

THE CORPORATION OF THE
CITY OF NORTH BAY

RESTRICTED AREA (ZONING) BY-LAW NO. 28-80

BEING A BY-LAW TO REGULATE THE USE OF LAND, AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE CITY OF NORTH BAY

WHEREAS authority is granted under Section 35 of The Planning Act, Chapter 349, R.S.O. 1970 and Amendments thereto, subject to the approval of The Ontario Municipal Board, to pass this By-law;

AND WHEREAS it is deemed appropriate to provide minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the inhabitants of the Municipality;

AND WHEREAS it is deemed desirable to provide a Comprehensive Restricted Area (Zoning) By-law for the City of North Bay;

AND WHEREAS it is deemed desirable to designate certain areas in the City of North Bay as site plan control areas, by reference to certain land use designations contained in this By-law, pursuant to section 35a of The Planning Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

INTERPRETATION

AND

ADMINISTRATION

Current as of April 7, 2010

Updated By By-law 2010-45 (MAP –A, MAP- G) – passed by Council on Feb 22, 2010

Updated By By-law 2010-61 (General Review & Update) – passed by Council April 6, 2010

SECTION 1 - INTERPRETATION AND ADMINISTRATION

Short Title

- 1.1 The short title of this By-law is The City of North Bay Zoning By-law.

Litigation

- 1.2 This By-law does not affect the rights of any part of any land concerned in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

Use of Land Restricted

- 1.3 Except as permitted by the Planning Act, no building, **structure** or land shall be **used**, and no building or **structure** shall be hereafter **erected**, placed, structurally altered or enlarged within the limits of the **Municipality** except in conformity with this By-law.

Administration

- 1.4 This By-law shall be administered by the Managing Director, Community Services Business Unit, the Zoning Administrator and such other **persons** as **Council** may designate from time to time.

Enforcement

- 1.5 No permit for the **use** of land or for the **erection** or **use** of any building or **structure** or approval of any application for any Municipal Licence shall be issued or given, where the proposed building, **structure** or **use** would violate any provision of this By-law.

Right of Entry (Section 41, By-law No. 165-80)

- 1.6 The Managing Director, Community Services Business Unit, the Zoning Administrator, and such other **persons** designated from time to time are hereby authorized with consent, upon proper notice being given to enter between the hours of 9:30 o'clock a.m. and 4:30 o'clock p.m., Monday to Friday upon any property or premises or **structure** for the purpose of discharging his duties and obligations under this By-law if there are reasonable and probable grounds to believe that this By-law is not being complied with.

Meaning of "Use"

- 1.7 Unless the context otherwise requires, the expression "**use**" or "to **use**" in this By-law includes anything done or permitted by the owner or occupant of any land, building or **structure**, directly or indirectly, or by or through any trustee, tenant, servant or agent of such owner or occupant for the purpose of making **use** of the said land, building or **structure**.

Use of Word "Shall"

- 1.8 In this By-law the word "shall" shall always be construed as being mandatory.

Idem

- 1.9 Words importing the singular number or the masculine gender only include more **persons**, parties or things of the same kind than one, and females as well as males, and the converse.

Definitions

- 1.10 Where any word or abbreviation is not other-wise defined in this By-law, such word or abbreviation shall have the meaning set out in the Shorter Oxford Dictionary.

Buildings to be moved

- 1.11 No building shall be moved within the limits of the **Municipality**, except in conformity with this By-law and the Building By-law of the City of North Bay.

Sign Permits

- 1.12 A sign permit issued pursuant to the regulations contained in the City of North Bay Sign By-law as amended is required for the **erection** of any sign upon private or public property which shall only be issued if such sign is in conformity with the regulations therein applicable.

Violation and Penalty

- 1.13 Every **person** who contravenes any provision of this By-law is guilty of an offence and is subject to penalties applicable under the Planning Act, R.S.O. 1990.
- 1.14 Where any **person** contravenes any provision of this By-law and a conviction is entered therefore, the City Solicitor may, in addition to any other remedy and to any penalty imposed by this By-law, request an Order prohibiting the continuation or repetition of the offence by the **person** convicted.

Remedies

- 1.15 Where any building or **structure** is or is proposed to be **erected**, placed, 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 the provisions of this By-law, the same may be restrained by action at the instance of the **Council** of the **Municipality**, or any resident of the City, pursuant to the provisions of the Planning Act, R.S.O. 1970, Chapter 349 and Amendments thereto.

Severability

- 1.16 If any provision of this By-law, including any of the **zones**, as herein established and as shown on the Schedules to this By-law are for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions and regulations shall remain in full force and effect until repealed, notwithstanding that one or more provisions and regulations shall have been declared to be invalid.

Repeals

- 1.17 Upon the final approval of this By-law by The Ontario Municipal Board, all other Zoning By-laws in force in the **Municipality** are hereby repealed, specifically By-law No. 1097 of the former Township of Widdifield and Amendments thereto, being By-laws No. 1204, 1215, 1253, 76-79, 77-69, 13-70, 15-70, 16-70, 71-69, 14-70, 32-70, 74-70, 82-70, 42-70, 29-71, 51-71, 82-71, 96-71, 24-72, 54-72, 53-73, 58-73, 74-73, 55-75, 76-73, 63-74, 20-74, 26-74, 30-75, 126-74, 28-75, 50-75, 52-75, 84-75, 77-76, 95-75, 27-76, 28-76, 29-76, 17-76, 92-75, 57-76, 53-76, 56-76, 65-76, 80-76, 86-76, 88-76, 97-76, 11-77, 22-77, 78-77, 137-77, 10-77, 36-78, 7-78, 32-78, 38-78, 33-78, 56-78, 75-78, 77-78, 107-78, 111-78, 113-78, 115-78, 130-78, 35-79 and 101-79; By-law No. 907 of the former Township of West Ferris and Amendments thereto, being By-laws No. 64-69, 120-71, 2-71 74-71, 1-73, 75-73, 44-74, 47-74, 32222-73, 68-75, 60-74, 43-75, 31-75, 71-75, 113-75, 55-76, 144-76, 53-77, 26-77, 28-77, 35-77, 92-77, 93-77, 91-77, 121-77, 15-78, 8-78, 14-78 and 91-79; and By-law No. 9-69 of The City of North Bay and Amendments thereto being By-laws No. 58-69, 59-69, 104-71, 97-71, 89-70, 19-71, 79-71, 41-73, 28-71, 102-71, 22-71, 103-71, 19-73, 14-73, 8-73, 24-73, 51-73, 45-74, 43-74, 62-74, 61-74, 20-71, 83-72, 11-75, 27-75, 26-75, 63-76, 62-76, 86-77, 93-76, 98-76, 96-76, 12-77, 36-77, 74-77, 99-77, 122-77, 134-77, 13-78, 139-77, 5-78, 6-78, 9-78, 23-78, 34-78, 133-78 and 39-79.

DEFINITIONS

SECTION 2 - DEFINITIONS

For the purposes of this By-law the definitions and interpretation given in this Section shall govern:

ACCESSORY means a use, building or structure that is detached from the main building and is naturally and normally incidental, subordinate and exclusively devoted to the principal use, building or structure and located on the same lot therewith. An accessory structure does not include a structure made wholly or in part of fabric of any kind.

ADULT ENTERTAINMENT PARLOUR means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

- a) "services" includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include the exhibition of film approved under the Theatres Act;
- b) "services designed to appeal to erotic or sexual appetites or inclinations" includes,
 - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

AGRICULTURAL SERVICES means a use, building or structure devoted to the purposes of buying and selling commodities and services as required by an agricultural use.

AGRICULTURAL STORAGE means a use, building or structure for the housing of livestock, feed, seed, grain, seedlings and other supplies required in an agricultural use. This shall include a building or structure accessory to the principal agricultural use devoted to the shelter of equipment and produce of an agricultural use.

AMUSEMENT ARCADE means a building or part of a building in which four or more pinball machines, video games, or other similar coin or token operated devices are provided for public amusement.

ANIMAL HOSPITAL means a building or structure where animals, including birds and livestock are treated and where domestic animals, including birds are kept for treatment and shall include a veterinary establishment and a veterinary clinic, but not a kennel.

APIARY means a place where bees, bee hives or bee colonies are kept for the purpose of producing honey.

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

AUTOMOBILE SERVICE STATION means a building or a clearly defined space on a lot where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and 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.

AUTOMOBILE WASHING ESTABLISHMENT means a building or part thereof used for the operation of automobile washing equipment with a capacity to wash more than ten (10) cars per hour, but does not include an Automobile Service Station or a Gas bar.

BALCONY means a platform projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.

BASEMENT means that space of the dwelling that is partly below grade which has more than one-half of its interior height measured from floor to ceiling above the average finished grade around the exterior of the building.

BED AND BREAKFAST means a detached dwelling in which the operator resides, used to provide accommodation and meals to transient travellers and includes a tourist home, but does not include a boarding house, rooming house, domiciliary hostel, group home, hotel or motel.

BOARDING, LODGING OR ROOMING HOUSE means a building or part thereof,

- (a) in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both, and
- (b) in which the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants,

but does not include a Group Home Type 1, 2 or 3, Supervised Residence, Hotel, Motel, Hospital, Nursing Home, Home for the Aged, Retirement Home or institutional licensed, approved or supervised under Provincial or Federal Legislation.

BOAT HOUSE means an accessory building or structure located on a waterfront lot, the sole use of which is the provision of shelter or protection to a boat or other form of water transport.

BODY SHOP means a building or structure used for the painting or repairing of the exterior, undercarriage or both exterior and undercarriage, of motor vehicle bodies and in conjunction with which there may be a towing service and motor vehicle rentals for the convenience of the customer while the vehicle is being repaired.

BUFFER ZONE means a landscaped or naturally vegetated strip of land devoted exclusively to the provision of visual amenity and barrier between adjacent uses which lessens the incompatibility between different land uses.

BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, loading dock, staging gallery, wall, excavation, storage tank, gasoline pump, pump island, bleacher, fence, swimming pool, grandstand, tent, awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes is deemed a building.

BUILDING AREA means the maximum projected horizontal area of a building above grade measured to the centre of party walls and to the outside of other walls including stairwells and all other spaces within the building.

BUILDING INSPECTOR means the officer or employees of the Municipality charged with the duty of enforcing the provisions of The Building Code Act, 1993 (S.O 1992 c.23)_as amended.

BUILDING LINE means any line regulating the position of a building or structure on a lot relative to the property lines or established by the setback regulations of this By-law.

BULK SALES ESTABLISHMENT means the use of land, structure or building for the purpose of buying and selling fuels, building materials, ice and allied commodities, but does not include any manufacturing, assembling or processing uses.

BULK STORAGE CONTAINER means an above ground container used for the storage of liquid chemicals, compressed gases, petroleum products and other related materials for subsequent resale to distributors or retail dealers.

BUS STORAGE means an area with or without a building for the storage of buses and may incorporate the servicing of such vehicles.

CABIN, HOUSEKEEPING means a separate building designed to provide sleeping accommodations and facilities for the preparation and cooking of food for the travelling or vacationing public.

CAMPING ESTABLISHMENT, SEASONAL means an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of trailers on a permanent, regular or year-round basis and mobile homes. Such an establishment shall only be operational from May to September each year.

CARPORT means a covered structure attached to the wall of the main building and used for the storage of private passenger motor vehicles wherein neither servicing for profit is indicated nor storage of commercial vehicles in excess of 1 ton is permitted. The roof of the said structure shall be supported only by piers or columns so it is open on at least two sides.

CELLAR means that space of the building that is partly or entirely below grade which has less than one-half of its height measured from floor to ceiling above the average finished grade around the exterior of the building.

CEMETERY means land that is set apart or used as a place for interment of the dead in accordance with The Cemeteries Act, R.S.O. 1970, and amendments thereto. A cemetery may include such accessory uses as mausoleums, crematoriums and columbariums.

CLINIC means a building or part of a building used for the medical, dental, surgical, psychiatric or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence.

CLUB means a use, building or structure devoted to an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality.

COMMERCIAL AGRICULTURAL USE means the cultivation of the soil for crops and animal husbandry for profit or commercial purposes including the packaging or produce incidental to such uses, but not including the commercial slaughter, processing or packaging of animals (Section 42, By-law No. 165-80), and includes kennels and wind turbine farms.

COMMERCIAL PARKING LOT means an open area, other than a street, used for the temporary parking of two or more vehicles for profit or gain.

COMMERCIAL USE means the use of land, structure or building for the purposes of buying or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing and contractor's yards.

COMMON WALL means a vertical wall separating two dwelling units between the top of the footings to the underside of the roof deck, and shall be mutually common to both dwelling units over forty (40) percent of the depth of each dwelling between the front and rear yard of each dwelling.

COMMUNITY CENTRE means any tract of land or building used for community activities which may be used for ancillary commercial purposes and the control of which is vested in the municipality, local board or commission thereof.

CONSERVATION AUTHORITY means the Government body responsible for the administration of a Conservation Area as established and defined by The Conservation Authorities Act, R.S.O. 1970, and amendments thereto.

CONTRACTOR'S YARD means an area with or without buildings used for the storage of materials and equipment related to the construction industry where a contractor may perform shop or assembly work ancillary to the main use.

CONVERSION means the alteration or change of use of a building.

CORPORATE ADMINISTRATIVE OFFICE means an establishment primarily engaged in overall management and general supervisory functions such as executive, personnel, finance, legal, and sales activities, performed in a single location or building for other branches or divisions of a firm involved in any use that would normally be permitted within the zone.

COTTAGE means a single detached dwelling which may be on private services or private roads.

COUNCIL means the Council of The Corporation of the City of North Bay.

COURT means an open, uncovered, unoccupied space appurtenant to a building and bounded by two or more sides thereby.

CREMATORIUM means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

DATA PROCESSING FIRM means a business which relies heavily upon telecommunication infrastructure to perform a wide range of business support functions such as sales, administrative office and management services while operating within a variety of different types of facilities.

DANGEROUS TRADES means a use which is likely to create danger to health or danger from fire or explosion which, without limiting the generality of the foregoing, shall include storage or manufacture of: Acids; Benzene; Burning Fluid; Coal Oil; Dualine; Dynamite; Gas; Gunpowder; Naptha; Nitro-Glycerine; Petroleum and Petroleum Products; Rock Oil; Water Oil (Section 43, By-law No. 165-80)

DAY NURSERY means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

- a) under eighteen years of age in the case of a day nursery for children with a developmental disability, and
- b) under ten years of age in all other cases; but does not include,
- c) part of a public school, separate school, private school or a school for children with developmental disabilities under the Accessibility for Ontarians with Disabilities Act, 2005 ("garderie").

DAYLIGHT CORNER means a corner lot located at the intersection of two streets where no visual obstruction will be permitted such that it will obstruct the vision of any motorist.

DECK means a structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground, the floor of which is greater than 0.3 metres above finished grade, and which is designed and intended for use as a sundeck, but shall not include a landing or a stair.

DRIVE OR DRIVEWAY means that portion of a lot used to provide parking or access from the street to a parking space or spaces and which has been graded and gravelled or surfaced with concrete asphalt, crushed stone or other hard surface and dustless materials.

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

DRY CLEANING DEPOT means a building or structure used for the purpose of collection and distribution of articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, cleaning, spotting and stain removal, and for the pressing and alterations of any such articles or goods which have been subjected to any of the above-noted processes elsewhere at a dry cleaning establishment.

DRY CLEANING ESTABLISHMENT means a building or structure used for the purpose of collection, distribution and the processing of articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, cleaning, spotting and stain removal, and for the pressing and alterations of any such articles or goods which have been subjected to any such process.

DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding and rooming houses, motels and institutions.

DWELLING, APARTMENT means a building consisting of four or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above.

DWELLING, CONVERTED means a building which has been altered by the creation of more dwelling units than existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities.

DWELLING, DOUBLE DUPLEX means a building that consists of two duplexes attached to each other by a common wall.

DWELLING, DUPLEX means a separate building that is divided horizontally into two dwelling units, each of which has an independent entrance from outside the building.

DWELLING GROUP means a building which is part of a group of dwellings on the same lot.

DWELLING, MAISONETTE means a building that is divided into three or more dwelling units, each of which has an independent entrance, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit. A maisonette is not considered an apartment building for the purposes of this By-law.

DWELLING, MULTIPLE means a building designed, intended and used for residential occupancy containing three or more dwelling units, but excludes an apartment dwelling, a maisonette dwelling, a triplex dwelling and a double duplex dwelling.

DWELLING, TOWNHOUSE means a building that is divided vertically by common walls into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

DWELLING, SEMI-DETACHED means a building that is divided vertically by a common wall into two dwelling units, each of which has an independent entrance, either directly or through a common vestibule.

DWELLING, SINGLE DETACHED means a completely detached dwelling unit to which entrance is gained only by a private entrance directly from outside the building and where not more than three (3) persons, excluding domestic servants, receive lodging or board for compensation.

DWELLING, TRIPLEX means a building that is divided horizontally into three dwelling units, each of which has an independent entrance from outside the building.

DWELLING UNIT means a suite of habitable rooms which:

- i) is in a building;
- ii) is used or intended to be used by one or more persons as a single, independent and separate household unit;
- iii) contains food preparation and sanitary facilities for the exclusive common use of the occupants, and;
- iv) has a means of egress directly to the outside of the building or structure in which it is located, which may be a means of shared egress with another residential unit.

EASEMENT means a vested or acquired right by statute or registered agreement at The Land Registry Office to use land other than as a tenant for a specific purpose, such right being held by someone other than the registered owner.

ERECT means to build, to construct, to reconstruct, to alter, to enlarge or to relocate and, without limiting the generality of the foregoing, includes any associated physical operation such as excavating, grading, structurally altering any existing building or structure by an addition, deletion, enlarging or extension.

ESTABLISHED BUILDING LINE means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon at the date of the passing of this By-law.

EXHIBITION BUILDING means a building built for manufacturing, warehousing, an arena or other industrial purposes for the purpose of exhibiting and or the demonstrating of trades, goods and services.

EXISTING means a use, building or structure present on or before the date of the passing of this By-law.

FARMER'S MARKET means the use of lands, buildings or structures or part thereof, by farmers and other vendors, for the purpose of selling agricultural, horticultural food products and crafts to the general public and activities associated with the above uses.

FLEA MARKET means a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, home grown, handcrafted, old, obsolete, or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

FLOOR AREA, DWELLING means the sum of the areas of all floors of a dwelling unit measured between the internal faces of the exterior walls, excluding the basement or cellar.

FLOOR AREA means the space of any storey of a building between exterior walls and required fire walls, including the space occupied by interior walls and partitions. A fire wall located on a property line separating two properties under separate ownership shall, for the purpose of this By-law, be considered an exterior wall.

FLOOR AREA, GROSS means the sum of all floor areas above grade, except in the case of an apartment building where part of the area of the basement is used for a dwelling unit(s), in which case the said area constitutes part of the gross floor area measured between the internal faces of the exterior walls of the building at the level of each floor, including any part of the building above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building used for mechanical purposes which are an integral part of the building.

FLOOR SPACE, COMMERCIAL (OR GROSS LEASEABLE AREA G.L.A.) means the sum of the areas of all floors of a building or part thereof used for commercial purposes measured between the internal faces of the exterior walls, excluding the furnace room, laundry room, washrooms, stairwell or elevator shaft.

FLOOR SPACE INDEX (F.S.I.) means the gross floor area of all buildings on a lot divided by the lot area.

FOOD STORES means a building or part thereof wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis and may include facilities for parcel pick-up.

FORESTRY means the production of wood and wood products, provisions of proper environmental conditions for wildlife, protection against flood and erosion, recreation and protection and production of water supplies.

FORESTRY USE means the raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees and other forest products.

FREIGHT CONTAINERS can be defined as such units that are generally associated with the overseas shipping industry. The freight containers are used in a manner similar to an accessory structure. Accessory Use Freight Containers may only be used for storage purposes and may not be used to accommodate work areas, shops, office uses or retail sales or any other form of occupancy.

FUEL STORAGE TANK means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid, but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage, thereby incidental to some other use of the premises where such tank is located.

FUNERAL HOME means a commercial establishment providing funeral supplies and services to the public.

GARAGE, ATTACHED means a private garage accessory to a dwelling unit on the same lot and separated there from by a common wall or common roof structure, provided, however, for the purposes of determining lines of setback, lot coverage and side yard, an attached garage is considered part of the main building.

GARAGE, PARKING means a commercial building in which motor vehicles are parked or stored, or are housed or sheltered.

GARAGE, PRIVATE means an accessory building either separate from or attached to the main building, which is designed or used for the storage of one or more private vehicles and the storage of household equipment, incidental to residential occupancy.

GARAGE, PUBLIC means a parking station, parking lot, building or lot where motor vehicles are stored, hired, kept or used for hire, but not including any mechanical repairs.

GARAGE, REPAIR means a building or lot used for complete motor vehicle repairs to bodies, frames or motors, including painting, upholstering, washing and cleaning of said vehicles, and may include the storage of gasoline or oils for private use.

GARDEN CENTRE means the use of lands, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings, supplies and nursery stock.

GAS BAR means the use of land, or building, or structure where vehicle fuel or lubricants are offered for sale, but where no provision is made for the repair or maintenance of vehicles. For the purpose of this definition, a gas bar may include a convenience store as an accessory use.

GENERATOR means an emergency or stand-by machine that runs on fuel, battery or other power source that generates and converts mechanical energy into electrical energy, and is not used as the main source of power.

GOLF COURSE means a public or private area operated for the purpose of playing golf including a par three golf course and including such ancillary uses as a driving range, a miniature golf course, and a clubhouse.

GRADE, ESTABLISHED means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of all sides of such building, and when used with reference to a structure, means the average elevation of the finished grade of the ground immediately surrounding such structure, and, when used with reference to a street, road or highway, will refer to the elevation established by the Municipality or other designated authority.

GROUP HOME TYPE 1 means a single housekeeping unit in which up to four (4) residents (excluding the staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents, and the group home is licensed or approved under Provincial Statute under the jurisdiction of the Ontario Ministry of Community and Social Services. No supervision or treatment shall be provided to any person who is not a resident in the home.

GROUP HOME TYPE 2 means an occupancy in which up to eight (8) patients (excluding the staff or receiving family) live and receive treatment under responsible supervision consistent with the requirements of its residents, and the group home is licensed or approved under Provincial Statute under the jurisdiction of the Ontario Ministry of Community and Social Services.

GROUP HOME TYPE 3 means a residence maintained and operated primarily for persons who have been placed on probation under the provisions of the Children's Probation Act, the Criminal Code (Canada), the Young Offenders Act (Canada), or any Act passed to replace the foregoing Acts, or persons who have been released on parole under the provisions of the Ministry of Correctional Services Act or Parole Act (Canada), or any Act that has been passed to replace the foregoing Acts, or persons who have been charged under the Young Offenders Act (Canada) but who has been placed in open or secure custody. A Group Home Type 3 may include a Group Home Type 1, Group Home Type 2, or a supervised residence.

HEIGHT OF BUILDING means the vertical distance measured from the established grade level to the higher of the highest point of a flat roof or the mean level between the eaves and the ridge of a pitched roof exclusive of any accessory roof construction such as a chimney, steeple or antenna. Where the building is considered a Quonset hut the height of the building is considered the highest part of the building.

HIGHWAY, STREET OR ROAD means a public way for purposes of vehicular and pedestrian travel, including the entire dedicated area, with or without provision made for curbs, sidewalks and paved gutters and owned and maintained by a public authority.

HOBBY FARM means a parcel of land which includes the principal residence and barns, sheds, pens and similar accessory buildings which are used for the sole purpose of the persons residing at the residence and are not used for commercial agricultural purposes.

HOME BASED BUSINESS means an occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit by a member of the family residing on the premises on a full-time basis and is clearly subordinate to the residential use of the dwelling unit.

HOME FOR THE AGED means a home for the aged established and maintained under the Homes for the Aged and Rest Homes Act, as amended, or a rest home established and maintained under the Homes for the Aged and Rest Homes Act, as amended.

HOSPITAL, PUBLIC means a hospital as defined by The Public Hospitals Act, R.S.O. 1970, Chapter 378, as amended.

HOTEL means an establishment that provides sleeping accommodation of not fewer than six (6) bedrooms and supplies foods and refreshment from a general kitchen, dining room and other public rooms, provided that not more than 25% of the rentable units in a hotel may be efficiency units.

INDUSTRIAL, EXTRACTIVE means land including accessory buildings and structures used for the removal, refinement, processing, or any combination thereof, of sand, gravel, stone or other aggregate resources and includes an asphalt plant, a borrow pit, a concrete plant, a gravel pit and a stone quarry.

INDUSTRIAL USE means the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, printing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of retail commodities and the supplying of personal services.

INSTITUTIONAL USE means the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government agencies excluding Group Home Type 1 and Group Home Type 2.

KENNEL means a place where dogs and other domestic animals other than poultry are bred and raised, and are sold or kept for sale or boarded.

LABORATORY means a building, or part thereof, used for research, testing, evaluation and development, medical and/or dental testing, experimentation and/or research.

LANDSCAPING means any combination of vegetation including trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property, to regulate drainage, and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LANE means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

LEACHING BED means the soil absorption system constructed as absorption trenches or as a filter bed, and including the mantle, located wholly in ground or raised above ground, to which effluent from a septic tank is applied for treatment and disposal.

LOADING SPACE means an area of land which is provided and maintained upon the same lot or lots upon which the main use is located, for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle(s).

LOT means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a registered Plan of Subdivision, including any part of which is subject to an easement or right-of-way. (Section 44, By-law No. 165-80)

LOT AREA means the total horizontal area within the lot lines of a lot and, in the case of a corner lot having street line rounding at the corner with a radius of six (6) metres or less, the lot area of such lot is to be calculated as if the lot lines were projected to this point of intersection.

LOT, CORNER means a lot bounded on two or more sides by one or more public roads, provided that the angle of intersection of such public roads is not more than one hundred and thirty-five (135) degrees.

LOT DEPTH means the perpendicular distance measured in a horizontal plane between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines.

LOT FRONTAGE means the horizontal distance between the side lot lines measured along the front lot line, except that:

- i) where the front lot line is not perpendicular to the side lot lines, which are parallel, lot frontage means the horizontal perpendicular distance between the side lot lines, and
- ii) where the front lot line is not a straight line and the side lot lines are not parallel, the lot frontage is to be measured by a line six (6) metres back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.
- iii) where the lot abuts a shore road allowance that has not been closed, is the distance along the shortest line joining points where the side lot lines intersect the inner limit of the shore road allowance; or

- iv) where there are no side lot lines, such as the case of a peninsula, the greatest distance between any two points on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance and any point on the rear lot line, or
- v) where there are no side or rear lot lines, such as in the case of an island, the greatest distance measured between any two points on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance.

LOT, INTERIOR means a lot other than a corner lot and a key lot.

LOT, KEY means a lot in the rear of and adjoining a corner lot that is not separated from the corner lot by a lane.

LOT, THROUGH means a lot, not a corner lot, which connects two more or less parallel streets.

LOT COVERAGE means that percentage of lot area covered by all buildings, main and accessory, above ground level and, for the purpose of this paragraph, the lot coverage in each zone applies and shall be deemed to apply only to that portion of said lot that is located within said zone. In the "Rural Residential Lakefront (RRL)" and "Rural Residential Cottage (RRC)" zones, Lot Coverage shall mean the percentage of a lot covered by all main buildings and accessory buildings and open roofed decks or porches.

LOT LINE means any boundary of a lot.

LOT LINE, FLANKAGE means the longer lot line which abuts the street on a corner lot.

LOT LINE, FRONT means the lot line that abuts the street except that:

- i) in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line, and
- ii) in the case of water frontage, the lot line that abuts the body of water, being the surveyed normal waters edge, shall be deemed to be the front lot line and the lot line that abuts a road to the rear of the lot shall be considered the rear lot line.
- iii) in the case of a through lot, the shorter lot line that abuts the street shall be deemed to be the front lot line.

LOT LINE, REAR means the lot line furthest from or opposite to the front lot line.

LOT LINE, SIDE means a lot line other than a front or rear lot line.

MAIN BUILDING means the building designed or used for the principal use on the lot and includes any attached use, such as a garage or carport.

MAIN WALL means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

MARINA means the use of land, building or structure:

- a) for the retailing, servicing and repairing of all outboard or inboard motors;
- b) for the storing and retailing of gasoline and oils, parts and accessories for watercraft;
- c) for the storing and retailing of accessory equipment used in connection with marine recreation and hobby craft;
- d) for the storing and retailing of live and other bait, and
- e) for the storing and parking of watercraft, automobiles and boat trailers.

MARINE AIR BASE means a building:

- a) for the docking, servicing and repairing of all aircraft;
- b) for the storing and retailing of gasoline and oils, parts and accessories for aircraft, and
- c) for the storing and parking of aircraft, watercraft and automobiles.

MEDICAL PRACTITIONER means a general and specialist physician or surgeon, and shall include a dentist, psychiatrist, chiropractor, osteopath, podiatrist, optometrist, oculist, but does not include a veterinarian.

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

MOBILE HOME LOT means a lot or block within a Registered Plan of Subdivision, or any land that may be legally conveyed under the exemption provided in Section 29(2)b or 29(4)a of the Planning Act, R.S.O. 1970.

MOBILE HOME PARK means a number of Mobile home Lots provided with full municipal services where mobile homes are used for permanent residence, and includes all accessory buildings necessary to the operation of said park.

MOTEL means an establishment that provides sleeping accommodation with or without supplying cooking facilities, food or other refreshments, including a motor court and auto court within the meaning of The Tourism Act, R.S.O. 1970, Chapter 122, as amended.

MOTOR HOME means a self-propelled vehicle capable of being used for the temporary living, sleeping, eating or accommodation of persons.

MOTOR VEHICLE, COMMERCIAL means a vehicle used for commercial purposes and without limiting the generality of the foregoing, includes: ambulances, hearses, motor buses, school buses, transport truck cabs and trailers, and heavy equipment.

MOTOR VEHICLE SALES AREA means any land, building or structure where new or used automobiles, trucks, buses, recreational vehicles and boats, as defined by The Highway Traffic Act, R.S.O. 1970 and amendments thereto, are kept for display or sale by an agent or dealer to sell such new or used automobiles, trucks, buses, recreational vehicles and boats, and shall include a lot used solely in connection therewith.

MULTIPLE UNIT PLAY SPACE often referred to as a "Tot Lot", means a dedicated space, usually enclosed, at or above finished grade that is landscaped and equipped.

MUNICIPALITY means The Corporation of the City of North Bay.

NON-COMPLYING, LEGAL means a use which was legally established on or before the date of final passing of this By-law which does not comply with the regulations or provisions of this By-law as of the date of the final passing thereof so long as it continues to be used for that purpose.

NON-CONFORMING, LEGAL means a use which was legally established on or before the date of final passing of this By-law, but which is not a permitted use in the zone in which the said use is situated for the purposes of this By-law so long as it continues to be used for that purpose.

NON-PROFIT USE means facilities provided by the municipality or by any other group or organization without profit or gain for such special purposes as a clubhouse, community meeting rooms, a community centre, a drop-in centre, an archaeological or fine arts museum, a public library, etc., but does not include school facilities, public or private parks, playgrounds, arenas, stadiums, hippodromes, swimming pools, skating rinks, commercial-recreational establishments or any class of group home.

NUISANCE means any condition existing in a locality which interferes with the enjoyment of the use of land.

NURSING HOME means a building in which rooms or lodging are provided for hire or pay, and where meals, personal care, nursing services and medical care and treatment are provided or made available pursuant to The Nursing homes Act and amendments thereto.

OBNOXIOUS USE means any use which shall 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 thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon or otherwise.

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, but does not include the manufacturing of any product.

OFFICE, BUSINESS means an office in which any administrative business is carried on.

OFFICE, PROFESSIONAL means any office used for the purposes of giving advice, consultation or treatment.

OPEN SPACE, USABLE means open, unobstructed space on a lot which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, any Balcony at least one and five-tenths (1.5) metres in width, and the roof or other part of a building or structure open to the air and used for landscaping and as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or loading space.

OUTSIDE STORAGE means the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides. Freight Containers and Storage Trailers where permitted to be used for outside storage shall not be directly accessed by the public and shall not be used for self-storage uses.

PARK, PRIVATE means any park other than a public park, including a park operated for commercial gain.

PARK, PUBLIC means a park owned or controlled by the Municipality or by any Board, Commission or other Authority established under any Statute of the Province of Ontario or the Dominion of Canada.

PARKING AREA means an area other than a street used for the temporary parking of two or more motor vehicles as accommodation for visitors, clients, customers, residents or employees whether free or for profit.

PARKING SPACE means an area enclosed in a principal building, in an accessory building or unenclosed, set aside for the purpose of parking one vehicle having access to a street or lane.

PERSON means any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the provisions and regulations of this By-law can apply according to law.

PERSONAL SERVICE ESTABLISHMENT means a business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including, but without limiting, the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, laundry or dry-cleaning shops, shoe repair shops, professional offices, but excludes funeral homes and any manufacturing or fabrication of goods for sale.

PET DAYCARE FACILITY means an establishment conducted during regular office hours, which is engaged in grooming and supervision of pet animals. A Pet Daycare Service is not a kennel or a veterinary establishment, and does not operate on a 24 hour basis.

PIT means any depression or cavity in the natural level of the ground made other than by natural causes by the removal of soil or rock, or both, for the purpose of removing sand, gravel, stone or similar material which is to be used for road building, construction or manufacturing purposes.

PLACE OF ENTERTAINMENT means a motion picture or other theatre, auditorium, public hall, billiard or poolroom, bowling alley, dance hall, or music hall, but does not include any Adult Entertainment Parlour or other place of entertainment or amusement otherwise defined or classified in this By-law.

PLACE OF RECREATION means land, structures and equipment for outdoor and indoor sports and games, but does not include a shooting gallery, or archery, rifle, pistol, skeet or trap range, a race track or commercial amusement park or theatre or Adult Entertainment Parlour.

PLACE OF WORSHIP means a building dedicated to religious worship and may include such accessory uses as a nursery school, an assembly hall, a school of religious education, convent, monastery or parish hall.

PLANT, ASPHALT OR CONCRETE means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

POST OFFICE means the area in a building or an entire building, used to provide the service of receiving, conveying and delivering the mails as part of the Federal Postal Service.

POST-SECONDARY INSTITUTION means a university or college as defined by Provincial legislation.

PRINCIPAL DWELLING means the predominate building on a lot occupied as a dwelling unit, residence or sleeping place by an individual or a family.

PRINCIPAL USE means the predominate purpose for which any land, building, structure or premises, or part thereof, is used, designed, arranged, occupied or maintained.

PRISON includes penitentiary, common jail, public or reformatory prison, lock up, guard room or other place in which persons who are charged with or convicted of offences are usually kept in custody, as defined by the Criminal Code Chapter R.S. 1985 c. C-46 as amended, but does not include a Group Home Type 2.

PRIVATE SWIMMING POOL means an artificial body of water, the container of which is constructed of cement, plastic, fibreglass or similar material, having a depth greater than 0.5 metres and intended primarily for bathing, swimming and diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

PUBLIC AUTHORITY means any local board defined by The Municipal Affairs Act, R.S.O. 1970, Chapter 284 as amended.

QUARRY means an excavation in the natural level of the ground made other than by natural causes for the purpose of removing stone or similar material which is to be used for building, further processing or as a raw material in a manufacturing process.

RECREATION FACILITY means the use of lands, buildings or structures designed and equipped for the conduct of athletic and recreational pursuits that have a similar requirement of, or characteristic of the principal industrial use.

RECYCLING CENTRE means the use of land, building, or structure in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

RENOVATION means the repair and restoration of a building to good condition, but shall not include its replacement.

REPAIR GARAGE means a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of an exhaust system, repair of the electrical system, transmission, brakes, radiator, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use in conjunction with which there may be a towing service, a motor vehicle service station, and motor vehicle rentals for the convenience of the customer while the vehicle is being repaired.

RESTAURANT means an establishment which is primarily engaged in the preparation and sale of food and beverages which are consumed on its premises by the public at tables or counters either inside or outside the building thereon, and as an accessory use thereto may be engaged in providing the public with the take out service of food and beverages for off-site consumption, and may or may not be licensed for the sale of alcoholic beverages.

RESTAURANT, DRIVE-IN means a restaurant or eating establishment which serves or is intended to serve patrons seated in a motor vehicle parked on a parking lot or driveway, or where prepared foods are sold and taken out of the building to be consumed.

RESTAURANT, UNLICENSED means an establishment which is primarily engaged in the preparation and sale of food and non-alcoholic beverages which are consumed on the premises by the public at tables or counters, either inside or outside the building thereon, and as an accessory use thereto may be engaged in providing the public with the take out service of food and non-alcoholic beverages for off-site consumption. The sale of wine, beer, spirits, or any other similar beverage containing alcohol will be strictly prohibited in or on the premises.

RETAIL STORE means a building or part thereof where goods, services, wares, merchandise, substances, articles or things are offered or kept for sale or rent by retail directly to the public, but does not include any manufacturing, processing or construction uses.

RETAIL STORE, LOCAL means a retail store which deals primarily in goods required by the inhabitants of a residential neighbourhood, but shall not include an automobile service station.

RETAIL USE means any establishment in which goods, services, wares, merchandise, substances, articles or things are offered or kept for sale or rent by retail directly to the public.

RETIREMENT HOME/RESIDENCE means a building designed for residents thereof in which lodging is supplied with meals, homecare, nursing, medical, or similar care and treatment if required. A retirement home/Residence may contain independent and separate housekeeping units which include culinary facilities, provided that these units are ancillary to the main facility from which the residents receive services.

RIGHT-OF-WAY means an easement for access over one or more lots.

SATELLITE DISH ANTENNA means a device used or intended to be used to receive communication signals from a satellite.

SCHOOL means a building or structure under the jurisdiction of a Board as defined in The Education Act, R.S.O. 1974, Chapter 109, as amended.

SCRAP YARD shall include a lot or premises for the storage, handling or processing of scrap material including wastepaper, rags, bottles, bicycles, vehicles, tires, metal or other scrap material and salvage.

SEASONAL GARDEN CENTRE means an accessory use that temporarily occupies a portion of the required parking area of the main use on the same lot. The Seasonal Garden Centre shall be restricted to the storage of gardening supplies and plants for domestic uses only.

SELF STORAGE USE means a facility that leases space to individuals, usually storing household goods, or to small businesses, usually storing excess inventory or archived records. The rented spaces, known as "units", are normally secured by the tenant's own lock and key. Facility operators do not have casual access to the contents of the space. A self storage operator never takes possession, care, custody or control of the contents of the storage rental space unless a lien is imposed for non-payment of rent. Self storage facility operators usually provide controlled access to rental space areas.

SERVICE SHOP means any building or part thereof where household appliances, machinery and home electronics equipment are sold, serviced or repaired, but excludes any manufacturing or processing.

SETBACK means the distance between any lot line abutting a public road or body of water and the nearest part of any main wall of any main building or structure.

SEWAGE DISPOSAL SYSTEM means any sewage system as defined in the 1997 Ontario Building Code (Ont. Reg. 403/97 as amended) and Environmental Protection Act or their successors.

SOLAR FARM means any device or combination of devices employed in the collection of direct solar radiation for the purposes of heating or cooling a building, heating water, generating electricity or otherwise converting solar rays into usable forms of energy.

SPECIAL OCCASION TENTS OR STRUCTURES means an outdoor venue that can accommodate a variety of special events including but not limited to concerts, festivals, fundraising activities, ceremonies and wedding receptions and provides temporary covered open space.

STACKING SPACES shall be defined as a vehicle space that shall be an area measuring 2.5 metres by 6 metres with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the road, public right-of-way, or interfering with any pedestrian circulation, traffic manoeuvring, or other required parking areas.

STORAGE TRAILER means the trailer portion of a tractor-trailer unit, a transport truck, haulage trailer or the box or storage area of a van or utility vehicle that is used in a manner similar to an accessory structure. Accessory Use Storage Trailers may only be used for storage purposes and may not be used to accommodate work areas, shops, office uses or retail sales or any other form of occupancy.

STOREY means the portion of a building, other than a basement or cellar, between the surface of any floor and the surface of the floor next above, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.

STOREY, FIRST means the storey with its floor closest to grade and having its ceiling more than one and eight-tenths (1.8) metres above grade.

STOREY, HALF means the portion of a building located wholly or partly within a sloping roof, having a floor area of not less than one-half or more than two-thirds of the floor area of the storey next below, and a ceiling with a minimum height of two and two-tenths (2.2) metres over an area equal to at least fifty (50) percent of its floor area.

STREET LINE means the line defined by the edge of pavement, curb, or travelled roadway.

STRUCTURE means anything that is erected, built or constructed or parts joined together or any such erection fixed to or supported by the soil or any other structure. But for the purposes of this By-law, a fence not exceeding one and eight-tenths (1.8) metres in height shall be deemed not to be a structure and for the purposes of setbacks or yards required in this By-law, a sign shall not be deemed to be a structure.

SUPERVISED RESIDENCE means a Group home type 1 or Group home type 2 with more than eight (8) residents, excluding staff or receiving family.

TAVERN means a building or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

TEMPORARY GARAGE means a prefabricated shelter, usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the temporary storage of vehicles or other equipment.

TOURIST ESTABLISHMENT means an establishment that provides sleeping accommodation, with or without meals, including a guest house, tourist cabins, a motel, a motor court, an auto court, a hotel and all buildings operating under The Tourism Act, R.S.O. 1970, Chapter 122 as amended.

TOURIST CABIN means a separate building designed to provide only sleeping accommodation for the travelling or vacationing public.

TOURIST TRAILER means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

TRANSPORTATION TERMINAL means the use of land, buildings or structures for the purpose of storing, servicing, repairing, loading, or leasing trucks, transport trailers, buses, or any combination thereof, but does not include automobile service stations or transportation sales or rental outlets.

USE means the purpose for which a lot or building or a structure or any combination thereof is designed, constructed, arranged, occupied or maintained.

UTILITY TRAILER means a trailer primarily used for the storage of equipment and supplies for any trade. Utility Trailers may only be used for storage purposes and may not be used to accommodate work areas, shops, office uses or retail sales or any other form of occupancy.

VEHICLE means a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, or as otherwise defined under the Motor Vehicle Amendment Act.

VETERINARY ESTABLISHMENT means a building established for the purposes of medically or surgically treating animals, especially domestic animals.

WAREHOUSE means a building or part thereof, which is used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles and the like, but does not include a flue storage tank or a transportation terminal.

WASTE DISPOSAL SITE means a place where garbage, refuse or domestic or industrial waste is disposed of or dumped and which is approved by The Ministry of Environment pursuant to the provisions of The Environmental Protection Act, R.S.O. 1970, and amendments thereto.

WASTE TRANSFER STATION means any land, building, or structure where waste is temporarily stored or sorted prior to shipment to its final destination.

WELFARE INSTITUTION means any land, building or structure, or part thereof, used by any Government organization, group or association as defined in The Child Welfare Act, R.S.O. 1970, Chapter 64 and amendments thereto.

WHOLESALE USE means any establishment in which goods, services, wares, merchandise, substances, articles, or things are offered or kept for sale or rent by wholesale to others for resale and to industrial and commercial users.

YARD means an open area of land other than a court on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required by this By-law and located between the main wall of the main building and one of the lot lines of the said lot.

YARD, EXTERIOR SIDE means the side yard of a corner lot, which side yard extends from the front yard to the rear yard between the side lot line abutting a street and the nearest main wall of any main building or structure.

YARD, FRONT means 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.

YARD, INTERIOR SIDE means a side yard other than an exterior side yard.

YARD, MINIMUM FRONT means the minimum depth of front yard on a lot between the front lot line and the nearest wall of any building or structure on the lot. In the case of water frontage along a shoreline, the minimum front yard is measured from the surveyed normal water's edge to the nearest main wall of the building or structure on the lot.

YARD, MINIMUM REAR means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot, or in a case where a forced road bisects the lot, the edge of such road and the nearest wall of any main building or structure on the lot.

YARD, MINIMUM SIDE means the minimum width of a side yard on a lot between a side lot line and the nearest wall of any main building or structure on the lot.

YARD, REAR means 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, or in a case where a forced road bisects the lot, the edge of such road and the nearest main wall of the main building on such lot.

YARD, SIDE means a yard between the nearest main wall of the main building or structure and the side lot line extending from the front yard (or front lot line if no front is required) to the rear yard (or rear lot line if no rear yard is required).

ZONE means an area within which, in accordance with the provisions of this By-law, certain uses of lands, buildings and structures are permitted and certain others are prohibited, where yards and other open spaces are required, where lot areas, building height limits and other requirements are established, all of the foregoing being identical for the zone and district in which they apply.

ZONE, PRIVACY means an area within the minimum yard depth in which communal activities are discouraged, or prevented by means of surface finishing, landscaping or physical barriers.

GENERAL PROVISIONS

TABLE OF CONTENTS

<u>General Provision</u>	<u>Page</u>
Application to all Zones	22
Lots Reduced by Public Acquisition	22
Lots to Front on Public Roads	22
Public Uses Permitted	22
Exception to Height Regulation	23
Existing Buildings which do not Conform to use Zones	23
Existing Buildings Having Less than Minimum Lot or Yard Requirements	23
Existing Undersized Lots	23
Conformity with Existing Setbacks	24
Yard Exception	24
Temporary Construction Uses Permitted	24
Three-Tenths Metre Reserve Setback	24
Three-Tenths Metre Reserve Private garage Setback	24
Setback on Provincial Highways	24
Daylight corners	24
Signs.....	25
Permitted Encroachments in Yards.....	25
Enclosures.....	26
Pits and Quarries.....	26
Truck, Bus and Coach Bodies.....	26
Mobile homes	26
Trailers.....	26
Camping Establishments.....	26
Occupancy of Incomplete Buildings	26
Accessory Buildings, Uses or Structures	27
Accessory Building, Use or Structure, Lake or River Frontage Property.....	27
Private garage, Corner lot	28
Accessory Building, Use or Structure, Private swimming pool	28
Accessory Building, Use or Structure, Windturbines	28
Accessory Building, Use or Structure, Temporary Structures.....	28
Parking Regulations	29
Accessible Parking	32
Parking of Motor Vehicles Without Current Licence Plates	32
Standards for Parking areas.....	32
Loading Spaces.....	33
Loading Spaces, Standards	34
Access Requirement	34
Standards for Entrance and Exit	34
Amenity Requirements (Any Commercial, Industrial Zone, Institutional Zone)	34
Outside storage Prohibited.....	34
Home based business or Professional Offices	35
Dangerous trades Restricted.....	35
Prohibited Uses	35
Site Plan Control	36
Site Plan Control	36
Fences.....	37
Holding Zone Regulations	37
Sewage disposal system.....	38
Urban Services Required	38

SECTION 3 - GENERAL PROVISIONS

Application to all Zones

3.1 The provisions of this section apply in all **zones** except as may be indicated otherwise.

Lots Reduced by Public Acquisition

3.1.1 Where a lot is reduced, and where existing buildings or structures no longer meet the regulations contained by within this By-law, by means of an acquisition, expropriation or otherwise, of part of the lot by a public agency for the purpose of providing a public service, nothing in this By-law shall apply to prevent the continued **use** of such lot as reduced, for the same purpose, or the **erection**, alteration or **use** of a **building** or **structure** thereon, as if no such acquisition had taken place, provided that:

- i) no Health Unit or other regulations pursuant to The Environmental Protection Act, R.S.O. 1990, Chapter E.19, are contravened;
- ii) such lot as reduced is accessible to vehicular traffic from an open public **road** either directly or via registered access;
- iii) no change is made to such lot or to any **building** or **structure** thereon, subsequent to the date of the said acquisition, that would increase the degree of any non-conformity resulting from such acquisition or that would contravene any other provision hereof, and
- iv) this provision is not construed as mitigating or legalizing any non-conformity or contravention pertaining to such lot prior to the date of such acquisition.

Lots to Front on Public Roads

3.2 All lots created after the date of the passing of this By-law shall front on and have access to an opened public **road** or **highway** which is presently being maintained by the **Municipality** or the Province of Ontario or, in the instance of a vacant land condominium, shall front on and have access to the Condominium Corporation's **road** which shall have street access to an opened public **road** or **highway** which is presently being maintained by the **Municipality** or the Province of Ontario.

3.2.1 No **person** shall **erect** or **use** or cause to be **erected** or **used** any **building** or **structure** in any **zone** unless the lot upon which such **building** or **structure** is to be **erected** or **used** fronts upon an open public **road** or **highway**.

3.2.2 A **building** or **structure** may be **erected** or **used** on an **existing** separate parcel of record which does not front on an opened public **road** or **highway**, but which **existing** separate parcel of record does have registered access to an opened public **road** or **highway**. (Section 20, By-law No. 171-81)

Public Uses Permitted

3.3 The provisions of this By-law shall not apply to the **use** of any land or to the **erection** or **use** of any **building** or **structure** for the purpose of public service by the **Municipality**, local board, **school** board, public utility, department of the Government of Canada or the Province of Ontario, any Crown Corporation or the public infrastructure of a telecommunications company regulated by the CRTC and Industry Canada, provided that:

3.3.1 The lot coverage, **setback** and **yard** regulations prescribed for the **zone** in which such land, **building** or **structure** is located are complied with.

3.3.2 No goods, material or equipment are stored in the open in a Residential **Zone** or in a lot adjacent to a Residential **Zone**.

3.3.3 Any **building erected** in a Residential **Zone** or in a Rural **Zone** under the authority of this paragraph is designed and maintained in general harmony with the residential **buildings** of the type permitted in the **zone**.

- 3.3.4 Any **building erected** in a Residential **Zone** or in a Rural **Zone** under the authority of this paragraph is not to be used for the purposes of an **office**.
- 3.3.5 Any lot used in a Residential **Zone** or in a Rural **Zone** under the authority of this paragraph shall be landscaped in general harmony with the surrounding properties, and
- 3.3.6 Any parking and loading regulations prescribed for the use of the land, **building** or **structure** are complied with.

Exception to Height Regulation

- 3.4 The height regulations in this By-law shall not apply to church spires, water tanks, elevator enclosures, flagpoles, television, telecommunication or radio antennae, ventilators, skylights, barns, chimneys or wind turbines.

Existing Buildings which do not Conform to use Zones

- 3.5 Where a **building** or **structure** was **erected** prior to the date of passing of this By-law and is used for a purpose which is not a permitted use in the **zone** in which it is situated, but is a **legal non-conforming use**, the said **building** or **structure** may be reconstructed, repaired or renovated provided that:
- 3.5.1 The repair or **renovation** does not include any alteration of use and the **building** or **structure** continues to be used for the same purpose, and
- 3.5.2 The cost of reconstruction, repairing or **renovation** of any **building** does not exceed 75% of its undamaged market value, unless the structure was destroyed by fire or other acts of nature, otherwise it shall only be restored in conformity with the regulations on the **zone** in which it is located.

Existing Buildings Having Less than Minimum Lot or Yard Requirements

- 3.6 Where a **building** or **structure** was **erected** prior to the date of passing of this By-law, on a lot having less than the minimum frontage or depth or area or having less than the minimum **setback** or **side yard** or **rear yard** or minimum usable open space required by this By-law, but is a **legal non-complying use**, the said **building** may be enlarged, reconstructed, repaired, renovated or rebuilt provided that:
- 3.6.1 the enlargement, reconstruction, repair or **renovation** does not further reduce such **front yard** or **side yard** or **rear yard** or usable open space having less than the minimum required by this By-law, and
- 3.6.2 the height of the **existing legal non-complying use** is not increased except where the required **side yards** are available.
- 3.6.3 The provisions contained in this subsection do not apply to properties in the rural areas along the unserviced shoreline of Trout Lake or to lands with frontage on a watercourse flowing into Trout Lake as identified by the North Bay-Mattawa **Conservation Authority** on the schedule to the City of North Bay Fill, Construction and Alteration to Waterways Regulations. This exception shall apply to a depth of one lot deep or 46 metres, whichever is the greater, unless the structure was destroyed by fire or other acts of nature.

Existing Undersized Lots

- 3.7 The Construction of one (1) single detached dwelling may be permitted on a vacant lot in a residential **zone** having less than the minimum frontage, but not less than nine (9) metres frontage, provided that such a lot was legally registered and **existing** on August 31, 1980, and provided the development meets all other requirements of this by-law.
- 3.7.1 The provisions contained in this subsection do not apply to properties in the rural areas along the unserviced shoreline of Trout Lake or to lands with frontage on a watercourse flowing into Trout Lake as identified by the North Bay-Mattawa **Conservation Authority** on the schedule to the City of North Bay Fill, Construction and Alteration to Waterways Regulations. This exception shall apply to a depth of one lot deep or 46 metres, whichever is the greater.

Conformity with Existing Setbacks

- 3.8 In any **Zone** where undeveloped lots exist between developed lots, said lots being within the same block and fronting on the same street, the minimum **front yard** may be reduced in accordance with the following provisions:
- a) Where a building line has been established by existing structures on two or more lots, this building line will be the minimum required front yard setback, but shall not be less than three (3) metres.
 - b) The provisions contained in this subsection do not apply to properties in the rural areas along the unserviced shoreline of Trout Lake or to lands with frontage on a watercourse flowing into Trout Lake as identified by the North Bay-Mattawa **Conservation Authority** on the schedule to the City of North Bay Fill, Construction and Alteration to Waterways Regulations. This exception shall apply to a depth of one lot deep or 46 metres, whichever is the greater.

Yard Exception

- 3.9 Where in this By-law, a front, **side or rear yard** is required, any part of the area of the lot is covered by water or marsh for more than two months in the year, or is beyond the rim of a riverbank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required **yard** shall be measured from the nearest **main wall** of the main **building or structure** on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top or toe of the said cliff or embankment if such area is closer than the **lot line**.

Temporary Construction Uses Permitted

- 3.10 Notwithstanding any other provisions of this By-law, **uses** such as a storage trailer, freight container, construction camp or other such temporary work camp, a tool shed, scaffold, or other **building or structure** incidental to the construction shall be permitted provided that:
- 3.10.1 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
 - 3.10.2 such **uses, buildings or structures** are removed when the work in connection with which they were constructed is terminated.
 - 3.10.3 **Special Occasion Tents or Structures** shall only be permitted during the time period of a single special event, which shall not exceed seven days in length, and shall be removed when the use for which they are erected is terminated.

Three-Tenths Metre Reserve Setback

- 3.11 Where a side **lot line** abuts a three-tenths (.3) metre reserve, no portion of any **buildings or structures** above or below grade shall be located closer than six (6) metres to the said reserve.

Three-Tenths Metre Reserve Private garage Setback

- 3.12 Where a **flankage lot line** abuts a three-tenths (0.3) metre reserve, no **attached** or detached **private garage** shall be located in the **exterior side yard** and no portion of any **driveway** shall be located closer than fifteen (15) metres to the intersection of the two (2) **street lines** or their projections.

Setback on Provincial Highways

- 3.13 Where a **building or structure** is located adjacent to a Provincial **Highway**, **setbacks** shall be provided and maintained in accordance with the requirements of the Provincial Ministry of Transportation.

Daylight corners

- 3.14 On any **corner lot** in any **zone**, no sign, fence, shrubs or any visual obstruction with a height exceeding sixty-one (61) centimetres above the grade of the **road** shall be **erected** within the triangular space measured:

- a) along the edge of pavement for a distance of nine (9) metres from their point of intersection;
- b) along an edge of pavement and a railway **right-of-way** for a distance of thirty (30) metres from their point of intersection;
- c) notwithstanding subsections (a) and (b), a chain link fence may be permitted in the triangles described in subsection (a) if:
 - i) its posts are not more than eight (8) centimetres in diameter;
 - ii) it is made of wire having a maximum gauge of twenty-four (24) and a minimum mesh of five (5) centimetres.

This section does not apply to trees if such trees are kept trimmed so that no foliage hangs or grows below the height of two (2) metres above the crown of the adjacent street.

Signs

- 3.15 No signs, billboards, or posters shall be **erected** in any **zone** unless it conforms to the City of North Bay Sign By-law as amended.

Permitted Encroachments in Yards

- 3.16 Every part of any **yard** required by this By-law shall be open and unobstructed by any **structure** from the ground to the sky provided that fences and hedges shall be permitted, in accordance with the provisions of Section 3.14 of this By-law, and that those **structures** listed in the following table shall be permitted to project into the minimum **setback** indicated for the distances specified:

	Structure	Yards In Which Projection Is Permitted	Maximum Projection From Main wall Permitted
3.16.1	Sills, Belt Courses, Cornices, Eaves or Canopies, Gutters, Chimneys or Pilasters	Any Yard	1 metre
3.16.2	Fire Escapes Staircases	Rear and Exterior and Exterior Side Yards only	1.8 metres
3.16.3	Window Bays	Front, Rear and Exterior Side Yards only	1 metre over a maximum width of 3 metres.
3.16.4	Balconies	Front, Rear and Exterior Side Yards Only for Single detached, Semi-detached, Duplex, Triplex, and Double duplex Dwellings, any Yard for other Residential Buildings	1.8 metres
3.16.5	Covered Porches not exceeding one storey in height, Uncovered terraces, decks .	Front Yard only	3.0 metres including eaves and cornices
3.16.6	Uncovered terraces, decks	Rear Yard Only	3.0 metres
3.16.7	Landscape features including decks under 0.3 metres in height and including handicap ramps	Any Yard	Any distance
3.16.8	Freestanding Air Conditioning Units	Front, Rear and Exterior Side Yards only. In the Rural (A) zone, it shall also be permitted in the interior side yard.	1.2 metres

3.16.9	Ramps, enclosures, or an equipment used to improve accessibility for owners, tenants or visitors as defined by the Accessibility for Ontarians with Disabilities Act, 2005 as amended	Any yard	Any distance
3.16.10	Generators	Front, Rear and Exterior Side Yard only. In the Rural (A) zone, it shall also be permitted in the interior side yard.	1.2 metres

Enclosures

- 3.17 Enclosures to any covered porch or terrace permitted by the above subsection of this By-law shall be permitted in the rear yard only and shall be limited to one (1) metre in height exclusive of roof supports
- 3.17.1 For **semi-detached** and **townhouse dwellings**, where abutting **dwellings** are constructing a continuous covered porch or deck, the interior side **yard setback** shall be zero.
- 3.17.2 For **semi-detached** and **townhouse dwellings**, the construction of an covered porch or **deck** shall have an interior **side yard setback** of not less than 61 centimetres,

Pits and Quarries

- 3.18 The making or establishment of **pits** and quarries is prohibited in the **Municipality** except as provided in a **zone** for this purpose.

Truck, Bus and Coach Bodies

- 3.19 No truck, truck trailer, bus, streetcar or coach body shall be **used** for human habitation within the **Municipality**, whether or not the same is mounted on wheels.

Mobile homes

- 3.20 The locating of **mobile homes** and **mobile home** parks is prohibited within the city, except as provided in a specific **zone** for this purpose in which Regulations for development have been set.

Trailers

- 3.21 No **tourist trailer** shall be **used** for living, sleeping or eating accommodation within the city unless it is located in an authorized seasonal tent and trailer park established and operated in conformity with the City of North Bay Seasonal Tent and Trailer Park By-law No. 126-76 as amended and any successor thereto.
- 3.21.1 **Utility trailers** are permitted in residential, industrial and commercial zones, subject to the provisions of this By-law for the particular zone in which said utility trailer is located.

Camping Establishments

- 3.22 No Camping Establishment may be established in any **zone**, except as provided for in a specific **zone** for that purpose, and unless it conforms to the City of North Bay Seasonal Tent and Trailer By-law No. 126-76 as amended from time to time and the Licensing By-law No. 131-74 as amended from time to time.
- 3.23 No **cellar** or part of a **cellar** of any **building** shall be **used** as a **dwelling unit** except in accordance with subsection 5.12.2.6 of this By-law.

Occupancy of Incomplete Buildings

- 3.24 No **building** shall be occupied before the main side walls and roof have been **erected** and the external siding and roofing have been completed, and where applicable, kitchen, water, heating and sanitary facilities have been installed and are in satisfactory working order.

Accessory Buildings, Uses or Structures

- 3.25 **Accessory buildings, uses or structures** are permitted in any **yard**, in any **zone**, subject to the provisions of this By-law for the particular **zone** in which said **building, use or structure** is located, and subject to the following provisions applying to each such **accessory building, use or structure**:
- 3.25.1 It shall not be **used** for human habitation, except where a **dwelling** is a permitted **accessory use**.
- 3.25.2 It shall not be built closer to the **front lot line** or **side lot line** than the minimum distance required by this by-law for the **main building** on the lot. In the case of a **front or exterior side yard**, it shall not be built closer to the street than the minimum distance required by this by-law for the **main building** on the lot or it shall not be built closer to the street than the **main building**, whichever is the greater.
- 3.25.3 In the rear, it shall not be built closer than sixty-one (61) centimetres to the **rear or side lot lines**:
- that common **semi-detached private garages** may be centred in the mutual **lot line**;
 - that where a **lot line** abuts a public lane, an **accessory building** may be located not less than sixty-one (61) centimetres from said lane;
 - that boathouses and boat docks may be built to the front **lot line** when said **lot line** abuts a body of water, but must not be located closer than a minimum distance of one and eight-tenths (1.8) metres to any **side lot line**;
 - where an external **building** opening faces a **side or rear lot line**, the **setback** to said **lot line** shall be not less than one and two-tenths (1.2) metres.
- 3.25.4 It shall not exceed ten (10) percent coverage of the total lot area, and shall not exceed one **storey** or four and one-tenths (4.1) metres in height, whichever is lesser.
- 3.25.5 It shall not be built within one and two-tenths (1.2) metres of the **main building**.
- 3.25.6 It shall not be considered an **accessory building or structure** if **attached** to the **main building** in any way.
- 3.25.7 It shall not be considered an **accessory building or structure** if located completely underground.
- 3.25.8 Where a forced **road** bisects a property an **accessory building** shall not be built within five (5) metres of the edge of the **road**.

Accessory Building, Use or Structure, Lake or River Frontage Property

- 3.25.9.1 Where properties with lake or river frontage exist in the Urban and Rural **zones**, **accessory buildings** in the **front yard** shall be permitted in accordance with the following regulations:
- the **accessory building or structure** shall not exceed ten (10) square metres in **floor area**, and shall not exceed three (3) metres in height above grade;
 - the **accessory building or structure** shall meet the minimum **side yard** required for the **main building** on the same lot;
 - the **accessory building or structure** may be elevated on blocks or piers to a maximum height of three-tenths (0.3) of a metre so that **existing** natural drainage is not disturbed or altered;
 - the floor of the **accessory building or structure** shall be located above the minimum Canadian Geodetic Datum flood elevation as determined by the appropriate authority, and
 - only one **accessory building or structure** shall be constructed or maintained in the **front yard** of a lot.
- 3.25.9.2 Where properties with lake or river frontage exist in the Urban and Rural **zones**, **accessory buildings** in the **rear yard** shall be permitted in accordance with the following regulations:

- a) an **accessory building** may be located not less than six (6) metres from the **rear lot line**.
- b) the **accessory building** or **structure** shall meet the minimum **side yard** required for the **main building** on the same lot;

Private garage, Corner lot

3.25.10 No opening of a detached **private garage** located in the **side or rear yard** of any **corner lot** shall be located closer than 4.5 metres to any **street line**, and no portion of any **driveway** shall be located closer than nine (9) metres to the intersections of the two **street lines** or their projections.

Accessory Building, Use or Structure, Private swimming pool

3.25.11 Where a **private swimming pool** is constructed as an **accessory use** to any principal residential or **commercial use**, no part of it including decking shall be located closer than one and two-tenths (1.2) metres to any **rear or side lot line** and the swimming pool will not be located closer than one and five-tenths (1.5) metres from the **main building** and shall be properly fenced in conformity with the City of North Bay Private Swimming Pool Fence By-law. All pool pump and filtering equipment shall be in an enclosed **structure**.

Accessory Building, Use or Structure, Windturbines

3.25.12 Windturbines or such **structures** shall be permitted in the Rural (A) **zone** providing that:

- a) the front, side and rear yard setbacks shall be no less than the height of the structure, measured from the established grade to the highest part of the structure, including the propeller/blade.

Accessory Building, Use or Structure, Temporary Structures

3.25.13 **Special Occasion Tents or Structures** are permitted in all zones and shall only be permitted during the time period of a single special event, which shall not exceed 7 days in length, and shall be removed when the use for which they were erected is terminated.

3.25.14 **Temporary Garages** are permitted in all residential zones. These **Temporary Garages** are only permitted in the side exterior, side interior yard and rear yard, subject to the provisions of this By-law for the particular zone in which said **Temporary Garage** is located in.

Accessory Use or Structure, Storage Trailers and Freight Containers

3.25.15 The locating of **storage trailers** is prohibited in residential zones, except in accordance with the provisions of Section 3.10. **Storage trailers** are permitted in industrial, commercial, institutional and open space zones, subject to the provisions of this By-law for the particular zone in which said **storage trailer** is located.

3.25.16 The locating of **freight containers** is prohibited in residential zones, except in accordance with the provisions of Section 3.10 or in accordance with the issuance of a building permit required in conjunction with a main building for a period not to exceed twelve (12) consecutive months. **Freight containers** are permitted in industrial, commercial, institutional and open space zones, subject to the provisions of this By-law for the particular zone in which said freight container is located.

3.25.17 Freight Containers and Storage Trailers are permitted in any industrial, commercial, institutional and open space zone and are subject to the provisions of this By-law for the particular zone in which said freight container is located.

3.25.17(a) Empty Freight Containers and Storage Trailers are permitted to be stacked one on top of the other to a maximum height of two (2). Under no circumstance are Freight Containers and Storage Trailers in use permitted to be stacked one on top of the other.

3.25.17(b) Refrigerated and/or heated Freight Containers and Storage Trailers shall not be located in any yard adjacent to a Residential use.

Accessory Use or Structure, Seasonal Garden Centres

3.25.18 The Seasonal Garden Centre shall be permitted in any Commercial or Industrial zone provided that:

- a) Seasonal Garden Centres may occupy the property for a period not exceeding six (6) consecutive months, with the subject property being free of any Seasonal Garden Centre for a minimum of six (6) consecutive months.
- b) Any accessory building, use or structure used in conjunction with a Seasonal Garden Centre shall be portable and removed from the site for at least six (6) consecutive months.
- c) Any accessory building, use or structure used in conjunction with a Seasonal Garden Centre shall meet the same setbacks and regulations of a main building for the zone in which it exists.
- d) The entire area dedicated to the Seasonal Garden Centre shall not occupy more than 15% of the total parking spaces supplied by the main use on the subject property. No additional parking will be required for the Seasonal Garden Centre.
- e) These regulations do not apply to permanent structures attached to, or forming an integral part of, the main building which currently function as Seasonal Garden Centre.
- f) Freight Containers and Storage Trailers are permitted to be used as part of a Seasonal Garden Centre in any Commercial or Industrial zone and are subject to the regulations of that zone.

Parking Regulations

3.26 Subject to Section 3.26.3 of this By-law, no **person** shall construct or cause to be constructed, a **building**, unless there is provided on the same lot as such **building** is located, the minimum number of automobile **parking spaces** set out in the following table for each type of **building**:

	TYPE OF BUILDING	MINIMUM PARKING REQUIRED
a)	For each Dwelling unit in a Single detached Dwelling unit, Semi-detached, Duplex, Triplex, or Double-Duplex.	Two (2) parking spaces.
b)	For each Dwelling unit in a Multiple Dwelling, Maisonette, Townhouse, Apartment or a Building containing both Commercial and Residential Uses.	One and one-half (1-1/2) parking spaces. Twenty percent of the required parking spaces on-site shall be designated exclusively for visitor parking.
b) i)	An apartment building , flat or other building containing three or more dwelling units erected , maintained and operated by the Nipissing District Housing Corporation, or any Department or Ministry of the Federal Government, or Private Not-For-Profit Agency or Corporate Agent thereof.	One (1) space for each two (2) dwelling units or part thereof. Ten percent of the required parking spaces on site shall be designated exclusively for visitor parking.
b) ii)	Retirement Home/Residence, Boarding, Rooming or Lodging House	One (1) space for each two (2) dwelling units or part thereof
b) iii)	An apartment building not specifically listed elsewhere in this section	One (1) space for each dwelling unit located within the building. An additional twenty (20%) percent of parking spaces shall be provided and designated for visitor parking
c)	An office.	One (1) parking space for each twenty-eight (28) square metres of commercial floor space in the building.
d)	Auditorium, arena, hall, restaurant , theatre, club , stadium, and other places of assembly.	Where there are fixed seats, one (1) parking space for every five (5) seats or three (3) metres of bench space of its maximum seating capacity. Where there are no fixed seats, one (1) parking space for each nine (9) square metres of floor area devoted to public use.

e)	Hospital, welfare institution, nursing home, and correctional facilities.	One (1) parking space for each two (2) beds or each thirty-seven (37) square metres of floor area , whichever is greater.
f)	Elementary Public and Separate schools.	One (1) parking space for each teaching staff member.
g)	High schools	One (1) parking space for teaching staff member plus twenty-five (25) additional parking spaces for student parking.
h)	Libraries and museums.	Minimum ten (10) parking spaces or one (1) space per ninety-three (93) square
i)	Government Buildings	One (1) parking space for each four (4) employees, plus a parking area for visitors with a minimum capacity of ten (10) parking spaces or one (1) space per two hundred and seventy-nine (279) square metres of building floor space, whichever is greater.
j)	Hotels and motels, taverns	One (1) parking space and tourist cabins for each guest room or motel suite plus one (1) parking space for each nine (9) square metres of floor area of the building devoted to public use.
k)	Boarding, Lodging or Rooming Houses	One (1) parking space for every bedroom located within the boarding, lodging or rooming house
l)	Funeral homes.	One (1) parking space for each five (5) seat capacity of the chapel with a minimum of ten (10) parking spaces.
m)	Animal hospitals.	One (1) parking space for each twenty-eight (28) square metres of floor space in the building.
n)	Bowling alleys and curling rinks	One (1) parking space for each two (2) persons in the designed capacity of the establishment (design capacity shall mean six (6) persons per bowling lane, and eight (8) persons per curling sheet) in addition to the requirements for the rest of the building. In addition, parking spaces shall be provided for other parts of the building in accordance with the requirements set out in this By-law for the use to which the said other parts of the building may be used.
o)	Industrial establishments.	One (1) parking space for each ninety-three (93) square metres of building floor space on the lot.
p)	Place of worship	One (1) parking space for every ten (10) seats or six (6) metres of bench space of its maximum seating capacity.
q)	Any commercial use in a Neighbourhood Commercial zone , except those uses specifically listed elsewhere in this section.	One (1) parking space for each eighteen and six-tenths (18.6) square metres of commercial floor space of the building.
r)	Any commercial use in a Regional Shopping Centre zone or a District Commercial zone , except those uses specifically listed elsewhere in this section.	One (1) parking space for each eighteen and six-tenths (18.6) square metres of commercial floor space of the building.
s)	Any commercial use in a Highway or Tourist Commercial zone , except those uses specifically listed elsewhere.	One (1) parking space for each eighteen and six-tenths (18.6) square metres of commercial ground floor space of the building.
t)	For each tent space or trailer space in a camp or trailer court.	One (1) parking space.
u)	For each mobile home lot in a mobile home park.	One (1) parking space.

v)	All other commercial uses	One (1) parking space for each twenty-eight (28) square metres of commercial floor space
w)	Any use in an Industrial Business Park zone , except those uses specifically listed elsewhere.	One (1) parking space for each fifty-six (56) square metres of building floor space on the lot.
x)	Any commercial use , other than a car wash establishment that includes a drive through function.	The entrance for the drive through function must provide for the progressive movement cars and shall be sufficient to accommodate stacking for not less than ten (10) cars on said lot and that the drive through function does not inhibit the use of the necessary required parking spaces . Stacking spaces for drive-through or drive-in uses may not be counted as required off-street parking spaces.
y)	Post-Secondary Institution	One (1) parking space per fifty (50) square metres of floor area .

- 3.26.1 Each automobile **parking space** required by this By-law shall have access to a **street** or public lane unobstructed by any other **parking space**.
- 3.26.2 Where there is a combination of **uses** in any **building**, the minimum number of automobile **parking spaces** shall be the aggregate of the number required for each type of **building**.
- 3.26.3 For the purposes of calculating parking spaces for **industrial uses**, the minimum number of parking spaces shall be drawn on a site plan for each new development and redevelopment to demonstrate how the necessary parking requirement is being met. The necessary parking requirement shall be shown as to be constructed or as an area reserved for parking to meet the parking requirement.
- 3.26.4 No **person** shall construct, or cause to be constructed, a **building** in a General Commercial Inner Core (C1) **zone** or a General Commercial Outer Core (C2) **zone** unless there is provided within one hundred and fifty-two (152) metres of such **building** the minimum number of automobile **parking spaces** set out in the following table for each type of **building**:

	TYPE OF BUILDING	MINIMUM PARKING REQUIRED
a)	Apartment building , flat or other building containing three or more dwelling units where dwelling units form part of a retail or commercial development.	One (1) parking space per unit.
b)i)	Apartment building , flat or other building containing three or more dwelling units erected , maintained and operated by the Nipissing District Housing Corporation, or any department of the Federal Government or Private Not-For-Profit agency or corporate agent thereof.	One (1) space for each six (6) dwelling units or part thereof. Ten percent of the required parking spaces on site shall be designated exclusively for visitor parking.
b)ii)	Retirement home/residence Boarding, Rooming or Lodging House	One (1) space for each four (4) dwelling units or part thereof
c)	General retail stores , general offices , local retail stores , motor vehicle service establishments, personal services premises , professional offices , service shops , automobile service stations , banks, financial institutions and food stores	One (1) parking space for every fifty-six (56) square metres of total (gross) floor area devoted to said use .
d)	Places of entertainment, funeral homes, taverns, open air markets, places of worship.	One (1) parking space for every fifty-six (56) square metres of total (gross) floor area devoted to said use .
e)	Bus stations, wholesale uses , retail furniture shops.	One (1) parking space for every fifty-six (56) square metres of total (gross) floor area devoted to said use .
f)	Restaurant.	One (1) parking space for every fifty-six (56) square metres of total (gross) floor area devoted to said use .

g)	Hotels, motels	One (1) parking space for every fifty-six (56) square metres of total (gross) floor area devoted to said use .
h)	Any combination of above uses .	Except where specific provisions to the contrary are hereinbefore contained, the aggregate of the parking spaces required with respect to the above uses as determined by this Schedule.

Provided that where residential accommodation is included in any of the above types of **buildings**, twenty-five percent (25%) of the minimum number of automobile **parking spaces** shall be on the same lot as the **building** containing the residential accommodation, and further provided that the off-site **parking spaces** required for the **buildings** are situate on land owned by the owner of the **building** or are on lands leased by the owner of the **building**, which lease is binding and irrevocable for a term of at least fifty (50) years, is registered against the subject lands and include the City as a party for the purpose of notice of any changes in ownership of the dominant or subservient lands and for enforcement of the terms thereof, failing which, cash in lieu of parking compensation shall be payable by the subservient lands and may be collected in like manner as municipal taxes against land, forthwith upon demand.

3.26.5 For the purposes of calculation of the required number of **parking spaces** in an institutional, industrial or commercial **zone**, the total gross **floor area** will be measured less 20% to accommodate elevators, stairwells, hallways, storage and mechanical rooms, etc.

Accessible Parking

3.26.6 5% of the required parking spaces in a public parking area shall be reserved for accessible parking spaces.

The reserved **parking spaces** referred to in Subsection 3.26.6 shall be:

- a) of a width,
 - i) of five (5) metres each
 - ii) as specified on a Site Plan Control Agreement;
- b) of a length to be of the same length as the other parking spaces in the same parking facility;
- c) hard surfaced;
- d) level;
- e) located so as to be accessible to the public via ramps, depressed curbs or other appropriate means and so placed as to permit easy access by such persons to or from a motor vehicle parked therein,
- f) Each designated parking space shall be provided with a sign and shall be at least 0.3 metres wide and 0.45 metres in height and displayed with symbols in appropriate colours, to the satisfaction of the Municipality.

Parking of Motor Vehicles Without Current Licence Plates

3.27 No **person** shall **use** any lot in any **zone** for the parking or storage of any vehicle that does not have a current licence plate, except that one such vehicle may be stored inside a **private garage** in a Rural Residential or Residential **zone**, and any number of such vehicles may be stored within a building in a Commercial or Industrial **zone** and up to four such vehicles may be stored in a Rural "A" **zone** where fully screened from view from a public roadway. (Section 46, By-law No. 165-80)

Standards for Parking areas

3.28 Where **parking areas** of more than four (4) vehicles are required:

3.28.1 Adequate drainage facilities shall be provided and maintained.

3.28.2 The **parking area** shall be maintained with a stable surface treated to prevent the raising of dust or loose particles.

- 3.28.3 The **parking area** shall be defined by a fence, curb, or other suitable obstruction designed to provide a neat appearance, but not to be located so as to obstruct sight distance.
- 3.28.4 The lights **used** for illumination of the **parking area** shall be arranged to direct the light away from adjacent lots.
- 3.28.5 A **structure** of not more than three (3) metres in height and not more than four and six-tenths (4.6) square metres in area may be **erected** in accordance with Section 3.26 in a **parking area** for the **use** of attendants.
- 3.28.6 No sign other than directional signs and a sign indicating the name of the owner, not exceeding eight hundred and thirty-six (836) square centimetres in size, shall be **erected** on any **parking area** or parking lot. (Section 47, By-law No. 165-80)
- 3.28.7 The **parking area** for a specific **use** shall be within one hundred and fifty-two (152) metres of the **use** which it is intended to serve, and shall be situated in the same **zone**.
- 3.28.8 No gasoline pump or service station equipment shall be located or maintained in any **parking area**.
- 3.28.9 Each automobile **parking space** shall have a:
- (a) minimum length of five and five-tenths (5.5) metres, and for parallel parking seven and three-tenths (7.3) metres; and
 - (b) minimum width of two and seventy-five hundredths (2.75) metres, and for parallel parking three (3) metres
- 3.28.10 Each commercial vehicle **parking space** shall have a:
- a) minimum area of twenty-eight (28) square metres;
 - b) minimum width of three and six-tenths (3.6) metres, and
 - c) minimum length of seven and six-tenths (7.6) metres.
- 3.28.11 Aisle space for access to **parking spaces** shall have minimum widths of:
- a) Seven (7) metres for a 90° turn;
 - b) five and one-tenths (5.1) metres for a 60° turn;
 - c) three and three-tenths (3.3) metres for a 45° turn;
 - d) three (3) metres for a 37° turn;
 - e) three (3) metres for a 30° turn, and
 - f) three (3) metres for parallel parking.

Loading Spaces

- 3.29 No **person** shall **erect** or cause the **erection** or **use** of 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 as follows:
- 3.29.1 Except where the total **floor area** is less than two hundred and seventy-nine (279) square metres, one (1) loading space shall be required for every one thousand, eight hundred and sixty (1,860) square metres or fraction thereof of the total **floor area**.
- 3.29.2 Each loading space shall be not less than three and six-tenths (3.6) metres by thirteen and seven-tenths (13.7) metres.

- 3.29.3 Each loading space shall have not less than four (4) metres in height for clearance.
- 3.29.4 No more than six (6) loading spaces shall be permitted in any loading area.
- 3.29.5 There shall be sufficient **driveway** space to permit manoeuvring of vehicles on the lot so as not to cause an obstruction or a hazardous condition on adjacent **streets**.

Loading Spaces, Standards

- 3.30 Where **loading spaces** are required:
- 3.30.1 Adequate drainage facilities shall be provided and maintained.
- 3.30.2 The **loading space** and approaches shall be maintained with a stable surface treated to prevent the raising of dust or loose particles.
- 3.30.3 The lights **used** for illumination of the **loading space** shall be so arranged as to direct the light away from adjacent lots.

Access Requirement

- 3.31 In any Commercial or Industrial **zone** satisfactory access from a **street** to a **side yard** or a **rear yard** shall be provided for all commercial **buildings** to permit the carrying of goods and supplies, except those **buildings** which are less than two hundred and seventy-nine (279) square metres in area.

Standards for Entrance and Exit

- 3.32 Where **loading spaces** or **parking areas** for more than four (4) vehicles are required:
- 3.32.1 No more than two (2) entrance or exit ramps for vehicular traffic shall be provided and each such ramp shall have a width of at least seven and six-tenths (7.6) metres.
- 3.32.2 A **driveway** leading to any parking or loading area shall have a minimum width of three and six-tenths (3.6) metres for one-way traffic, and a minimum width of seven and three-tenths (7.3) metres for two-way traffic.
- 3.32.3 A **driveway** leading to any **parking area** or loading area shall be defined by a curb of concrete or rolled asphalt.

Amenity Requirements (Any Commercial, Industrial Zone, Institutional Zone)

- 3.33 Where a lot in any Commercial, Industrial or Institutional **zone** fronts on a **street** opposite a Residential or Rural **zone**, or abuts a Residential or Rural **zone**, the following amenities are required:
- The **front yard** and a strip of land, not less than three (3) metres in width along the **side and rear lot lines** within a Commercial **zone** and seven and six-tenths (7.6) metres in width along the **side and rear lot lines** within an Industrial **zone** and adjacent to the Residential or Rural **zone**, shall be adequately landscaped except where **used** for entrances and exits;
 - no employee or visitor **parking spaces, loading spaces** or **outside storage** is permitted in the **front yard** or **side yard** adjacent to the Residential or Rural **zone**;
 - outside storage** is prohibited in any **yard** adjacent to the Residential **zone**, and
 - exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential or Rural **zone**.

Outside storage Prohibited

- 3.34 No **outside storage** is permitted in any **yard**, in any **zone**, at any time, except where incidental to the main use and where outside storage is permitted in the Commercial and Industrial zones by regulation in this By-law.

Home based business or Professional Offices

- 3.35 Where a **home based business** or **professional office** is permitted in a Rural **zone** or a Residential **zone**, the said **use** shall be maintained in accordance with the following provisions:
- 3.35.1 The **professional office** or **home based business** shall be carried on by a member of the family residing on the premises on a full time basis.
- 3.35.2 Not more than one (1) assistant who is not a resident in said **dwelling** may operate in or from said **dwelling**.
- 3.35.3 The area occupied by all the **professional offices** or **home based businesses** within any one **dwelling unit** shall not exceed a cumulative total of 46.5 square metres in **gross floor area**, or 30% of the **gross floor area** of the **dwelling unit**, whichever is lesser.
- 3.35.4 Any plate or sign shall be **attached** and parallel to the **main wall** of the **building** in accordance with the City of North Bay Sign By-law, as amended.
- 3.35.5 One (1) off-street **parking space** shall be provided for each twenty-three (23) square metres of **floor area** devoted to said **use** in addition to that required for the **dwelling**.
- 3.35.6 The residential character of the **dwelling** shall not be changed.
- 3.35.7 The **home based business** or **professional offices** shall not cause a **nuisance** because of noise, fumes, dust, odour, traffic, or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood.
- 3.35.8 There shall be no **outside storage** or display of materials, containers or finished products, and no mechanical equipment **used** except that of a type **used** for housekeeping purposes or recreational hobbies.
- 3.35.9 In any urban **zone**, a **home based business** shall only be permitted within the **main building**.
- 3.35.10 In the rural **zones**, a **home based business** is permitted in a separate **building** if,
- i) there is no **home based business** in any other **structure** on the lot;
 - ii) the area occupied by all the **home based businesses** in all **buildings** does not exceed a cumulative total of 46.5 square metres.

Dangerous trades Restricted

- 3.36 No **person** shall **use** any land or **erect** or **use** any **building** or **structure** for any dangerous trade, except where such **use** is specifically permitted in this By-law.

Prohibited Uses

- 3.36.1 The following **uses** shall be prohibited within the City of North Bay:
- i) The boiling of blood, bones, soap or tripe;
 - ii) refining coal oil or petroleum products;
 - iii) extracting oil from fish or animal matter;
 - iv) tallow melting;
 - v) slaughtering animals, except in a Rural "A" **zone**;
 - vi) tanning hides or skins;
 - vii) manufacturing gas; (Section 48, By-law No. 165-80)

- viii) manufacturing or storing of fertilizers from dead animals or from human or animal waste, except in a Rural "A" **zone**;
- ix) other **uses** under The Public Health Act or Regulations there under declared to be a noxious trade, business or manufacture.

Site Plan Control

3.37 Pursuant to Section 41 of the Planning Act, R.S.O. 1990 as amended, certain areas of the City with Land **Use** designations within the following **zones** are thereby designated as Site Plan Control Areas:

R4	C1	M1	N
RM1	C2	M2	RN
RM2	C3	M3	RMC
RM3	C4	M4	RC
RM4	C5	M5	RME
RM5	C6	MC	RRL
RM6	C7	MAP – A	RRC
		MAP – G	
		MBP	All Special Zones

- (a) Those lands on Schedules B-23, B-30, B-31, B-32, B-33, B-34, B-35, B-40, B-41, B-44, B-45, B-50, B-51, B-52, B-53, B-54, B-60, B-61, B-70, B-71, B-80, B-81, B-83, B-90, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9 and C-10 identified by shading are hereby designated as Site Plan Control areas.

3.37.1 No **person** shall undertake any development in an area designated in Section 3.37(a) without entering into a Site Plan Control Agreement with the City of North Bay.

3.37.2 Pursuant to Section 41(4) of the Planning Act, no **person** shall undertake any development in an area designated in Section 3.37 of this By-law unless the **Council** or The Ontario Municipal Board has approved one or both, as the **Council** may determine, of the following:

- a) Plans showing the location of all **buildings** and **structures** to be **erected** and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Clause (a) of Subsection 7 of Section 35(a) of the Planning Act.
- b) Drawings showing plan, elevation and cross section views for each industrial and commercial **building** to be **erected** and for each residential **building** containing twenty-five or more **dwelling units** to be **erected** which are sufficient to display:
 - i) The massing and conceptual design of the proposed **building**;
 - ii) the relationship of the proposed **building** to adjacent **buildings**, **streets** and exterior areas to which members of the public have access, and
 - iii) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from **streets**, open spaces and interior walkways in adjacent **buildings**, but which exclude the layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

3.37.3 As a condition to the approval of the plans and drawings referred to in Section 3.37.2, the City may require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the **municipality** any or all of the following:
 - 1) Widening of **highways** that abut on the land;
 - 2) subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;

- 3) off-street vehicular loading and parking facilities, either covered or uncovered, access **driveways**, including **driveways** for emergency vehicles, and the surfacing of such areas and **driveways**;
 - 4) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - 5) facilities for the lighting, including floodlighting, of the land or of any **buildings** or **structures** thereon;
 - 6) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the **landscaping** of the lands or the protection of adjoining lands;
 - 7) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - 8) **easements** conveyed to the **municipality** for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities and other public utilities of the **municipality** or local board on the land;
 - 9) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any **buildings** or **structures** thereon:
- b) maintain to the satisfaction of the **municipality** and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and **driveways**, parking and loading areas and walkways;
 - c) enter into one or more agreements with the **municipality** dealing with any or all of the facilities, works or matters mentioned in clause (a) and maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in Section 3.37.2.
 - d) subject to subsection (9.1) of the Planning Act, R.S.O. 1990, c. P.13, convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way.

3.37.4 Notwithstanding the foregoing, the provisions of Subsections 3.37.2 and 3.37.3 shall not apply to:

- a) **Accessory buildings** and **structures** thereto in any Residential **zone**;
- b) alterations or additions in respect of **buildings** or **structures** where the alteration or addition contains less than four hundred and sixty-five (465) square metres of floor space;
- c) signs, and
- d) underground gasoline storage tanks.

Fences

3.38 No fences shall be **erected** in any **zone**, except in those **zones** where they are permitted, unless it is in conformity with the City of North Bay Building By-law as administered by the Managing Director of Community Services Business Unit, the Chief Building Official or such other **person** as they may designate from time to time.

Holding Zone Regulations

3.39.1 Where a Holding **Zone** designation is shown on Schedule "B" to this By-law, the land shall not be **used** for any use other than those uses permitted in the "Rural (A)" **zone**, and in accordance with the regulations for the "Rural (A)" **zone**.

3.39.2 Where a Holding **Zone** is supplied with, or is being supplied with adequate Municipal services, or has attained or is attaining proper Provincial approval under the provisions of the Planning Act, R.S.O. 1990, as amended, an application may be submitted in conformity with the Official Plan of the North Bay Planning Area to rezone said lands to a **zone** within the Holding **Zone** classification shown.

Sewage disposal system

- 3.40 No part of any **sewage disposal system** that discharges effluent to the soil, may be located, constructed or installed closer than 30 metres, measured from the closest distribution pipe of the septic system to the shoreline of Trout Lake or any water body or major inflowing stream to Trout Lake as identified by the North Bay–Mattawa **Conservation Authority** on the schedule to the City of North Bay Fill Construction and Alteration to Waterways Regulations

Urban Services Required

- 3.41 Where urban services are available, as indicated in the Urban Services By-law 68-71, as amended, no development shall be permitted unless connected to municipal water and sewer services, except where the lands are zoned Rural (A).

ZONE REQUIREMENTS

TABLE OF CONTENTS

<u>SECTION</u>	<u>ZONE REQUIREMENTS</u>	<u>PAGE</u>
SECTION 4.1	ZONE DESIGNATIONS	41
SECTION 4.2	ZONING SCHEDULES	42
SECTION 4.3	DEFINED ZONE AREAS	42
SECTION 4.4	ZONE BOUNDARIES	42
SECTION 4.5	CLOSED STREET, LANE OR RIGHT-OF-WAY	42

SECTION 4 - ZONE REQUIREMENTS

- 4.1 For the purposes of this By-law, the City of North Bay is divided into the following land use **zones** with the following symbols, which symbols shall apply to designate **zones** as shown on Schedules "B" and "C" attached hereto:

<u>ZONE</u>	<u>SYMBOL</u>
Residential First Density	(R1)
Residential Second Density	(R2)
Residential Third Density	(R3)
Residential Mobile Home Park	(R4)
Residential Fifth Density	(R5)
Residential Multiple First Density	(RM1)
Residential Multiple Second Density	(RM2)
Residential Multiple Third Density	(RM3)
Residential Multiple Fourth Density	(RM4)
Residential Multiple Fifth Density	(RM5)
Residential Multiple Sixth Density	(RM6)
Residential Holding	(RH)
General Commercial (Inner Core)	(C1)
General Commercial (Outer Core)	(C2)
Regional Shopping Centre	(C3)
District Commercial	(C4)
Neighbourhood Commercial	(C5)
Highway Commercial	(C6)
Tourist Commercial	(C7)
Commercial Holding	(CH)
Light Industrial One	(M1)
Light Industrial Two	(M2)
Light Industrial Three	(M3)
Heavy Industrial	(M4)
Restricted Industrial	(M5)
Industrial-Commercial	(MC)
Railway	(MR)
Industrial Holding	(MH)
Industrial Airport Business Park - Airside	(MAP-A)
Industrial Airport Business Park – Groundside	(MAP-G)
Industrial Business Park	(MBP)
Open Space	(O)
Floodway	(O1)
Floodplain and Erosion	(O2)
Institutional	(N)
Rural	(A)
Rural Residential Estate	(RRE)
Rural Residential Cottage	(RRC)
Rural Residential Lakefront	(RRL)
Rural Extractive Industrial	(RME)
Rural Commercial	(RC)
Rural Marine Commercial	(RMC)
Rural Institutional	(RN)
Special Zones	(Sp)

Zoning Schedules

- 4.2 Schedule "A" attached hereto designating the Urban Area and the Rural Area of the City does hereby form a part of this By-law.
- 4.2.1 Schedule "B" attached hereto and the series of Urban Schedules as numbered therein which form a part of Schedule "B" and which are also attached hereto do hereby form a part of this By-law.
- 4.2.2 Schedule "C" attached hereto and the series of Rural Schedules as numbered therein which form a part of Schedule "C" and which are also attached hereto do hereby form a part of this By-law.

Defined Zone Areas

- 4.3 The extent and boundaries of all **zones** are as shown on Schedules "A", "B" and "C", and all such **zones** are hereby defined as areas to which the provisions of this By-law shall apply. The area enclosed by any **zone** boundaries, including **streets**, rights-of-way, and watercourses.

Zone Boundary

- 4.4 When determining the boundary of any **zone** as shown on any Schedule forming part of this By-law, the following provisions shall apply:
- 4.4.1 A boundary indicated as following a **highway, street** or lane shall be the centreline of such **highway, street** or lane.
- 4.4.2 A boundary indicated as following a watercourse, or the **right-of-way** of a railway or an electrical, gas or oil transmission line shall be the centreline of such watercourse or **right-of-way**.
- 4.4.3 A boundary indicated as following the natural shoreline shall follow such natural shoreline, and in the event of a change in the natural shoreline, the boundary shall be construed as moving with the actual natural shoreline.
- 4.4.4 A boundary indicated as approximately following **lot lines** shown on a Registered Plan of Subdivision, or Reference Plan, or Township **lot lines** shall follow such **lot lines**.
- 4.4.5 Where a boundary is indicated as approximately parallel to a **street line** or other feature, indicated in Sections 4.4.1, 4.4.2 and 4.4.3 above, and the distance from such **street line** or other feature is not indicated, and Section 4.4.4 above is not applicable, such boundary shall be construed as being parallel to such **street line** or other feature, and the distance there from shall be determined according to the scale shown on the appropriate Schedule.
- 4.4.6 A boundary indicated as following the limits of the **municipality** shall follow such limits.

Closed Street, Lane or Right-of-way

- 4.5 In the event a dedicated **street** or lane or **right-of-way** shown on any schedule forming part of this By-law is closed, the property formerly in said **street** or lane or **right-of-way** shall be included within the **zone** of the adjoining property on either side of the said closed **street** or lane or **right-of-way**. If a closed **street** or lane or **right-of-way** is the boundary between two or more different **zones**, the new **zone** boundary shall be the former centreline of said closed **street** or lane or **right-of-way**.

RESIDENTIAL ZONES

SECTION 5 - RESIDENTIAL ZONES

5.1 General Provisions

Key Lot Setback

5.1.1 Notwithstanding any other provisions of this By-law, where a **building** is **erected** on a **key lot**, the minimum **front yard** shall be the average of the **front yard** required for the adjacent interior lot and the exterior **side yard** required for the adjacent **corner lot**, except that where **buildings** are located on either or both said adjacent lots with **setbacks** less than those required herein, the actual **setbacks** shall be **used** in establishing the **front yard setback** of said **key lot**.

One Dwelling Per Lot

5.1.2 Not more than one **dwelling**, unless part of a **dwelling group**, may be built on any lot. A **dwelling** may be **erected** on the sole parcel of land remaining to any owner and comprising part of one or more lots on a registered plan, as long as such parcel complies with the provisions of the Residential **Zone** in which it is located. In the case of single detached dwellings or semi-detached dwellings, each dwelling shall front on a year round, publicly maintained road, and meet all requirements of the zone in which they are situated. Where the dwelling group is comprised of single detached dwelling units or semi detached dwelling units, each dwelling shall be connected directly to municipal services with in the road allowance.

Special Lot frontage Provisions, Lake Nipissing

5.1.3 Where two (2) lots abut one another with one lot having a frontage of at least fifteen (15) metres on a public **street** and the other lot extending from the **rear lot line** of the first lot to the shore of Lake Nipissing, a **single detached dwelling** may be **erected** on each lot provided that:

5.1.3.1 A **right-of-way** having a width of at least four and five-tenths (4.5) metres shall be provided for the house on that portion of the lot nearest to Lake Nipissing and the said **easement** shall constitute, for the purposes of this By-law, sufficient frontage;

5.1.3.2 Where the house nearest to the **street** has been lawfully **erected** prior to the passing of this By-law, is set back less than four and five-tenths (4.5) metres but not less than three (3) metres from a **side lot line**, the **right-of-way** required by Section 5.1.3.1 shall be not less than three (3) metres in width, and

5.1.3.3 all other relevant regulations in this By-law are complied with.

Day nursery Restrictions

5.1.4 No **Day Nursery** is permitted in any Residential **Zone** except in accordance with the provisions of Section 5.1.11 of this By-law and subject to the provisions of The Day Nurseries Act, R.S.O. 1990, Chapter D2 and Amendments thereto.

Residential Parking Regulations

5.1.5.1 In any Residential **zone parking spaces** shall be provided and maintained in an **attached** or detached **private garage** or **carport**, in a **side or rear yard**, or in the case of a **front yard** in an area that is well defined and occupies not more than fifty (50) percent of the lot area of the **front yard**.

5.1.5.2 All **parking spaces** shall be appropriately sited, graded and drained to ensure that storm water runoff and snow melt is directed away from abutting properties and toward municipal stormwater catchment systems.

Commercial motor vehicle Parking

5.1.6 In any Residential **zone** no **commercial motor vehicle** shall be parked or stored in any residential zone, except in a **private garage**, **side yard**, or **rear yard** and provided that:

5.1.6.1 The capacity of said vehicle is less than 907 kg (ton);

5.1.6.2 said vehicle is operated by the occupant of the **dwelling unit** on said lot, and

- 5.1.6.3 said vehicle, if parked in a **side or rear yard**, is screened by an opaque fence one and eight-tenths (1.8) metres in height.

Recreational Vehicle Storage

- 5.1.7 In any Residential **zone** no boat, snowmobile, **motor home** or similar recreational vehicle or equipment shall be parked or stored on the municipal road allowance or on any lot except in a private garage, side yard, rear yard provided that:
- 5.1.7.1 the recreational vehicle being parked shall not interfere with visibility of traffic, public safety or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood;
- 5.1.7.2 in the case of a lot which fronts on a body of water, the mooring of boats or the parking of boats within a boathouse shall be permitted, and
- 5.1.7.3 the parking of **motor homes**, travel trailers, boats, or recreational vehicles having a height of not more than one and eight-tenths (1.8) metres, including any **accessory** trailer, shall be permitted provided they do not encroach upon the municipal **road** allowance and
- 5.1.7.4 No person shall use a recreational vehicle being parked as a dwelling unit.

Mobile home Parks

- 5.1.8 Notwithstanding any other provisions in this By-law, **Mobile home** Parks for the permanent parking of **mobile homes used** for full-time living accommodation are only permitted subject to the following regulations:
- 5.1.8.1 **Mobile homes** shall be located within **Mobile home** Parks of not less than two and eight-tenths (2.8) hectares in size and shall not have a density greater than twenty (20) units per hectare.
- 5.1.8.2 **Mobile home** Parks shall be comprised of individual lots within a Registered Plan of Subdivision and there shall be no more than (1) **mobile home** located on any such lot.
- 5.1.8.3 **Mobile home** Parks shall be provided with full Municipal services.
- 5.1.8.4 Every **Mobile home** Park shall have immediately within its boundaries a buffer area of at least seven and six-tenths (7.6) metres in depth in which no lots, **buildings** or **structures** shall be permitted.
- 5.1.8.5 **Mobile home** Parks shall be landscaped according to good design principles to complement the residential nature of the park.
- 5.1.8.6 No **Mobile home** which is less than twelve (12) metres long and three (3) metres wide, shall be permitted within the **Mobile home** Park.
- 5.1.8.7 Neighbourhood **commercial uses**, such as variety stores, coin operated laundries and barber shops shall not occupy more than ten (10) percent of the total area of any **Mobile home** Park and shall be subordinate to the residential **use** and character of the Park. Such commercial facilities will require an Amendment to this By-law and shall be located, designed and intended to serve frequent trade or service needs of people living in the Park and shall present no visible evidence of their commercial character to any part of a residential area outside the Park.

Control Density

- 5.1.9 In any Residential **zone**, **buildings** in a new development shall be **erected** and **used** in conformity with the comprehensive scheme of development in the Secondary Plan which implements the density requirements established in the Official Plan and in the Sewer Needs Study of the City of North Bay for the neighbourhood in which said development is located by an Amendment to this By-law.

Non-Residential Buildings

5.1.10 No recreational, institutional or public **building** located in any Residential **zone** shall be situated closer than one-half (1/2) the height of said **building** or seven and six-tenths (7.6) metres, whichever is the greater, to any property line on the site on which said **building** is located.

Day nursery

5.1.11 No **Day nursery** may be located in an (R1), (R2), (R3) or (R4) **zone** unless it is within an institutional or public **building** located in that **zone** such as a **school**, a church, a public or private **club** or other such **use**.
In all other Residential **zones** a **Day nursery** may be located in any **building** subject to the residential character of the area not being altered.

Group Homes

5.1.12 Notwithstanding any other provisions in this By-law, Group Homes are only permitted subject to the following regulations:

5.1.12.1 Occupancy of any Group Home shall be limited to a maximum of eight (8) unrelated residents (excluding the staff or receiving family);

5.1.11.2 no Group Home shall be closer than two hundred metres to any other Group Home.

5.1.12 Residential Conversion Area

- 5.1.12.1 In this section "Residential **Conversion Area**" means the area shown on Schedule "D" hereto and is that area bounded by the Ontario Northland Railway main line, the Highway No. 11 By-pass, Algonquin Avenue and Oak Street.
- 5.1.12.2 A **building** or **structure** constructed prior to March 3, 1980 in an R.3, RM.1 or RM.2 **zone** in the Residential **Conversion Area** may be altered for **use** as converted **dwelling units** provided that:
- 5.1.12.2.1 The minimum **lot area** for each converted **dwelling unit** shall be at least 186 square metres;
- 5.1.12.2.2 the minimum **lot frontage** for the converted **dwelling** shall be at least 9 metres;
- 5.1.12.2.3 the maximum **lot coverage** of the converted **dwelling** shall not exceed 35%;
- 5.1.12.2.4 each converted **dwelling unit** shall have the following minimum area:
- i) converted bachelor **dwelling unit** - 25 sq.m.
 - ii) converted 1-bedroom **dwelling unit** - 32 sq.m.
 - iii) converted 2-bedroom **dwelling unit** - 41 sq.m.
 - iv) converted 3-bedroom **dwelling unit** - 50 sq.m.
- 5.1.12.2.5 there shall be at least 1 **parking space** for each converted **dwelling unit**;
- 5.1.12.2.6 any converted **dwelling unit** located in a **cellar** shall not be more than 75% below grade;
- 5.1.12.2.7 the foundation walls or roof of a **building** shall not be extended into a required **front yard, side yard** or **rear yard** unless for a fire escape required by The Building Code or The Fire Code or an **existing** roofed porch may be enclosed to provide a common vestibule in a **front yard** or a **rear yard** according to Section 3.17;
- 5.1.12.2.8 no building in an R3 **zone** shall contain more than two (2) **dwelling units**, and no building in an RM1 **zone** shall contain more than four (4) **dwelling units**, and
- 5.1.12.2.9 except as hereby expressly varied, all other applicable provisions of this By-law shall apply

5.2 Residential Low Density Zones

Regulations

5.2.1 No land, **building** or **structure** shall be hereafter **erected** or **used** or caused to be **erected** or **used** in any of the following Low Density Residential **zones** unless for a **use** within a **zone** designated as follows:

USE	R1	R2	R3	R4	R5	RM1	RM2
<i>Single detached Dwelling unit</i>	*	*	*		*		
<i>Duplex Dwelling unit</i>			*			*	*
<i>Semi-detached Dwelling unit</i>			*		*	*	*
<i>Mobile home</i>				*			
<i>Triplex Dwelling</i>						*	*
<i>Double duplex Dwelling</i>						*	*
<i>Maisonette Dwelling</i>							*
<i>Townhouses</i>							*
<i>Multiple Dwellings</i>						*	*
<i>Group home type 1</i>	*	*	*	*	*	*	*
<i>Group home type 2</i>						*	*
<i>Accessory Home based businesses</i>	*	*	*	*	*	*	*
<i>Parks, Playgrounds & Non-profit uses</i>	*	*	*	*	*	*	*
<i>Day Nurseries</i>						*	*
<i>Institutional uses</i>	*	*	*	*	*	*	*

5.2.2 No land, **building** or **structure** shall be **used** or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered in a Low Density Residential **zone** except in accordance with the following regulations:

ZONE	PERMITTED USE	MIN. LOT AREA PER DWELLING UNIT IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHT (STORIES)
R1	<i>Single detached Dwelling</i>	557.4	18	36%	2.5
R.2	<i>Single detached Dwelling</i>	464.5	15	35%	2.5
R3	<i>Single detached Dwelling</i>	418.0	13.7	35%	2.5
R3	<i>Semi-detached Dwelling unit</i>	278.7	9 per DU	35%	2.5
R3	<i>Duplex Dwelling unit</i>	279	18	35%	2.5
R4	<i>Mobile home</i>	325.1 (single unit) 371.6 (double unit)	10.5 (single) 13.7 (double)	35%	2.5
R5	1 St. <i>Single detached Dwelling</i>	278	9	35%	1
R5	1-1/2 St. or Greater <i>Single detached Dwelling</i>	325	10.5	35%	2.5

R5	Semi-detached Dwelling	278 371.6 (corner lot)	9 per DU 12 (corner lot) per DU	35%	2.5
RM1	Triplex	232.2	19.8	35%	N/A
	Multiple dwelling-Up to 4 Units	232.2	19.8		
RM1	Double duplex	232.2	22.8	35%	N/A
RM1	Group home type 1	232.2	22.8	35%	N/A
RM1	Duplex dwelling	279	18	35%	N/A
RM1	Semi-detached dwelling	278	9 per DU	35%	N/A
RM2	Duplex dwelling	279	18	35%	N/A
RM2	Semi-detached dwelling	278	9 per DU	35%	N/A
RM2	Double duplex	232.2	22.8	35%	N/A
RM2	Triplex	232.2	19.8	35%	N/A
RM2	Maisonette	232.2	36	40%	N/A
RM2	Townhouse	232.2	30	40%	N/A
RM2	Multiple dwelling-Up to 4 Units	232.2	30	40%	N/A
RM2	Group home type 1	232.2	30	35%	N/A

5.2.3 Low Density Yard Requirements

Front Yard Setback

5.2.3.1 A **front yard** shall be provided in front of the **main building**. The minimum distance of a **building** minimum distance of a to the front **lot line** shall be six (6) metres.

In a "Residential Fifth Density (R5)" **zone** the minimum **front yard setback** shall be four and five-tenths (4.5) metres provided the **rear yard setback** on the same lot is not less than eight and nine-tenths (8.9) metres for an interior lot or seven and six-tenths (7.6) metres for a **corner lot**.

Side Yard Setback, Interior Lot line

5.2.3.2 A **side yard** shall be provided on each side of the **main building**. The minimum distance from the side **lot line** to the **main wall** of the **main building** shall be one and two-tenths (1.2) metres for one (1) **storey dwellings**, and an additional sixty-one (61) centimetres for each additional **storey** or part thereof.

In a "Residential Fifth Density (R5)" **zone** one **side yard** for a **single detached dwelling** shall be a minimum of sixty-one (61) centimetres for a one (1) **storey dwelling** and an additional sixty-one (61) centimetres for each additional **storey** or part thereof.

5.2.3.2.1 Where a **building** is two (2) **storeys** on one side and one (1) **storey** on the other, the minimum **side yard setback** shall be one and eight-tenths (1.8) metres on the side which is two (2) **storeys**, and one and two-tenths (1.2) metres on the side which is one (1) **storey**.

Side Yard Setback, Exterior Lot line

5.2.3.3 Subject to 5.2.3.4 of this By-law, the width of an exterior **side yard** shall be not less than three (3) metres.

5.2.3.4 In the case of a **corner lot**, no entrance to an **attached or detached garage** shall be located closer than four and five-tenths (4.5) metres to the edge of pavement and no portion of any **driveway** shall be located closer than nine (9) metres to the intersection of any two **streets** measured along the **street line** and its projection to the intersection of such **street line** or its projection with another **street line** or its projection.

5.2.3.5 The minimum **side yard** width on the side of a lot abutting a three-tenths (0.3) metre reserve shall be three (3) metres.

Rear Yard Setback

5.2.3.6 A **rear yard** shall be provided in the rear of the **main building**. The minimum distance from the rear **lot line** to the rear **main wall** of the **main building** shall be not less than ten and five-tenths (10.5) metres, except in the case of a **corner lot** where the **rear yard** shall be not less than seven and six-tenths (7.6) metres.

In a "Residential Fifth Density (R5)" **zone** the minimum **rear yard setback** shall be eight and nine-tenths (8.9) metres, provided the **front yard setback** on the same lot is not less than four and five-tenths (4.5) metres. In a "Residential Fifth Density (R5)" **zone**, for a **corner lot**, the minimum **rear yard** shall be seven and six-tenths (7.6) metres.

5.2.3.6.1 In the case of a **Mobile home Park (R4) zone**, the lots which front on the seven and six-tenths (7.6) metre buffer strip shall have a **rear yard** of not less than four and five-tenths (4.5) metres.

Dwelling Yard Requirements for Maisonette, Multiple Dwelling or Townhouse

5.2.3.7 No **maisonette, townhouse** or **multiple dwelling** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the following **yard** regulations:

- a) **Front Yard** minimum depth shall be six (6) metres.
- b) **Side Yard** minimum width shall be one and two-tenths (1.2) metres for one **storey** and an additional sixty-one (61) centimetres for each additional **storey** or part thereof, and an exterior **side yard** must have a minimum width of three (3) metres.

- c) **Rear Yard** minimum depth shall be seven and six-tenths (7.6) metres.
- d) Not more than eight (8) **dwelling units** per **building** shall be built in any row housing development.
- e) No two adjacent **buildings** on the same lot shall be built closer than 2.4 metres to each other for a one-**storey** plus an additional 61 centimetres for each additional **storey** or part thereof.

Open Area Requirements and Distance Requirements Between Buildings

5.2.3.8 Where a **maisonette**, **multiple dwelling** or **townhouse** has direct access to the outside by a doorway, open areas shall be provided and maintained in accordance with the following provisions:

- a) One open area located adjacent to a living room, dining room, family room, finished recreation room, study, den, or kitchen which is combined with one of the above **uses** shall be a private, outdoor living area for the occupants and shall have a minimum **yard** depth of six (6) metres within which a privacy **zone** of four and five-tenths (4.5) metres shall be provided.
- b) One open area adjacent to a living room which is not designated as a private outdoor living area shall have a minimum depth of six (6) metres within which a privacy **zone** of three and six-tenths (3.6) metres shall be provided except that a privacy **zone** shall be required for said living room windowsill is a minimum of one and eight-tenths (1.8) metres above the adjacent exterior level.
- c) One open area adjacent to a habitable room other than a living room and which is not designated as a private outdoor living area shall have a minimum depth of five and three-tenths (5.3) metres within which a privacy **zone** of three and six-tenths (3.6) metres shall be provided except that no privacy **zone** shall be required:
 - i) Where the habitable room is a minimum of one and eight-tenths (1.8) metres above the adjacent exterior level;
 - ii) where a kitchen does not include the main dining area or any other communal family space.

Multiple Unit Play Space Regulations

5.2.3.9 No **person** shall **erect** or **use**, or cause to be **erected** or **used**, any **multiple** unit except where play space for each **dwelling unit** is provided as follows:

Per bachelor unit	0 sq. metres
Per one-bedroom unit	2.3 sq. metres
Per two-bedrooms or more	4.6 sq. metres

5.2.3.10 Where in this By-law **multiple dwelling unit** play space is required, the said play space shall be provided and maintained in accordance with the following provisions:

- a) The play space shall be enclosed with a fence not less than one and two-tenths (1.2) metres in height
- b) the play space shall be located no closer than three and six-tenths (3.6) metres to the nearest wall of any **building**
- c) the play space shall not be separated from any **building** by any parking lot or **driveway**
- d) the play space shall be located in one place
- e) the play space shall be located in a **rear or side yard**

5.3 Residential High Density Zones

Permitted Uses

5.3.1 No land, **building** or **structure** shall hereafter be **erected** or **used**, or caused to be **erected** or **used** in any of the following High Density Residential **zones** unless for a **use** within a **zone** designated as follows:

USE	RM3	RM4	RM5	RM6
Apartment Dwellings	*	*	*	*
Boarding, Lodging or Rooming House	*	*	*	*
Group Home Type 2	*	*		
Parks, Playgrounds and Associated Non-profit uses	*	*	*	*
Licensed Day Nurseries, Churches, Public Schools Other Than Trade Schools	*	*	*	*
Institutional uses	*	*	*	*
Accessory Home based business	*	*	*	*
Accessory Non-Residential Use Under Subsection 5.3.5	*	*	*	*

Regulations

5.3.2 No land, **building** or **structure** shall hereafter be **used** or caused to be **used**, and no **building** or **structure** shall hereafter be **erected** or altered, or caused to be **erected** or altered in a High Density Residential **zone** except in accordance with the following regulations:

ZONE	DWELLING TYPE	MAX. GROSS FLOOR AREA AS A % OF LOT AREA	MIN. LOT FRONTAGE IN METRES	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE METRES	MIN. USABLE OPEN SPACE AS A % OF GROSS FLOOR AREA
RM3	Apartment	75	30	Bachelor 25 1 Bedroom 32 2 Bedroom 41 3 Bedroom 50 4 Bedroom 59	50
RM4	Apartment	100	30	Bachelor 25 1 Bedroom 32 2 Bedroom 41 3 Bedroom 50 4 Bedroom 59	50
RM5	Apartment	125	38	Bachelor 25 1 Bedroom 32 2 Bedroom 41 3 Bedroom 50 4 Bedroom 59	50
RM6	Apartment	150	38	Bachelor 25 1 Bedroom 32 2 Bedroom 41 3 Bedroom 50 4 Bedroom 59	45

5.3.3 High Density Yard Requirements

5.3.3.1 Not less than fifty (50) percent of the usable open space required under 5.3.2 of this By-law shall be located in one place on the lot up to maximum of four hundred and sixty-five (465) square metres.

5.3.3.2 No apartment **building** or **boarding, lodging or rooming house** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the following regulations:

Front Yard Setback

- a) Minimum **front yard setback** shall be one-half the height of the **building**, but not less than seven and six-tenths (7.6) metres;

Side Yard Setback, Interior Lot line

- b) minimum **side yard** shall be one-half the height of the **building** but not less than six (6) metres;

Side Yard Setback, Exterior Lot line

- c) minimum **side yard setback** from the exterior **side lot line** shall be one-half the height of the **building**, but not less than six (6) metres, and

Rear Yard Setback

- d) minimum **rear yard** shall be one-half the height of the **building**, but not less than seven and six-tenths (7.6) metres.

Apartment Entrance Canopies

5.3.4 A canopy or other similar **structure** over a major entrance to an apartment **building** may project into the required **yard** a distance equal to one-half (1/2) the **setback** of the **building** from the **lot line**.

Non-Residential Uses in Apartment Dwellings

5.3.5 A **retail store** to serve the day-to-day needs of the occupants may be permitted in an apartment **Building** in a (RM4), (RM5) or (RM6) **zone** provided that:

5.3.5.1 Said **use** shall be located only on the ground floor

5.3.5.2 The total area devoted to said **uses** shall be not more than ten (10) percent of the gross **floor area** of the **building**, or two hundred and seventy-nine (279) square metres, whichever is less

Apartment Landscaping

5.3.6 No **person** shall **erect** or **use**, or cause to be **erected** or **used**, any **building** containing apartment **dwelling units** unless the following areas are **used** exclusively for **landscaping**:

5.3.6.1 A strip of land not less than one and five-tenths (1.5) metres wide abutting the side **lot lines** and rear **lot line**.

5.3.6.2 A strip of land not less than one and five-tenths (1.5) metres wide abutting the walls of the **building** where windows to habitable rooms are located on the ground floor.

Apartment Play Space

5.3.7 No **person** shall **erect** or **use**, or cause to be **erected** or **used**, an apartment **building** except where play space for each **dwelling unit** is provided, as follows:

Per bachelor unit	0 sq. metres
Per one-bedroom unit	2.3 sq. metres
Per two-bedrooms or more	4.6 sq. metres

5.3.8 Where in this By-law apartment play space is required, the said play space shall be provided and maintained in accordance with the following provisions:

5.3.8.1 The play space shall be enclosed with a fence not less than one and two-tenths (1.2) metres in height;

5.3.8.2 the play space shall be located no closer than four and five-tenths (4.5) metres to the nearest wall of the **building**;

5.3.8.3 the play space shall not be separated from the **main building** by any parking lot or **driveway**.

COMMERCIAL ZONES

SECTION 6 - COMMERCIAL ZONES**6.1 General Provisions**

6.1.1 In any Commercial **zone** which fronts on a **street** opposite to, or directly abuts any Residential **zone**:

Amenity Requirements

6.1.1.1 No **loading space** shall be located in, nor open onto any **side yard** adjacent to the Residential **zone**.

6.1.1.2 A strip of land not less than three (3) metres in width along the **lot line** within the Commercial **zone** and adjacent to the Residential **zone** shall be adequately landscaped.

6.1.1.3 Exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential **zone**.

6.1.1.4 **Outside storage** shall be prohibited in any **yard** adjacent to the Residential **zone**.

6.1.2 In any Commercial **zone** which fronts a collector or arterial **road** a strip of land not less than three (3) metres in width shall be adequately landscaped where it abuts the collector or arterial **road**.

6.1.3 No **outside storage** shall be permitted in the **front yard** or any **yard** abutting a **residential use**, a **street** or laneway.

6.1.4 In any Commercial **zone** which fronts on a Provincial **Highway**:

6.1.4.1 No front **yard** may be **used** for employee parking and any **front yard** that is not **used** for **driveways** and visitors' **parking spaces** shall be adequately landscaped.

6.1.4.2 No **loading space** shall be located in, nor open onto, the **front yard**.

6.1.4.3 A strip of land not less than three (3)metres in width along the front **lot line** shall be adequately landscaped.

6.1.4.4 No **outside storage** shall be permitted in the **front yard**.

Dwelling unit Provisions

6.1.5 Where **dwelling units** are permitted in a Commercial **zone**, they shall conform to the following provisions:

6.1.5.1 The maximum **gross floor area** expressed as a percentage of the **lot area** shall be three hundred (300) percent in a General Commercial Inner Core (C1) **zone**, one hundred and fifty (150) percent in a General Commercial Outer Core (C2) **zone** and one hundred (100) percent in a District Commercial (C4) **zone**.

6.1.5.2 Where **dwelling units** form part of a Neighbourhood **Commercial use**, they may not exceed the permitted Commercial **floor area**.

6.1.5.3 The minimum **floor area** per unit shall be as follows:

Bachelor Units	25 sq. metres
1-Bedroom Units	32 sq. metres
2-Bedroom Units	41 sq. metres
3-Bedroom Units	50 sq. metres
4-Bedroom Units	59 sq. metres

6.1.5.4 The minimum **usable open space** shall not be less than four and six-tenths (4.6) square metres per unit.

6.1.5.5 Pedestrian access to the residential portion of the **building** shall be provided from an adjacent **street** and shall be for the sole **use** of the **dwelling units**.

6.1.5.6 No **dwelling units** shall be permitted in conjunction with **automobile service stations**, motor vehicle service establishments, or **commercial parking lots**.

- 6.1.5.7 Satisfactory access shall be provided for delivery vehicles to the residential portion of said **building**.
- 6.1.5.8 Not less than fifty (50) percent of the **useable open space** required under subsection 6.1.5.4 of this By-law shall be located in one place on the lot up to a maximum of four hundred sixty-five (465) square metres.
- 6.1.5.9 A **building** or **structure** constructed prior to March 3, 1980 in a C.1 or C.2 **zone** may be altered for **use** as converted **dwelling units** provided that:
- 6.1.5.9.1 Each converted **dwelling unit** shall have the following minimum area:
- i) Converted Bachelor **Dwelling unit** 25 sq.m.
 - ii) Converted 1-Bedroom **Dwelling unit** 32 sq.m.
 - iii) Converted 2-Bedroom **Dwelling unit** 41 sq.m.
 - iv) Converted 3-Bedroom **Dwelling unit** 50 sq.m.
- 6.1.5.9.2 Subsections 6.2.2.3(c) and 6.3.2.3(c) do not apply hereto.
- 6.1.5.9.3 Except as hereby expressly varied, all other applicable provisions of this By-law shall apply.

Access Requirements

- 6.1.6 Satisfactory access from a **street** to a **side yard** or a **rear yard** shall be provided for all commercial **buildings** to permit the carrying of goods and supplies.

Automobile service stations and Gas bars

- 6.1.7 Where an **automobile service station** or **public garage** is permitted in a Commercial **zone**, the following provisions apply:

	<u>Interior Lot</u>	<u>Corner lot</u>
6.1.7.1 Minimum Lot frontage	45.5 metres	45.5 metres
6.1.7.2 Minimum Lot Depth	30 metres	45.7 metres
6.1.7.3 Minimum Front Yard Setback	12 metres	12 metres

- 6.1.7.4 No portion of any pump island shall be located closer than three (3.0) metres to the **lot line** along any **street**.
- 6.1.7.5 No portion of any ingress or egress ramp shall be located closer than twelve (12) metres to the nearest edge of the travelled portion of any two (2) arterial or collector **roads**.
- 6.1.7.6 No portion of any ingress or egress ramp along any **street line** shall be located closer than three (3) metres to any side **lot line** which abuts any other lot.
- 6.1.7.7 The width of any ingress or egress ramp along any **street line** shall be not more than nine (9) metres not less than seven and six-tenths (7.6) metres.
- 6.1.7.8 The minimum distance between two ramps shall not be less than nine (9) metres.
- 6.1.7.9 The minimum interior angle of any ramp to the **street line** shall be greater than seventy (70) degrees and less than ninety (90) degrees.
- 6.1.7.10 The area between the ramps and the **street lines**, and along the property lines shall be **used** for **landscaping**.
- 6.1.7.11 No materials incidental to the operation of an **Automobile service station** or a **Private garage** shall be stored outside a **building**, unless there is adequate screening to a height of not less than two and five-tenths (2.5) metres.

Motor Vehicle Washing Establishment

- 6.1.8 In any Commercial (C) **zone** which permits a lot to be **used** for a motor vehicle washing establishment, said establishment shall be constructed and maintained as follows
- 6.1.8.1 The entrance layout for progressive movement of cars entering said establishment shall be sufficient to accommodate not less than ten (10) cars outside the **building** on said lot and the exit layout shall be sufficient to accommodate not less than five (5) cars outside the **building** on said lot.
- 6.1.8.2 Asphalt lanes in which vehicles shall move on the lot shall be clearly defined by lines painted on the surface of the lot and the edge of the lane nearest to the property line shall be defined by a curb of concrete or rolled asphalt or by a bumper fence;
- 6.1.8.3 The minimum inside turning radius for said lanes shall be six (6) metres.
- 6.1.8.4 Said lanes shall be clear and unobstructed in every way.
- 6.1.8.5 The minimum width of ramps shall be three (3) metres for one-way traffic, and six (6) metres for two-way traffic, and the maximum width of 1 ramp shall be six (6) metres for one-way traffic and nine (9) metres for two-way traffic.
- 6.1.8.6 No portion of any ramp shall be located closer than seven and six-tenths (7.6) metres to the nearest edge of the travelled portion of any two (2) **roads**.
- 6.1.8.7 The minimum distance between ramps shall be not less than ten and five-tenths (10.5) metres.
- 6.1.8.8 The interior angle of a ramp to a **street line** shall be not less than seventy (70) degrees and not more than ninety (90) degrees.
- 6.1.8.9 No portion of any ramp shall be located closer than three (3) metres to any **side lot line** or in the case of a **corner lot**, any **rear lot line**.
- 6.1.8.10 The entire lot except for that area reserved for **landscaping** shall have a cement or asphaltic binder or any other permanent type of surfacing.
- 6.1.8.11 Adequate drainage facilities for containing and directing on-site water to public drainage systems shall be provided.

Pet Day Care Facility

- 6.1.9 Where a Pet Daycare Facility is permitted in Commercial zones, no Pet Daycare Facility shall be located within 100 meters of a Residential Zone.

6.2 **General Commercial Inner Core (C1) Zone**

6.2.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any General Commercial Inner Core (C1) **zone** except for one or more of the following **uses**:

Permitted *Uses*

- 6.2.1.1 **Animal Hospitals**
Apartment dwellings
 Automobile Sales, Service & Leasing Establishments
Automobile service stations and **Gas bars**
 Banks
 Broadcast Studios or Newsrooms
Business Offices
 Bus Stations
Clubs
Converted dwellings
Data processing firm
Day nursery
Dwelling groups
Farmer's market
Garden centre
Homes for Aged
 Financial Institutions
Flea market
Food stores
Funeral homes
Group home type 2
Hotels, Motels
 Liquor, Beer or Wine Stores
Local Retail stores
Maisonette dwellings
Multiple dwellings
Nursing homes
Pet Daycare Facility
Personal service establishments
Places of entertainment
Professional Offices
Public and Private parks
 Public and **Private parking areas**
 Recreational Vehicle Sales, Service & Leasing
Repair garage (Body shop)
Restaurants and **Taverns**
Retail stores
Retirement homes/residences
 Service Establishments that are not obnoxious
Wholesale Uses

Residential *Uses*

6.2.1.2 No **dwelling units** shall be permitted on the ground floor within **buildings** fronting on Main Street between Wyld Street and Algonquin Avenue or on Oak Street between Wyld Street and Fraser Street.

Institutional uses Permitted

- 6.2.1.3 **Places of worship**
Public Hospitals and Private **Hospitals**
Institutional uses
 Private **schools**.

Regulations

6.2.2 In a General Commercial Inner Core (C1) **zone**, no **building, structure** or land shall be **used** or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Lot Coverage

6.2.2.1 Maximum **lot coverage** one hundred (100) percent.

Front Yard

6.2.2.2 The minimum **front yard setback** shall be nil.

Side Yard

- 6.2.2.3 a) Where a **side lot line** abuts a Commercial or Industrial **zone**, and access is available to the rear of the **building** by a public or private lane, the **setback** from the said **side lot line** may be nil.
- b) Where a **side lot line** abuts a Commercial or Industrial **zone**, and access is not available to the rear of the **building** by a public or private lane, the **setback** from the said **side lot line** shall be a minimum of four and five-tenths (4.5) metres.
- c) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall not be less than one-half (1/2) the height of the **building** from the side **lot line**, but not less than six (6) metres.

Rear Yard

- 6.2.2.4 a) Where a **rear lot line** abuts a Commercial or Industrial **zone**, and access is available to the rear of the **building** by a public or public lane, the **setback** from the said **rear lot line** shall be a minimum of three (3) metres.
- b) Where a **rear lot line** abuts a Commercial or Industrial **zone**, and no access is available to the rear of the **building** except by means of a **yard**, the **setback** from the said **rear lot line** shall be a minimum of six (6) metres.
- c) Where a **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- d) Where the **building** contains residential accommodation of one or more **storeys** in height, the nearest **main wall** of the residential portion of the **building** shall be not less than ten and five-tenths (10.5) metres from the **rear lot line**.

Floor space index

6.2.2.5 The maximum **Floor space index** shall be 3.0 for the Commercial portion of the **building**.

6.3 **General Commercial Outer Core (C2) Zone**

6.3.1 No land, ***building*** or ***structure*** shall be ***erected*** or ***used***, or caused to be ***erected*** or ***used*** in any General Commercial Outer Core (C2) ***zone***, except for one or more of the following ***uses***:

Permitted Uses

6.3.1.1 ***Animal Hospitals***

Apartment dwellings

Automobile Sales, Service & Leasing Establishments

Automobile service stations and ***Gas bars***

Banks

Boarding and Rooming House

Broadcast Studios or Newsrooms

Business Offices

Bus Stations

Clubs

Converted dwellings

Data processing firm

Day nursery

Double duplex dwellings

Duplex dwellings

Dwelling groups

Farmer's market

Financial Institutions

Flea market

Food stores

Funeral homes

Group home type 2

Homes for the aged

Hotels, Motels

Liquor, Beer or Wine Store

Local Retail stores

Maisonette dwellings

Multiple dwellings

Nursing homes

Personal Services Establishments

Pet Daycare Facility

Places of entertainment

Professional Offices

Public and Private parks

Public and ***Private parking areas***

Recreational Vehicle Sales, Service & Leasing

Repair garage (Body shop)

Retirement homes/residences

Restaurants and ***Taverns***

Retail stores

Townhouse dwellings

Semi-detached dwellings

Single detached dwellings

Service Establishments that are not obnoxious

Triplex dwellings

Wholesale Uses

6.3.1.2 ***Institutional uses***

Places of Worship

Public Hospitals or Private ***Hospitals***

Private ***schools***

Regulations

6.3.2 In a General Commercial Outer Core (C2) **zone**, no **building, structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered, except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Lot Coverage

6.3.2.1 Maximum **lot coverage** of seventy-five (75) percent.

Front Yard Setback

6.3.2.2 The minimum **front yard setback** shall be nil.

Side Yard Setback

- 6.3.2.3 a) Where a **side lot line** abuts a Commercial or Industrial **zone**, and access is available to the rear of the **building** by a public or private lane, the **setback** from the said **side lot line** may be nil.
- b) Where a **side lot line** abuts a Commercial or Industrial **zone**, and access is not available to the rear of the **building** by a public or private lane, the **setback** from the said **side lot line** shall be a minimum of four and five-tenths (4.5) metres.
- c) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall not be less than one-half (1/2) the height of the residential portion of the **building** from the **side lot line**, but not less than six (6) metres.

Rear Yard Setback

- 6.3.2.4 a) Where a **rear lot line** abuts a Commercial or Industrial **zone**, and access is available to the rear of the **building** by a public or private lane, the **setback** from the said **rear lot line** shall be a minimum of three (3) metres.
- b) Where a **rear lot line** abuts a Commercial or Industrial **zone**, and no access is available to the rear of the **building** except by means of a **yard**, the **setback** from the said **rear lot line** shall be a minimum of six (6) metres.
- c) Where a **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- d) Where the **building** contains residential accommodation of one or more **storeys** in height, the nearest **main wall** of the residential portion of the **building** shall be no less than ten and five-tenths (10.5) metres from the **rear lot line**.

Floor space index

6.3.2.5 The Maximum **Floor space index** shall be 3.0 for the Commercial Portion of the **building**.

6.4 **Regional Shopping Centre (C3) Zone**

6.4.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Regional Shopping Centre (C3) **zone**, except for the following **uses**:

Permitted Uses

6.4.1.1 **Automobile service station**

Banks or Financial Institutions
Bake Shop
Barber Shop or Beauty Salon
Book or Stationery Store

Business Offices

Children, Ladies' and Men's Apparel

Day nursery

Drug Store

Dry Cleaning Depot

Food stores

Florist
Hardware Store
Home Furnishings and Appliances

Gas bar

Jewellery Store
Library, Museum or Art Gallery
Liquor, Beer or Wine Store
Lottery Kiosk
Newspaper stand

Paint or Wallpaper Store

Personal Service Establishments

Pet Shop
Photographic Supplies

Places of entertainment

Professional Offices

Real Estate Outlet

Restaurants and Taverns

Retail stores

Satellite postal outlet
Service establishments that are not obnoxious
Sporting Goods
Tobacconist
Travel Agency

6.4.2 In a Regional Shopping Centre (C3) **zone**, no land, **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Lot Coverage

6.4.2.1 Maximum **Lot Coverage** of thirty-five (35) percent.

Front Yard Setback

6.4.2.2 The **setback** from the **front lot line** shall be a minimum of twenty-one (21) metres.

Side Yard Setback

6.4.2.3 a) The **setback** from the **side lot line** shall be a minimum of seven and six-tenths (7.6) metres.

b) Where a **side lot line** abuts a **street**, the **setback** from the said side **lot line** shall be a minimum of twenty-one (21) metres.

Rear Yard Setback

- 6.4.2.4 a) Where a **rear lot line** abuts a Commercial or Industrial **zone**, the **setback** from the said **rear lot line** shall be a minimum of seven and six-tenths (7.6) metres.
- b) Where a rear **lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- c) Where the **rear lot line** abuts a **street**, the setback from the said **rear lot line** shall be a minimum of twenty-one (21) metres.

Ownership

- 6.4.2.5 In a Regional Shopping Centre (C3) **zone**, the lands shall be in one ownership, or if in several ownerships, all owners shall individually and jointly comply with the regulations set forth herein.

Parking

- 6.4.2.6 Notwithstanding Section 6.1, required **parking spaces** may be located ahead of the **front yard setback** line, but in no case within three (3) metres of either the **street line**.

6.5 District Commercial (C4) Zone

6.5.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any District Commercial (C4) **zone**, except for one or more of the following **uses**:

Permitted Uses, Commercial

- 6.5.1.1 **Automobile service station** or **Gas bar**
 Automobile Sales, Service or Leasing Establishments;
 Banks
Boarding, Lodging or Rooming House
Business Offices
Clubs
Data Processing Firm
Day nursery
 Financial Institutions
Funeral homes
Food stores
Group Home Type 2
Group Home Type 3
Hotels, Motels
 Instructional Services
 Liquor, Beer or Wine Stores
Local Retail stores
Personal Service Establishment
Pet Daycare Facility
Places of worship
 Public and **Private parking areas**
Places of entertainment
Professional Offices
Repair garages
Restaurants and Taverns
Retail stores
 Service Establishments that are not obnoxious
Veterinary Establishment

Permitted Uses, Accessory Residential Uses

6.5.1.2 Dwelling units, or any residential use, connected to and forming an integral part of the commercial **building** shall be permitted, provided that access to the dwelling units or residential use is separate from the access to the commercial portion of the building, and no **dwelling units** or any other residential uses or part thereof shall be permitted on the ground floor.

Regulations

6.5.2 In a District Commercial (C4) **zone**, no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Lot Coverage

6.5.2.1 Maximum **Lot Coverage** of thirty (30) percent.

Front Yard Setback

6.5.2.2 The **setback** from the **front lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Side Yard Setback

6.5.2.3 a) The **setback** from the **side lot line** shall be a minimum of seven and six-tenths (7.6) metres.

- b) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of seven and six-tenths (7.6) metres.
- c) Where the **side lot line** does not abut a **street** and where the **building** contains residential accommodation of one or more **storeys** in height, and the windows of habitable rooms face the lot line, the nearest **main wall** of the residential portion of the **building** shall be no less than one-half (1/2) the height of the residential portion of the **building** from the **lot line**, but not less than seven and six-tenths (7.6) metres from the **side lot line**.

Rear Yard Setback

- 6.5.2.4 a) Where a **rear lot line** abuts a Commercial or Industrial **zone**, the **setback** from the said **rear lot line** shall be a minimum of seven and six-tenths (7.6) metres.
- b) Where a **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- c) Where the **rear lot line** abuts a **street**, the **setback** from the said **rear lot line** shall be a minimum of seven and six-tenths (7.6) metres.
- d) Where the **rear lot line** does not abut a **street** and where the **building** contains residential accommodation of one or more **storeys** in height, and the windows of habitable rooms face the **lot line**, the nearest **main wall** of the residential portion of the **building** shall be no less than one-half (1/2) the height of the Residential portion of the **building** from the **lot line**, but not less than ten and five-tenths (10.5) metres from the **rear lot line**.

Ownership

- 6.5.2.5 In a District Commercial (C4) **zone**, the lands shall be in one ownership or, if in several ownerships, all owners shall individually and jointly comply with the regulations set forth herein.

Parking

- 6.5.2.6 Notwithstanding Section 6.1, the required **parking spaces** may be located in the **front yard**, but in no case within three (3) metres of the **street line**.

Floor space index

- 6.5.2.7 The maximum **floor space index** shall be 1.0 for the commercial portion of the **building**.

6.6 **Neighbourhood Commercial (C5) Zone**

6.6.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Neighbourhood Commercial (C5) **zone**, except for one or more of the following **uses**:

Permitted Uses, Commercial

6.6.1.1 Convenience Stores
Day Nursery
Dry Cleaning depots
Local Retail Stores
Personal Service Establishments
Professional Offices & Business Offices
Restaurants

Permitted Uses, Accessory Residential Uses

6.6.1.2 **Dwelling units** connected to and forming an integral part of the commercial **building** provided that they do not exceed the **floor area** of the commercial portion of the **use** and access to the **dwelling units** is separate from the access to the commercial portion of the **building**, and the **dwelling units** are located above or at the rear of the business premises.

Regulations

6.6.2 In a Neighbourhood Commercial (C5) **zone**, no **building**, **structure** or land shall be **used** or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Vehicular Storage

6.6.2.1 In a Neighbourhood Commercial **zone**, any **person** who conducts a commercial undertaking for which commercial vehicles are stored on the premises, shall provide in such a **zone**, an area on the property for the exclusive storage of such vehicles. The said storage area shall be screened by an opaque fence not less than two and five-tenths (2.5) metres in height, located in such a manner as to screen the said storage area from the surrounding residential properties.

Ownership

6.6.2.2 The lands shall be in one ownership, or, if in several ownerships, all owners shall individually and jointly comply with the provisions set forth herein.

Lot Coverage

6.6.2.3 Maximum **lot coverage** of twenty-five (25) percent.

Front Yard Setback

6.6.2.4 The **setback** from the **front lot line** shall be a minimum of nine (9) metres.

Side Yard Setback

- 6.6.2.5 a) Where a **side lot line** abuts a Commercial or Industrial **zone**, and access is available to the rear of the **building** by a public or private lane, the **setback** from the said **side lot line** may be nil.
- b) Where a **side lot line** abuts a Commercial or Industrial **zone**, and no access is available to the rear of the **building** except by means of a side **yard**, the **setback** from one **side lot line** shall be a minimum of three and six-tenths (3.6) metres; the **setback** from the other **side lot line** may be nil.
- c) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall be a minimum of four and five-tenths (4.5) metres.

- d) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of three (3) metres.
- e) Where the **building** contains Residential accommodation above the Commercial area and the windows of habitable rooms face the **side lot line**, the nearest **main wall** of the Residential portion of the **building** shall be not less than six (6) metres from the **side lot line**.

Rear Yard Setback

- 6.6.2.6 a) Where a **rear lot line** abuts a Commercial or Industrial **zone**, the **setback** from the said **rear lot line** shall be a minimum of six (6) metres
- b) Where a **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- c) Where the **building** contains Residential accommodation above the Commercial Area, the nearest **main wall** of the Residential portion of the **building** shall be no less than ten and five-tenths (10.5) metres from the **rear lot line**.

6.7 Highway Commercial (C6) Zone

6.7.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Highway Commercial (C6) **zone**, except for one or more of the following **uses**:

Permitted Uses, Commercial**6.7.1.1 Animal Hospitals**

Automobile Sales Showrooms
 Automobile Sales, Service or Leasing Establishments
 Automobile Service Establishments
Automobile Service Stations and **Gas bars**
 Automobile Washing Establishment
 Banks and Financial Services
Bed and Breakfast Establishments
Clubs and Fraternal Organizations
Day Nursery
Farmer's Markets
Flea Markets
Funeral Homes
Garden Centres
Hotels, Motels, Restaurants and **Taverns**
 Industrial Equipment Sales and Service
 Liquor, Beer or Wine Stores
Personal Services Establishments
Pet Daycare Facility
Places of Entertainment
Places of Worship
 Public or **Private garages**
 Recreational Vehicle Sales and Service
Repair Garages
 Retail Lumber and **Building** Supplies
Transportation terminal
 Vegetable or Fruit Market

Permitted Uses, Accessory Residential Uses

6.7.1.2 Dwelling units connected to and forming an integral part of the commercial building provided that they do not exceed the floor area of the commercial portion of the use and access to the dwelling units is separate from the access to the commercial portion of the building, and the dwelling units are located above or at the rear of the business premises.

Regulations

6.7.2 In a Highway Commercial (C6) **zone**, no **building, structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered, except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Lot Coverage

6.7.2.1 Maximum **Lot Coverage** of forty (40) percent.

Front Yard Setback

6.7.2.2 The **setback** from the **front lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Side Yard Setback

6.7.2.3 The **setback** from the **side yard** shall be a minimum of four and five-tenths (4.5) metres except where the **side lot line** abuts a Residential or Open Space **zone**, in which case the **setback** from the said **lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Side Yard Setback, Exterior Lot line

6.7.2.4 Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Rear Yard Setback

6.7.2.5 The **setback** from the **rear lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Parking

6.7.2.6 Notwithstanding Section 6.1, the required **parking spaces** may be located in the **front yard**, but in no case within three (3) metres of the **street line**.

6.8 Tourist Commercial (C7) Zone

6.8.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Commercial (C7) **zone** except for one or more of the following **uses**:

Permitted Uses

- 6.8.1.1 **Automobile Service Stations** and **Gas bars**
 Banks and Financial Services
Bed and Breakfast Establishments
 Camps, **Tourist Cabins** and **Housekeeping Cabins**
Farmer's Markets
Flea Markets;
Hotels, Motels, Restaurants and **Taverns**
 Liquor, Beer or Wine Stores
Local Retail stores
Marinas
Places of Entertainment
Places of Recreation
Places of Worship
Public and Private Parks
 Recreational Vehicles and Equipment, Sales Leasing and Service
 Seasonal Tent and Trailer Parks
Accessory Retail Establishments to the above **uses**
Accessory Residential Units to the above **uses**

Regulations

6.8.2 No **person** shall **use** land, or **erect** or **use**, or cause to be **erected** or **use**, a **building** or **structure** in any Tourist Commercial (C7) **zone** except in accordance with the provisions of Sections 3 and 6.1 and the following regulations:

Lot Coverage

6.8.2.1 Maximum **Lot Coverage** of thirty-five (35) percent.

Front Yard Setback

6.8.2.2 The **setback** from the **front lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Side Yard Setback

- 6.8.2.3 a) **Side yard** width shall be not less than three (3) metres, provided that, where a Tourist Commercial **zone** abuts a Residential **zone**, **side yard** width along the abutting **side lot line** shall be not less than four and five-tenths (4.5) metres.
- b) Where a Tourist Commercial **zone** abuts a Residential **zone**, a strip of land not less than one and five-tenths (1.5) metres in width adjacent to the abutting property line shall be **used** for no other purpose than **landscaping**.

Rear Yard Setback

6.8.2.4 The **setback** from the **rear lot line** shall be a minimum of seven and six-tenths (7.6) metres.

INDUSTRIAL ZONES

SECTION 7 - INDUSTRIAL ZONES**7.1 General Provisions****Use of Front and Side Yard**

7.1.1 No **person** shall **use** or cause to be **used** the **front or side yard** of any lot in an Industrial (M) **zone** for any purpose other than for **landscaping** or the parking of employees' or visitors' private passenger vehicles, provided that no parking shall be permitted in an area having a depth of one and five-tenths (1.5) metres across the entire frontage and flankage of the lot nearest the **street line**.

Amenity Requirements, General

7.1.2 Where a lot in any Industrial (M) **zone** fronts on a **street** opposite a Residential **zone**, or directly abuts a Residential **zone**, the following amenity requirements shall be provided:

- a) No employee or visitor **parking spaces, loading spaces** or **outside storage** shall be permitted in the **front yard** or **side yard** adjacent to the Residential **zone**.
- b) Exterior lighting and illuminated signs shall be so arranged as to direct light away from any Residential **zone**.
- c) The front **yard** and a strip of land not less than six (6) metres in width along the **side and rear lot lines** within the Industrial (M) **zone** and adjacent to the Residential **zone** shall have an adequate buffer strip except where **used** for entrances and exits.

Amenity Requirements, Provincial Highways

7.1.3 Where a lot in any Industrial (M) **zone** fronts on a Provincial **Highway** and is not opposite any Residential **zone**, the following amenity requirements shall be provided:

- a) A strip of land not less than three (3) metres in width along the **front lot line** adjacent to the **road** shall have an adequate buffer strip.
- b) Visitor or employee **parking spaces** shall be permitted in the **front yard**.
- c) No **loading space** or **outside storage** shall be located in, nor open onto a **front yard**.

Fences

7.1.4 No fence shall be **erected** upon any land in an Industrial (M) **zone** or any part thereof, unless it is constructed of iron or wood rail or post and wire of open construction, with or without brick or stone foundations, and no such fence shall be placed nearer to the **street line** than the nearest main front wall of the **building** or **buildings erected** on the said land.

Scrap yards

7.1.5 Where a **recycling centre** or **scrap yard**, automobile wrecking yard or shop, or similar **use** is permitted in a Restricted Industrial (M5) **zone**, the following regulations shall apply:

7.1.5.1 The minimum distance between the boundary of the lot and the boundary of any Rural, Residential or Open Space **zone** shall be one hundred and fifty-two (152) metres.

7.1.5.2 The lot shall be surrounded on all sides by a fence or wall having a minimum height of two and five-tenths (2.5) metres. Such fence or wall shall be constructed of permanent materials and provide a complete visual barrier and shall be maintained in a neat and visually attractive manner.

7.1.5.3 The fence or wall required shall be set back a minimum of nine (9) metres from any **street** adjacent to the said lot. The space between the said **street(s)** and fence(s) shall not be **used** for any purpose other than providing an adequate buffer strip or provision of a one and five-tenths (1.5) metre buffer strip and visitors' **parking area**.

Provide Complete Visual Barrier From Street(s)

7.1.5.4 Material **used** or stored in the open on the said lot shall be piled no higher than the fence required.

7.1.6 In any Industrial (M) **zone** no part of any **building** or **structure** shall be **used** or caused to be **used** for an **accessory use** except in accordance with the following provisions:

Accessory Commercial uses Permitted

7.1.6.1 Any **accessory Commercial use** shall be permitted within the **main building** provided that said **use** does not exceed twenty-five (25) percent of the **gross floor area** or two hundred and seventy-nine (279) square metres.

Accessory Buildings

7.1.7 In any Industrial **zone** an **accessory building** shall not be built closer to any **side lot line** than the minimum distance required by this By-law for the **main building** on the same lot.

Pet Daycare Facilities

7.1.8 Where a Pet Daycare Facility is permitted in Industrial zones, no Pet Daycare Facility shall be located within 100 meters of a Residential Zone.

7.2 Light Industrial One (M1) Zone

7.2.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Light Industrial One **zone** except for one or more of the following:

Permitted Uses

7.2.1.1 The **use** of land, **buildings** or **structures** designed for the purpose of manufacturing or processing of any goods, substances or things for sale, and does not include any Heavy Industry (M4) or any Light Industrial (M3) **uses**, but shall include **self storage uses, data processing firms, group home type 3, a laboratory, pet daycare facility**, printing and recreational facilities.

7.2.1.2 Administrative **offices** or **day nursery** or both associated with and integral with the main **use**.

7.2.1.3 One (1) apartment unit within the **main building** for an essential worker, owner/operator or caretaker.

7.2.1.4 All permitted **uses** shall be conducted within an enclosed **building** with no **outside storage** permitted.

Regulations

7.2.2 In a Light Industrial One (M1) **zone** no **building, structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 7.1 and the following regulations:

Front Yard Setback

7.2.2.1 The **setback** from the **front lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Lot Coverage

7.2.2.2 Maximum **lot coverage** shall not exceed fifty (50) percent.

Side Yard Setback

7.2.2.3 a) Except as required by Sub-clauses (b), (c) and (d), the **setback** from the **side lot line** shall be a minimum of four and five-tenths (4.5) metres.

b) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.

c) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.

d) Where a **side lot line** abuts a railway, the **setback** from the said **side lot line** may be nil.

Rear Yard Setbacks

7.2.2.4 a) Except as required by Sub-clauses (b) and (c), the **setback** from the **rear lot line** shall be a minimum of twelve (12) metres.

b) Where the **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of fifteen (15) metres.

c) Where the **rear lot line** abuts a railway, the **setback** from the said **rear lot line** may be nil.

7.3 Light Industrial Two (M2) Zone

7.3.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Light Industrial Two (M2) **zone** except for one or more of the following **uses**:

Permitted *Uses*

7.3.1.1 Light Industrial Two (M2) **zone uses** included the **use** of land, **building** or **structure** designed for the manufacturing, assembling, processing, preparing, inspecting or ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substances or things, and includes food, beverages, tobacco, rubber, leather, textile, knitting, woodworking, or similar industries where such operations do not involve the emission of air or water pollutants that exceed the standards set by the appropriate Provincial Regulatory Authority, and shall include **self storage uses**.

7.3.1.2 All **uses** permitted in a Light Industrial One (M1) **zone**.

7.3.1.3 Administrative **offices** or **day nursery** or both associated with and integral with the main **use**.

7.3.1.4 One (1) apartment unit within the main **building** for an essential worker, owner/operator or caretaker.

7.3.1.5 All permitted **uses** shall be conducted within an enclosed **building** or **structure** with no **outside storage** permitted.

Regulations

7.3.2 In a Light Industrial Two (M2) **zone**, no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 7.1 and the following regulations:

Lot Coverage

7.3.2.1 Maximum **lot coverage** shall be fifty (50) percent.

Front Yard Setback

7.3.2.2 The **setback** from the **front lot line** shall be a minimum of fifteen (15) metres.

7.3.2.3 a) Except as required by Sub-clauses (b), (c) and (d), the **setback** from the **side lot line** shall be a minimum of four and five-tenths (4.5) metres.

b) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.

c) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.

d) Where a **side lot line** abuts a railway, the **setback** from the said **side lot line** may be nil.

Rear Yard Setback

7.3.2.4 a) Except as required by Sub-clauses (b) and (c), the **setback** from the **rear lot line** shall be a minimum of twelve (12) metres.

b) Where the **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of fifteen (15) metres.

c) Where the **rear lot line** abuts a railway, the **setback** from the said **rear lot line** may be nil.

7.4 **Light Industrial Three (M3) Zone**

7.4.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Light Industrial Three (M3) **zone** except for one or more of the following **uses**:

Permitted Uses

7.4.1.1 Those **uses** permitted in a Light Industrial Two (M2) **zone** requiring outdoor storage.

7.4.1.2 The **use** of land, **building** or **structure** designed for the purpose of manufacturing, assembling, processing, preparing, inspecting or ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substances or things, and the storage of **building** and construction equipment and materials where such operations do not involve the emission of air or water pollutants that exceed the standards set by the appropriate Provincial Regulatory Authority. This does not include forest product industries, refineries, mills, foundries, chemical plants or similar heavy industries. It also does not include a mine, **pit**, **quarry** or oil wells.

7.4.1.3 Auto Dealerships and Service Establishments

Builder Supply **Yard**

Body shop

Bulk sales establishments

Construction Contractor **Yards**

Data processing firm

Garden centre

Group Home Type 3

Heavy Equipment Sales and Service

Heavy Equipment Storage

Metal Fabrication

Recreational Vehicle and Equipment Sales and Service

Recycling centres and **Waste transfer stations**

Repair garage

Self Storage Uses

Transportation and Communications and Utility Yards and **Terminals**

Warehouse and Storage **Uses**

7.4.1.4 Administrative **offices** or **day nursery** or both associated with and integral with the main **use**.

7.4.1.5 One (1) apartment unit within the **main building** for an essential worker, owner/operator or caretaker.

7.4.1.6 Outdoor storage is permitted, subject to the provisions of Section 7.4.2.5.

Regulations

7.4.2 In a Light Industrial Three (M3) **zone** no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Section 3 and 7.1 and the following regulations:

Lot Coverage

7.4.2.1 Maximum **lot coverage** shall be fifty (50) percent.

Front Yard Setback

7.4.2.2 The **setback** from the **front lot line** shall be a minimum of fifteen (15) metres.

Side Yard Setback

7.4.2.3 a) Except as required by Sub-clauses (b), (c) and (d), the **setback** from the **side lot line** shall be a minimum of four and five-tenths (4.5) metres.

- b) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.
- c) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.
- d) Where a **side lot line** abuts a railway, the **setback** from the said **side lot line** may be nil.

Rear Yard Setback

- 7.4.2.4 a) Except as required by Sub-clauses (b) and (c), the **setback** from the **rear lot line** shall be a minimum of twelve (12) metres.
- b) Where the **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of fifteen (15) metres.
 - c) Where the **rear lot line** abuts a railway, the **setback** from the said **rear lot line** may be nil.

Outdoor Storage

- 7.4.2.5 Where part of the **use** permitted under Section 7.4.1 is carried on outside a **building**, that part of the operation shall not be conducted in the **front yard** and shall be enclosed by adequate screening in the form of **landscaping** or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first **storey** of the **main building** on the property.

7.5 **Heavy Industrial (M4) Zone**

7.5.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Heavy Industrial (M4) **zone**, except for one or more of the following **uses**

7.5.1.1 **Bulk sales establishments;**
Construction Contractor Yards;
Group Home Type 3;
Heavy Equipment Storage;
Recycling centres and Waste transfer stations;
Self Storage Uses
Transportation and Communications and Utility Yards and **Terminals;**
Warehouse Uses;
Wholesale Uses;

The **use** of land, **buildings** or **structures** designed for the manufacturing, assembling, processing, preparing, treating or adapting of any goods, substances or things for sale, including refineries, mills, foundries, chemical plants or similar industries where such operations involve stamping, presses, furnaces, heavy machinery, and the emission of air or water pollutants that do not exceed the standards set by the appropriate Provincial Regulatory Authority. This does not include a mine, **pit, quarry** or oil wells.

7.5.1.2 Administrative **offices** or **day nursery** or both associated with and integral with the main **use**.

7.5.1.3 One (1) apartment unit shall be permitted for an essential worker, owner/operator or caretaker within the **main building**.

7.5.1.4 Outdoor storage will be permitted subject to the provisions of Section 7.5.2.5.

Regulations

7.5.2 In a Heavy Industrial (M4) **zone** no **building, structure** or land shall be **used**, or cause to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or cause to be **erected** or altered except in accordance with the provisions of Section 3 and 7.1 and the following regulations:

Lot Coverage

7.5.2.1 Maximum **lot coverage** shall be seventy (70) percent.

Front Yard Setback

7.5.2.2 The **setback** from the **front lot line** shall be a minimum of fifteen (15) metres.

Side Yard Setback

- 7.5.2.3 a) Except as required by Sub-clauses (b), (c) and (d), the **setback** from the **side lot line** shall be a minimum of four and five-tenths (4.5) metres.
- b) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the **said lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- c) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of ten and five-tenths (10.5) metres.
- d) Where a **side lot line** abuts a railway, the **setback** from the said **side lot line** may be nil.

Rear Yard Setback

7.5.2.4 a) Except as required by Sub-clauses (b) and (c), the **setback** from the **rear lot line** shall be a minimum of twelve (12) metres.

- b) Where the **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of fifteen (15) metres.
- c) Where the **rear lot line** abuts a railway, the **setback** from the said **rear lot line** may be nil.

Outside storage

- 7.5.2.5 Where part of the **use** permitted under Section 7.5.1 is carried on outside a **building**, that part of the operation shall not be conducted in the **front yard** and shall be enclosed by adequate screening in the form of a buffer strip or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first **storey** of the **main building** on the property.

7.6 **Restricted Industrial (M5) Zone**

7.6.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Restricted Industrial (M5) **zone** except for one or more of the following **uses**:

Permitted *Uses*

7.6.1.1 ***Bulk sales establishments***

Construction Contractor Yards

Garden centre

Group Home Type 3

Heavy Equipment Storage

Kennel

Recycling centres and ***Waste transfer stations***

Recreational Vehicle and Equipment Sales and Service

Scrap yards

Self Storage Uses

Transportation and Communications and Utility Yards and ***Terminals***

Warehouse Uses

Wholesale Uses

7.6.1.2 Administrative offices associated with and integral to the main use, shall be permitted.

7.6.1.3 Any **use** permitted in a Light Industrial Three (M3) **zone** which does not immediately require full Municipal services, subject to an agreement between the prospective industry and the City.

7.6.1.4 One (1) apartment unit shall be permitted for an essential worker, owner/operator or caretaker provided that the said unit is located within the **main building**.

7.6.2 The **use** of land in a Restricted Industrial (M5) **zone** shall be contingent upon a written agreement between the prospective industry and the City that urban services will not be made available to such land or, in the case of Light Industrial Three (M3) **use** permitted, subject to a written Agreement that services will be made available in a specified period of time.

Regulations

7.6.3 In a Restricted Industrial (M5) **zone**, no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 7.1 and the following regulations:

Lot Coverage

7.6.3.1 Maximum **lot coverage** shall be fifty (50) percent.

Front Yard Setback

7.6.3.2 The **setback** from the **front lot line** shall be a minimum of fifteen (15) metres.

Side Yard Setback

7.6.3.3 a) Except as required by Sub-clauses (b), (c) and (d), the **setback** from the **side lot line** shall be a minimum of four and five-tenths (4.5) metres.

b) Where a **side lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.

c) Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of nine (9) metres.

d) Where a **side lot line** abuts a railway, the **setback** from the said **side lot line** may be nil.

Rear Yard Setback

- 7.6.3.4 a) Except as required by Sub-clauses (b) and (c), the **setback** from the **rear lot line** shall be a minimum of twelve (12) metres.
- b) Where the **rear lot line** abuts a Residential or Open Space **zone**, the **setback** from the said **rear lot line** shall be a minimum of fifteen (15) metres.
- c) Where the **rear lot line** abuts a railway, the **setback** from the said **rear lot line** may be nil.

Outside storage

- 7.6.3.5 Where part of the **use** permitted under Section 7.6.1 is carried on outside a **building**, that part of the operation shall not be conducted in the **front yard** and shall be enclosed by adequate screening in the form of **landscaping** or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first **storey** of the **main building** on the property.

7.7 **Industrial-Commercial (MC) Zone**

7.7.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Industrial-Commercial (MC) **zone** except for one or more of the following **uses**:

Permitted Uses

7.7.1.1 Automobile Sales, Leasing and Service Establishments

Banks

Builder's Supply Yards and Stores

Convenience Stores

Day nursery

Exhibition Building

Garden centre

Group Home Type 3

Hotels and Motels

Heavy Equipment Sales and Service

Farmer's market

Flea market

Laboratory

Printing and Photographic Services

Public garages

Recreational Facilities

Recreational Vehicles and Equipment Sales and Service

Repair garages

Restaurants and Taverns

Service Stations or **Gas bars**

7.7.1.2 All those **uses** permitted in the Light Industrial One (M1) **zone**.

7.7.1.3 One (1) apartment unit shall be permitted for an essential worker, owner/operator or caretaker within the **main building**.

Automobile service station or Gas bars

7.7.2 Where an **automobile service station**, **public garage** or **gas bar** is permitted in an Industrial Commercial (MC) **zone**, the following provisions will apply:

7.7.2.1 Minimum frontage shall be forty-five and five-tenths (45.5) metres.

7.7.2.2 Minimum lot depth shall be forty-five and five-tenths (45.5) metres.

7.7.2.3 Minimum **front yard setback** shall be fifteen (15) metres.

7.7.2.4 No portion of any pump island shall be located closer than four and five-tenths (4.5) metres to the **lot line** along any **street**.

7.7.2.5 No portion of any ingress or egress ramp shall be located closer than twelve (12) metres to the nearest edge of the travelled portion of any two (2) arterial or collector **roads**.

7.7.2.6 No portion of any ingress or egress ramp along any **street line** shall be located closer than three (3) metres to any **side lot line** which abuts any other lot.

7.7.2.7 The width of any ingress or egress ramp along any **street line** shall be not more than nine (9) metres nor less than seven and six-tenths (7.6) metres.

7.7.2.8 The minimum distance between two (2) ramps shall be not less than nine (9) metres.

7.7.2.9 The minimum interior angle of any ramp to the **street line** shall be greater than seventy (70) degrees and less than ninety (90) degrees.

- 7.7.2.10 The area between the ramps, between the ramps and the **street lines**, and along the property lines shall be **used** for **landscaping**.
- 7.7.2.11 No storage of materials incidental to the operation of an **Automobile service station** or a **Public garage** shall be carried on outside a **building**, unless it is adequately screened to a height of not less than one and eight-tenths (1.8) metres.

Regulations

- 7.7.3 In an Industrial Commercial (MC) **zone**, no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 7.1 and the following regulations:

Lot Coverage

- 7.7.3.1 Maximum **lot coverage** shall be forty (40) percent.

Front Yard Setback

- 7.7.3.2 The **setback** from the **front lot line** shall be a minimum of fifteen (15) metres.

Side Yard Setback

- 7.7.3.3 The **setback** from the **side yard** shall be a minimum of four and five-tenths (4.5) metres except where the side **lot line** abuts a Residential or Open Space **zone** in which case the **setback** from the said side **lot line** shall be a minimum of seven and six-tenths (7.6) metres.

Side Yard Setback, Exterior Lot line

- 7.7.3.4 Where a **side lot line** abuts a **street**, the **setback** from the said **side lot line** shall be a minimum of twelve (12) metres.

Rear Yard Setback

- 7.7.3.5 The **setback** from the **rear lot line** shall be a minimum of seven and six-tenths (7.6) metres.

7.8 **Railway (MR) Zone**

7.8.1 In a Railway (MR) **zone**, no **building, structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Sections 3 and 7.1 for one or more of the following **uses**:

Permitted Uses

7.8.1.1 Railway lines and **yards**

7.8.1.2 **Buildings** and **structures** necessary for the operation and maintenance of railway facilities

7.8.1.3 Other operations that are incidental and **accessory** to the operation of a railway

7.9 Industrial Business Park (MBP) Zone

7.9.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Industrial Business Park (MBP) **zone**, except for one or more of the following **uses**:

Permitted Uses

7.9.1.1 Computer or Electronic Business
Corporate Administrative Offices
Data Processing Firm
Group Home Type 3
Research and Development Facilities
Laboratory
Scientific, Technological or Communications Establishments
Architecture, Engineering, Surveying, Planning or Design Offices

7.9.1.2 All those **uses** permitted in the Light Industrial One (M.1) **Zone**

7.9.1.3 **Accessory Office** and Business Establishments
Accessory Day Nursery
Accessory Convenience Stores
Accessory Restaurants

Regulations

7.9.2 In an Industrial Business Park (MBP) **zone**, no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered, except in accordance with the provisions of Sections 3 and 7.1 and the following regulations:

Lot Coverage

7.9.2.1 Maximum **lot coverage** shall be fifty (50) percent.

Lot Area

7.9.2.2 Minimum **lot area** shall be not less than four thousand and forty-seven (4,047) square metres.

Front Yard Setback

7.9.2.3 The **setback** from the **front lot line** shall be a minimum of fifteen (15) metres.

Side Yard Setback

7.9.2.4 The **setback** from the **side yard** shall be a minimum of four and five-tenths (4.5) metres, except where the **side lot line** abuts a Residential or Open Space **zone**, in which case the **setback** from the said **side lot line** shall be a minimum of seven and six-tenths (7.6) metres.

7.9.3 In any Industrial Business Park **zone** which fronts on a **street** opposite to, or directly abuts any Residential **zone**:

7.9.3.1 No **loading space** shall be located in, nor open onto any **side yard** adjacent to the Residential **zone**.

Amenity Requirements

7.9.3.2 A strip of land not less than one and five-tenths (1.5) metres in width along the **side lot lines** within the Business Park **zone** and adjacent to the Residential **zone** shall be adequately landscaped.

7.9.3.3 A strip of land not less than three (3) metres in width along the **lot frontage** shall be adequately landscaped.

7.9.3.4 Exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential **zone**.

7.9.3.5 **Outside storage** shall be prohibited in any **yard**.

7.10 **Industrial Air Park - Airside (MAP-A) Zone**

7.10.1 No land, building or structure shall be erected or used, or caused to be erected or used in any Industrial Air Park - Airside (MAP-A) zone, except for one or more of the following uses:

Permitted Uses

- 7.10.1.1 Aerial forest fire fighting facilities;
Aeronautical instructional services;
Aeronautical research and development facilities;
Air ambulance base;
Air cargo warehousing, distribution and transfer stations;
Air carrier services;
Air couriers;
Aircraft engine manufacturing, assembly, repair and maintenance;
Aircraft manufacturing, assembly, repair and maintenance;
Aircraft original equipment manufacturing;
Air taxi service;
Air terminal including control towers and refuelling depots;
Banner towing base;
Colleges and universities and accessory residential uses ancillary to the primary aeronautical uses;
Fixed base operations;
Flight training facilities;
Public and private aeronautical recreational uses;
Public and private hangars;
Sale, servicing and leasing of aircraft;
- 7.10.1.2 Accessory office and business establishments;
Accessory day nursery;
Accessory convenience stores;
Accessory restaurants; and
Accessory car rental agency.
- 7.10.1.3 In addition to the above uses, the following complementary and accessory uses are also permitted when intended to provide a service to, or when ancillary to, the Airport Business Park;
- Fueling services;
 - Outside storage; and
 - Vehicle repair and maintenance.

Regulations

- 7.10.2 In an Industrial Air Park-Airside (MAP-A) zone, no building, structure or land shall be used, or caused to be used, and no building or structure shall be hereafter erected or altered, or caused to be erected or altered, except in accordance with the provisions of the Airport Zoning Regulations pursuant to the Federal Aeronautics Act and, further, in accordance with the provisions of Sections 3 and 7.1 contained herein and the following regulations:

Lot Coverage

- 7.10.2.1 Maximum **lot coverage** shall be seventy-five (75) percent.

Front Yard Setback

- 7.10.2.3 The **setback** from the **front lot line** shall be a minimum of ten and five tenths (10.5) metres.

Side Yard Setback

- 7.10.2.3(a) The setback from the side yard shall be a minimum of three (3) metres, except where the side lot line abuts a Residential or Open Space zone, in which case the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6 metres).
- 7.10.2.3(b) Where a side lot line abuts a taxiway or runway, the setback from the said side lot line shall be nil.

Side Yard Setback, Exterior

- 7.10.2.4 Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6) metres.

Rear Yard Setback

- 7.10.2.5(a) The setback from the rear lot line shall be a minimum of ten and five-tenths (10.5) metres.
- 7.10.2.5(b) Where a rear lot line abuts a taxiway or runway the setback from the said rear lot line shall be nil.

Abutting a Residential Zone

- 7.10.3 In any Industrial Air Park – Airside (MAP-A) zone which fronts on a street opposite to, or directly abuts any Residential zone:
- 7.10.3.1 No loading space shall be located in, nor open onto any side yard adjacent to the Residential zone.

Amenity Requirements

- 7.10.3.2 A strip of land not less than one and five-tenths (1.5) metres in width along the side lot lines within the Industrial Air Park-Airside (MAP-A) zone and adjacent to the Residential zone shall be adequately landscaped.
- 7.10.3.3 Exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential zone.

Outdoor Storage

- 7.10.3.4(a) Where part of the use permitted under 7.10.1 is carried on outside a building, that part of the operation shall not be conducted in the front yard and shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first storey of the main building on the property.
- 7.10.3.4(b) The Airport Zoning Regulations under the Federal Aeronautics Act are specifically deemed to apply to the airport runway and taxiways, so as to limit the height of buildings adjacent thereto.

TransCanada Pipeline

- 7.10.4 Notwithstanding all other provisions and standards of this by-law, no permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way. No building or structure is permitted within 3 metres of the right-of-way.

7.11 Industrial Air Park – Groundside (MAP-G) Zone

7.11.1 No land, building or structure shall be erected or used, or caused to be erected or used in any Industrial Air Park - Groundside (MAP-G) zone, except for one or more of the following uses:

Permitted Uses

- 7.11.1.1 The use of land, building or structure designed for the purpose of manufacturing, assembling, processing, preparing, inspecting or ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substances or things, where such operations do not involve the emission of air or water pollutants that exceed the standards set by the appropriate Provincial Regulatory Authority. This does not include refineries, mills, foundries, chemical plants or similar heavy industries. It also does not include a mine, pit, quarry or oil wells;
- Colleges and universities and accessory residential uses ancillary to the primary aeronautical uses;
Data processing and other compatible information computer technology uses;
Heavy equipment sales, service and storage which is ancillary to manufacturing airside or groundside uses;
Metal fabrication and machining;
Physical testing laboratories;
Research and development facilities;
Transportation and communications terminals;
Warehouse and storage uses;
- 7.11.1.2 Accessory office and business establishments;
Accessory day nursery;
Accessory convenience stores;
Accessory restaurants; and
Accessory car rental agency.
- 7.11.1.3 In addition to the above uses, the following complementary and accessory uses are also permitted when intended to provide a service to, or when ancillary to, the Airport Business Park
- Fueling services;
 - Outside storage; and
 - Vehicle repair and maintenance.

Regulations

7.11.2 In an Industrial Air Park-Groundside (MAP-A) zone, no building, structure or land shall be used, or caused to be used, and no building or structure shall be hereafter erected or altered, or caused to be erected or altered, except in accordance with the provisions of the Airport Zoning Regulations pursuant to the Federal Aeronautics Act and, further, in accordance with the provisions of Sections 3 and 7.1 contained herein and the following regulations:

Lot Coverage

7.11.2.1 Maximum **lot coverage** shall be fifty (50) percent.

Front Yard Setback

7.11.2.3 The **setback** from the **front lot line** shall be a minimum of ten and five tenths (10.5) metres.

Side Yard Setback

7.11.2.3 The setback from the side yard shall be a minimum of three (3) metres, except where the side lot line abuts a Residential or Open Space zone, in which case the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6 metres).

Side Yard Setback, Exterior

- 7.11.2.4 Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6) metres.

Rear Yard Setback

- 7.11.2.5 The setback from the rear lot line shall be a minimum of ten and five-tenths (10.5) metres.

Abutting a Residential Zone

- 7.11.3 In any Industrial Air Park –Groundside (MAP-G) zone which fronts on a street opposite to, or directly abuts any Residential zone:

- 7.11.3.1 No loading space shall be located in, nor open onto any side yard adjacent to the Residential zone.

Amenity Requirements

- 7.11.3.2 A strip of land not less than one and five-tenths (1.5) metres in width along the side lot lines within the Industrial Air Park-Groundside (MAP-G) zone and adjacent to the Residential zone shall be adequately landscaped.

- 7.11.3.3 Exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential zone.

Outdoor Storage

- 7.11.3.4(a) Where part of the use permitted under 7.10.1 is carried on outside a building, that part of the operation shall not be conducted in the front yard and shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first storey of the main building on the property.

- 7.11.3.4(b) The Airport Zoning Regulations under the Federal Aeronautics Act are specifically deemed to apply to the airport runway and taxiways, so as to limit the height of buildings adjacent thereto.

TransCanada Pipeline

- 7.11.4 Notwithstanding all other provisions and standards of this by-law, no permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way. No building or structure is permitted within 3 metres of the right-of-way.

OPEN SPACE

SECTION 8 - OPEN SPACE ZONES**8.1 Open Space (0) Zone****Permitted Uses**

8.1.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Open Space (0) **zone**, except for one or more of the following **uses**:

Cemeteries
Conservation Areas
Exhibition Building
Golf courses
Local Recreational Facilities
Museums and Historical Sites
Private Open Spaces
Public and **Private parking**
Public and Private parks
Rinks and Skating Facilities
Ski clubs
Sporting fields and Courts
Buildings or **structures accessory** to the foregoing

Regulations

8.1.2 In an Open Space (0) **zone** no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Section 3 and the following regulations:

Lot Area

8.1.2.1 There shall be no minimum **lot area**.

Lot frontage

8.1.2.2 There shall be no minimum **lot frontage**.

Front, Side and Rear Yard Setbacks

8.1.2.3 The **setback** from the **front, side and rear lot lines** shall be a minimum of seven and six-tenths (7.6) metres.

Lot Coverage

8.1.2.4 The maximum **lot coverage** shall not exceed ten (10%) percent.

Accessory Buildings

8.1.3 In any Open Space (0) **zone** an **accessory building** shall not be built closer to any **lot line** than seven and six-tenths (7.6) metres.

Exhibition Buildings

8.1.4 For purposes of exhibition buildings, the buildings must be existing at the date of passing of this by-law or be a temporary structure.

8.2 Floodway (01) Zone

Permitted *Uses*

8.2.1 No land, ***building*** or ***structure*** shall be ***erected*** or ***used***, or caused to be ***erected*** or ***used***, in any Floodway (01) ***zone***, except for one or more of the following ***uses***:

Marinas, Boathouses, Docks

Public parks

Private parks

Agricultural and related ***uses*** excluding ***buildings*** and ***structures***

Roads, bridges, railways and other public services of approved hydrological design

Structural works for flood and erosion / sedimentation control.

8.3 **Floodplain and Erosion (02) Zone**

Permitted Uses

8.3.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used**, in any Floodplain and Erosion (02) **zone**, except for one or more of the following **uses**:

Public and **private parks** and those **structures accessory** to

Recreational **uses**

Marinas, boathouses and docks

Roads, bridges, railways and other public services of approved structural designs

Parking areas which are not required for habitable **buildings**, and where the object being parked is not explosive, corrosive, flammable or a pollutant

Agricultural and related **uses**, excluding **buildings** and **structures**

Structural works of approved design for flood or erosion and sedimentation control.

Other lands deemed Floodplain and Erosion (02)

8.3.2 In addition to lands designated as "(02)" on any Schedule hereto, lands in the City of North Bay abutting the shores of Trout Lake which are below the Canadian Geodetic Datum (C.G.D.) elevation of two hundred two and seven-tenths (202.7) metres above sea level are deemed to be a Floodplain and Erosion (02) **zone**.

8.3.2.1 In addition to lands designated as "(02)" on any Schedule hereto, lands in the City of North Bay abutting the shores of Lake Nipissing which are below the Canadian Geodetic Datum (C.G.D.) elevation of one hundred ninety-six and seven-tenths (196.7) metres above sea level are deemed to be a Floodplain and Erosion (02) **zone**.

Regulations

8.3.3 In a Floodplain and Erosion (02) **zone** no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be **erected** or altered, or caused to be **erected** or altered, except in accordance with the provisions of Section 3 and the following regulations:

Lot Area

a) There shall be no minimum **lot area**.

Lot frontage

b) There shall be no minimum **lot frontage**.

Front, Side and Rear Yard Setbacks

c) The **setback** from the **front, side and rear lot lines** shall be a minimum of seven and six-tenths (7.6) metres.

Lot Coverage

d) The maximum **lot coverage** shall not exceed ten (10) percent.

Accessory Buildings

8.3.4 In any Floodplain and Erosion (02) **zone**, an **accessory building** shall not be built closer to any **lot line** than seven and six-tenths (7.6) metres.

INSTITUTIONAL ZONE

SECTION 9 - INSTITUTIONAL (N) ZONE**Permitted Uses**

- 9.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Institutional (N) **zone** except for one or more of the following **uses**:

Boarding, Lodging or Rooming House

Cemeteries

Colleges, Universities and Private **Schools**

Day Nurseries

Elementary and Secondary **Schools**Government Lands and **Buildings****Group home type 1****Group home type 2****Group home type 3****Homes for the Aged****Hospitals or health care and treatment facility**

Museums

Nursing home**Place of worship****Prison**Recreational facilities owned and operated by a **Public Authority****Solar Farm****Welfare Institutions****Buildings** or **Structures Accessory** to the foregoing**Regulations**

- 9.2 In an Institutional (N) **zone**, no **building**, **structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall hereafter be **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Section 3 and the following regulations:

Lot Area

- 9.2.1 There shall be no minimum **lot area**.

Lot frontage

- 9.2.2 There shall be no minimum **lot frontage**.

Front, Side and Rear Yard Setbacks

- 9.2.3 The minimum **front, side and rear yards** shall be seven and six-tenths (7.6) metres or half the height of the **building**, whichever is greater.

Lot Coverage

- 9.2.4 The maximum **lot coverage** shall not exceed fifty (50) percent.

Accessory Buildings

- 9.3 In any Institutional (N) **zone**, an **accessory building** shall not be built closer to any **lot line** than seven and six-tenths (7.6) metres.

RURAL ZONES

SECTION 10 - RURAL ZONES**10.1 Rural (A) Zone**

10.1.1 In a Rural (A) **zone**, no **building, structure** or land shall be **used**, or caused to be **used**, and no **building** or **structure** shall be hereafter **erected** or altered, or caused to be **erected** or altered, except in accordance with the provisions of Section 3 and for the following **uses** on a lot of record as registered in the Registry Office or filed in The Land Titles Office for the District of Nipissing (Section 50, By-law 165-80):

Agricultural and **Forestry Uses**

Cemeteries

Commercial Agricultural Uses

Conservation Areas

Hobby farm

Public and Private Recreational Uses

Existing single detached dwellings and new **single detached dwellings** on a lot created pursuant to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended

Accessory uses to the above

Accessory home based businesses in accordance with Section 3.35

10.1.2 The following commercial agriculture **uses** are permitted in a Rural (A) **zone** (Section 51, By-law 165-80):

Apiary (Bee Farm)

Barns, poultry **houses**, stables or other **structures** for accommodating animals, including fowls for commercial purposes

Commercial Agriculture

Commercial **Kennels**

Commercial **forestry** operations

Commercial Fur Farms

Commercial Greenhouses and Nurseries

Commercial Mushroom Farms

Commercial Poultry or Game Farms and Hatcheries

Commercial Wind Turbine Farms

Solar Farm

10.1.2.1 No **person** shall **erect** or **use**, or cause to be **erected** or **used**, any **building** or **structure** for any of the said commercial agriculture closer than ninety (90) metres to any Urban or Rural Residential **zone**.

Regulations

10.1.3 In a Rural (A) **zone**, no **building, structure** or land shall be **used**, or caused to be **used**, and no **building** shall be hereafter **erected** or altered, or caused to be **erected** or altered except in accordance with the provisions of Section 3 and the following regulations:

PERMITTED USE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FLOOR AREA	MAXIMUM LOT COVERAGE	REQUIRED FRONT & REAR YARDS	REQUIRED SIDE YARDS
Hobby farm	2 hectares	76 metres	N/A	15%	45m front yard 30m rear yard	15m
Cemeteries	Nil	Nil	N/A	10%	N/A	N/A
Commercial agricultural uses	40 hectares	76 metres	N/A	15%	30m front yard 30m rear yard	30 metres
Golf courses	Nil	Nil	N/A	10%	30 Metres	30 Metres
Public & Private Recreational	1.6 hectares	76 metres	N/A	15%	15 m - 15 m	7.6 m – 7.6 m
Conservation Areas	1,395 sq m	30 metres	N/A	15%	15 m - 15 m	7.6 m – 7.6 m
Single detached dwelling (Trout Lake Shoreline)	0.4 hectares 4047 sq. m	61 metres	N/A	10% (including principal & accessory structures)	30m Front yard ; 12 m rear yard ;	6 m

Single detached Dwellings:						
i) Infilling	0.4 hectares 4047 sq. m	61 metres	79 sq m	30%	15 m - 15 m	7.6 m – 7.6 m
ii) Lots of Record	1,395 sq m	30 m	79 sq m	30%	15 m - 15 m	7.6 m – 7.6 m
iii) Intra-Family	2 hectares	61 metres	79 sq. m.	30%	15 m – 15 m	7.6 m

10.1.4 No **building** or **structure**, other than an **accessory use**, shall be located less than thirty (30) metres from the high water mark of a water course or water body.

10.1.5 Where a Commercial Agriculture is permitted in any Rural (A) **zone**, said **use** shall be located not closer than thirty (30)metres to any **lot line**, or closer than ninety (90) metres to any **existing dwelling unit** on an adjoining lot or closer than thirty (30) metres to any inflowing stream or watercourse to Trout Lake or Lake Nipissing.

10.1.6 No commercial agriculture **uses** shall commence where the principal agriculture **use** is a commercial poultry, fowl, game, fur or hatchery operation adjacent to Trout Lake or an inflowing stream to Trout Lake.

Lot Use Requirement, Single detached Dwelling

10.1.7 In any Rural (A) **zone** where a **single detached dwelling** is permitted, not more than one (1) **dwelling unit** shall be **erected** on any single lot.

Accessory Building, Side and Rear Yard

10.1.8 In any Rural (A) **zone** an **accessory building** shall not be built closer than three (3) metres to any **side or rear lot line**.

Accessory Building, Front Yard

10.1.9 In any Rural (A) **zone** a garage or **carport** may be built within the **front yard**, provided that such garage or **carport** is not built closer to the **front lot line** than the minimum distance required by this By-law for the **main building** on the same lot.

Accessory Building, Height

10.1.10 In any Rural (A) **zone** an **accessory building** shall not exceed six (6) metres in height

Accessory Building, Use or Structure, Windturbines

10.1.11 Windturbines or such **structures** shall be permitted in the Rural (A) **zone** providing that

- a) the front, side and rear yard setbacks shall be no less than the height of the structure, measured from the established grade to the highest part of the structure, including the propeller/blade.

Sewage Disposal

10.1.12 In any Rural (A) **zone**, before a **building** permit is issued, the lot must be approved for on-site sewage disposal system and water supply by the applicable regulatory authority.

10.2 **Rural Residential Cottage (RRC) Zone**

Permitted *Uses*

10.2.1 No **person** shall **use**, or cause to **use**, land or **erect** or alter, or cause to be **erected** or altered, a **building** or **structure** in a Rural Residential Cottage (RRC) **zone** except for:

Existing single detached cottage

New single detached cottage

Public and private park and beach

Accessory home based business in accordance with Section 3.35

Regulations

10.2.2 In a Rural Residential Cottage (RRC) **zone**, no **person** shall **erect**, or cause to **erect**, a new residence, or **use**, or cause to be **used**, a **building** except in conformity with the following regulations:

No Structure

- 1) No **building** or **structure**, other than an **accessory use**, shall be located less than thirty (30) metres from the high water mark of Trout Lake or major inflowing stream to Trout Lake.

Lot Area

- 2) Minimum **Lot Area** shall be four-tenths (0.4) hectares.

Lot frontage

- 3) Minimum **Lot frontage** shall be sixty-one (61) metres.

Front Yard Setback

- 4) Minimum **Front Yard** setback shall be thirty (30) metres. Where a lot has shoreline on more than one side of the building or structure, other than an accessory use, the main building shall be at least 30 metres from the shoreline.

Rear Yard Setback

- 5) Minimum **Rear Yard** shall be twelve (12) metres.

Side Yard Setback

- 6) Minimum **Side Yards** shall be six (6) metres.

Floor area

- 7) Minimum **Floor area** shall be thirty-seven (37) square metres.

Lot Coverage

- 8) Maximum **Lot Coverage** shall be ten (10) percent including the **main building** and all **accessory uses, buildings or structures**, but not including any portion of the private **sewage disposal system**. Where a road creates a natural severance of the property, the portion of land between the normal surveyed water's edge and the road shall have a maximum Lot Coverage of 10% including the main building and all accessory uses, buildings or structures, but not including any portion of the private sewage disposal system.

Height

- 9) Maximum Height of the **main building** shall be ten and five-tenths (10.5) metres.

Buffer Zone

- 10) For the purpose of lots fronting on Trout Lake or lands with frontage on a major watercourse flowing into Trout Lake, as identified by the North Bay-Mattawa Conservation Authority a natural **buffer zone** shall be maintained within the boundaries of the high water mark of Trout Lake and a 15 metre offset from the high water mark.

Sewage and Water Supply

- 11) The lot shall be approved for on-site sewage disposal system and water supply by the applicable regulatory authority.

Accessory Buildings, Distance Between Buildings

- 10.2.4 In any Rural Residential Cottage (RRC) **zone** an **accessory building** other than a garage shall be located no closer than three (3) metres to a single detached cottage.

Accessory Buildings, Side Yard Setback

- 10.2.5 In any Rural Residential Cottage (RRC) **zone** an **accessory building** shall not be built closer than three (3) metres to the **side lot line**.

Accessory Building, Boat house

- 10.2.6 In any Rural Residential Cottage (RRC) **zone** a boathouse may be built on the **front lot line**.

- 10.2.6.1 No boat house shall exceed one (1) storey in height.

Accessory Building, Rear Yard Setback

- 10.2.7 In any Rural Residential Cottage (RRC) **zone** an **accessory building** shall not be built closer than four and five-tenths (4.5) metres to the rear property line if the doors open facing the rear or 61 cm if the doors open facing the side property line.

No Opening Below CGD 202.7 metres

- 10.2.8 Pursuant to Section 34(3.5) of the Planning Act, no **person** shall **use** land or **erect** or **use** a **building** or **structure** in a "Rural Residential Cottage (RRC)" **zone** shown on Schedules C-5 and C-6, as amended by By-law No. 94-84, unless such **building** or **structure**, designed for human habitation, has no opening such as a door, window, vent, passageway or any other opening below the Canadian Geodetic Datum elevation of two hundred and two and seven-tenths (202.7) metres.

10.3 **Rural Residential Lakefront (RRL) Zone**

Permitted *Uses*

10.3.1 No **person** shall **use**, or cause to **use**, land or **erect** or alter, or cause to be **erected** or altered, a **building** or **structure** in a Rural Residential Lakefront (RRL) **zone** except for:

Existing single detached dwelling

New ***single detached dwelling***

Local park and playground

Accessory uses to the above

Accessory home based business in accordance with Section 3.35

Regulations

10.3.2 In a Rural Residential Lakefront (RRL) **zone**, no **person** shall **erect**, or cause to **erect**, a new residence, or **use**, or cause to be **used**, a **building** except in conformity with the following regulations:

No Structure

- 1) No **building** or **structure**, other than an **accessory use**, shall be located less than thirty (30) metres from the high water mark of Trout Lake or major inflowing stream to Trout Lake.

Lot Area

- 2) Minimum **Lot Area** shall be four-tenths (0.4) hectares.

Lot frontage

- 3) Minimum **Lot frontage** shall be sixty-one (61) metres.

Front Yard Setback

- 4) Minimum **Front Yard** setback shall be thirty (30) metres. Where a lot has a shoreline on more than one side, there shall be a minimum setback of thirty (30) metres from the shoreline.

Rear Yard Setback

- 5) Minimum **Rear Yard** shall be twelve (12) metres.

Side Yard Setback

- 6) Minimum **Side Yards** shall be six (6) metres.

Floor area

- 7) Minimum **Floor area** shall be:
 - i) 1 **Storey** Ninety-three (93) square metres
 - ii) 1-1/2 **Storeys** One hundred and twenty-one (121) square metres;
 - iii) 2 **Storeys** or more One hundred and thirty (130) square metres.

Lot Coverage

- 8) Maximum **Lot Coverage** shall be ten (10) percent including the **main building** and all **accessory uses, buildings or structures**, but not including any portion of the private **sewage disposal system**. Where a road creates a natural severance of the property, the portion of land between the normal surveyed water's edge and the road shall have a maximum Lot Coverage of 10% including the main building and all accessory uses, buildings or structures, but not including any portion of the private sewage disposal system.

Height

- 9) Maximum Height of the **main building** shall be ten and five-tenths (10.5) metres.

Buffer Zone

- 10) For the purpose of lots fronting on Trout Lake or lands with frontage on a major watercourse flowing into Trout Lake, as identified by the North Bay-Mattawa Conservation Authority a **buffer zone** shall be maintained within the boundaries of the high water mark of Trout Lake and a 15 metre offset from the high water mark.

Sewage and Water Supply

- 11) The lot shall be approved for on-site sewage disposal and water supply by the applicable regulatory authority.

Accessory Buildings, Distance Between Buildings

- 10.3.4 In any Rural Residential Lakefront (RRL) **zone** an **accessory building** other than a garage shall be located no closer than three (3) metres to any **single detached dwelling**.

Accessory Buildings, Side Yard Setback

- 10.3.5 In any Rural Residential Lakefront (RRL) **zone** an **accessory building** shall not be built closer than three (3) metres to the **side lot line**.

Accessory Building, Boat house

- 10.3.6 In any Rural Residential Lakefront (RRL) **zone** a boathouse may be built on the **front lot line**.

- 10.3.6.1 No boat house shall exceed one (1) storey in height.

Accessory Building, Rear Yard Setback

- 10.3.7 In any Rural Residential Lakefront (RRL) **zone** an **accessory building** shall not be built closer than four and five-tenths (4.5) metres to the rear property line if the doors open facing the rear or 61 cm if the doors open facing the side property line.

No Opening Below CGD 202.7 metres

- 10.3.8 Pursuant to Section 34(5) of the Planning Act, no **person** shall **use** land or **erect** or **use** a **building** or **structure** in a "Rural Residential Lakefront (RRL)" **zone** shown on Schedules C-5 and C-6, as amended by By-law No. 94-84, unless such **building** or **structure**, designed for human habitation, has no opening such as a door, window, vent, passageway or any other opening below the Canadian Geodetic Datum elevation of two hundred and two and seven-tenths (202.7) metres.

10.4 **Rural Residential Estate (RRE) Zone**

Permitted *Uses*

10.4.1 No **person** shall **use**, or cause to **use**, land or **erect** or alter, or cause to **erect** or alter any **building** or **structure** in a Rural Residential Estate (RRE) **zone** except for:

Single detached dwellings

Local park and playground

Accessory uses to the above

Accessory home based businesses in accordance with Section 3.35

Regulations

10.4.2 In a Rural Residential Estate (RRE) **zone** no **person** shall **erect** or **use**, or cause to **erect** or **use** any **building** except in conformity with the following Regulations:

Lot Area

1) Minimum **Lot Area** shall be one and two-tenths (1.2) hectares.

Lot frontage

2) Minimum **Lot frontage** shall be sixty (60) metres.

Front Yard Setback

3) Minimum **Front Yard** shall be fifteen (15) metres.

Rear Yard Setback

4) Minimum **Rear Yard** shall be fifteen (15) metres.

Side Yard Setback

5) Minimum **Side Yard** shall be fifteen (15) metres.

Floor area

6) Minimum **Floor area** shall be ninety-three (93) square metres.

Lot Coverage

7) Maximum **Lot Coverage** shall be five (5) percent.

Height

8) Maximum Height of **main building** shall be ten and five-tenths (10.5) metres.

Accessory Building, Distance Between Buildings

10.4.3 In any Rural Residential Estate (RRE) **zone** an **accessory building** other than a garage shall be located no closer than three (3) metres to any **single detached dwelling**.

Accessory Building, Side and Rear Setbacks

10.4.4 In any Rural Residential Estate (RRE) **zone** an **accessory building** shall not be built closer than three (3) metres to any side or rear property line.

Sewage System and Water Supply

10.4.5 The lot shall be approved for on-site sewage disposal system and water supply by the applicable regulatory authority.

10.5 Rural Extractive Industrial (RME) Zone

10.5.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Rural Extractive Industrial (RME) **zone** except for one of the following **uses**

Asphalt plant

Concrete/Block Plant

Pit

Quarry

Solar Farm

Any **buildings** and equipment necessary for the extraction of sand, gravel or stone

Excavation Requirements

10.5.2 No **person** shall operate any of the above permitted **uses** within:

- i) sixty-one (61) metres of any boundary or property line of any adjacent **zone**;
- ii) sixty-one (61) metres of the **front lot line**, or
- iii) thirty (30) metres to the edge of any stream or body of water which is part of the Trout Lake or Lake Nipissing watersheds.

10.5.3 In a Rural Extractive Industrial (RME) **zone** no **person** shall establish a **use** except in conformity with the following regulations:

- 1) Minimum **Lot Area** shall be ten (10) hectares.
- 2) Minimum **Lot frontage** shall be two hundred and one (201) metres.

10.5.4 In any RME **zone** an **accessory building** shall not be built closer to any property line than sixty-one (61) metres or thirty (30) metres to any stream or body of water as part of any watershed.

10.5.5 A strip of land not less than seven and six-tenths (7.6) metres in width along the property line be adequately landscaped to create a **buffer zone**.

10.6 **Rural Commercial (RC) Zone**

Permitted *Uses*

10.6.1 No land, **building** or **structure** shall be **erected** or **used**, or caused to be **erected** or **used** in any Rural Commercial (RC) **zone** except for one or more of the following **uses**:

Adult Entertainment Parlour

Driving ranges

Hotel, Motel and **Tourist cabins**, or other
Kennel

Tourist Commercial Establishment

Public and Private Recreational Facilities

Race Track

Restaurants

Retail Commercial outlet

Solar Farm

Taverns

Transportation terminals

Service station

Veterinary establishment

Accessory uses to the above including a **single detached dwelling unit** for the resident-owner, either as part of the **main building** or detached

Regulations

10.6.2 In a Rural Commercial (RC) **zone**, no **person** shall **erect** or **use**, or cause to **erect** or **use** any **building** except in conformity with the following regulations:

Lot Area

1) Minimum **Lot Area** shall be eight-tenths (0.8) hectares.

Lot frontage

2) Minimum **Lot frontage** shall be seventy-six (76) metres.

Front Yard Setback

3) Minimum **Front Yard** shall be fifteen (15) metres.

Rear Yard Setback

4) Minimum **Rear Yard** shall be fifteen (15) metres.

Side Yard Setback

5) Minimum **Side Yard** shall be fifteen (15) metres.

Lot Coverage

6) Maximum **Lot Coverage** shall be fifteen (15) percent.

Height

7) Maximum Height of the **main building** shall be ten and five-tenths (10.5) metres.

Accessory Buildings

10.6.3 In any Rural Commercial (RC) **zone** an **accessory building** shall not be built closer to any **side lot line** than the minimum distance required by this By-law for the **main building** on the same lot.

Adult Entertainment Parlour, Regulations

10.6.4 No **person** shall establish, operate, or **use** a new **Adult Entertainment Parlour use** in a Rural Commercial **zone** except in conformity with the following regulations:

- a) The **use** shall be located in freestanding, single **use buildings**.
- b) The minimum on-site parking requirement shall be one (1) **parking space** for every three (3) seats.
- c) That no new **Adult Entertainment Parlour use** shall be located closer than:
 - i) 150 metres from any **highway** or local **street**;
 - ii) 500 metres from any residential, institutional or open space **uses**;
 - iii) 2000 metres from any other **Adult Entertainment Parlour**.

10.6.5 Outside storage in the front yard is permitted only for the purpose of display of goods for sale by the owner, excluding a flea market.

10.7 **Rural Marine Commercial (RMC) Zone**

Permitted *Uses*

10.7.1 No **person** shall **use** or cause to **use** land, or **erect** or alter, or cause to **erect** or alter any **building** or **structure** in a Rural Marine Commercial (RMC) **zone** except for a:

Marina

Marine air base

Accessory uses to the above including **restaurants** and **taverns**

One (1) apartment unit shall be permitted for an essential worker, owner/operator or caretaker within the **main building**.

Regulations

10.7.2 In a Rural Marine Commercial (RMC) **zone**, no **person** shall **erect** or **use**, or cause to **erect** or **use** any **building** except in conformity with the following regulations:

Lot Area

1) Minimum **Lot Area** shall be four-tenths (0.4) hectares;

Lot frontage

2) Minimum **Lot frontage** shall be sixty-one (61) metres;

Front Yard Setback

3) Minimum **Front Yard** shall be ten and five-tenths (10.5) metres;

Rear Yard Setback

4) Minimum **Rear Yard** shall be ten and five-tenths (10.5) metres;

Side Yard Setback

5) Minimum **Side Yard** shall be seven and six-tenths (7.6) metres;

Lot Coverage

6) Maximum **Lot Coverage** shall be fifty (50) percent;

Height

7) Maximum Height of the **main building** shall be ten and five-tenths (10.5) metres;

Sewage System and Water Supply

8) The lot shall be approved by the applicable regulatory authority for an on-site sewage disposal and water supply system.

Accessory Building, Distance Between Buildings

10.7.3 In any Rural Marine Commercial (RMC) **zone** any **accessory building** shall be located no closer than seven and six-tenths (7.6) metres to the **main building**.

Accessory Building, Side Yard Setback

10.7.4 In any Rural Marine Commercial (RMC) **zone** an **accessory building** shall not be built closer to any **side lot line** than the minimum distance required by this By-law for the **main building** on the same lot.

No New *Uses*

10.7.5 In a Rural Marine Commercial (RMC) **zone**, no **person** shall establish a new **commercial use** except in conformity with the regulations set out in Section 10.7.2 and by an Amendment to this By-law pursuant to Section 2.10.3 of the Official Plan.

Outside storage

10.7.6 In a Rural Marine Commercial (RMC) **zone, outside storage** only for the purpose of storing or parking watercraft and associated trailers shall be permitted provided that the area **used** for storage is adequately screened and does not impact on the visual amenities of the surrounding area.

10.8 **Rural Institutional (RN) Zone**

Permitted *Uses*

10.8.1 No **person** shall **use**, or cause to **use** land, or **erect** or alter, or cause to **erect** or alter any **building** or **structure** in a Rural Institutional (RN) **zone** except for a:

Cemetery

Day nursery

Group home type 1

Group home type 2

Group home type 3

Home for the aged

Nursing home

Place of worship

Private Club

Public or Private Museum and Park

Public or Private Recreation

Public or Private **School**

Solar Farm

Accessory uses to the above including a single detached dwelling unit for the resident-owner either as part of the main building or detached.

Regulations

10.8.2 In a Rural Institutional (RN) **zone** no **person** shall **erect** or **use**, or cause to **erect** or **use** a **building** except in conformity with the following regulations:

Lot Area

1) Minimum **Lot Area** shall be four-tenths (0.4) hectares;

Lot frontage

2) Minimum **Lot frontage** shall be sixty-one (61) metres;

Front Yard Setback

3) Minimum **Front Yard** shall be fifteen (15) metres;

Rear Yard Setback

4) Minimum **Rear Yard** shall be fifteen (15) metres;

Side Yard Setback

5) Minimum **Side Yard** shall be seven and six-tenths (7.6) metres;

Lot Coverage

6) Maximum **Lot Coverage** shall be fifteen (15) percent;

Height

7) Maximum Height of the **main building** shall be ten and five-tenths (10.5) metres.

Accessory Building, Distance Between Buildings

10.8.3 In any Rural Institutional (RN) **zone** an **accessory building** shall be located no closer than three (3) metres to the **main building**.

Accessory Building, Side Yard Setback

10.8.4 In any Rural Institutional (RN) **zone** an **accessory building** shall not be built closer to any **side lot line** than three (3) metres.