<u>Minimum Lot Frontage</u>	45 metres
20.3.3	<u>Minimum Required Yards</u>	
	(i) Front	20 metres
	(ii) Rear	9 metres, 14 metres if abutting a residential Zone of which 1.5 metres shall be maintained in an open space condition
	(iii) Exterior Side	12 metres
	(iv) Interior Side	9 metres
20.3.4	<u>Maximum Building Height</u>	11 metres

20.4 ZONE EXCEPTIONS

SECTION 21 - MARINE COMMERCIAL “C6” ZONE

21.1 GENERAL PROHIBITION

Within a Marine Commercial “C6” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

21.2 USES PERMITTED

Accessory Residential Use
Hotel
Marina
Restaurant

21.3 ZONE REGULATIONS

21.3.1	<u>Minimum Lot Area</u>	930 square metres
21.3.2	<u>Minimum Lot Frontage</u>	30 metres
21.3.3	<u>Minimum Required Yards</u>	
	(i) Front	6 metres
	(ii) Rear	12 metres
	(iii) Interior Side Yards	6 metres
	(iv) Exterior Side	5 metres
21.3.4	<u>Maximum Lot Coverage</u>	40%
21.3.5	<u>Maximum Height of Building</u>	11 metres
21.3.6	<u>Marina Facilities</u>	

Notwithstanding Section 21.3.1 to 21.3.5, facilities associated with the normal operation of a Marina, exclusive of any permanent buildings, may be located at lot lines corresponding to the water’s edge.

21.3.7 Planting Strip

The parking of cars or the siting of a Parking Area shall not be permitted in any Yard in a marine Commercial “C6” Zone which abuts a Residential or

Institutional Zone without the provision of a 3 metre wide planting strip in accordance with the provisions of this By-law.

21.3.8 Outside Storage

Outside storage of goods, materials, or objects shall not be permitted in a Marine Commercial "C6" Zone except as is necessary for the normal operation of a marina, and such outside storage of goods, materials, or objects shall not be permitted in any Yard adjacent to a Residential or Institutional Zone without the provision of a 3 metre wide planting strip in accordance with the provisions of this By-law.

21.3.9 Entrance Channel

Any *entrance channel*, turning basin or boat mooring area shall not be located closer than 15 metres to any Residential or Institutional Zone.

21.3.10 Residential Use – Provisions

A residential use may be permitted in a Marine Commercial "C6" Zone only as an accessory use to the primary marine commercial use and in conformity with the following regulations:

- (a) The minimum gross floor area per dwelling unit shall be 46 square metres plus 9 square metres for each additional bedroom above 1.
- (b) The minimum usable open space shall not be less than 14 square metres per dwelling unit.
- (c) Access to the dwelling units shall be independent of the access to the marine commercial establishment and shall be either directly from the outside or through a common vestibule but in the case of a dwelling unit in the commercial establishment, in addition to the independent access there may also be a common internal access.

21.3.11 Marina-Special Setback

Notwithstanding the yard requirement of Section 21.3.3, a side yard or rear yard shall not be required for a marina or any building or structure accessory to a marina, where the side or rear lot line abuts or extends to a lake or other navigable body of water.

21.4 ZONE EXCEPTIONS

21.4.1 C6-1 Zone

Notwithstanding anything to the contrary, no pumps or similar structures for the sale of marine fuels or boat repair shall be permitted. A maximum of 160 boat slips are permitted not including municipal docks.

21.4.2 C6-2 Zone

Notwithstanding the permitted uses of the Marine Commercial “C6” Zone, the following zone provisions apply:

Permitted Uses

- (a) Marine Heritage uses.
- (b) Real estate information display not to exceed a maximum floor area of 100 square metres.

Zone Regulations

- (a) Notwithstanding the provisions of Subsection 5.3 “Parking Requirements by Use”, 100 parking spaces shall be required for the Marine Heritage use and real estate information display area.
- (b) Notwithstanding Section 5.2.2, the parking spaces may be located on a separate parcel of land and/or within 400 metres of the Marine Heritage use.
- (c) Notwithstanding the provisions of Subsection 5.4 “Loading Standards” to the contrary, 1 loading space shall be required.
- (d) Notwithstanding anything to the contrary, no pumps or similar structures for the sale of marine fuels or boat repair shall be permitted. A maximum of 160 boat slips are permitted not including municipal docks.
- (e) In order to remove the Holding (H) Symbol the following condition must be fulfilled:
 - i. Enter into an agreement with the Township of Tay which provides for the parking for the Marine Heritage use.

21.4.3 C6-3 Zone

Notwithstanding the permitted uses of the Marine Commercial “C6” Zone, the uses permitted within the “C6-3” zone shall be limited to:

- (a) Outdoor storage of boats

SECTION 22 – GENERAL INDUSTRIAL "M1" ZONE

22.1 GENERAL PROHIBITION

Within an Industrial "M1" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

22.2 USES PERMITTED

Accessory commercial use and wholesale use
 Accessory office
 Accessory open yard storage
 Assembly plant
 Automobile Repair Garage
 Automobile sales and rental establishment
 Bulk fuel storage and supply
 Commercial garage
 Commercial self-storage facility
 Construction or building supply yard
 Contractor's yard
 Custom workshop
 Dwelling unit, Accessory
 Existing salvage yard
 Fabricating plant
 Farm implement or heavy equipment sales outlet
 Marina sales and service establishment
 Manufacturing plant
 Machine shop
 Marihuana/Cannabis Production Facility
 Processing plant
 Sawmill or planing mill
 Service repair shop
 Transportation terminal
 Warehouse

22.3 ZONE REGULATIONS

22.3.1	<u>Minimum Lot Area</u>	1 hectare
22.3.2	<u>Minimum Lot Frontage</u>	30 metres

22.3.3 Maximum Lot Coverage 50%

22.3.4 Minimum Required Yard

- | | | |
|-------|---------------|----------|
| (i) | Front | 9 metres |
| (ii) | Interior Side | 3 metres |
| (iii) | Exterior Side | 9 metres |
| (iv) | Rear | 8 metres |

Notwithstanding any other provision of this Section a minimum yard of 22.5 metres is required for a front, side, or rear yard when the front, side or rear yard is a boundary of a Residential Zone.

22.3.5 Maximum Height of Building 11 metres

22.3.6 Uses Prohibited

Notwithstanding any other provision of this Section the following uses are prohibited:

- (a) Manufacturing or Industrial establishments which are obnoxious by reason of the emission of odour, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water carried waste or by reason of unsightly storage or the detonation of explosives.
- (b) Abattoirs, acid works, ammonia manufacture, the manufacture or use of paint, varnish or chemicals in an obnoxious manner.

22.3.7 Outside Storage

Outside Storage uses shall be set back in accordance with the minimum yard requirements except that no outside storage shall be permitted between a building on the lot and a street line upon which the property abuts.

22.3.8 Residential Use – Provisions

One accessory dwelling unit may be permitted in a General Industrial “M1” Zone only as an accessory use to the primary general industrial use and in conformity with the following regulations:

- (a) The minimum gross floor area shall be 46 square metres plus 9 square metres for each additional bedroom above one.
- (b) The minimum usable open space shall not be less than 14 square metres.
- (c) Access to the dwelling unit shall be independent of the access to the general industrial use and shall be either directly from the

outside or through a common vestibule but in the case of a dwelling unit in the industrial use, in addition to the independent access there may also be a common internal access.

22.3.9 Screening

- (a) Any industrial outside storage use involving the outside storage of goods or materials shall be suitably screened by:
 - (i) a stone or masonry wall
 - (ii) a board or metal fence the outside of which shall be planted with trees within a distance of 4.5 metres from the fence and shall be so planted as to ultimately obscure the fence.
 - (iii) A building
- (b) In the event that there is outside storage in a front yard or in an exterior side yard the required screening shall be erected at least fifteen (15) metres from the street line.
- (c) In the event that there is outside storage in an interior side yard or a rear yard abutting a Zone with greater restrictions the required screening may be erected along the lot line.

22.3.10 Accessory Uses

An accessory use permitted in Subsection 22.2 shall not exceed a gross floor area of 10% of the gross floor area of the building, to a maximum gross floor area of 232 square metres, whichever is the most restrictive.

22.4 ZONE EXCEPTIONS

22.4.1 M1-1 Zone

Notwithstanding any other provision of this By-law, the minimum required rear yard on those lands Zoned "M1-1" shall be 3.0 metres.

22.4.2 M1-2 Zone

Notwithstanding any other provisions of this By-law to the contrary, the permitted uses within the "M1-2" Zone are as follows:

Accessory business or professional office

Accessory single detached dwelling
Accessory retail
Accessory wholesale
Automotive sales and rental establishment
Commercial self-storage facility
Construction or Building supply yard
Contractors yard
Enclosed automobile body shop
Enclosed automobile repair garage
Enclosed service repair shop
Manufacturing plant
Recreation Vehicle Sales and Service
Warehouse

22.4.3 M1-3 Zone

Notwithstanding any other provisions of this By-law to the contrary, the lands zoned "M1-3", shall only be used for a building for storage and minor repairs to fuel oil trucks and for the storage of light packaged goods.

22.4.4 M1-4 Zone

Notwithstanding anything in this By-law to the contrary, the only permitted use on lands zoned "M1-4" is an existing salvage yard.

22.4.5 M1-5 Zone

In addition to the existing salvage yard uses the following uses are permitted on lands zoned M1-5:

Automobile body shop, automobile repair garage, automobile sales and service establishment.

22.4.6 M1-6 Zone

Notwithstanding anything in this By-law to the contrary, the only permitted use of those lands zoned "M1-6" shall be a stump and brush disposal site.

SECTION 23 – PRESTIGE INDUSTRIAL "M2" ZONE

23.1 GENERAL PROHIBITION

Within the Prestige Industrial "M2" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

23.2 USES PERMITTED

Accessory business and professional office
 Accessory retail
 Accessory wholesale
 Automobile sales and service
 Automobile sales and rental establishment
 Commercial garage
 Commercial self-storage facility
 Custom workshop
 Enclosed assembly plant
 Enclosed construction or building supply yard
 Enclosed contractors yard
 Enclosed fabricating plant
 Enclosed shops for repair and processing
 Enclosed machine shop
 Enclosed marihuana/cannabis production facility
 Enclosed manufacturing plant
 Enclosed processing plant
 Enclosed warehouse
 Farm implement or heavy equipment sales outlet
 Marine sales and service establishment
 Service repair shop

23.3 ZONE REGULATIONS

23.3.1	<u>Minimum Lot Frontage</u>	45 metres
23.3.2	<u>Minimum Lot Area</u>	2000 square metres

23.3.3 Minimum Required Yards

(i)	Front	15 metres
(ii)	Rear	15 metres
(iii)	Interior Side (exclusive of planting strip)	6 metres
(iv)	Exterior Side	15 metres

23.3.4 Maximum Lot Coverage 50%**23.3.5 Maximum Building Height** 11 metres**23.3.6 Special Provisions**

Where any Prestige Industrial "M2" Zone directly abuts any Residential, Institutional, or Open Space Zone, the following provisions shall apply:

- (a) No parking shall be permitted in any required yard adjacent to the Residential, Institutional, or Open Space Zone.
- (b) No loading space shall be located in any required yard, nor open onto any required yard adjacent to the Residential, Institutional, or Open Space Zone.
- (c) A planting strip not less than 3 metres in width, and in accordance with the provisions of this By-law, shall be located along the lot Line within the Industrial "M2" Zone and adjacent to the Residential, Institutional, or Open Space Zone.

23.3.7 Accessory Uses

An accessory use permitted in Subsection 23.2 shall not exceed a gross floor area of 10% of the gross floor area of the building, to a maximum gross floor area of 232 square metres, whichever is the most restrictive.

23.4 ZONE EXCEPTIONS**23.4.1 M2-1 Zone**

Notwithstanding Section 23.2 respecting minimum lot frontage, for those lands zoned M2-1, the minimum frontage shall be 30.0 metre.

23.4.2 M2-2 Zone

Notwithstanding the provisions of Section 5 and subsection 23.3 of this By-law, for those lands described as Lots 24-28 and Lots 39-43, Registered Plan 586, and known municipally as 32 Industrial Road and zoned "M2-2", the following standards shall apply:

- (a) Minimum Required Yards
 - (i) Front 14.14 metres
 - (ii) Rear 3.48 metres
 - (iii) Interior Side 3.35 metres
 - (iv) Exterior Side 5.80 metres
- (b) Minimum Required Parking

One space for each 30 sq.m of Office Space plus 1 space per 90 sq.m of other net floor area.
- (c) Parking Area Location

Parking area may be permitted in the required front and/or exterior yards.
- (d) Entrance Location

The distance between an intersection of street lines and the nearest driveway shall be at least 5 metres.

23.4.3 M2-3 Zone

Notwithstanding the regulations of Subsection 23.3.3(i), (ii) and (iii), the following regulations apply:

- (a) Minimum Front Yard 9 metres
- (b) Minimum Rear Yard 8 metres
- (c) Minimum Interior Side Yard 3 metres

SECTION 24 - MINERAL AGGREGATE RESOURCE “MAR” ZONE

24.1 GENERAL PROHIBITION

Within an Mineral Aggregate Resource “MAR” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

24.2 USES PERMITTED

Accessory single detached dwelling
Agricultural use
Conservation
Forestry
Pit
Quarry

24.3 ZONE REGULATIONS

24.3.1	<u>Minimum Lot Area</u>	4 hectares
24.3.2	<u>Minimum Lot Frontage</u>	30 metres
24.3.3	<u>Minimum Required Yards</u>	
	(i) Front	30 metres
	(ii) Rear	15 metres
	(iii) Exterior Side	15 metres
	(iv) Interior Side	15 metres
24.3.4	<u>Maximum Coverage</u>	20%
24.3.5	<u>Maximum Building Height</u>	11 metres

24.3.6 Special Setbacks

- (a) No pit or quarry excavation shall proceed closer than 120 metres to any Residential, Commercial, Institutional or Industrial Zone, nor closer than 15 metres to a lot line, nor closer than 30 metres to a street line, nor closer than 120 metres from any residential use except for a residential use as permitted in Section 24.2.
- (b) No pit or quarry excavation by blasting of sand, gravel or stone shall proceed closer than 120 metres to any Commercial, Institutional or Industrial Zone, nor closer than 15 metres to a lot line, nor closer than 30 metres to a street line, nor closer than 210 metres from a Residential Zone or use except for a residential use as permitted in Section 24.2.
- (c) No building or structure used for the crushing, screening, washing or processing of sand, ballast, gravel, etc. shall be permitted within 300 metres of any Residential, Commercial or Industrial Zone, nor closer than 90 metres to a lot line, nor closer than 90 metres to a street line, nor closer than 150 metres to any existing dwelling except for a residential use as permitted in Section 24.2.
- (d) A strip of land not less than 15 metres in width shall be reserved for landscaping purposes between any Industrial "MAR" Zone and any adjacent Commercial or Industrial Zone, along any adjacent street line or adjoining lot line. Where an "MAR" Zone abuts a Residential Zone, or a public street is the only separation between two such areas, then no industrial use shall be made of any kind within 30 metres of the abutting lot line and no parking use shall be made of any land within 7.5 metres of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and maintained as part of the industrial activity.
- (e) All extractive industrial uses shall, in addition to the above, conform to the standards and regulations of the Aggregate Resources Act, R.S.O. 1990, as amended and the requirements of the Ministry of Natural Resources.

24.4 ZONE EXCEPTIONS

24.4.1 MAR-1 Zone

In addition to the permitted uses of Section 24.2, a contractor's yard shall also be permitted on lands zoned MAR-1.

SECTION 25 - AGRICULTURE "A" ZONE

25.1 GENERAL PROHIBITION

Within an Agriculture "A" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

25.2 USES PERMITTED

Accessory dwelling unit
 Agricultural Use, General
 Agricultural Use, Intensive
 Bed and breakfast establishment
 Hobby farm
 Home occupation
 Home industry
 Commercial Kennel
 Private Kennel
 Seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is a product of the farm on which the outlet is located.
 Single detached dwelling
 Veterinary Establishment

25.3 ZONE REGULATIONS

25.3.1 Regulations for Single Detached Dwelling and Home Occupation

(a) Minimum Lot Area	2000 square metres
(b) Minimum Required Yards	
(i) Front	9 metres
(ii) Rear	8 metres
(iii) Interior Side	6 metres
(iv) Exterior Side	9 metres
(c) Minimum Lot Frontage	35 metres
(d) Maximum Building Height	11 metres

25.3.2 Regulations for Agricultural Buildings, Barns & Structures

- | | | |
|-----|--------------------------------|--------------|
| (a) | Minimum Lot Area | |
| | i) Agricultural use | 2.0 hectares |
| | ii) Agricultural intensive use | 4.0 hectares |
| | iii) Hobby Farm | 2.0 hectares |
| | iv) Equestrian Facility | 4.0 hectares |
| (b) | Minimum Required Yards | |
| | (i) Front | 30 metres |
| | (ii) Rear | 30 metres |
| | (iii) Interior Side | 15 metres |
| | (iv) Exterior Side | 30 metres |
| (c) | Maximum Lot Coverage | 10% |

25.3.3 Regulations for a Home Industry

- | | | |
|-----|------------------------|--------------|
| (a) | Minimum Lot Area | 0.8 hectares |
| (b) | Minimum Required Yards | |
| | (i) Front | 8 metres |
| | (ii) Rear | 8 metres |
| | (iii) Interior Side | 8 metres |
| | (iv) Exterior Side | 8 metres |

25.3.4 Regulations for a Veterinary Clinic

- | | | |
|-----|------------------------|------------|
| (a) | Minimum Lot Area | 2 hectares |
| (b) | Maximum Lot Coverage | 10% |
| (c) | Minimum Required Yards | |
| | (i) Front | 8 metres |
| | (ii) Rear | 8 metres |
| | (iii) Interior Side | 8 metres |
| | (iv) Exterior Side | 8 metres |

25.3.5 A commercial kennel and private kennel shall comply with the regulations of the applicable zone and the following:

- a) That the lot shall have a minimum lot area of 4 hectares
- b) All building structures and outdoor areas used in conjunction with the kennel shall have a minimum setback of 60 metres to all lot lines adjoining any lot and/or zone boundary that is used or permitted to be used for a

- dwelling, and 8 metres in all other cases; this shall not apply to a residential dwelling located on the same lot as the kennel.
- c) In the cases where the use is a located on corner lot, all building and structures and outdoor areas used in conjunction with the kennel shall have a minimum setback of 60 metres from the exterior side lot line;
 - d) All building and structures and outdoor areas used in conjunction with the kennel shall have a minimum front yard setback of 60 metres;
 - e) A *private kennel* shall have a maximum gross floor area of 100 square metres and/or a maximum lot coverage of 10%
 - f) All building and structures or outdoor areas used in conjunction with a *commercial kennel* operation shall have a maximum of 10% lot coverage.
 - g) No dog run, pen, exercise yard and all related structures and enclosures including fencing shall be permitted in the front yard.
 - h) That all commercial and private kennels shall be subject to obtaining a licence from the Township to operate as a kennel.
 - i) May be subject to Site Plan Control
 - j) That the minimum distance separation between two or more private and/or commercial kennel shall be 500 metres. The separation is calculated from the lot lines in which the kennels are located.

25.3.6 Regulations for a Equestrian Facility

- (a) Minimum Lot Area 4 hectares
- (b) Maximum Lot Coverage 10%
- (c) Minimum Required Yards
 - (i) Front 30 metres
 - (ii) Rear 30 metres
 - (iii) Interior Side 15 metres
 - (iv) Exterior Side 30 metres

25.4 ZONE EXCEPTIONS

25.4.1 A-1 Zone

Notwithstanding the provisions of subsection 25.2 of this Section to the contrary, on those lands zoned A-1 the following additional uses may be permitted:

Family Healing Lodge and Learning Centre
 Tenting in association with a Family Healing Lodge and Learning Centre.

Subject to the following provisions for tenting uses, including associated washroom facilities:

Maximum size of tenting area including a maximum of 4 residential tent sites and 1 meeting tent site.	1800 sq. metres
---	-----------------

Minimum yards for tenting uses:

100 metres from north lot line.

200 metres from west lot line.

300 metres from east lot line.

25.4.2 A-2 Zone

Notwithstanding any other provisions of this By-law to the contrary, the following minimum area and frontage provisions shall apply to those lands zoned "A2":

(a) Minimum Lot Area	1.06 hectares
(b) Minimum Lot Frontage	173 metres

25.4.3 A-3 Zone

The minimum lot area shall be 4.54 hectares and the minimum lot frontage shall be 20 metres.

25.4.4 A-4 Zone

This space intentionally left blank.

25.4.5 A-5 Zone

Notwithstanding the provisions of Section 4.2 and Section 25.2 a detached accessory dwelling is subject to the following provisions:

a) The maximum gross floor area for a detached accessory dwelling unit shall be no larger than 111.48 square metres (1200 square feet).

SECTION 26 - RURAL (RU) ZONE

26.1 GENERAL PROHIBITION

Within a Rural "RU" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

26.2 USES PERMITTED

Accessory dwelling unit
 Bed and breakfast establishment
 Conservation use
 Conservation and wildlife sanctuary
 Forest reserve
 General agricultural use
 Home occupation
 Home Industry
 Hobby farm
 Intensive agricultural use
 Commercial Kennel
 Private Kennel
 Outdoor recreational area which may include one ancillary commercial building which shall not exceed 20 metres square in total floor area.
 Private park
 Public park
 Seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is a product of the farm on which the outlet is located.
 Single detached dwelling
 Veterinary Establishment

26.3 ZONE REGULATIONS

26.3.1 Regulations for Single Detached Dwellings and Home Occupation

(a) Minimum Lot Area	2000	square
metres		

- (b) Minimum Required Yards
 - (i) Front 8 metres
 - (ii) Rear 8 metres
 - (iii) Interior Side 6 metres
 - (iv) Exterior Side 8 metres
- (c) Minimum Lot Frontage 35 metres
- (d) Maximum Lot Coverage 30%
- (e) Maximum Building Height 11 metres

26.3.2 Regulations for Agricultural Uses

- (a) Minimum Lot Area
 - (i) Agricultural use 2.0 hectares
 - (ii) Agricultural intensive use 4.0 hectares
 - (iii) Hobby Farm 2.0 hectares
 - (iv) Equestrian Facility 4.0 hectares
- (b) Minimum Required Yards
 - (i) Front 30 metres
 - (ii) Rear 30 metres
 - (iii) Interior Side 15 metres
 - (iv) Exterior Side 30 metres
- (c) Maximum Lot Coverage 10%

26.3.3 Regulations for a Home Industry

- (a) Minimum Lot Area 0.8 hectares
- (b) Minimum Required Yards
 - (i) Front 8 metres
 - (ii) Rear 8 metres
 - (iii) Interior Side 8 metres
 - (iv) Exterior Side 8 metres

26.3.4 Regulations for a Veterinary Clinic

(a)	Minimum Lot Area	2 hectares
(b)	Maximum Lot Coverage	10%
(c)	Minimum Required Yards	
	(i) Front	8 metres
	(ii) Rear	8 metres
	(iii) Interior Side	8 metres
	(iv) Exterior Side	8 metres

26.3.5 Regulations for Commercial Kennel and Private Kennel

A *commercial kennel* and *private kennel* shall comply with the regulations of the applicable zone and the following:

- a) That the lot shall have a minimum lot area of 4 hectares
- b) All building structures and outdoor areas used in conjunction with the kennel shall have a minimum setback of 60 metres to all lot lines adjoining any lot and/or zone boundary that is used or permitted to be used for a dwelling, and 8 metres in all other cases; this shall not apply to a residential dwelling located on the same lot as the kennel.
- c) In the cases where the use is located on corner lot, all building and structures and outdoor areas used in conjunction with the kennel shall have a minimum setback of 60 metres from the exterior side lot line;
- d) All building and structures and outdoor areas used in conjunction with the kennel shall have a minimum front yard setback of 60 metres;
- e) A *private kennel* shall have a maximum gross floor area of 100 square metres and/or a maximum lot coverage of 10%
- f) All building and structures or outdoor areas used in conjunction with a *commercial kennel* operation shall have a maximum of 10% lot coverage.
- g) No dog run, pen, exercise yard and all related structures and enclosures including fencing shall be permitted in the front yard.
- h) That all commercial and private kennels shall be subject to obtaining a licence from the Township to operate as a kennel.
- i) May be subject to Site Plan Control
- j) That the minimum distance separation between two or more private and/or commercial kennels shall be 500 metres. The separation is calculated from the lot lines in which the kennels are located.

26.3.6 Regulations for Barns, Agricultural Buildings and Structures

(a) Minimum Required Yards

(i)	Front	30 metres
(ii)	Rear	30 metres
(iii)	Interior Side	15 metres
(iv)	Exterior Side	30 metres

(b)	Maximum Lot Coverage	10 %
-----	----------------------	------

26.3.7 Regulations for a Equestrian Facility

(a)	Minimum Lot Area	4 hectares
(b)	Maximum Lot Coverage	10%

(c) Minimum Required Yards

(i)	Front	30 metres
(ii)	Rear	30 metres
(iii)	Interior Side	15 metres
(iv)	Exterior Side	30 metres

26.4 ZONE EXCEPTIONS

26.4.1 RU-1 Zone

Notwithstanding any other provision in this By-law to the contrary, on those lands zoned "RU-1" the following additional uses may be permitted:

- | | | |
|-------|---|---------------------|
| (a) | Family Healing Lodge and Learning Centre
Accessory tenting | |
| (b) | Subject to the following provisions: | |
| (i) | Maximum Parking Spaces | 30 spaces |
| (ii) | Maximum Gross Floor Area for
Office/Administration Use | 200 m ² |
| (iii) | Maximum Gross Floor Area for Living,
Dining, Meeting Areas | 1200 m ² |
| (iv) | Maximum Number of Bedrooms | 6 |
| (v) | Maximum size of tenting area | 1800 m ² |
| (vi) | Maximum number of tents for accommodation | 4 |
| (vii) | Maximum number of tents for meetings | 1 |

(viii)	Minimum rear yard for a tent	100 m
(ix)	Minimum exterior side yard for a tent	200 m
(x)	Minimum side yard for a tent	300 m

26.4.2 RU-2 Zone

Notwithstanding the provisions of subsection 4.8.1 "General Provisions, Home Occupations and Home Industries" for those lands zoned "RU-2" the maximum ground floor area for a building or buildings supporting a home industry shall be 340 square metres and the provisions of article 4.8.3 shall not apply.

26.4.3 RU-3 Zone

Notwithstanding any other provisions of this By-law to the contrary, home occupations and home industries shall not be permitted on lands zoned "RU-3".

26.4.4 RU-4 Zone

Notwithstanding any other provisions of this By-law to the contrary, the minimum frontage for lands zoned "RU-4" shall be 12.81 metres.

26.4.5 RU-5 Zone

Notwithstanding any other provisions of this By-law to the contrary, home occupations shall not be permitted in this Zone, and notwithstanding the minimum south interior side yard requirements of Section 26.3, the lands zoned "RU-5", shall have a south interior side yard of 3.0 metres.

26.4.6 RU-6 Zone

Notwithstanding any other provision of this By-law to the contrary, the following minimum area and frontage provisions shall apply to lands zoned "RU-6."

- | | | |
|-----|--|---------------|
| (a) | Minimum Lot Area | 1.04 hectares |
| (b) | Minimum Lot Frontage | 156 metres |
| (c) | Notwithstanding the provisions of Subsection 4.8.1 "General Provisions, Home Occupation", the maximum area of a detached structure housing a home industry shall be 233 square metres. | |

26.4.7 RU-7 Zone

Notwithstanding any other provision of this By-law to the contrary, the following minimum frontage provisions shall apply to lands zoned "RU-7."

- | | | |
|-----|----------------------|------------|
| (a) | Minimum Lot Frontage | 190 metres |
|-----|----------------------|------------|

26.4.8 RU-8 Zone

Notwithstanding any other provision of this By-law to the contrary, on lands described as part of Lot 6, Concession 11, and known municipally as 3172 Fesserton Side Road and zoned "RU-8", the maximum gross floor area for an accessory building supporting a home occupation shall be 100 square metres.

26.4.9 RU-9 Zone

Notwithstanding the provisions of subsection 4.31 of this By-law, for those lands described as Part of Lot 12, Concession 11 and legally described as Part of Block "E", Registered Plan 1320 and Part 7, Reference Plan 51R-20873 and known municipally as 23 Bayway Road and zoned "RU-9", the following provisions shall apply:

- (a) That fill shall be placed on the property for the building site to a minimum elevation of 178 metres GSC. The fill shall be at or above the 178 metre elevation and placed at least 15 metres out from the exterior walls of the dwelling.
- (b) No openings in any habitable structure shall be below 178.5 metres GSC.
- (c) All development not requiring direct access to the water shall be setback a minimum of 15.0 metres from the 177 metre GSC elevation.

26.4.10 RU-10 Zone

Notwithstanding the provisions of Subsection 4.8.1 "General Provisions, Home Occupation", the maximum area of a detached structure housing a home industry shall be 276 square metres.

26.4.11 RU-11 Zone

In addition to the permitted uses and the Zone regulations of subsections 26.2 and 26.3, on those lands zoned RU-11 the following uses and provisions shall apply:

- a) Permitted Uses:
- i) Wellness Centre
 - ii) Accessory detached residential dwelling
- b) Regulations for a Wellness Centre:
- i) Minimum Lot Area 13.6 hectares
 - ii) Minimum Lot Frontage 193.5 metres
 - iii) Minimum Required Yards
 - a. Front 8 metres
 - b. Rear 8 metres
 - c. Interior Side 8 metres
 - d. Exterior Side 8 metres
 - iv) Maximum Total Gross Floor Area of Wellness Centre Buildings excluding guest rooms/cabins 515 sq. m.
 - v) Maximum Number of Guest rooms/cabins 10
 - vi) Maximum Gross Floor Area per Guest rooms/cabins 24 sq. m.

26.4.12 RU-12 Zone

Notwithstanding the provisions of Subsection 26.3.2(a) "Regulations for Agricultural Use", the minimum lot area shall be 15 hectares.

26.4.13 RU-12 Zone (By-law 2017-72)

Notwithstanding the provision of subsection 26.3, the existing detached dwelling shall be a permitted use, as a single storey with a gross floor area not exceeding 96 square metres.

26.4.13 RU-13 Zone

Notwithstanding the uses permitted under subsection 26.2 and in addition to the zone regulations of subsection 26.3, an accessory dwelling unit, a bed and breakfast establishment, conservation use, conservation and wildlife sanctuary, forest reserve, home occupation, and a single detached dwelling are the only permitted uses in this exception zone and further a planting strip consisting of cedar, white pine, white spruce and/or balsam fir, planted 3 metres on centre shall be required with a page wire fence, along the west zone line and the north zone line between the Environmental Protection "EP" Zone and the Rural Exception 13 "RU-13" Zone.

26.4.14 RU-14 Zone

In addition to the permitted uses and the zone regulations of subsections 26.2 and 26.3, on those lands zoned RU-14 the following uses and provisions shall apply:

- a) Permitted Uses:
- i) Aquaculture
 - ii) Market Garden Agriculture
 - iii) Tourist Lodge
- b) Regulations for a Tourist Lodge
- i) Minimum Lot Area 9 hectares
 - ii) Maximum Lot Coverage 10%
 - iii) Minimum Required Yards
 - a. Front 30 metres
 - b. Rear 30 metres
 - c. Interior Side 30 metres
 - d. Exterior Side 30 metres
 - iv) Maximum Number of Guest rooms 10
 - v) Where a Tourist Lodge is a use on a property, a single detached dwelling shall not be a permitted use.
- c) Regulations for Aquaculture
- i) Minimum Lot Area 9 hectares
 - ii) Maximum Lot Coverage 10%
 - iii) Minimum Required Yards
 - a. Front 30 metres
 - b. Rear 30 metres
 - c. Interior Side 15 metres
 - d. Exterior Side 30 metres
- d) Regulations for Market Garden Agriculture
- i) Minimum Lot Area 9 hectares
 - ii) Maximum Lot Coverage 10%
 - iii) Minimum Required Yards
 - a. Front 30 metres
 - b. Rear 30 metres
 - c. Interior Side 15 metres
 - d. Exterior Side 30 metres

26.4.15 RU-15 Zone

Notwithstanding the provisions of Subsection 26.3 (i) and (iii) a detached accessory dwelling is subject to the following provisions:

- | | |
|----------------------------------|----------------------------|
| (i) Front Yard Setback | 7 metres to an open deck |
| (iii) Interior Side Yard Setback | 1.8 metres to an open deck |

SECTION 27 - INSTITUTIONAL "I" ZONE

27.1 GENERAL PROHIBITION

Within an Institutional "I" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

27.2 USES PERMITTED

Arena
 Cemetery
 Clinic
 Club
 Community centre
 Day Nursery
 Nursing home
 Places of worship
 Independent Retirement Home
 Retirement home
 School
 Sewage treatment plant
 Single detached dwelling accessory to the permitted uses listed above, in accordance with the provisions of Section 8 or an accessory dwelling unit within the building containing the principal use on the lot.
 Water reservoir
 Water treatment plant

27.3 ZONE REGULATIONS

27.3.1	<u>Minimum Lot Area</u>	1400 square metres
27.3.2	<u>Minimum Lot Frontage</u>	30 metres
27.3.3	<u>Minimum Required Yards</u>	
	(i) Front	7.5 metres
	(ii) Rear	7.5 metres
	(iii) Interior	6 metres
	(iv) Exterior Side	6 metres
27.3.4	<u>Maximum Lot Coverage</u>	30%

27.3.5 Maximum Building Height 15 metres

27.4 ZONE EXCEPTIONS

27.4.1 I-1 Zone

In addition to the uses permitted by Section 27.2, the following uses shall be permitted on those lands Zoned I-1:

- (a) Animal Shelter
- (b) Pet Cemetery
- (c) Wildlife Rehabilitation Centre

27.4.2 I-2 Zone

In addition to the permitted uses as listed in subsection 27.2, an Independent Retirement Home shall be a permitted use.

- (a) Minimum Parking requirements for an Independent Retirement Home shall be 1 space per independent retirement home unit, 1 space for every 20 square metres of gross floor area, with a minimum of 2 spaces being provided to the common building, and 1 parking space per 7 independent retirement home units for reserved visitor parking.
- (b) All other permitted uses listed in subsection 27.2 shall be subject to the applicable parking standards in subsection 5.3.

27.4.3 I-3 Zone

Notwithstanding the provisions of subsection 27.2 an Independent Retirement Home shall be a permitted use. The following zone regulations apply to those lands shown on Schedule A as amended:

- (a) Minimum Required Lot Frontage 20.0 metres
- (b) A minimum 5.0 metre continuous landscaping strip to the rear lot lines of lots that are in a residential zone.
- (c) Minimum Parking requirements for an Independent Retirement Home shall be 1 space per independent retirement home unit and 1 parking space per 7 independent retirement home units for reserved visitor parking.
- (d) All other permitted uses listed in subsection 27.2 shall be subject to the applicable parking standards in subsection 5.3.

That the Holding Symbol (H) shall not be removed until a Site Plan Agreement in accordance with Section 41 of the Planning Act is entered into with the Township of Tay and registered on title.

27.4.4 I-4 Zone

Notwithstanding the provisions of subsection 27.3, the following zone regulations apply to those lands shown on Schedule A as amended:

- | | | |
|----|-------------------------------------|-------------|
| a) | Minimum Required Front Yard Setback | 4.51 metres |
| b) | Minimum Required Rear Yard Setback | 5.84 metres |
| c) | Minimum Interior Side Yard Setback | 1.14 metres |

27.4.5 I-5 Zone

In addition to the Permitted Uses of Section 27.2 “Institutional “I” Zone: Uses Permitted”, the following uses shall be permitted on lands zoned “I-5” Zone:

- a) Private Career College be a permitted use,
- b) Accessory uses for a Private Career College includes accessory overnight accommodations for a maximum of 15 (fifteen) consecutive nights.

That notwithstanding the provisions of Section 4.1 ‘Accessory Buildings, Uses and Structures’, Section 4.14 ‘Motor Vehicles, Not in Running Order’, Section 4.22 ‘Prohibited Uses’, and Section 5.3 ‘Parking Requirements by Use’, the following provisions shall apply to the I-5 Zone:

Accessory Buildings, Uses and Structures: Maximum Height

- a) A maximum height for one detached accessory structure of 12.0 metres.

Motor Vehicles, Not in Running Order

- b) Where a Private Career College exists, the temporary parking and outdoor storage of any vehicle that is not in running order but used for training purposes will be permitted;

Prohibited Uses

- c) Where a Private Career College exists, the outdoor storage of a decommissioned railroad car will be permitted for training purposes, whether or not the railroad car is situated on a foundation;

Parking Requirements by Use

d) A minimum of 37 off-street parking spaces will be permitted for a Private Career College.

SECTION 28 - ENVIRONMENTAL PROTECTION "EP" ZONE

28.1 GENERAL PROHIBITION

Within an Environmental Protection "EP" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in Subsections 3 and 4 of this Section.

28.2 USES PERMITTED

Conservation Use
Conservation and Wildlife Sanctuary
Existing Agricultural Use
Forestry Use

28.3 ZONE REGULATIONS

28.3.1 Minimum Required Yards

(i)	Front	9 metres
(ii)	Rear	9 metres
(iii)	Interior Side	9 metres
(iv)	Exterior Side	9 metres

28.3.2 Permanent Buildings

The erection of any permanent building or structure is prohibited in an Environmental Protection "EP" Zone on, or after the date of passage of this By-law.

28.3.3 Flood Control

Notwithstanding the provisions of Section 28.3.2 unenclosed shelters and buildings or structures required for flood or erosion control or conservation projects shall be permitted.

28.3.4 Fill

No person shall place or dump fill within an Environmental Protection "EP" Zone.

28.4 ZONE EXCEPTIONS

28.4.1 EP-1 Zone

Notwithstanding Section 28.2 “Uses Permitted” and Section 28.3 Zone Regulations, the only uses permitted on those lands zoned “EP-1” shall be for:

Conservation Use

Recreational Trail

Accessory buildings or structures necessary for a conservation use, Municipal servicing or for a trail, viewing platform or walkway.

28.4.2 EP-2 Zone

Notwithstanding any other provisions of this By-law to the contrary, on those lands zoned “EP-2” the only permitted uses shall be forestry use, conservation and wildlife sanctuary and outdoor recreation.

28.4.3 EP-3 Zone

Notwithstanding the provisions of Sections 26.2 and 28.2, only the following uses are permitted on the subject lands.

Conservation use

Conservation and wildlife sanctuary

Forest reserve

SECTION 29 - OPEN SPACE "OS" ZONE

29.1 GENERAL PROHIBITION

Within an Open Space "OS" Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

29.2 USES PERMITTED

Forestry use
Park, Public
Playground
Public swimming or bathing area or beach

29.3 ZONE REGULATIONS

29.3.1 Minimum Required Yards

(i) Front	8 metres
(ii) Rear	8 metres
(iii) Interior Side Yard	8 metres
(iv) Exterior Side Yard	8 metres

29.4 ZONE EXCEPTIONS

29.4.1 OS-1 Zone

Notwithstanding Section 29.2 Uses Permitted, those lands zoned "OS-1" shall be used only for:

Public Park
Public Use
Conservation Use
Recreational Trail

29.4.2 OS-2(a) Zone

In addition to the permitted uses and notwithstanding the regulation to the contrary, the following permitted uses shall apply:

- a. Golf Course
- b. Hotel
- c. Bed and Breakfast
- d. Clubhouse
- e. Pro-Shop
- f. Restaurant
- g. Conference Centre
- h. Recreation Centre as accessory uses to the permitted golf course on the lands and servicing and accessory structures required to service the permitted golf course

OS-2(b)

In addition to the permitted uses and notwithstanding the regulation to the contrary, the following permitted uses shall apply:

- i. A golf course as well as servicing and accessory structures required to the service the permitted golf course.

OS-2(c)

In addition to the permitted uses and notwithstanding the regulation to the contrary, the following permitted uses shall apply:

- j. A golf course, with no accessory structures in connection with the permitted golf course shall be permitted on the lands zoned (OS-2)(c) Zone as per the recommendation of the D-4 Study Dixon Hydrogeology Limited dated May 14, 2004 and updated September 2006 by Golder Associates."

29.4.3 OS-3 Zone

Notwithstanding the permitted uses of subsection 29.2 and the zone regulations of subsection 29.3 of this By-law to the contrary, for those lands zoned Open Space Exception 3 "OS-3", the following shall apply:

- 29.4.3.1 Permitted Uses
 - (a) Park, Private

(b) Harbour related signs and structures

29.4.3.2 Zone Regulations

- | | |
|--|-------------------|
| (a) Minimum Lot Area | 200 square metres |
| (b) Minimum Lot Frontage | 0 metres |
| (c) Minimum Required Yard for buildings | 1.0 metre |
| (d) Minimum Required Yard for signs and structures | 0 metres |

29.4.4 OS-4 Zone

In addition to the permitted uses of Subsection 29.2, the following uses are permitted:

- (a) Parking and loading accessory to the Marine Heritage use.
- (b) Real estate information and sales office not to exceed a maximum floor area of 100 square metres.
- (c) In order to remove the Holding (H) Symbol the following condition must be fulfilled:
 - i. Enter into a site plan agreement with the Township of Tay.

SECTION 30 - LAKE SIDE "LS" ZONE

30.1 GENERAL PROHIBITION

Within a Lake Side "LS" Zone no person shall erect, alter, enlarge, use or maintain any structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

30.2 USES PERMITTED

Boat launching ramp
Conservation and wildlife sanctuary
Public use
Recreational facility not including buildings or structures
Uncovered private dock
Water intake or sewage outfall pipes lying on the lake bottom

30.3 ZONE REGULATIONS

30.3.1 Work Permits

All structures permitted shall be with the written permission of the appropriate government authority having jurisdiction.

30.4 ZONE EXCEPTIONS

SECTION 31 – DEVELOPMENT “D” ZONE

31.1 GENERAL PROHIBITION

Within a Development “D” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

31.2 USES PERMITTED

Conservation and Wildlife Sanctuary
Conservation Use
Existing Uses

31.3 ZONE REGULATIONS

31.3.1 All Uses

- | | |
|-----------------------------|----------|
| (a) Maximum Lot Coverage | 30% |
| (b) Minimum Required Yard | |
| (i) Front | 8 metres |
| (ii) Rear | 8 metres |
| (iii) Interior Side Yard | 3 metres |
| (iv) Exterior Side | 8 metres |
| (c) Maximum Building Height | 9 metres |

31.4 ZONE EXCEPTIONS

31.4.1 D-1 Zone

Notwithstanding the provisions of Section 31.2, the construction and use of one single detached dwelling is permitted on the lands zoned “D-1” in accordance with the Residential “R2” Zone Regulations.

31.4.2 D-2 Zone

Notwithstanding any other provisions of this By-law to contrary, on those lands zoned D-2, only existing uses shall be permitted.

31.4.3 D-3 Zone

Notwithstanding any other provisions of this By-law to the contrary, on those lands zoned "D-3" the only permitted uses shall be for conservation use, open space, outdoor recreation, and Marina.

31.4.4 D-4 Zone

Notwithstanding any other provision of this By-law to the contrary, on those lands zoned "D-4", the only permitted use shall be those uses that legally existed on the effective date of this By-law.

SECTION 32 – MIXED USE COMMERCIAL “MU” ZONE

32.1 GENERAL PROHIBITION

Within a Mixed Use Commercial “MUC” Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 of this Section and also in accordance with the regulations contained or referred to in subsections 3 and 4 of this Section.

32.2 USES PERMITTED

Commercial Uses:

- Antique Shop
- Business or professional office
- Clinic
- Commercial school
- Craft shop
- Club
- Day Care Facility
- Financial Institution
- Funeral home
- Garden Centre
- Hotel
- Laundromat
- Motel
- Parking lot
- Personal service shop
- Place of entertainment
- Post office
- Public use
- Restaurant
- Retail store
- Tavern
- Veterinary establishment

Residential Uses:

- Dwelling Unit, Accessory
- Apartment Building
- Bed and Breakfast Establishment
- Dwelling, Duplex
- Dwelling, Triplex
- Dwelling, Fourplex
- Home Occupation
- Dwelling, Low Rise Apartment
- Dwelling, Semi-detached

	Dwelling, Street Townhouse	
	Dwelling, Townhouse	
32.3	ZONE REGULATIONS	
32.3.1	Minimum Lot Area	930 square metres
32.3.2	Minimum Lot Frontage	25 metres
32.3.3	Minimum Required Yards	
	(i) Front	0 metres
	(ii) Rear	0 metres 4.5 metres if abutting a Residential Zone, of which 1.5 metres shall be maintained in an open space condition.
	(iii) Exterior Side	0 metres
	(iv) Interior Side	0 metres 4.5 metres if abutting a Residential Zone, of which 1.5 metres, shall be maintained in an open space condition.
	(v) Maximum Lot Coverage	60%
32.3.4	Maximum Building Height	11 metres
32.3.5	All parking areas shall be located in the rear or side yards only.	
32.3.6	A minimum outdoor amenity area of 12m ² per unit in a consolidated form is required for low rise apartment/apartments and/or street townhouse/townhouses development. That notwithstanding other provisions of this Bylaw such required area is permitted to encroach into the required rear and/or interior side yard area adjacent to each unit. Outdoor amenity area shall mean an area of land; balcony; deck; terrace; the roof of a private garage or the roof of a parking structure, which includes the landscape area and may include the areas of decorative paving or other similar surfaces, provided such structure shall not be used for vehicular use or snow storage.	
32.3.7	Where an apartment or low rise apartment dwelling are proposed, each dwelling unit may have an independent entrance from the street level, and the occupant of which shall have the right to use any common halls and/or stairs and/or elevators and/or yards and/or laundry rooms and facilities for such building.	
32.3.8	Planting Strip	

The parking of cars or the siting of a parking area shall not be permitted in any yard in a Mixed Use "MU" Zone which abuts a Residential Zone without the provision of a planting strip in accordance with the requirements of Section 4.21.

32.3.9 Provisions for existing Automobile Service Stations/Commercial Garages

Notwithstanding any other provisions where any land, building or structure is altered, erected or used for an automobile service station and/or commercial garage, the following provisions shall apply:

- (a) Gasoline pump islands shall not be located within five (5) metres of any street line, six (6) metres of any interior lot line or fifteen (15) metres of the intersection of any two streets.
- (b) Access ramps shall not exceed eight (8) metres in width or be located within ten (10) metres of any other access ramp, within fifteen (15) metres of the intersection of two streets or within three (3) metres of any interior lot line.
- (c) The minimum interior approach angle of an access ramp to a street line shall be sixty (60) degrees and the maximum interior approach angle shall be ninety (90) degrees.
- (d) All petroleum products shall be stored, handled and dispensed in accordance with the provisions of The Gasoline Handling Act, R.S.O. 1990 as amended, and any regulations made thereunder.

32.4 Zone Exceptions

32.4.1 MU-1 Zone

Notwithstanding the provisions of Section 32.2 the following permitted use is permitted:

- a) A 3-storey, 12 unit stacked townhouse dwelling.

SECTION 33 - IMPLEMENTATION

- 32.1 That By-law No. 1767, as amended, is hereby repealed.
- 32.2 This By-law shall take force and come into effect pursuant to the provisions and regulations made under the Planning Act, R.S.O. 1990, c.P.13.

BY-LAW read a **FIRST, SECOND** and **THIRD** time and finally **PASSED** this 9th day of November 2000.

CORPORATION OF THE TOWNSHIP OF TAY

MAYOR John G. Hunter

CLERK Edmund K. Walker