

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BY-LAW NO. 06-650 AS AMENDED

**CONSOLIDATED OFFICE VERSION**, as amended by By-laws 06-675, 07-722, 07-745, 07-694, 07-695, 08-813, 08-823, 08-768, 08-785, 09-828, 09-834, 09-860, 11-1037, 11-1038, 11-1040, 12-1053, 12-1093, 13-1105, 13-1106, 13-1121, 13-1127, 13-1146, 14-1177, 15-1236, 15-1240, 15-1254, 15-1258, 15-1537, 16-1280, 20-1529 and OMB decisions contained in OMB File PL080067 and OMB File PL131380.

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**Being a By-law to regulate the use of land and the character, location and use of buildings and structures in the Municipality of Temagami.**

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WHEREAS it is considered desirable to regulate the use of land, the character, location and use of buildings and structures within the Municipality of Temagami;

AND WHEREAS authority is granted under Section 34.1 of the Planning Act R.S.O. to the Council of the Municipality of Temagami to exercise such powers subject to appeals to the Ontario Municipal Board;

NOW THEREFORE the Council of the Municipality of Temagami enacts as follows:

### **SECTION 1**

This By-law shall be known as the "Zoning By-law for the Municipality of Temagami".

### **SECTION 2 - DEFINED AREA**

This By-law applies to all land within the boundaries of the Municipality of Temagami, hereafter known as the "Municipality", and to the adjoining shores of various lakes and rivers including land covered by water wherever there is or may be erected any jetty, dock, boathouse, pier or other building or structure.

### **SECTION 3 - INTERPRETATION**

#### **3.01 GENERAL**

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirement adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the more restrictive, or the By-law imposing the higher standards, shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any other By-law of the Municipality or from any law of the Province of Ontario or of Canada.

### **3.02 ZONING SCHEDULE**

Schedules A1 through A11 attached hereto, together with notations and references shown thereon, are hereby declared to form part of this By-law.

### **3.03 ZONE BOUNDARIES**

When determining the boundary of any Zone as shown on Schedules A1 through A11 forming part of this By-law, the following provisions shall apply:

- a) a boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- b) a boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- c) a boundary indicated as following a shoreline, either the shoreline of the mainland or the shoreline of an island, shall follow such shoreline, except as noted in subsection g), and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- d) a boundary indicated as approximately following lot lines shown on a registered plan of subdivision or on a land patent, shall follow such lot lines;
- e) a boundary indicated as approximately parallel to a street line or other feature indicated in clauses a), b) or c) of this subsection, and the distance from such street line or other feature is not indicated, and clause d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance there from shall be determined according to the scale shown on Schedules A1 through A11;
- f) a boundary indicated as following the limits of the Municipality shall follow such limits; and
- g) where any zone on Schedules A1 through A11 abuts a lakeshore, such zone shall be deemed to extend into the lake and to apply to any water lots or to any land created by changing lake levels, or to any boathouses or docks.

### **3.04 CLOSINGS**

In the event a dedicated street or lane shown on Schedules A1 through A11 of this By-law is closed, the property formerly in such street or lane shall be included within the zone of the adjoining property on either side of such closed street, or lane. If a closed street or lane is the boundary between two different zones, the new zone boundaries shall be the former centre line of the closed street or lane.

### **3.05 CERTAIN WORDS**

In this By-law, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word 'used' includes 'arranged, designed or intended to be used'; the word 'shall' is mandatory and not discretionary.

Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “either-or”, the conjunction shall be interpreted as follows:

- a) “and” indicates that all connected items, conditions, provisions or events shall apply in any combination;
- b) “or” indicates that the connected items, conditions, provisions or events may apply single or in combination;
- c) “either/or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

### **3.06 INTERPRETATION OF SIMILAR PERMITTED USES**

Uses other than those hereinafter specifically permitted as uses in each of the zones, may be permitted therein, provided such uses are similar to those specifically mentioned and are, in the opinion of Council, as evidenced by a resolution, not more obnoxious or detrimental to the welfare of the community, than the permitted uses specifically mentioned in the respective zones.

### **3.07 MULTIPLE USES ON ONE LOT**

Notwithstanding any other provisions of this By-law, where any land, building or structure is used for more than one permitted use, all provisions of this By-law shall be complied with for each use, except in the case of lot area, lot frontage, coverage and minimum yard requirements in which case the most restrictive or stringent requirement shall apply.

### **3.08 PROPERTIES WITH MORE THAN ONE ZONE**

Where a lot is divided into more than one zone, each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as lot area, lot frontage, required front yard, side and rear yards and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than one dwelling unit on the lot, except as specifically provided in this By-law.

## **SECTION 4 - ADMINISTRATION**

### **4.01 ADMINISTRATION AND ENFORCEMENT**

This By-law shall be administered by the Building Inspector or such other person as Council shall designate, and no permit for the use of land or for the erection of any building or structure nor shall any municipal licence be issued where the proposed use, building or structure would be in violation of any provision of this By-law.

### **4.02 APPLICATIONS AND PLANS**

In addition to the requirements of this Zoning By-law, every application for a building permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and based upon an actual survey and showing:

- a) the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
- b) the current and proposed use of the lot and any current or proposed buildings or structures thereon;
- c) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied;
- d) the location of every building or structure already erected on or partly erected on such lot, and the location of every use, building or structure upon adjacent lots;
- e) the proposed location of parking spaces, loading spaces, driveways, shoreline uses such as docks and boathouses, shoreline activity areas, landscaping areas or planting strips and all associated uses as may be required;
- f) other such information as may be necessary to determine whether or not every such building, structure and work conforms to the requirements of this By-law;
- g) conformity with the design principles and development constraints set forth in the Zoning By-law; and,
- h) all structures, regardless of size, that are proposed to be located in the front yard of a shoreline lot, including the shoreline activity area and development over water, require a building permit and will be subject to site plan control.

Every such application shall be signed by the owner of the lot or the owner's agent duly authorised in writing and by the Building Inspector.

### **4.03 CONFORMITY**

No land shall hereafter be used and no building or structure shall hereafter be erected or used except in accordance with the general and special provisions of this By-law, but nothing in this By-law shall prevent the use of any land, building or structure for any use prohibited by this By-law if such land, building or structure was lawfully used and properly registered for such purpose on the day this By-law comes into effect.

#### **4.04 INSPECTION**

The authority having jurisdiction to enforce this By-law from time to time is hereby authorised, after reasonable notice to the owner or assessed owner, occupant or apparent occupant of the property in question, to enter at all reasonable hours for the purposes of inspection.

#### **4.05 REMEDIES**

In the case where any building or structure is or is proposed to be erected, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of any requirements of this By-law such contravention may be restrained by action at the instance of any ratepayer or of the Municipality pursuant to the provisions of the Planning Act.

#### **4.06 SCOPE**

No building, structure or land shall be used, and no building or structure shall be hereafter erected within the Municipality except in conformity with the provisions of this By-law.

#### **4.07 VIOLATION AND PENALTY**

Any person who uses any land or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction therefore, shall be liable to a fine not exceeding two thousand (2,000) dollars per day, exclusive of costs, which shall be recoverable under the Provincial Offences Act R.S.O., 1990 as amended.

#### **4.08 REPETITION OF OFFENCE**

The conviction of an offender upon a breach of any of the provisions of this By-law shall not prevent prosecution against the same offender upon any subsequent breach of the same or any other provision of this By-law.

#### **4.09 VALIDITY**

Should any section or part of a section of this By-law for any reason be held to be invalid, it is the intention that all the remaining provisions shall remain in full force and effect.

## **SECTION 5 - DEFINITIONS**

In this By-law, unless the context otherwise requires:

**ACCESS ROAD** shall mean a temporary road constructed on Crown land to facilitate the extraction of natural resources.

**ACCESSORY APARTMENT** shall mean a second dwelling unit in a single detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such dwelling is an accessory use to the main dwelling.

**ACCESSORY BUILDING** shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, and includes a detached garage, a boathouse or a sleep cabin on a residential lot. (By-law 07-745)

**ACCESSORY USE** shall mean a use that is normally incidental, subordinate and exclusively devoted to a principle use located on the same lot.

**ALTER** shall mean any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a building or structure or any alteration in the area or volume of a building or structure.

**'APARTMENT BUILDING** shall mean a building containing four (4) or more dwelling units which units have a common entrance from the street level and common halls and/or stairs, elevators and yards.' (By-law 13-1121)

**AUTO BODY REPAIR SHOP** shall mean an industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts. (By-law 13-1121)

**AUTOMOBILE SERVICE STATION** shall mean a building or place where petroleum products and new supplies, parts and accessories are kept for sale to service motor vehicles, snowmobiles, and machinery and where minor and/or emergency repairs are performed to motor vehicles, snowmobiles and machinery but no other activities of an auto body repair shop or a motor vehicle repair shop are conducted.

**BASEMENT** shall mean that portion of a building which is partly underground but which has more than one-half of its height, from finished floor to underside of floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to underside of the floor joists of the next above storey is less than one and eight-tenths (1.8) metres. (See plate #6).

**BASEMENT, WALKOUT** shall mean that portion of a building which is partly underground, but which has more than fifty per cent (50%) of the floor area not greater than one (1.0) metre below grade, and which has an entrance and exit at grade level. This definition shall only apply in an area where the natural terrain permits construction of a walkout basement. (See plate #7).

**BED AND BREAKFAST ESTABLISHMENT** shall mean a single detached dwelling unit or portion thereof, in which the proprietor resides and supplies for hire or gain to other persons, particularly tourists, on a temporary or day to day basis, lodging with or without meals, but shall not include a boarding house, hotel, motel, tourist cabin establishment, sleep cabin or restaurant accommodating the

general public. Such an establishment shall be licensed by the Municipality and shall provide for no more than two (2) guest rooms, with no facilities for cooking, used or maintained for the accommodation of the public and shall be clearly secondary to the use of the dwelling unit as a private residence.

**BOARDING HOUSE** shall mean any house or building in which the proprietor resides and supplies for hire or gain to at least three persons but not more than eight persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings and includes a rooming house, but does not include a bed and breakfast establishment, hotel, motel or tourist commercial establishment.

**BOATHOUSE - LAND BASED** shall mean a building or structure, located on land and used for the storage of private boats and equipment accessory to their use and accessory to a residential use. Converted boat slips without walls are considered boathouses. (By-law 07-745)

**BOATHOUSE - WATER BASED** shall mean a building or structure, located on a body of water and adjacent to a residential lot and used for the storage of private boats and equipment accessory to their use and accessory to a residential use. Converted boat slips without walls are considered boathouses. (By-law 07-745)

**BUFFER** shall mean the land area used to visually separate one use from another or to shield or block noise, lights or other nuisances.

**BUILDING** shall mean any structure, whether temporary or permanent used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment, other than a fence or wall.

**BUILDING INSPECTOR** shall mean the officer or employee of the Municipality who, from time to time, is charged by the Municipality with the duty of administering the provisions of the Zoning By-law.

**BUILDING LINE** shall mean a line lying in the interior of a lot drawn parallel to a lot line or shoreline for the purpose of establishing the minimum distance that must exist between a building or structure erected upon the land and a lot line or shoreline.

**BUILDING, MAIN** shall mean a building, the nature of the use of which is determined by the zoning of the lot upon which it is authorised to be constructed or upon which it is constructed.

**BUILDING SETBACK** shall mean the least horizontal distance permitted between a lot line of a lot or the shoreline of a lot and the nearest portions of any building envelope on such lot.

**BULK SALES** shall mean the use of land, buildings or structures for the purpose of buying and selling fuel oil, wood, lumber, building materials and similar commodities and includes incidental manufacturing, assembling or processing uses, a building supplies depot or lumber yard.

**BUSINESS OR PROFESSIONAL OFFICE** shall mean an office in which any business is carried on or any profession is practised.

**CAMPGROUND** shall mean a parcel of land managed as a unit operated privately or by the Municipality or the Province of Ontario on a commercial basis for campers who provide their own sleeping facilities such as tents, but such campers are provided with sanitary and waste disposal facilities by the campground management.

**CELLAR** shall mean that portion of a building which is partly or entirely underground but has more than one-half of its height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building. (See plate #6).

**CEMETERY** shall mean a parcel of land set apart or used as a place for the internment of the dead or in which human bodies have been buried.

**CLINIC, MEDICAL** shall mean a public or private building used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatment by one or more practitioners.

**CLUB** shall mean an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such associations within which the activities of the club are conducted.

**COMMERCIAL** shall mean the use of land, a building or structure for the purpose of buying or selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, construction and other similar uses.

**COMMUNITY CENTRE** shall mean any tract of land, or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, and the control of which is vested in the Municipality, a local board or agent thereof except that in the case of a Community Centre located within a Mobile Home Park, the control of such use may be vested in the owner of the Mobile Home Park.

**CONTRACTOR'S YARD** shall mean a yard of any general contractor or builder where tools, equipment and in-transit materials are stored outdoors on a temporary basis. A contractor's yard does not include any other yard or establishment otherwise defined or classified herein. A contractor's yard does not include a home industry. (By-law 13-1121)

**COUNCIL** shall mean the Council of the Municipality of Temagami.

**COVERAGE** shall mean the percentage of lot area covered by all buildings.

**DAYLIGHTING TRIANGLE** shall mean an area free of buildings or structures, which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle".

**DAY NURSERY** shall mean an establishment providing care and maintenance of children separated from their parents or guardian during the part of the day between 6 a.m. and 7 p.m. except an elementary school having at least four grades.

**DENSITY** shall mean the maximum number of dwelling units allowed by this By-law on a lot.

**DEVELOPMENT** shall mean the creation of a new lot, a change in land use or the construction of buildings and structures, requiring the approval under the Planning Act or the Public Lands Act; but does not include activities that create or maintain infrastructure authorised under an environmental assessment process; or works subject to the Drainage Act.

**DRY INDUSTRY** shall mean an industry which by nature of its operation, process, or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located, does not discharge effluent from the limits of the lot upon which the use is located and from which the only sewage effluent to be disposed of within the limits of the said lot will be that produced from normal sanitary and eating facilities required for the employees.

**DWELLING, CONVERTED** shall mean a single detached dwelling unit altered to contain more than one but less than 4 self contained dwelling units.



DWELLING, DUPLEX shall mean a building of two or more storeys that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

DWELLING UNIT, SEASONAL shall mean a single detached dwelling unit constructed as a secondary place of residence for seasonal vacations and recreational purposes and not as a principal residence of the owner or occupant thereof.

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

DWELLING UNIT, SINGLE DETACHED shall mean a completely detached dwelling unit and includes a Seasonal Dwelling Unit.

DWELLING UNIT shall mean one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment and,

- (a) in which food preparation and sanitary facilities are provided for the exclusive use of the residents of the dwelling unit, and
- (b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
- (C) does not mean or include a tent, or a room or suite of rooms in a bed and breakfast establishment, boarding or rooming house, hotel, motel, motor hotel, or tourist commercial establishment.

ENTERTAINMENT FACILITY shall mean any indoor live act, play, revue, pantomime, scene, dance act, musical act, song and dance act, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance but does not include adult entertainment uses.

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

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

ESTABLISHED GRADE shall mean with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.

EXISTING shall mean existing as of the date of the final passing of this By-law.

FLANKAGE see lot line flankage

FLOOR AREA, DWELLING shall mean with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch or veranda, balcony, attic, basement or cellar, except that where the natural terrain permits a walkout basement in

which case twenty five per cent (25%) of the floor area of the walkout basement shall be considered as habitable floor area.

FLOOR AREA, GROSS shall mean the aggregate of the floor areas of all the storeys of a building including twenty five per cent (25%) of the floor area of any walkout basement but not of any cellar, and which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding the floor space of the garage in the residential building, breezeway, unenclosed porch or unenclosed veranda and for the purposes of this clause, the walls of an inner court shall be deemed to be exterior walls. (By-law 13-1121)

FLOOR AREA, GROUND shall mean the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building, and for the purpose of this paragraph the walls of an inner court shall be deemed to be exterior walls.

FLOOR AREA, RETAIL shall mean the gross floor area of a commercial building devoted to retail purposes.

GARAGE, ATTACHED shall mean a private garage, accessory to a dwelling unit on the same lot and attached by a common wall and/or common roof structure provided however, for the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also for the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least forty per cent (40%) of the length of the attached garage wall is common with the dwelling wall.

GARAGE, DETACHED shall mean an accessory building or portion of a building which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for, remuneration or commercial use.

GARDEN SUITE shall mean an additional temporary dwelling unit temporarily located on a residential lot intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. (By-law 13-1121)

GASOLINE BAR shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a gross floor area of not more than ten (10) square metres, excluding washrooms. The shelter shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing.

HABITABLE ROOM shall mean a room designed for living, sleeping, eating or food preparation, including an enclosed sunroom and office.

HAZARD LAND shall mean land that could be unsafe for development due to naturally occurring processes including flooding and erosion.

HEIGHT shall mean, with reference to a building, other than a water-based boathouse, the vertical distance measured from the finished established grade level at the front elevation of such building to:

- (a) the highest point of the roof surface or the parapet, which-ever is the greater, of a flat roof;
- (b) the declivity of a mansard roof; or
- (c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof.

In calculating the height of a building, any construction used as an ornament or for the mechanical operation of the building such as a chimney, tower, cupola or steeple shall not be included. (See plate #5).

The height of a water based boathouse shall be calculated in accordance with Section 6.06.

HEREAFTER shall mean after the date of passing of this By-law

HEREIN shall mean anywhere in this By-law

HOME INDUSTRY shall mean a gainful occupation including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home Industry is conducted entirely in an accessory building or part of an accessory building on a Rural Residential or Remote Residential lot by the residents. A home industry does not include a contractor's yard. (By-law 13-1121)

HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.

HOSPITAL shall mean any institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill persons.

HOTEL shall mean a building or part of a building or a group of buildings used primarily for the purpose of providing overnight guest room accommodation to the travelling public, with or without accessory restaurants, dining rooms or refreshment rooms, and includes any establishment containing guest rooms which is defined as a "hotel" in the Hotel Registration of Guests Act, R.S.O. 1990, Chapter H.17. The owner or caretaker may live in the hotel accessory to the use'. (By-law 13-1121)\*

HUNT CAMP shall mean an area where one or more tents are used for sleeping accommodation, the preparation and serving of food and is intended for use as a base camp for hunting. The hunt camp is to be used on a temporary or seasonal basis and shall not be a commercial facility.

INDUSTRIAL USE shall mean the use of land, buildings or structures for the manufacturing, processing, fabricating, transporting, or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

INSTITUTIONAL USE shall mean 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 buildings.

LANDSCAPING shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use but does not include parking areas, patios, walkways, driveways or ramps.

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

LAUNDROMAT shall mean a building or structure where the services of coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

LOADING SPACE shall mean an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the main use is located and which area:

- (a) is provided for the temporary parking of one commercial motor vehicle while merchandise or material is being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- (b) is suitable for the temporary parking of one commercial motor vehicle;
- (c) is not upon or partly upon any street or lane; and,
- (d) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

LODGE see TOURIST LODGE

LOT shall mean a parcel of land, whether such parcel is described in a registered deed, on a land patent or is shown on a registered plan of subdivision or condominium including any of its parts which are subject to right-of-way or easement that is capable of being legally conveyed.

LOT AREA shall mean the total horizontal land area within the lot lines of a lot and in the case of a corner lot having street lines rounding at the corner, the lot area of such lot shall be calculated as if the lot lines were projected to their point of intersection.

LOT, CORNER shall mean a lot situated at the intersection of and abutting on two or more streets provided that the angle of intersection of such streets is not more than 135 degrees. (See plate # 1).

LOT COVERAGE shall mean that percentage of the lot area, covered by all buildings above ground level, excluding building features that project beyond the main walls of a building such as window sills, cornices, pilasters, cantilevered canopies or roofs, eaves, gutters, bay windows, chimney breasts or that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level. The calculation of lot coverage shall include enclosed and unenclosed decks, enclosed and unenclosed porches and enclosed and unenclosed platforms and buildings, including those less than ten (10.0) sq. m. ground floor area. For the purpose of this definition the lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone. (By-law 13-1121) LOT DEPTH shall mean the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid points of the front and rear lot lines. (See plate #1). Where the front lot line is a shoreline, lot depth shall be the length of a line joining the mid points of the line used to define the lot frontage and the rear lot line.

LOT FRONTAGE shall mean the horizontal distance between the side lot lines measured at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured by a line six (6.0) metres back from and parallel to the chord of the lot frontage. (For the purpose of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line). Where the front lot line is a shoreline, lot frontage shall mean the horizontal distance between the side lot lines, measured from the points where the side lot lines intersect the shoreline. (See plate #1).

LOT, INTERIOR shall mean a lot situated between adjacent lots and having access to one street. (See plate #1).

LOT LINE shall mean any boundary of a lot.

LOT LINE, FLANKAGE shall mean a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT shall mean the lot line that divides the lot from the street or a body of water, but:

- (a) in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the Municipality may designate either street line as the front lot line.
- (b) in the case of a corner lot abutting a one third (0.33) metre reserve the lot so abutting the one third (0.33) metre reserve shall be deemed a flankage lot line and the other line abutting the street shall be deemed the front lot line.
- (c) in the case of a through lot the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length the Municipality may designate either street line as the front lot line.
- (d) in the case of a lot abutting a waterbody, the front lot line shall be all the lot line adjacent to such waterbody.
- (e) where one lot occupies all of an island, the whole of the lot line adjacent to the water shall be deemed to be the front lot line.
- (f) in the case of a lot with water frontage on a navigable stream, river or lake and with frontage on a municipal road, the navigable stream, river or lake water frontage shall be deemed to be the front of the lot, except in an industrial zone where the frontage on a municipal road shall be deemed to be the front yard.

LOT LINE, REAR shall mean the lot line opposite the front lot line, except in the case of a lot that occupies all of an island where there shall be no rear lot line.

LOT LINE, SIDE shall mean the lot line other than a front or rear lot line.

LOT OF RECORD shall mean a lot or parcel of land that can legally be conveyed and which includes a lot on a registered plan of subdivision, a parcel created by consent in accordance with the Planning Act, a parcel created by a land patent or any other distinct and separate holding, the deed to which is registered in the Land Registry office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, a lot of record shall not include a lot on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision for the purposes of Section 50 (4) of the Planning Act R.S.O.

LOT, REMOTE RESIDENTIAL shall mean a lot used for or intended to be used for residential purposes which is not accessed by a municipally maintained road or highway.

LOT, RURAL RESIDENTIAL shall mean a lot used for or intended to be used for residential purpose and to which access is obtained from a Municipal road open and maintained on a year round basis.

LOT, THROUGH shall mean a lot bounded on two opposite sides by streets, provided however, that if any lot qualifies as being both a "lot, corner" and a "lot, through" as herein before defined, such lot shall be deemed a "lot, corner" for the purpose of this By-law. (See plate #1).

MAIN BUILDING shall mean the building in which is carried on the principal purpose for which the lot is used.

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

MARINA shall mean a commercial establishment where a boathouse, boat storage, boat repair facilities, boat rental, pier, dock or jetty facilities or any combination of the foregoing are available for

all types of marine - pleasure craft and may include a gasoline pump for the fuelling of marine craft, sewage pump-out facilities, potable water supply and a building or structure for the sale of marine craft, accessories and/or refreshments.

MEZZANINE shall mean an intermediate level between the floor and ceiling of any story, and covering less than thirty-three and one third percent of the floor area of the floor immediately beneath. (By-law 13-1121)

MOBILE HOME shall mean 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, and has a minimum width of four and one half (4.5) metres. For the purpose of this By-law, a mobile home is deemed not to be a modular home. (By-law 13-1121)

MOBILE HOME PARK shall mean a lot serviced with communal sewer and water services or municipal water and sewer services and managed by a mobile home park operator, for the permanent placement of one or more mobile homes or modular homes or double-wide homes on individual mobile home sites, and may also include a park, place of recreation, convenience retail store and Laundromat, all for the use of the mobile home park occupants only and may be licensed by the municipality.

MODULAR HOME shall mean a single detached dwelling which has been manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a prepared foundation and which unit complies with all applicable standards of the Canadian Standards Association and for the purposes of this By-law shall be considered as a single detached dwelling.

MOTEL shall mean an establishment consisting of attached or detached living or sleeping accommodations with a bathroom, located on a single site and designated for use by transient automobile tourists, with parking space on the lot for each lodging unit and with access to each unit directly from outside.

MOTOR VEHICLE SALES AREA shall mean a place comprised of land or a building or both, the purpose of which is for the display or sale, or both, of new and/or used motor vehicles or recreational vehicles; but does not include an automobile wrecking or salvage yard or scrap yard.

MUNICIPALITY shall mean the Municipality of Temagami.

NARROW WATERBODY shall mean a navigable lake or watercourse where; the distance from shore to shore is less than sixty ( 60.0) metres. See Special Setbacks Section 6.42. (By-law 13-1121)

NEIGHBOURHOOD COMMERCIAL shall mean a retail commercial establishment, not exceeding one hundred and forty (140) square metres of gross floor area which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs, but shall not include a store catering primarily to the general commercial requirements of the residents of an area.

NON-COMPLYING shall mean an existing lot, building or buildings which does not comply with one or more of the zone provisions or standards for the zone within which said lot, building or buildings are located at the time of the passing of this by-law.

NON-CONFORMING shall mean an existing legal use, which is not permitted in the zone in which it is located.

NON-HABITABLE ROOM shall mean any room in a dwelling unit, other than a habitable room including, but not limited to a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a veranda, a porch, a balcony, a private garage, an unfinished attic, a boiler room and any

space used for the service and maintenance of such dwelling unit or for vertical travel between storeys.

**NURSING HOME** shall mean a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition provides nursing, medical, or similar care and treatment, if required and includes a rest home or convalescent home, and any other establishment required to operate under the appropriate statute.

**OBNOXIOUS USE** shall mean an offensive use or trade within the meaning of The Public Health Act or any use which is a nuisance by reason of emission, or the creation of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste, or the depositing or leaving of unsightly objects or chattels on land.

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

**OPEN SPACE** shall mean an area of land which is left in its natural state or 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, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area, or loading space.

**PARK, PUBLIC** shall mean a park owned or controlled by the Municipality, the Province of Ontario, a Public Authority or by any Board, Commission or other Authority established under any statutes of the Province of Ontario or the Government of Canada.

**PARKING AREA** shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area comprises parking spaces and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to and egress from the said parking spaces, and is provided and maintained in accordance with all applicable provisions of this By-law.

**PARKING LOT** shall mean a parking area forming the principal use of a lot.

**PARKING SPACE** shall mean an area of land that:

- (a) is provided for the temporary parking or storage of one motor vehicle for other than the purpose of sale or display; (By-law 13-1121)

**PERSON** shall mean an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under The Condominium Act, organisation, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**PERSONAL SERVICE SHOP** shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber shop, a hairdressing shop, a shoe repair shop and other similar services.

**PIT** shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

**PLACE OF AMUSEMENT** shall mean any commercial establishment or part thereof containing three or more pinball machines or other mechanical game machines or electronic game machines, excluding slot machines.

**PLACE OF WORSHIP** shall mean a building maintained and controlled by a religious body organised to sustain public worship and dedicated to religious worship and may include a synagogue, a church hall, church auditorium, Sunday school, convent, monastery or parish hall or any other place of worship.

**PRIVACY FENCE** shall mean a fence that will visually isolate, conceal or seclude objects, things, places or people.

**PRIVATE ROAD** shall mean a private right-of-way over private property, which affords access to abutting lots and is not maintained by a public body.

**PUBLIC AUTHORITY** shall mean Council or any School Board, or other board or commission or committee of the Municipality established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by By-law of the Municipality.

**PUBLIC BUILDING** shall mean any building or structure owned or leased by the Municipality, the Province of Ontario or the Government of Canada and in which government activities are carried out.

**PUBLIC SERVICES** shall mean, those services provided by the municipality through an implementing bylaw and include such services as public utilities, ambulance, fire protection, waste management, garbage collection, lake access points and parks and recreation.

**PUBLIC UTILITY** shall mean a water supply system or distribution system, a sewage collection and treatment system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone or data transmission system to serve the public and includes any lands, buildings or equipment required for the administration or operation of any such system and such utilities may be publicly or privately owned.

**RECONSTRUCTION** shall mean the cleaning, repairing or renovation of a building to a safe and/or better condition.

**RECREATIONAL TRAIL** shall mean trails to be used for hiking, cross-country skiing, mountain biking, dog sledding, snowmobiling, snowshoeing and in some cases all terrain vehicle riding. (By-law 13-1121)

**RECYCLING CENTRE** shall mean a building or an area where used material is separated prior to shipment to others who will use those materials to manufacture new products.

**REMOTE** shall mean areas with no municipally maintained road access and limited public services.

**RESTAURANT** shall mean:

a) a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure or off the site but does not include a drive-in restaurant; or

b) a premises consisting of a building or structure, together with a parking lot, from which food, refreshments, dairy products or beverages are offered for sale or sold to the public for consumption either in automobiles parked on the parking lot or for consumption elsewhere on the premises, but not necessarily within such building or structure, and does not include a building or structure where food, refreshments, dairy products or beverages are offered for sale or sold to the public only for consumption within the building or structure or off the premises; or



c) an establishment in which the design of physical facilities, the serving or packaging procedures permit or encourage the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where space for the consumption of foods in motor vehicles on the premises is not provided. (By-law 13-1121)\*3

RETAIL STORE shall mean a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail prices.

RIGHT-OF-WAY shall mean an area of land that is legally described in a registered deed for the provision of private access to abutting lots and does not include a lane, road or street.

ROAD see street.

ROOMING HOUSE means a building or portion thereof in which the proprietor resides and supplies for hire or gain to more than two persons, lodging and/or meals, but shall not include a bed and breakfast establishment, a hotel, hospital or nursing home.

RURAL shall mean areas with municipally maintained road access and limited public services.

SCHOOL shall mean an elementary school, a secondary school, a continuation school, a technical school or any other school established and maintained at public expense but does not include a private school operated for profit.

SCHOOL, COMMERCIAL shall mean a school, other than a private school, operated by one or more persons for gain or profit.

SCHOOL, PRIVATE shall mean a school other than an elementary, secondary or commercial school, under the jurisdiction of a private non-profit board of trustees or governors, a religious organization or a charitable organization, used primarily for the instruction of students receiving education. The term private school shall include a Montessori school. (By-law 13-1121)

SCRAP OR SALVAGE YARD shall mean a lot and/or land for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, shall include waste paper, rags, bottles, and used bicycles, vehicles, tires, metal and/or other scrap material and salvage.

SCREENING shall be any continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting that would effectively screen the property which it encloses, and is broken only where access drives and walks are located. See planting strips Section 6.34. (By-law 13-1121)

SERVICE COMMERCIAL shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the personal needs of persons, such as a barbers shop, a ladies hairdressing establishment, weight loss centre and a shoe repair shop.

SERVICE INDUSTRY shall mean a public garage, a printing establishment, a cleaning establishment, a paint shop, plumbing shop, sheet metal shop and similar uses.

SERVICE OR REPAIR SHOP shall mean a building or part of a building not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail establishment or not, for the servicing, repairing or renting, of articles, goods, materials, but does not include the manufacture or assembly of articles, goods or materials, bicycles, wheel chairs, orthopaedic and prosthetic appliances and articles for fabric mending, window glazing, metal repeating, painting and refinishing furniture and other household goods and includes a key shop, a custom picture framing shop, the business of renting small tools and appliances, costumes, chairs, tables, musical instruments and public address systems and other like articles and equipment, but shall not include the renting of automobiles, trucks, construction equipment or other similar articles.

**SETBACK** shall mean the distance between the street line or the shoreline and the nearest main wall of any building or structure and extending the full width or length of the lot or the shoreline.

**SHORELINE ACTIVITY AREA** shall mean the percentage or cumulative percentages of a shoreline frontage of a lot located within fifteen ( 15.0) metres of the normal or controlled high water mark where shoreline activity area structures are permitted. (See Plate #8) (By-law 13-1121)

**SHORELINE ACTIVITY AREA STRUCTURES** shall mean those structures that are located in the shoreline activity area and include land based boathouses, storage units, pumphouses, gazebos, boat launch facilities, decks and similar buildings and structures.

**SITE PLAN** shall mean a scaled drawing showing the relationship between the lot lines including the area extending from the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as: topographic features, parking areas, access points, docks, boathouses, driveways, walkways, landscaped areas, natural features, shoreline uses, building areas, minimum yards, building heights, utility lines, floor areas, densities and areas for special uses.

**SITE PLAN CONTROL** shall mean the powers vested in the Municipality under Section 41 of the Planning Act.

**SLEEP CABIN** shall mean an accessory building used for non-commercial sleeping accommodation accessory to a dwelling in the Special Management Area, Integrated Management Area, Remote Residential, or Rural Residential Zones. (By-law 07-745)

**STEEP SLOPE** shall mean the degree of deviation of a surface from the horizontal that is in excess of twenty percent (20%).

**STOREY** shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least one and eight-tenths (1.8) metres above average grade and provided also that any portion of a storey exceeding four (4.0) metres in height shall be deemed an additional storey for each four (4.0) metres or fraction thereof of such excess. (See plate #6)

**STOREY, ONE-HALF** shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, side walls not less than one and two tenths (1.2) metres in height and a ceiling with a minimum height of two and one third (2.33) metres over an area equal to at least fifty per cent (50%) of its floor area.

**STREET OR ROAD**, shall mean a public highway as defined by The Municipal Act and The Highway Traffic Act and shall exclude a lane or any private right-of-way or unopened road allowance, or any street which is shown on a registered plan of subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 50 (4) of The Planning Act, or which has not been assumed by the Municipality.

**STREET LINE** shall mean the boundary line of a street.

**STRUCTURE** shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure including sewage disposal systems.

**SWIMMING POOL** shall mean an artificial body of water, either above ground or in ground, intended and used primarily for bathing, swimming or diving.

**TOURIST COMMERCIAL ESTABLISHMENT** shall mean an establishment comprising land and buildings under single ownership where individual cabins or tent sites are offered for rent to tourists on a short-term basis. Such cabins may include food preparation facilities and/or sanitary facilities.

In addition, a permanent residence for the owner or proprietor may be located on the site. A tourist commercial establishment is neither a residential use nor a time share establishment.

TOURIST LODGE shall mean an establishment comprising land and building under single ownership providing meals and sleeping accommodation in a single building for the use of tourists on a short-term basis. A tourist lodge is neither a residential use nor a time share establishment.

TOURIST OUTFITTER ESTABLISHMENT shall mean an establishment which operates throughout all or part of the year, which may or may not provide accommodation and facilities for serving meals and which furnishes supplies, equipment or services to persons participating in angling, hunting, camping, canoeing or other similar recreational pursuits.

TRADESPERSON shall mean a carpenter, plumber, electrician, welder, general contractor or a person engaged in a similar occupation, providing a service to the general public.

TRAIL, when used to describe a trail from the shoreline to a private cottage, shall mean an area no wider than two (2.0) metres, not constructed at right angles to the shoreline, routed to avoid trees larger than ten (10.0) cm in diameter at a point two (2.0) metres above the ground, cleared of shrubs and cleared of branches that encroach into the two (2.0) metre width, to a height of approximately three (3.0) metres. (By-law 13-1121)

TRAILER shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purposes of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation or the transport of a boat, tent or materials, notwithstanding that such vehicle is jacked up or, that its running gear is removed.

TRAILER PARK shall mean an establishment comprising land or premises under single ownership, licensed by the Municipality and used for the occupation of travel trailers on a temporary or seasonal basis between April 15 and November 1 of the same year and where community laundry, social, local commercial and recreational facilities for the exclusive use of the trailer park occupants may be located.

TRAVEL TRAILER shall mean an object designed for accommodation intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self-propelled and includes tent trailers or similar transportable accommodation, but does not include a mobile home.

USE shall mean the purpose for which any land, building, structure or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained and the word 'used' has a corresponding meaning.

VEGETATIVE BUFFER shall mean the area that either extends from the shoreline to the front wall of the main building on the lot or extends back from the shoreline a distance equal to the minimum front yard setback for the main building on the lot, whichever distance is greater. The vegetative buffer is comprised of all vegetation including, but not limited to grasses, shrubs, bushes and trees. (By-law 13-1121)

VIEWING/VENTILATION CORRIDOR shall mean a clearing between the shoreline and a private cottage to provide a view towards the lake and ventilation to the cottage, that of which can be characterized as no wider than six (6.0) metres, does not involve the removal of any trees greater than ten (10.0) cm in diameter at a point two (2.0) metres above the ground, does not involve the removal of any naturally occurring grasses or shrubs, does not include the mowing of grass or shrubs and does include the trimming of branches (to a height of three [3.0] metres above ground) of trees located within the corridor and the trimming of branches of trees located outside the corridor where those

branches encroach into the six (6.0) metre corridor, also to a height of approximately two (2.0) metres above ground level. However, where a Viewing/Ventilation Corridor also functions as a Trail, vegetation to a maximum width of two (2.0) metres within the Viewing/Ventilation Corridor may be cleared in accordance with the provisions for a Trail. (By-law 13-1121)

**WALKWAY** shall mean a parcel of land or part of a parcel of land, publicly owned, used by pedestrians and serves a connecting function between two streets or between two publicly owned parcels of land.

**WASTE DISPOSAL SITE** shall mean any land approved by the Ministry of the Environment upon, into or in which waste may be deposited or processed or has been deposited or processed in the past.

**WAYSIDE** or **BORROW PIT** shall mean a temporary pit opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**YARD** shall mean an open, uncovered space on a lot appurtenant to a main building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used. (See plate #4).

**YARD, FLANKAGE** shall mean the yard of a corner lot adjacent to the street which yard extends from the front yard to the rear yard of a lot between the lot line and the nearest main wall of any building or structure on the lot and the "Minimum" flankage yard means the minimum depth of a flankage yard on a lot between the side lot line and the nearest main wall on any main building or structure on the lot. (See plate #3). See **LOT LINE, FRONT**

**YARD, FRONT** shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot and the "Minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot. The front yard on an island lot will consist of the entire shoreline. (See plate #2).

**YARD, REAR** shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot and the "Minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot. (See plate #2).

**YARD, SIDE** shall mean a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot and the "Minimum" side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot. (See plate #3).

**YOUTH CAMP** shall mean a location where campers spend all or part of the summer living in tents, cabins or dormitories, participating in organized activities, sports, and arts and crafts and usually eating together in a central dining facility and may also include other buildings, structures, boathouses and docks accessory to the youth camp.

**ZONE** shall mean a designated area of land use shown on Schedule A of this By-law.

## SECTION 6 - GENERAL PROVISIONS - ALL ZONES

### 6.01 ZONES

For the purposes of this By-law, the following Zones are established and are shown on Schedule B to this By-law:

<b>Zone</b>	<b>Symbol</b>
Protected Area (PA) Zone	(PA)
Special Management Area (SMA) Zone	(SMA)
Integrated Management Area (IMA) Zone	(IMA)
Remote Residential (R1) Zone (Lake Temagami)	(R1)
Remote Residential (R2) Zone	(R2)
Rural Residential (R3) Zone	(R3)
Low Density Residential (RL) Zone	(RL)
Medium Density Residential (RM) Zone	(RM)
High Density Residential (RH)(RH)	Mobile Home Park Residential (RMH) Zone (RMH)
Tourist Commercial (TC) Zone	(TC)
Tourist Commercial Youth Camp (TCYC) Zone	(TCYC)
Tourist Commercial marina (TCM) Zone	(TCM)
Urban Commercial (UC) Zone	(UC)
Highway Commercial (HC) Zone	(HC)
Neighbourhood Commercial (NC) Zone	(NC)
Light Industrial (ML) Zone	(ML)
Heavy Industrial (MH) Zone	(MH)
Mineral Aggregate (MA) Zone	(MA)
Park (P) Zone	(P)
Open Space (OS) Zone	(OS)
Community Use (CU) Zone	(CU)
Waste Disposal (WD) Zone	(WD)
Future Development (FD) Zone	(FD)

(By-law 13-1121)

### 6.02 ABANDONED MOTOR VEHICLES AND EQUIPMENT

The parking or storage of abandoned, unused or discarded motor vehicles or equipment is prohibited in all zones except:

- a) if such vehicles or equipment are stored inside a garage;
- b) if the vehicles are licensed for only part of the year, up to three vehicles may be stored on the same lot from which they are normally operated but not in the front yard; and

- c) vehicles and equipment used directly in the mining or forestry industry may be stored on the industrial site from which they are operated, provided that they are kept in operating condition.

### **6.03 ACCESSORY APARTMENTS**

An accessory apartment for the use of the owner or operator is permitted in certain commercial buildings, in accordance with the provisions of this By-law. Rental apartment units are permitted on the upper floor or floors of certain commercial buildings, in accordance with this By-law.

Apartments in houses shall be subject to the Ontario Regulation Number 384/94 of the Ontario Planning Act.

### **6.04 ACCESSORY BUILDINGS AND USES**

- a) Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or accessory use incidental thereto, unless otherwise noted in this By-law. (By-law 13-1121)
- b) An accessory building, in accordance with Section 6.04, shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling, such accessory building shall be no greater than fifteen (15.0) square metres in gross floor area and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage, except as otherwise permitted in this By-law. (By-law 13-1121)
- c) Except as otherwise permitted in this By-law an accessory building shall be limited to a maximum of fifteen (15.0) square metres **gross floor area**. (By-law 13-1121)
- d) Except as may be provided herein any accessory building or structure shall be erected to the rear of the front yard setback line of the main building. Accessory buildings may be permitted in the front yard of shoreline properties, subject to site plan control and the provisions of this By-law. (By-law 07-745).
- e) No accessory building shall be built within two (2.0) metres of the main building in any zone.
- f) Within the R1, R2 and R3 Zones:
- on lots less than eight tenths (0.8) hectares, the maximum number of accessory buildings shall be 3; in addition to permitted detached garages, sleep cabins and boathouses;
  - on lots from eight tenths (0.8) hectares to one and one half (1.5) hectares, the maximum number of accessory buildings shall be 4 in addition to permitted garages, sleep cabins and boathouses; or (By-law 13-1121)
  - on lots greater than one and one half (1.5) hectares, the maximum number of accessory buildings shall be 6 in addition to permitted garages, sleep cabins and boathouses. (By-law 07-745).

## 6.05 AUTOMOBILE SERVICE STATIONS AND GAS BARS

Where automobile service stations and gas bars are permitted in this By-law, the following provisions shall apply:

	<b>Interior Lot</b>	<b>Corner Lot</b>
a) Minimum Lot Frontage	60 metres	60 metres
b) Minimum Lot Depth	45 metres	60 metres
c) No portion of any pump island on an automobile service station or gasoline bar lot shall be located closer than six (6) metres from the street line of any street;		
d) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than nine (9) metres;		
e) The maximum width of a curb ramp at the street line shall be not more than nine (9) metres and the minimum width not less than eight (8) metres.		
f) The minimum distance between ramps shall not be less than nine (9) metres;		
g) The minimum distance between the property line of the lot at the street line and the nearest ramp shall be three (3) metres;		
h) The area included between ramps or between ramps and a street line or property line as required by this By-law shall not be used for any purpose other than landscaping;		
i) The following minimum provisions shall apply to buildings and pumps associated with this use:		
(a) Front Yard	7.5 metres	
(b) Side Yard	4.5 metres	
(c) Rear Yard	7.5 metres	
j) There is no external advertising other than a sign erected in accordance with any by-laws of the Municipality regulating signs.		

## 6.06 BOATHOUSES

A boathouse is not permitted on a lot with a lot frontage of less than forty five (45) metres when the lot abuts other patented/developed land.

In Special Management Area (SMA), Integrated Management Area (IMA), Remote Residential (R2) and Rural Residential (R3) Zones, a portion of a land based or a water based boathouse may contain sleeping accommodations and bathroom facilities only in the upper half storey but shall not contain kitchen facilities. . (By-law 07-745)

In the Remote Residential (R1) Zone, neither sleeping accommodations nor bathroom facilities are permitted in a land based or water based boathouse. (By-law 07-745)

(Former provision added by By-law 07-745 deleted by By-law 13-1121.)A boathouse containing sleeping accommodations in the Remote Residential (R2) Zone or the Rural Residential (R3) Zone is not deemed to be a sleep cabin for the purpose of calculating the number of sleep cabins on a residential lot. (By-law 13-1121)

The maximum number of water based and/or land based boathouses on any residential lot shall be one (1) except in the case of a lot greater than eight tenths (0.8) hectare in size in which case two (2) land based boathouses or one (1) land based boathouse and one (1) water based boathouse is permitted.

A water-based boathouse shall have a gable, hip or flat roof. A land-based boathouse shall have a gable, hip, flat, peaked, or mansard roof, except in the Remote Residential (R1) Zone where the boathouse shall have either a gable, hip or flat roof. (By-laws 07-745 & 13-1121)

The maximum height of a water-based boathouse shall be the greater of:

- 1.5 storeys, except in the Remote Residential (R1) Zone where the maximum height shall be one (1) storey with a maximum pitch roof of 4/12, as defined in the by-law (By-law 07-745); or
- 6.0 metres, except in the Remote Residential (R1) Zone where the maximum shall be five (5) metres, measured from the top of an attached deck or dock, which is not greater than one (1.0) meter above the high water level, to the highest point of the roof, or a total of seven (7.0) metres above water level, except in the Remote Residential (R1) Zone where the maximum shall be six (6) metres. (By-law 07-745)

The height of the side walls of a water based boathouse shall be no greater than three (3.0) metres measured from the top of an attached deck or dock that is not more than one (1.0) metres above water level.

The width and length of a water-based boathouse with two boat slips shall not exceed eleven (11.0) metres by thirteen (13.0) metres and the width and depth of a water-based boathouse with one boat slip shall not exceed seven and one half (7.5) metres by thirteen (13.0) metres. No water-based boathouse shall have more than two (2) boat slips. Any exterior floating deck or dock attached to the boathouse and no greater than one (1.0) metre above water level is not deemed to be part of the boathouse for the purposes for calculating the width of the boathouse.

No water-based boathouse shall encroach into the main building side yard setback, if the side lot lines were extended into the water.

The maximum distance from a water-based boathouse to the land shall be three (3.0) metres.

The maximum height of a land-based boathouse shall be one and one half (1.5) storeys, except in the Remote Residential (R1) Zone where the maximum height shall be one (1) storey with a maximum pitch roof of 4/12. (By-law 07-745)

The maximum width and length of a land-based boathouse shall not exceed six (6.0) metres and ten (10.0) metres respectively.

For the purposes of calculating the number of boathouses on a lot a detached garage shall not be deemed to be a land based boathouse. (By-law 13-1121)

## **6.07 BUILDING REPAIR AND RECONSTRUCTION**

Nothing in this By-law shall prevent the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner, provided that the minimum frontage or area, or the minimum front, side or rear yards or any other standards



required by this By-law are not further reduced or its original use altered, except in accordance with the provisions of this By-law. (By-law 13-1121)

## **6.08 BUILDINGS TO BE MOVED**

In all zones, no building, residential or otherwise normally requiring a building permit for construction shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a permit from the Building Inspector.

## **6.09 CHANGE OF USE**

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

## **6.10 COMMERCIAL MOTOR VEHICLE PARKING**

In any residential zone, the temporary parking of one commercial motor vehicle shall be permitted provided that:

- a) the gross weight of the vehicle is not greater than 4,475 kg;
- b) the vehicle is operated by the owner or occupant of the dwelling unit on the lot;
- c) the vehicle is not parked in the front yard; and
- d) the vehicle is not stored on the lot.

## **6.11 CONTRACTOR'S YARD**

A contractor's yard may be carried out in the R1, R2 and R3 Zones in accordance with the following and in accordance with the provisions of Section 7.4.3, Section 7.5.3 and Section 7.6.3.

- (a) in the case of a lot fronting on a public road, a contractor's yard shall be located in the rear yard;
- (b) in the case of a lot fronting on both a public road and a navigable body of water, a contractor's yard shall be located in the yard abutting the road;
- (c) in the case of a water access lot, a contractor's yard may be located in the front yard, subject to the provisions of this By-law;
- (d) there is no external advertising other than a sign erected in accordance with any by-laws of the Municipality regulating signs;
- (e) a contractor's yard shall be used only for the outdoor storage of tools, equipment and in-transit building materials, except noxious or hazardous good or materials;
- (f) neither accessory buildings nor boathouses shall be used in conjunction with the contractor's yard;
- (g) an office associated with the contractor's yard may be located in the dwelling located on the same lot;
- (h) on a water access lot, a contractor's yard shall be screened by a solid vegetative buffer no less than ten (10.0) metres in width from the normal shoreline in order to buffer the contractor's yard from the viewing public and adjacent lots;

- (i) such contractor's yard is clearly secondary to the main residential use, does not change the residential character of the dwelling;
- (j) except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard; and
- (k) except in the case of island lots, one on-site parking space shall be provided for patrons of the contractor and such parking space shall not be provided in the front yard.

## **6.12 CORNER LOTS IN RESIDENTIAL ZONES**

Notwithstanding any other provision of this By-law, on a corner lot, no part of any building or accessory building setback that abuts a street shall be less than the minimum front yard setback

## **6.13 DAYLIGHTING TRIANGLES**

On a corner lot, a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall not be erected or permitted to grow to a height greater than one (1.0) metre above the grade of the streets that abut the lot within the triangular area included within the street line for a distance of six (6.0) metres from their point of intersection.

## **6.14 DWELLING UNIT BELOW GRADE**

No type of dwelling unit shall in its entirety be located in a cellar. A dwelling unit in its entirety may be located in a walkout basement or a basement, which has at least one exterior wall completely above the grade adjacent to that wall and which is an accessory apartment.

## **6.15 DWELLING UNITS IN A COMMERCIAL BUILDING**

No person shall use any lot, or erect, alter or use any building or structure for the purpose of an apartment dwelling unit(s) on a lot zoned for commercial use, including a dwelling unit for the owner or a caretaker other than within a portion of the commercial building, except as permitted in the Tourist Commercial (TC) Zone, and in accordance with the following regulations:

- a) The dwelling unit(s) shall have separate washroom, bathroom and kitchen facilities from those of the commercial use;
- b) The dwelling unit(s) shall not be located in a basement or cellar;
- c) The dwelling unit(s) shall not occupy more than 50% of the gross floor area of the ground floor;
- d) The dwelling unit(s) shall have a separate parking space as provided by Section 6.33 hereto; and
- e) The dwelling unit(s) shall have a separate building entrance to that provided for the commercial use. (By-law 13-1121)

Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a commercial building that is used for an automobile service station, an auto body repair shop or a public garage. (By-law 13-1121)

## **6.16 FENCES**

No fence may be erected within the municipality which does not comply with the following specifications and Section 6.12 of this By-law:

- a) Any fence erected in a required front yard shall be at least fifty percent (50%) open, and no fence erected in a required front yard may exceed nine tenths (0.9) metres in height measured from ground level. A clearance of seven and one half (7.5) centimetres shall be allowed for installation purposes and shall not count in determining the height of a fence in a residential zone.
- b) No privacy fence may be erected in the front yard of a residence. For through lots, that yard which is used as a rear yard and which would normally be considered a rear yard for lots other than through lots shall be considered a rear yard for the purposes of erecting a fence
- c) In residential zones, no fence may be erected which exceeds two metres in height above ground level
- d) In residential zones, no fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials.
- e) All chain link fences shall be installed with the knuckle portion of the fence up and with the barb portion of the fence on or near the ground.
- f) No fence may be electrified except for the protection of livestock.

## **6.17 FORESTRY**

No commercial extraction of timber shall be permitted within one hundred and twenty (120.0) metres of any residential zone or within one hundred and twenty (120.0) metres of an existing dwelling located on a lot under separate ownership, except in accordance with the provisions of a forest management plan.

## **6.18 FRONTAGE ON A PUBLIC ROAD OR STREET**

No person shall erect any building or structure in any R3, RL, RM, RH, RMH, UC, HC, NC, ML or MH Zone unless the lot upon which such building or structure is to be erected fronts upon an open public street or road (By-law 13-1121)

Notwithstanding the foregoing;

- (a) a dwelling unit may be erected on a lot that existed prior to the adoption of this By-law where the lot abuts a right-of-way that existed prior to the adoption of this By-law and that provides access to a street that is open and maintained year round; and
- (b) a dwelling unit may be erected on a lot having only water access provided there is a developed public access point to serve the lot.

## **6.19 GARDEN SUITE**

The gross floor area of the garden suite shall not exceed thirty percent (30%) of the existing living area of the primary residence or seventy one (71) square metres in gross floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site. (By-law 13-1121)

## **6.20 GREATER RESTRICTIONS**

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

## **6.21 HEIGHT EXCEPTIONS**

Notwithstanding the height provisions, nothing in this By-law shall apply to prevent the erection of a church spire, flag pole, belfry, clock tower, chimney, radio or television tower or antenna.

## **6.22 HOME INDUSTRY**

A home industry may be carried out in the R1, R2 and R3 Zones in accordance with the following and in accordance with the provisions of Section 7.4.3, Section 7.5.3 and Section 7.6.3.

- (a) there is no external advertising other than a sign erected in accordance with any by-laws of the Municipality regulating signs;
- (b) the external storage of goods, materials or equipment is not permitted;
- (c) such home industry is not an obnoxious use, trade, business or manufacture;
- (d) such home industry is clearly secondary to the main residential use, does not change the residential character of the dwelling and in no case shall the accessory building used for the home industry have a gross floor area greater than forty percent (40%) of the ground floor area of the dwelling;
- (e) not more than two (2) persons, other than the owner of the dwelling shall be employed in a home industry on a full-time basis;
- (f) except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard;
- (g) except in the case of island lots, one on-site parking space shall be provided for patrons of the home industry and such parking space shall not be provided in the front yard;
- (h) except in the case of island lots, an accessory building used for a home industry shall not be located in the front yard or flankage yard of the residential lot; and
- (i) notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the property line of five (5.0) metres.

## **6.23 HOME OCCUPATION**

A Home Occupation may be carried out in certain zones, where permitted, subject to the following:

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;
- (b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is

being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;

- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularity in regard to noise, noxious odours or emission of smoke, traffic or parking;
- (d) such home occupation does not interfere with television or radio reception;
- (e) there is no outside storage of goods or materials and there is no use of any part of an accessory building;
- (f) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;
- (g) such home occupation uses may include a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;
- (h) when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;
- (i) (By-law 13-1121) except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.

## **6.24 LICENSES, PERMITS AND OTHER BY-LAWS**

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

## **6.25 LIGHTING BESIDE NAVIGABLE WATER BODIES**

Lighting shall not interfere with the view of the night sky or spill onto the surrounding properties. Lighting shall not exceed a maximum height of nine (9.0) metres and shall be directed downward.

## **6.26 LOADING SPACE REGULATIONS AND REQUIREMENTS**

### **a) Access**

Access to loading or unloading spaces shall be by means of a driveway at least six (6.0) metres wide.

### **b) Loading Space Surface**

The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

c) Location

The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of twenty-five (25.0) metres.

d) Addition of Existing Use

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

e) Loading Requirements

For every commercial or industrial building having in excess of two hundred (200.0) square metres gross floor area, located on a lot having access from a municipal road, one (1) loading space for the first four hundred (400.0) square metres of gross floor area plus one space (1) for every additional two hundred (200.0) square metres of gross floor area, or portion thereof. (By-law 13-1121)

## **6.27 MOBILE HOMES**

Mobile homes as defined in the Planning Act are only permitted in Mobile Home Parks.

## **6.28 NON-COMPLYING LOTS AND BUILDINGS**

Continuation of existing non-complying uses

Nothing in this By-law shall prevent the strengthening to a safe condition, the rebuilding, repair or use of a building, structure or fence which is either lawfully non-complying itself or is situated on a lawfully non-complying lot, provided that the use of the building or structure is conforming and that the non-compliance, if any, of the original building, structure or fence is not increased, and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

Enlargements, additions or alterations are permitted to buildings or structures, which are either lawfully non-complying themselves, or are situated on lawfully non-complying lots, provided that:

- The use of the lot and the building or structure is conforming; and
- The extent to which the building, structure or lot does not meet the requirements of this By-law is not increased; and
- None of the requirements of this By-law, which were not infringed by the building or structure as it existed immediately prior to the construction of any enlargement, addition or alteration hereby permitted, are affected.

Continuation of non-complying lots

A lot held as a single lot prior to the date of the passing of this By-law may be built upon, even though said lot is of such size that it cannot comply with the minimum frontage and/or depth and/or area required by this By-law and/or cannot comply with the minimum separation distances with the exception of waste disposal sites, provided that the proposed use complies with all other applicable provisions of this By-law. (By-law 13-1121)

## 6.29 NON-CONFORMING USES AND BUILDINGS

The provisions of this By-law shall not apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the date of the passing of this By-law so long as it continues to be used for that purpose.

Nothing in this By-law shall apply to prevent the alteration of a residential building existing at the date of passing of this By-law in a Commercial Zone, provided that such alteration does not contravene any of the provisions of this By-law. (By-law 13-1121)

## 6.30 NUMBER OF DWELLING UNITS ON ONE LOT

Not more than one (1) single detached dwelling unit shall be erected on one lot, subject to the provisions of Section 6.41. (By-law 13-1121)

## 6.31 OCCUPATION OF UNCOMPLETED BUILDINGS

A certificate of compliance for occupation of a building shall be issued by the Municipal Building Officer under the regulation of the Ontario building Code R.S.O. and/or The Municipal building By-law prior to the building being occupied.

## 6.32 OPEN STORAGE

Open storage is not permitted in the front yard of any Zone, except where the residential lot occupies an entire island in which case the open storage associated with a contractor's yard shall be set back a minimum of ten (10.0) metres from the high water mark.

## 6.33 PARKING AREA REGULATIONS

Parking spaces and areas are required under this By-law in accordance with the following provisions:

### a) Parking Space Requirements

The owner of every building or structure erected or used for any of the purposes hereinafter set forth, except those located on islands or not accessible by a public road, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

Type of building accessed by road	Minimum Parking Required
Residential units accessed by road	2 parking spaces per dwelling unit
Condominium Apartment Building	1.45 parking spaces per dwelling unit for resident parking plus 0.3 parking spaces per unit for visitor parking
Rental Apartment Building	1.25 parking spaces per dwelling unit for resident parking plus 0.33 parking spaces per unit for visitor parking
Accessory apartments	1 parking spaces per apartment

<b>Type of building accessed by road</b>	<b>Minimum Parking Required</b>
Bed and Breakfast Establishment	1 parking spaces per guest room in addition to the parking required for the main dwelling unit
Medical, Dental or Drugless Practitioner's Office or Clinic	5 parking spaces for each practitioner
Seniors Facility	0.75 parking spaces per unit for resident parking plus 0.2 parking spaces per unit for visitor parking
Nursing Home	1 parking space for every 4 beds
Church, Funeral Home, Auditorium, Restaurant, Theatre, Arena, Hall, Private Club, or other Places of Assembly.	Where there are fixed seats, 1 parking space for every 5 seats or 3 metres of bench space, where there are no fixed seats, 1 parking space for each 9.0 sq. metres of floor area devoted to public use.
Hospital or Institution	1 parking space for each 2 beds or 40 sq. metres of gross floor area whichever is greater plus 1 additional space for each resident doctor or resident employee.
Hotel, Motel and Tourist Establishments	1 parking space per unit or guestroom and 1 additional parking space for each 10.0 sq. metres of gross floor area devoted to public use.
Office, including a Home Occupation	1 parking space per 30 square metres of gross floor area.
Home Industry	1 parking space per employee plus 1 parking space for patrons.
Neighbourhood Commercial	1 parking space for every 30 square metres of gross commercial floor area of building.
Other Commercial Uses	1 parking space for each 30 square metres of gross commercial floor area of building.
Schools	1 parking space for each teaching area, plus separate bus loading area per 2 teaching areas.
Industrial	At least 1 parking space for every 150 sq. metres of gross floor area.
Marina	1 parking space for each 20 sq. metres of gross retail floor area, plus 1 parking space for each non-transient boat slip provided plus 10 additional spaces.
Bowling Alleys, Curling Rinks and Arenas	1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet).

(By-law 13-1121)



b) Parking Area Requirements

Parking areas shall conform to the following requirements:

- (i) the parking area shall be located on the same lot as the use it is intended to serve except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law;
- (ii) each parking space shall be at least three (3.0) metres by six (6.0) metres and shall be provided with unobstructed access to a street by a driveway, aisle, lane or private road;
- (iii) any parking area designed to serve water access lots shall be screened and shall not be visible from the water during the summer months.
- (iv) the requirement for parking designated for vehicles of handicapped persons shall be at least one per cent (1%) of the parking spaces required on any lot providing greater than ten (10) parking spaces and shall:
  - (i) have a minimum rectangular dimensions of four and one half (4.5) metres by six (6.0) metres; and
  - (ii) be located on level ground readily accessible to an entrance to such building; and
  - (iii) be clearly identified and reserved for the exclusive use of physically disabled persons.
- (v) any parking area designed to service water access points or water access lots shall be located a minimum of fifteen (15.0) metres from the front lot line and/or shoreline.

c) Parking Area Surface

In a Commercial Zone, a parking area and driveway connecting the parking area with a street shall be maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities.

d) Ingress and Egress

- (i) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least four (4.0) metres but not more than nine (9.0) metres in perpendicular width.
- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be nine (9.0) metres.
- (iii) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be ten (10.0) metres.
- (iv) The minimum angle of intersection between a driveway and a street line shall be sixty degrees (60.0°).
- (v) Every lot shall be limited to the following number of driveways:
  - (1) up to the first thirty (30.0) metres of frontage not more than two (2) driveways; and
  - (2) for each additional thirty (30.0) metres of frontage not more than one (1) additional driveway.

e) Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than nine (9.0) metres above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

f) Addition to building or structure

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

g) Use of Parking Spaces and Areas

Any area where off-street parking is permitted under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid licence plates.

For the purposes of this subsection "commercial motor vehicle" shall mean any commercial vehicles as defined in the Highway Traffic Act.

Notwithstanding the foregoing, no person shall within any Low Density Residential Zone use any part of any front yard except the driveway for the parking or temporary storage of tent trailers, motor homes, land cruisers, truck campers, or boats.

No person shall, in any Low Density or Medium Density Residential Zone use any tourist or travel trailer for the purpose of providing permanent living or eating accommodation. Sleeping accommodation may be provided in a tourist or travel trailer for a period not exceeding fourteen (14) days, notwithstanding that such trailer is jacked up or that its running gear is removed.

h) Calculation of Required Spaces

(i) Rounding

Where the calculation of parking space requirements in accordance with this By-law results in a fraction of a parking space being required for a lot, any fraction in excess of one half (0.5) shall be rounded up to the next whole number.

(ii) More than one use

Except as expressly provided elsewhere in this By-law, where more than one type of use is located on a lot, the total number of parking spaces required for such lot shall be the sum of parking space requirements for such separate uses.

(iii) Buffer Area

Where a parking area is designed to accommodate more than six (6) automobiles, a strip of land not less than three (3.0) metres wide, around the periphery of the said

parking area and within the lot in which said parking area is located shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances nor exits to said parking area across the strip.

### **6.34 PLANTING STRIPS**

Where a lot is used for a Commercial or Industrial purpose and the interior side or rear lot line abuts a residential lot then a strip adjoining such abutting lot line shall be used for no purpose other than a planting strip in accordance with the following provisions:

- a) Width of Planting Strip Minimum three (3.0) metres.
- b) The planting strip shall be used for no other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than one and one-half (1.5) metres high immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedgerow shall be required or permitted to a height in excess of one (1.0) metre closer to a street line than the required yard depth.
- c) Driveways or Walks  
In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within three (3.0) metres of the edge of such driveway or within one and one-half (1.5) metres of the edge of such walk.
- d) Landscaped Open Space  
A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.
- e) Any large industrial or commercial use adjacent to any residential or institutional use shall be required to provide screening or buffering which shall act as an opaque visual barrier.

### **6.35 PROHIBITED USES**

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited in the Municipality.

- a) No use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Municipality to be a noxious trade, business or manufacture under The Public Health Act or regulations thereunder, Chapter 377, R.S.O. 1970, as amended.
- b) The use of any land or lot for the purpose of a tourist trailer park or the use of a tourist trailer, or mobile home for human habitation except as specifically provided by this By-law.
- c) The use of any land or lot for the purpose of a scrap or salvage yard except as specifically provided by this By-law.
- d) The use of any land or lot for the purpose of a waste disposal area, landfill site, or dump except for licensed public landfill sites owned and/or operated by the Municipality or the Ministry of Natural Resources.
- e) A dwelling unit in a basement having a height of less than two (2.0) metres from floor to ceiling;

- f) A dwelling unit in a cellar;
- g) Blood or bone boiling;
- h) Extracting oil from fish or animal matter; and
- i) Manufacturing or storage of fertiliser from animals.

### **6.36 PUBLIC USES PERMITTED**

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 and/or any Public Authority, or Ministry of the Government of Ontario or Canada, including Ontario Power Generation and Hydro One, or any telecommunications or utility company, provided that where such land, building or structure is located in any zone:

- a) no goods, material or equipment shall be stored in the open, except as permitted in such zone;
- b) the lot coverage and yard requirements described for such zones shall be complied with;
- c) parking and loading requirements as contained in this By-law shall be complied with.

Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer, storm sewer, gas main or overhead or underground hydro and telephone line provided that the Municipality has approved the location of such utility.

### **6.37 RAILWAYS**

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer than forty-five (45.0) metres to the point, of intersection of the centre line of both the railway and the road or street.

Notwithstanding any other provisions of this By-law, in any industrial zone, no setback shall be required in any yard that abuts a railway right-of-way.

### **6.38 REDUCTION OF REQUIREMENTS**

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

### **6.39 SETBACKS FROM PROVINCIAL HIGHWAYS**

Notwithstanding any other provisions of this By-law, the minimum building setback for a residential building and any building or structure accessory thereto from a provincial highway shall be 8.0 metres from the right-of-way or 26 metres from the centre line of the right-of-way, whichever is greater.

Notwithstanding any other provisions of this By-law, the minimum building setback for a non-residential building and any building or structure accessory thereto from a provincial highway shall be 8.0 metres from the right-of-way or 26 metres from the centre line of the right-of-way, whichever is greater.

Notwithstanding any other provisions of this By-law, the minimum setback for a well from a provincial highway shall be 30 metres from the right-of-way. (By-law 13-1121)

#### **6.40 SHORELINE ACTIVITY AREA**

To maintain the natural viewscape and to protect the environmental integrity of the shoreline on waterfront lots there is a limit on the total area of structures within fifteen (15.0) metres of the normal or controlled high water mark.

The total area permitted for shoreline activity area structures varies directly with the size of the Shoreline Activity Area (SAA) (see plate #8). The SAA is calculated by multiplying the shoreline frontage by 15 metres.

- a) On remote or rural residential lots the maximum total area of all structures within the SAA shall be the lesser of ten percent (10.0%) of the SAA or one hundred (100.0) square metres for lots less than eight tenths (0.8) of a hectare. If a lot is greater than or equal to eight tenths (0.8) of a hectare then the maximum area for all SAA structures is the lesser of one hundred and sixty (160.0) square metres to only allow for a second dry land boathouse or ten percent (10.0%) of the shoreline activity area, whichever is less.
- b) Notwithstanding the above the total lot coverage shall not exceed eight percent (8.0%).
- c) For tourist commercial or institutional lots the maximum area of all structures within the SAA is thirty three (33.0%) of the SAA; and
- d) For marinas the maximum area of all structures within the shoreline activity area is fifty percent (50.0%) of the shoreline activity area.
- e) Disturbances in the natural vegetation adjacent to the shoreline shall be limited to the following:

Meandering pathways or access points to the shoreline constructed of permeable materials no wider than two (2.0) metres, pruning of trees for viewing and ventilation purposes. Ventilation clearing around buildings shall be limited to three (3.0) metres and viewing corridors shall be limited to six (6.0) metres, and the removal of trees for safety reasons; or

Twenty five percent (25%) of the shoreline, whichever is the lesser. (By-law 13-1121)

#### **6.41 SLEEP CABINS**

Notwithstanding Section 6.30, sleep cabins are permitted on lots in the Remote Residential (R1), (R2) and Rural Residential (R3) Zones and on existing residential lots in the SMA and IMA Zones in accordance with the following standards. (By-law 07-745)

- a) Sleep cabins shall not be more than one (1) storey in height. (By-law 07-745)
- b) On any residential lot existing on the date of passing of this By-law, less than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of one (1) sleep cabin without bathroom and kitchen facilities is permitted.

- c) On any residential lot existing on the date of passing of this By-law greater than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones and any residential lots created after the approval of this By-law in the R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of two (2) sleep cabins are permitted, in accordance with the provisions of this Section. (By-law 07-745)
- d) The maximum gross floor area of the first sleep cabin on any lot in the SMA, IMA, R1, R2 or R3 Zone shall not exceed seventy two (72.0) square metres and where permitted, the second sleep cabin shall not exceed thirty six (36.0) square metres.
- e) On a lot greater than or equal to four tenths (0.4) hectares in the R1 Zone and R2 Zone, one (1) sleep cabin may have bathroom or kitchen facilities, where the sleep cabin is connected to the water supply and/or sewage disposal system of the main dwelling on the lot and subject to the other provisions of this By-law while the second sleep cabin, where permitted shall have neither bathroom nor kitchen facilities.
- f) On an existing lot greater than or equal to one and six tenths (1.6) hectares in the R1, R2, and R3 Zones, only one (1) sleep cabin with bathroom and kitchen facilities may be permitted provided that the sleep cabin is connected to approved independent, on-site water supply and sewage disposal systems. The sleep cabin with kitchen and bathroom facilities and the associated water supply and sewage disposal systems shall be located on the lot such that a lot containing the sleep cabin and water supply and sewage disposal systems can be severed from a lot containing the main cabin and associated water supply and sewage disposal systems with the severed and retained lots and buildings conforming to the lot size, lot frontage, building setback standards and all other relevant standards of this By-law. (By-law 07-745)

For the purposes of calculating the number of sleep cabins on a lot, a boathouse with sleeping accommodations, is deemed to be a sleep cabin.

For the purpose of complying with the provisions of this section, the severed sleep cabin with kitchen and bathroom facilities shall be deemed to be the main building on the new lot and shall conform to the standards for a main building on a lot.

Sleep cabins shall not be used to accommodate guests as part of a bed and breakfast establishment. (By-law 13-1121)

## **6.42 Special Setbacks**

Special setbacks shall apply to all lots in all zones that either abut a narrow water body or have steep slopes.

### **Narrow Water Bodies**

If the narrow water body is:

- a) Less than twenty (20.0) metres straight line distance in width from shoreline to shoreline, no structure projecting from the shoreline shall be permitted except through a Zoning By-law Amendment. (By-law 13-1121)
- b) Between twenty (20.0) and thirty (30.0) metres straight line distance in width from shoreline to shoreline, the maximum a structure is permitted to project into the water is no greater than eight (8.0) metres into the narrow waterbody and all structures projecting into a narrow water body shall be separated by a minimum distance of one

hundred and fifty (150.0) metres. Boathouses are prohibited except through a Zoning By-law Amendment. (By-law 13-1121)

- c) Between thirty (30.0) and sixty (60.0) metres in a straight line distance in width from shoreline to shoreline, the maximum a structure is permitted to project into the water is no more than eleven (11.0) metres into the narrow water body unless separated by more than one hundred and fifty (150.0) metres from another structure extending into the narrow water body in which case the structure can extend fifteen (15.0) metres into the narrow water body from the shoreline. (By-law 13-1121)

### **Unstable Slopes and Steep Slopes**

For lots with a slope between twenty percent (20.0 %) (18 degrees) to forty percent (40.0%) (36 degrees) or unstable soils a site evaluation and/or a technical report, prepared by an approved authority, will be required by the Municipality in order to confirm that the property is suitable for development. Any site evaluation or technical report will address the following principles, identified below, and will identify any mitigation measures that are necessary.

The principals to be addressed are as follows:

- development on slopes should blend into the natural landscape without substantial site alteration, particularly blasting;
- development will not be permitted on a slope where it is subject to erosion and would represent a potential hazard to life or property or the environment;
- natural environmental values will be protected;
- scenic slope faces and cliffs should be preserved;
- visual impact should be minimised;
- access to the property can properly be provided from the road and/or water in a manner which is safe, minimises visual impact, minimises site alteration and addresses storm water management during and after construction; and
- mitigation measures.

For slopes over thirty three (33.33%) (30 degrees) also see Section 6.49 regarding increased setbacks. (By-law 13-1121)

Engineered solutions for sites with slopes over forty percent (40.0%) (36 degrees) or sites with unstable soils will be considered.

### **Waste Management Facilities**

A special setback of thirty (30.0) metres for all buildings and structures shall be maintained from the boundaries of a waste management facility site. (By-law 13-1121)

## **6.43 SWIMMING POOLS**

Swimming pools are not permitted in the front yard of any zone

A swimming pool as an accessory use to a permitted residential use shall be permitted in the rear yard of any lot provided that no part of such pool shall be located closer to any lot line or street line than the minimum distance required for an accessory building located on such lot

As well, a swimming pool erected in any zone shall be permitted in the side yard of any lot provided that:

- a) No part of such pool shall be located closer to any lot line or street line than the minimum distance required for the principal building located on such lot;
- b) The maximum sidewall height of such pool shall be one and one-half (1.5) metres above the average finished grade level of the ground both adjoining and within four and one-half (4.5) metres of such pool; and
- c) Any building or structure, other than the main building, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the provisions applicable to accessory buildings on such lot.

The owner of any privately owned outdoor swimming pool shall erect and maintain an adequate enclosure of at least one and one half (1.5) metres in height surrounding the entire swimming pool area. For the purpose of this section, an enclosure means a fence, wall or other structure including doors and gates surrounding a privately owned outdoor swimming pool to restrict access thereto. Doors and gates must be equipped with a self latching device. Such enclosure shall be set back a minimum of one (1.0) metre from the edge of the water contained in the swimming pool except for above ground pools which incorporate a fencing structure within the design and manufacture of such above ground pools.

In ground swimming pools are not permitted in the Remote Residential (R1) Zone.

#### **6.44 TEMPORARY USES PERMITTED**

The following uses are permitted in all Zones within the Municipality:

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed, or abandoned, or
- b) Temporary sleeping and eating quarters, a tool shed, scaffold or other building or structure incidental to the construction of the building or structure on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned and in accordance with Section 6.04 b) of this By-law. (By-law 07-745).

"Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for twelve (12) months.

#### **6.45 TRANSCANADA PIPELINES**

All permanent structures and excavations shall be at least seven (7.0) metres from the limit of the TransCanada Pipelines right-of-way. Accessory structures and lots with side yards abutting the right-of-way shall have a minimum setback from the right-of-way of three (3.0) metres.

#### **6.46 TRUCK, BUS AND COACH BODIES**

No truck, bus or coach body or similar vehicle may be used as a permanent dwelling unit within the Municipality.



#### **6.47 USE FOR HAZARDOUS PURPOSE**

No land, building or structure shall be used for such Commercial or Industrial purpose as is likely to create a public nuisance or danger to health or danger from fire or explosion, except in accordance with the provisions of or regulations under The Gasoline Handling Act.

#### **6.48 VEGETATIVE BUFFER AND TRAIL**

A vegetative buffer, as defined in this By-law, shall be maintained on all residential lots abutting a lake or other water body, except as otherwise noted in this section.

Within a vegetative buffer on a residential lot, one trail, one viewing corridor and one ventilation corridor as defined in this By-law shall be permitted. (By-law 13-1121)

#### **6.49 YARD EXCEPTION, TERRAIN UNSUITABILITY**

Where in this By-law, a front, side or rear yard is required, and part of the area of the lot is: usually covered by water or marsh or swale; beyond the rim of a river bank or watercourse; or between the top and toe of a cliff or embankment having a slope of thirty degrees (30.0°) (33.33%) or more from the horizontal; then the required yard setback shall be measured from the nearest wall of the main building or structure on the lot to: the edge of said area covered by water or marsh; the high water mark or the said rim of a river bank or watercourse; or the top of the said cliff or embankment.

#### **6.50 YARD AND SETBACK ENCROACHMENTS PERMITTED**

Notwithstanding the provisions of this By-law to the contrary, where a single detached dwelling unit or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling unit or accessory use may be erected closer to the street line than required by this By-law provided such dwelling or accessory use is not erected closer to the street line than the established building line on the date of passing of this By-law and further provided that in no case shall any building be erected closer than three (3.0) metres from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

Notwithstanding the setback requirements of any zone, the following yard encroachments are permitted:

- a) sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters may encroach into any yard a maximum of one (1.0) metre;
- b) fire escapes and exterior staircases may encroach into the rear and flankage yard a maximum of one (1.0) metre;
- c) bay windows may encroach into the front, rear and flankage yards a maximum of one (1.0) metre;
- d) balconies may encroach in the front, rear and flankage yard a maximum of one and two tenths (1.2) metres; and
- e) decks, where the average height from the surface of the deck to the finished grade is less than one and two tenths (1.2) metres, may encroach into the rear yard a maximum of one and two tenths (1.2) metres.

## **SECTION 7 - SPECIFIC ZONES**

### **SECTION 7.1 - PROTECTED AREA (PA) ZONE (CROWN LAND)**

#### **7.1.1 PERMITTED USES**

No person shall, within any Protected Area (PA) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- conservation
- campsites used for temporary camping
- non-motorised recreational trails
- existing small cabins, huts and warm-up shelters

#### **7.1.2 ZONE REQUIREMENTS**

No persons shall, within any Protected Area (PA) Zone use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

No new hunt camps, huts, warm up shelters, or permanent structures shall be permitted within two (2.0) km inland from the shoreline of Lake Temagami.

#### **7.1.3 RESTRICTIONS (By-law 13-1121)**

#### **7.1.4 EXCEPTIONS (By-law 13-1121)**

## **SECTION 7.2 - SPECIAL MANAGEMENT AREA (SMA) ZONE (CROWN LAND)**

### **7.2.1 PERMITTED USES**

No person shall, within any Special Management Area (SMA) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- conservation
- hunt camps
- huts and warm up shelters
- recreational trails
- commercial timber harvesting, and aggregate extraction, except in the SMA Zone on the mainland surrounding Lake Temagami
- mining
- permanent dwelling unit or seasonal dwelling unit and accessory buildings and structures existing on the date of adoption of this By-law

### **7.2.2 ZONE REQUIREMENTS**

No person shall, within any Special Management Area (SMA) Zone use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

No new hunt camps, huts, warm up shelters, or permanent structures shall be permitted within two (2.0) km inland from the shoreline of Lake Temagami.

### **7.2.3 RESTRICTIONS (By-law 13-1121)**

Mining in the mainland surrounding Lake Temagami shall comply with specific restrictive mining regulations.

### **7.2.4 EXCEPTIONS**

On the land zoned SMA (h), as shown on Schedules A4 and A5 of this By-law, commonly referred to as the Temagami Barge site, no new development shall be established and no building alterations shall take place while the holding (h) symbol is in effect. The holding (h) symbol shall only be removed when the existing use on the site has been removed and any necessary site remediation has been completed.

## **SECTION 7.3 - INTEGRATED MANAGEMENT AREA (IMA) ZONE (CROWN LAND)**

### **7.3.1 PERMITTED USES**

No person shall within any Integrated Management Area (IMA) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- conservation
- hunt camps
- recreational trails
- huts and warm-up shelters
- commercial timber harvesting, mining and aggregate extraction
- permanent dwelling unit or seasonal dwelling unit and accessory buildings and structures existing on the date of adoption of this By-law

### **7.3.2 ZONE REQUIREMENTS**

No person shall within any Integrated Management Area (IMA) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions -All Zones, and Section 8, Special Provisions and the following:

No new hunt camps, huts, warm up shelters, or permanent structures shall be permitted within two (2.0) km inland from the shoreline of Lake Temagami.

### **7.3.3 RESTRICTIONS (By-law 13-1121)**

### **7.3.4 EXCEPTIONS**

- 1) Notwithstanding any other provision of this by-law, on the lands described as 20 Kanichee Mine Road; RP36R10627 Part 1 Parcel 28926 Nip. the following is also permitted: a storage rental facility defined as a premises where storage of recreational vehicles and recreational equipment is permitted. All buildings, structures and outdoor storage areas shall be located no closer than 12 metres from the west lot line abutting Rinker's Road and south lot line abutting Kanichee Mine Road, and 9.0 metres from the north lot line. (08-785)

## SECTION 7.4 - REMOTE RESIDENTIAL (R1) ZONE (LAKE TEMAGAMI)

### 7.4.1 PERMITTED USES

No person shall within any Remote Residential (R1) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- permanent dwelling unit or a seasonal dwelling unit
- a modular home
- sleep cabins, in accordance with the provisions of Section 6.41
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.40
- a detached garage in accordance with Section 7.4.2
- other accessory buildings, in accordance with Section 6.04 (By-law 07-745)
- a home occupation use, in accordance with Section 6.23
- a bed and breakfast establishment, subject to Section 7.4.3

(By-law 13-1121)

### 7.4.2 ZONE REQUIREMENTS

No person shall within any Remote Residential (R1) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

#### The lot:

- |                         |                                  |
|-------------------------|----------------------------------|
| a) Minimum lot frontage | 90.0 m                           |
| b) Minimum lot area     | 0.8 ha/ 1.0 ha with drilled well |
- (By-law 07-745)
- |                                                    |                                                        |
|----------------------------------------------------|--------------------------------------------------------|
| c) Minimum distance from a Waste Disposal Site     | 500.0 m straight line distance for new Crown lots only |
| d) Minimum distance from a lake access point       | 500.0 m straight line distance for new Crown lots only |
| e) Minimum distance from a residential lot         | 200.0 m straight line distance for new Crown lots only |
| f) Minimum distance from a tourist commercial site | 500.0 m straight line distance for new Crown lots only |
| g) Total lot coverage (%)                          | 8.0                                                    |

#### Any dwelling unit:

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| a) Minimum distance from the shore | 15.0 m                               |
| b) Minimum rear yard               | 5.0 m                                |
| c) Minimum side yard               | 5.0 m                                |
| d) Maximum building height         | 9.0 m                                |
| e) Maximum gross floor area        | 464.0 square metres (By-law 13-1121) |

**A land based boathouse:**

- |                                      |                                                            |
|--------------------------------------|------------------------------------------------------------|
| a) Minimum distance from the shore   | 0.0 m                                                      |
| b) Minimum side yard                 | 5.0 m                                                      |
| c) Maximum building height           | in accordance with Section 6.06                            |
| d) Maximum building width and length | in accordance with Sections 6.06 and 6.40 (By-law 13-1121) |

**A water based boathouse:**

- |                                      |                                                              |
|--------------------------------------|--------------------------------------------------------------|
| a) Minimum side yard                 | 5.0 m from the straight line extension of the side lot lines |
| b) Maximum building height           | in accordance with Section 6.06                              |
| c) Maximum building width and length | in accordance with Section 6.06                              |
| d) Maximum distance from the shore   | 3.0 m                                                        |

**Any sleep cabin without both bathroom and kitchen facilities:** (By-law 07-745)

- |                                                                   |                                                                                                                   |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| a) Minimum distance from the shore                                | the distance from the shoreline to the main dwelling on the lot or 15 metres whichever is greater (By-law 07-745) |
| b) Minimum side yard                                              | 5.0 m (By-law 13-1121)                                                                                            |
| c) Maximum building height                                        | 5.0 m                                                                                                             |
| d) Maximum gross floor area                                       | 72.0 sq. m for the first sleep cabin<br>36.0 sq. m for a second sleep cabin                                       |
| e) Minimum distance from the main dwelling or another sleep cabin | 3.0 m subject to Sections 6.41, 7.4.3 (By-law 13-1121)                                                            |

**Any sleep cabin with both kitchen and bathroom facilities:**

In addition to the above requirements for sleep cabins without both kitchen and bathroom facilities, a sleep cabin with both kitchen and bathroom facilities shall conform to the provisions of Section 6.41 of this By-law. (By-law 07-745) (By-law 13-1121)

**Detached garage**

- |                                                |            |
|------------------------------------------------|------------|
| a) Maximum gross floor area                    | 72.5 sq. m |
| b) Maximum building height                     | 5.0 m      |
| c) Minimum distance to a side or rear lot line | 1.2 m      |
| d) Minimum distance from the shore             | 15.0 m     |

(By-law 13-1121)

**All other accessory buildings:** (By-law 07-745)

- |                                    |       |
|------------------------------------|-------|
| a) Minimum distance from the shore | 3.0 m |
| b) Minimum side yard               | 5.0 m |
| c) Maximum building height         | 5.0 m |
| d) Minimum rear yard               | 5.0 m |

### **7.4.3 RESTRICTIONS**

A sleep cabin with bathroom and kitchen facilities shall only be permitted on a lot equal to or greater than one and six tenths (1.6) ha and in accordance with all other provisions of this By-law.

Buildings or structures are subject to further restrictions, as set out in Sections 6.40, 6.42 and other sections of this By-law.

Neither a Home Industry nor a Contractor's Yard is permitted in conjunction with a Bed and Breakfast Establishment.

A Home Industry is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

A Contractor's Yard is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

A Contractor's Yard shall only be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials but shall not be greater in size than ten percent (10.0%) of the lot area or ninety (90.0) square metres, whichever is less and must be located a minimum of ten (10.0) metres from the high water level mark of the natural shoreline. A contractor's yard shall be located on the lot in accordance with the provisions of Section 6.11

In ground swimming pools are not permitted.

Notwithstanding Section 6.44 of this By-law, one sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have permanent bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot. Further, the minimum lot size for a lot with a fully serviced sleep cabin is such that the severed and retained lots shall conform to the provisions and standards for the Zoning By-law. (By-law 13-1121)

### **7.4.4 EXCEPTIONS**

- 1) Notwithstanding the policies of this By-law, on the property described as 2 Lake Temagami Island 166; BRIGGS ISLAND 166 PCL 17141 the following is permitted: a 44.6 square meter boathouse in a narrow water body where the boathouse would project into the water from the shoreline 6.1 meters - in the location identified by By-law 13-1105. (By-law 13-1105)
- 2) Notwithstanding the policies of this By-law, on the property described as 268 Lake Temagami Island 665; PHYLLIS ISLAND 665 PT PCL; 14856 LOCATION 2456 the following is permitted:
  - a) A first sleep cabin 95.26 square meters in size;
  - b) A second sleep cabin 47.63 square meters in size. (By-law 13-1106)

## SECTION 7.5 - REMOTE RESIDENTIAL (R2) ZONE

### 7.5.1 PERMITTED USES

No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- permanent dwelling unit or a seasonal dwelling unit
- a modular home
- sleep cabins, subject to the provisions of Section 6.41
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.40
- a detached garage in accordance with Section 7.5.2
- other accessory buildings, in accordance with section 6.04 (By-law 07-745)
- a home occupation use, in accordance with Section 6.23

(By-law 13-1121)

### 7.5.2 ZONE REQUIREMENTS

No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

#### The lot:

- |                                                    |                                                        |
|----------------------------------------------------|--------------------------------------------------------|
| a) Minimum lot frontage                            | 60.0 m                                                 |
| b) Minimum lot area                                | 0.8 ha/ 1.0 ha with drilled well                       |
| c) Maximum lot area                                | 1.5 ha                                                 |
| d) Minimum distance from a Waste Disposal Site     | 500 m straight line distance for new Crown lots only   |
| e) Minimum distance from a lake access point       | 500 m straight line distance for new Crown lots only   |
| f) Minimum distance from a tourist commercial site | 500.0 m straight line distance for new Crown lots only |
| g) Minimum distance from a residential lot         | 200.0 m straight line distance for new Crown lots only |
| h) Total lot coverage (%)                          | 8.0                                                    |

#### Any dwelling unit:

- |                                    |            |
|------------------------------------|------------|
| a) Minimum distance from the shore | 15.0 m     |
| b) Minimum rear yard               | 5.0 m      |
| c) Minimum side yard               | 5.0 m      |
| d) Maximum building height         | 9.0 m      |
| e) Maximum gross floor area        | 464.0 sq m |

(By-law 13-1121)



**A land based boathouse:**

- |    |                                   |                                                            |
|----|-----------------------------------|------------------------------------------------------------|
| a) | Minimum distance from the shore   | 0.0 m                                                      |
| b) | Minimum side yard                 | 5.0 m                                                      |
| c) | Maximum building height           | 1.5 storeys                                                |
| d) | Maximum building width and length | in accordance with Sections 6.06 and 6.40 (By-law 13-1121) |

**A water based boathouse:**

- |    |                                        |                                        |
|----|----------------------------------------|----------------------------------------|
| a) | Minimum side yard of the side lot line | 5.0 m from the straight-line extension |
| b) | Maximum building height                | in accordance with Section 6.06        |
| c) | Maximum building width and length      | in accordance with Section 6.06        |
| d) | Maximum distance from the shore        | 3.0 m                                  |

**Any sleep cabin without both bathroom and kitchen facilities:** (By-law 07-745)

- |    |                                                                |                                                                                                                        |
|----|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| a) | Minimum distance from the shore                                | the distance from the shoreline to the main dwelling unit on the lot or 15 metres whichever is greater (By-law 07-745) |
| b) | Minimum side yard                                              | 5.0 m (By-law 13-1121)                                                                                                 |
| c) | Maximum building height                                        | 5.0 m                                                                                                                  |
| d) | Maximum gross floor area                                       | 72.0 sq. m for the first sleep cabin (By-law 13-1121)<br>36.0 sq. m for a second sleep cabin                           |
| e) | Minimum distance from the main dwelling or another sleep cabin | 3.0 m, subject to Sections 6.41, 7.5.3                                                                                 |

(By-law 13-1121)

**Any sleep cabin with both kitchen and bathroom facilities:**

In addition to the above requirements for sleep cabins without both kitchen and bathroom facilities, a sleep cabin with both kitchen and bathroom facilities shall conform to the provisions of Section 6.41 of this By-law. (By-law 07-745) (By-law 13-1121)

**Detached garage**

- |    |                                                       |            |
|----|-------------------------------------------------------|------------|
| a) | Maximum gross floor area                              | 72.5 sq. m |
| b) | Maximum building height                               | 5.0 m      |
| c) | Minimum distance to an interior side or rear lot line | 1.2 m      |
| d) | Minimum distance to a flankage lot line               | 10.0 m     |

- e) Minimum distance from the shore 15.0 m

**All other accessory buildings:** (By-law 07-745)

- a) Minimum distance from the shore 3.0 m
- b) Minimum side yard 5.0 m
- c) Maximum building height 5.0 m
- d) Minimum rear yard 5.0 m

### 7.5.3 RESTRICTIONS

A sleep cabin with bathroom and kitchen facilities shall only be permitted on a lot equal to or greater than one and six tenths (1.6) ha in and accordance with all other provisions of this By-law. (By-law 13-1121)

Buildings or structures are subject to further restrictions, as set out in Sections 6.40, 6.42 and other section of this By-law. (By-law 13-1121)

A Home Industry is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

A contractor's yard is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

A Contractor's Yard shall only be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials but shall not be greater than ten percent (10.0%) of the lot area or ninety (90.0) square metres, whichever is less and must be located a minimum of ten (10.0) metres from the high water mark of the natural shoreline. A contractor's yard shall be located on the lot in accordance with the provisions of Section 6.11.

Notwithstanding Section 6.44 of this By-law, one sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have permanent bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot. Further, the minimum lot size for a lot with a fully serviced sleep cabin is such that the severed and retained lots shall conform to the provisions and standards for the Zoning By-law. (By-law 13-1121)

### 7.5.4 EXCEPTIONS

- a) Notwithstanding the policies of this by-law, on the property described as 7400 Hwy. 11 N. the following shall also be permitted: a 111.5 sq. m. detached garage with a bathroom; and overall maximum lot coverage of 14%. (09-860)
- b) Notwithstanding Section 7.5.2 a) of this by-law, for the lands described as Law Pcl. 16594 Location HS2215 Wilson Lake, 101 Wilson Lake, Township of Law, Municipality of Temagami, the minimum distance for a dwelling unit from the shoreline shall be 1.4 m and

Notwithstanding Section 6.40 a) of this by-law, for the lands described as Law Pcl.

16594 Location HS2215 Wilson Lake, 101 Wilson Lake, Township of Law,  
Municipality of Temagami, District of Nipissing, the maximum total area of all  
structures in the Shoreline Activity Area shall be 116.5 sq m. (OMB file PL080067)

- c) Notwithstanding any other provisions of this By-law, the following shall apply to the land and buildings within Plan 36M-610:
1. No building or structure shall be located below the two hundred and ninety two decimal three(292.3) metre a.s.l. flood level except:
    - Where such buildings and structures are intended for flood or erosion control, or
    - Where a boathouse is being erected or altered.
  2. No building or structure shall be permitted within twenty five (25.0) metres of the normal high water mark of Cassels lake for Block and Lots 40, 41 and 42.
- No building or structure shall be permitted within fifteen (15.0) metres of any drainage course. (By-law 13-1121)

## SECTION 7.6 – RURAL RESIDENTIAL (R3) ZONE

### 7.6.1 PERMITTED USES

No person shall within any Rural Residential (R3) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- permanent dwelling unit or seasonal dwelling unit
- a modular home
- sleep cabins, in accordance with Section 6.41
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.40
- a detached garage in accordance with Section 7.6.2
- other accessory buildings, in accordance with section 6.04 (By-law 07-745)
- a home occupation, in accordance with Section 6.23
- a bed and breakfast establishment, subject to Section 7.6.3

(By-law 13-1121)

### 7.6.2 ZONE REQUIREMENTS

No person shall within any Rural Residential (R3) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

#### The lot:

- |    |                                                 |                                                                                                            |
|----|-------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| a) | Minimum lot frontage                            | 50.0 m                                                                                                     |
| b) | Minimum lot area                                | 0.8 ha / 1.0 ha with drilled well                                                                          |
| c) | Maximum lot area                                | 1.5 ha                                                                                                     |
| d) | Minimum distance from a Waste Disposal Site     | 500.0 m straight line distance for new Crown lots only                                                     |
| e) | Minimum distance from a lake access point       | 500.0 m straight line distance for new Crown lots only                                                     |
| f) | Minimum distance from a residential lot         | 200.0 m straight line distance for new Crown lots only                                                     |
| g) | Minimum distance from a tourist commercial site | 500.0 m straight line distance for new Crown lots only                                                     |
| h) | Maximum lot coverage (%)                        | 8.0 for lots greater than 0.8 ha<br>10.0 for lots between 0.4 and 0.8 ha<br>12.0 for lots less than 0.4 ha |

(By-law 13-1121)

#### Any dwelling unit:

- |    |                    |        |
|----|--------------------|--------|
| a) | Minimum front yard | 10.0 m |
|----|--------------------|--------|

- b) Minimum distance from the shore 15.0 m
- c) Minimum rear yard 5.0 m
- d) Minimum side yard 5.0 m
- e) Minimum flankage yard 10.0 m
- f) Maximum building height 9.0 m
- g) Maximum gross floor area 464.0 sq m

(Proposed By-law Amendment)

**A land based boathouse:**

- a) Minimum distance from the shore 0.0 m
- b) Minimum side yard 5.0 m
- c) Minimum flankage yard 10.0 m
- d) Maximum building height 1.5 storeys
- e) Maximum building width and length in accordance with Section 6.06

**A water based boathouse:**

- a) Minimum side yard 5.0 m from the straight-line extension of the side lot line  
10.0 m from the straight line extension of a flankage lot line
- b) Maximum building height in accordance with Section 6.06
- c) Maximum building width and length in accordance with Section 6.06
- d) Maximum distance from the shore 3.0 m

**Any sleep cabin without both bathroom and kitchen facilities: (By-law 07-745)**

- a) Minimum distance from the shore the distance from the shoreline of the main dwelling unit on the lot or 15 metres whichever is greater
- b) Minimum side yard 5.0 m (By-law 13-1121)
- c) Maximum building height 5.0 m
- d) Maximum gross floor area 72.0 sq. m for the first sleep cabin  
36.0 sq. m for a second sleep cabin
- e) Minimum distance from the main dwelling or another sleep cabin 3.0 m, subject to Sections 6.41, 7.6.3

(By-law 13-1121)

**Any sleep cabin with both kitchen and bathroom facilities:**

In addition to the above requirements for sleep cabins without both kitchen and bathroom facilities, a sleep cabin with both kitchen and bathroom facilities shall conform to the provisions of Section 6.41 of this By-law. (By-law 07-745) (By-law 13-1121)

### **Detached garage**

- |                                                          |                             |
|----------------------------------------------------------|-----------------------------|
| a) Maximum gross floor area                              | 72.5 sq. m (By-law 13-1121) |
| b) Maximum building height                               | 5.0 m                       |
| c) Minimum distance to an interior side or rear lot line | 1.2 m                       |
| d) Minimum distance to a flankage lot line               | 10.0 m                      |
| e) Minimum distance from the shore                       | 15.0 m                      |

### **All accessory buildings:**

- |                                                          |        |
|----------------------------------------------------------|--------|
| a) Minimum distance to an interior side or rear lot line | 1.2 m  |
| b) Minimum distance to a flankage lot line               | 10.0 m |
| c) Maximum building height                               | 5.0 m  |
| d) Minimum distance from the shore                       | 3.0 m  |

## **7.6.3 RESTRICTIONS**

Buildings or structures are subject to further restrictions, as set out in Section 6.40 and Section 6.42. (By-law 13-1121)

A sleep cabin with bathroom and kitchen facilities shall only be permitted on a lot equal to or in excess of one and six tenths (1.6) ha and in accordance with all other provisions of this By-law. (By-law 13-1121)

Neither a Home Industry nor a Contractor's yard is permitted in conjunction with a Bed and Breakfast Establishment.

*Former provision deleted.* (By-law 13-1121)

A Home Industry is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

A contractor's yard is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

A Contractor's Yard shall only be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials but shall not be greater than ten percent (10.0%) of the lot area or ninety (90.0) sq. m, whichever is less. A contractor's yard shall be located on the lot in accordance with the provisions of Section 6.11.

A detached garage may contain bathroom facilities connected to an approved sewage disposal system. (By-law 13-1121)

Notwithstanding Section 6.44 of this By-law, one sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have permanent bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot. Further, the minimum lot size for a lot with a fully serviced sleep cabin is such that the severed and retained lots shall conform to the provisions and standards for the Zoning By-law. (By-law 13-1121)

#### **7.6.4 EXCEPTIONS**

*Former provision deleted.* (By-law 08-813)

7.6.4.1 - On lands described as 3470 Highway 11 North; Sisk Loc CL 15837 RP 36R12851 Part 1, the following shall apply:

- a) Minimum lot area – 0.8 ha with a drilled well. (By-law 11-1040)

Notwithstanding the policies of this By-law, on the property described as 3470 Highway 11 North; Sisk Loc CL 15837 RP 36R12851 Part 1 the following is permitted: a) A home industry – machine shop; b) An accessory building (detached garage) used for a home industry (machine shop) having a gross floor area of 240% of the ground floor area of the dwelling; c) Employee parking in the front yard for a home industry (machine shop); d) Patron parking in the front yard for a home industry (machine shop); e) A home industry (machine shop) in an accessory building (detached garage) located in the front yard; f) A detached garage 297.3 square meters in size; g) A detached garage 7.62 meters in height; h) A front yard setback for a detached garage of 9.14 meters; i) A detached garage to be erected in front of the front yard setback line of the main building; j) A sleep cabin 6.1 meters in height. (By-law 13-1146)

Notwithstanding the policies of this By-law, on the property described as 3470 Highway 11 North; Sisk Loc CL 15837 RP 36R12851 Part 1 the following provisions shall apply: a) no retail sales of any type are permitted; b) not more than two (2) persons, other than the owner of the dwelling, shall be employed in a home industry on a full-time basis; c) any new structures, signage, and highway access for this property shall comply with Ministry of Transportation regulations and requirements. (By-law 13-1146)

7.6.4.1 (a) On certain lands described as 3319 Highway 11 North; Part of summer resort location JC-213 and EM-7, is hereby amending Schedule A-8 be from Tourist Commercial (TC) and Part of Remote Residential (R-2) to Rural Residential (R-3). (By-law 15-1254)

7.6.4.2- On certain lands described as Block 50 36M610 the following shall apply:

- a) “Notwithstanding any other provisions of the By-law, on the land described as Block 50 36M610 and identified on Schedule A-3 to this By-law the permitted uses shall also include:
  - 12 Single Detached Dwelling Units
  - 2 Detached Garages
  - 1 Workshop
- b) In addition to the provisions of Section 7.6.2 of the R3 Zone, the following provisions shall apply to all buildings and structures on the subject property:

- The maximum ground floor area of each single detached dwelling shall be 112 square metres.
  - A minimum separation distance of 5 metres from any other single detached dwelling.
  - A minimum separation distance of 3 metres from between any single detached dwelling and any accessory building.
  - No building or structure (with the exception of docks) shall be located south of the Gillies Townsite Road as existed on the date of passing of this By-law (closest road to Cassels Lake).
  - All buildings and structures shall be setback a minimum of 10 metres from any road
  - One of the permitted detached garages shall be permitted to have a maximum ground floor area of 195 square metres.
  - In addition to the permitted structures, each dwelling shall be permitted an accessory storage shed with a maximum floor area of 10 square metres;”
- c) The Holding Symbol (H) shall only be removed following:
- Confirmation from the approval authority that septic system and water supply on the property can appropriately service the development that is permitted by the Zoning on the property.
  - The entering of a Site Plan Control Agreement with the municipality that among other matters, identifies the location of proposed building envelopes. (By-Law 15-1258)



## **SECTION 7.7 - LOW DENSITY RESIDENTIAL (RL) ZONE**

### **7.7.1 PERMITTED USES**

No person shall within any Low Density Residential (RL) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **7.7.1.1 Residential Uses**

- a single detached dwelling unit
- a semi detached dwelling unit
- a duplex dwelling
- a modular home
- a bed and breakfast establishment, subject to Section 7.7.3
- a boarding house
- a home occupation, in accordance with Section 6.23
- a detached garage in accordance with the provisions of Section 7.7.2
- accessory buildings in accordance with Section 6.04
- a water based or land based boathouse on a lot that abuts a navigable waterbody, in accordance with Section 6.06 and 6.40

(By-law 13-1121)

### **7.7.2 ZONE REQUIREMENTS**

No person shall within any Low Density Residential (RL) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

**A single detached dwelling unit, a converted dwelling, a boarding house and a duplex dwelling:**

- |                                          |                                       |
|------------------------------------------|---------------------------------------|
| a) Minimum lot frontage                  | 15.0 m, 16.5 m corner lot             |
| b) Minimum lot area                      | 460.0 sq. m 505.0 sq. m corner lot    |
| c) Maximum lot coverage (%)              | 35.0                                  |
| d) Minimum front yard                    | 6.0 m                                 |
| e) Minimum front yard on a shoreline lot | 15.0 m                                |
| f) Minimum rear yard                     | 7.5 m                                 |
| g) Minimum interior side yard            | 1.2 m on one side<br>2.4 m other side |
| h) Minimum flankage yard                 | 6.0 m<br>15.0 m on a shoreline lot    |
| i) Maximum building height               | 2.0 storeys                           |

**A semi detached dwelling:**

- a) Minimum lot frontage
  - 1. Undivided semi detached lot
    - Interior lot 18.0 m
    - Corner lot 19.5 m
  - 2. Divided semi detached lot
    - Interior lot 9.0 m
    - Corner lot 10.5 m
- b) Minimum lot area
  - 1. Undivided semi detached lot
    - Interior lot 650.0 sq. m
    - Corner lot 700.0 sq. m
- c) Maximum lot coverage (%) 40.0
- d) Minimum front yard 6.0 m
- e) Minimum rear yard 7.5 m
- f) Minimum interior side yard 1.2 m on one side and  
2.4 m on the other
- g) Minimum flankage yard 6.0 m
- h) Maximum building height 2.0 storeys

**A land based boathouse:**

- a) Minimum distance from the shore 0.0 m
- b) Minimum side yard 5.0 m  
15.0 m on a flankage lot
- c) Maximum building height 1.5 storeys
- d) Maximum building width and length in accordance with Section 6.06

**A water based boathouse:**

- a) Minimum side yard 5.0 m from the straight-line extension  
of the side lot line  
15.0 m from the straight line extension  
of the flankage lot line
- b) Maximum building height in accordance with Section 6.06
- c) Maximum building width and length in accordance with Section 6.06
- d) Maximum distance from shore 3.0 m

**A Detached garage**

- a) Maximum floor area 72.5 sq. m (By-law 13-1121)
- b) Maximum building height 5.0 m
- c) Minimum distance to an interior  
side or rear lot line 01.2 m

- |    |                                                            |        |
|----|------------------------------------------------------------|--------|
| d) | Minimum distance to a flankage lot line                    | 6.0 m  |
| e) | Minimum distance to a flankage lot line on a shoreline lot | 15.0 m |
| f) | Minimum distance to shore                                  | 15.0 m |
- All other accessory buildings:** (By-law 07-745)
- |    |                                                                     |                                    |
|----|---------------------------------------------------------------------|------------------------------------|
| a) | Minimum distance from a shoreline                                   | 15 m                               |
| b) | Minimum distance to a rear lot line                                 | 1.2 m                              |
| c) | Minimum distance to a side lot line                                 | 6.0 m                              |
| d) | Minimum distance to a flankage lot line                             | 6.0 m<br>15.0 m on a shoreline lot |
| e) | Minimum distance to the lot line separating the semi-detached units | 1.2 m                              |
| f) | Maximum building height                                             | 5.0 m                              |

### 7.7.3 RESTRICTIONS

Only one accessory building is permitted on a divided semi detached lot.

A garden suite is permitted on a single detached lot, subject to the passage of a temporary use by-law.

An accessory apartment in a single detached or semi-detached dwelling unit is permitted, subject to a rezoning.

A garden suite is not permitted in conjunction with a bed and breakfast establishment.

### 7.7.4 EXCEPTIONS

- 1) On the land described as 61A Stevens Road. Strathy Plan M251 Pt. Blk. B, RPNR1278 Part 1 Pcl 21431 RP36R3945 Rem. Pcl 23998 Nip., Township of Strathy; Municipality of Temagami, District of Nipissing, permission is given for the construction of a detached garage with:
  - A maximum ground floor area of 111.5 sq. m.
  - A maximum gross floor area of 170.9 sq. m.
  - A minimum distance to a flankage lot line on a shoreline lot of 2.1 m (By-law 08-768)
- 2) On the land described as Part of Parcel 28037 Section Nipissing; Part of Township of Strathcona designated as Parts 22, 23, 24, 25, 26, 27, 28 and 29 on Reference Plan 36R-13206, the following shall apply:
  - a) minimum lot area – 0.36 ha
  - b) minimum lot frontage – 35.0 m (By-law 11-1037)
- 3) On the land described as Parcel 21039 Section Nipissing SRO; Part of Township Strathcona; Part of Township of Strathy designated as Part 30 on Reference Plan 36R- 13206 as in LT327554; Municipality of Temagami, District of Nipissing, the following shall apply:
  - a) minimum lot area – 0.69 ha
  - b) minimum lot frontage 90.0 m (By-law 11-1037)

## SECTION 7.8 - MEDIUM DENSITY RESIDENTIAL (RM) ZONE

### 7.8.1 PERMITTED USES

No person shall within any Medium Density Residential (RM) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a fourplex
- a street townhouse dwelling unit
- a block townhouse dwelling unit
- a low rise apartment building
- a nursing home
- accessory buildings in accordance with section 6.04

### 7.8.2 ZONE REQUIREMENTS

No person shall within any Medium Density Residential (RM) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

#### **A fourplex dwelling or lot:**

- |                                          |                                                                                             |
|------------------------------------------|---------------------------------------------------------------------------------------------|
| a) Minimum lot frontage                  | 21.0 m                                                                                      |
| b) Minimum lot area                      | 650.0 sq. m                                                                                 |
| c) Maximum lot coverage (%)              | 40.0                                                                                        |
| d) Minimum front yard                    | 6.0 m                                                                                       |
| e) Minimum front yard on a shoreline lot | 15.0 m                                                                                      |
| f) Minimum rear yard                     | 7.5 m                                                                                       |
| g) Minimum interior side yard            | 2.0 m for a structure of 2 storeys or less and 2.5 m for a structure in excess of 2 storeys |
| h) Minimum flankage yard                 | 6.0 m<br>15.0 m on a shoreline lot                                                          |
| i) Maximum building height               | 11.0 m                                                                                      |

#### **A street townhouse dwelling or lot:**

- |                                          |                                                                              |
|------------------------------------------|------------------------------------------------------------------------------|
| a) Minimum lot frontage                  | 6.0 m interior unit<br>8.0 m end unit<br>9.0 m corner unit                   |
| b) Minimum lot area                      | 180.0 sq. m interior unit<br>260.0 sq. m end unit<br>270.0 sq. m corner unit |
| c) Maximum lot coverage (%)              | 50.0 (By-law 13-1121)                                                        |
| d) Minimum front yard                    | 6.0 m                                                                        |
| e) Minimum front yard on a shoreline lot | 15.0 m                                                                       |
| f) Minimum rear yard                     | 7.5 m                                                                        |

g)	Minimum side yard	2.0 m end unit 6.0 m flankage unit 15.0 m flankage on a shoreline lot
h)	Maximum building height	9.5 m
i)	Minimum privacy area	36.0 sq. m per unit
j)	Minimum landscaped open space	30.0% of lot area (By-law 13-1121)
k)	Maximum number of units per building	8

**A nursing home, a block townhouse or low rise apartment dwelling or lot:**

a)	Minimum lot frontage (By-law 13-1121)	30.0 m
(By-law 13-1121)b)		Maximum lot coverage (%) 35.0
c)	Minimum front yard	7.5 m
d)	Minimum front yard on a shoreline lot	15.0 m
e)	Minimum rear yard	10.0 m
f)	Minimum side yard for townhouses	6.0 m except 9.0 m abutting an RL Zone
g)	Minimum side yard for apartments	the height of the building or e), whichever is greater
h)	Minimum flankage yard	7.5 m 15.0 m on a shoreline lot
i)	Maximum building height	11.0 m
j)	Minimum distance between buildings on the same lot	3.0 m between walls not containing windows to habitable rooms 10.0 m between walls where one wall contains windows to habitable rooms 15.0 m between walls where both walls contain windows to habitable rooms
k)	Maximum density	60 units per ha (By-law 13-1121)
l)	Minimum landscaped open space	40.0% of townhouse lots, including privacy areas (By-law 13-1121) 25.0% of apartment and nursing home lots

**All accessory buildings**

a)	Minimum distance to an interior side or rear lot line	1.2 m
b)	Minimum distance to shoreline	3.0 m
c)	Minimum distance to a flankage lot line	7.5.0 m

- |                            |                           |
|----------------------------|---------------------------|
|                            | 15.0 m on a shoreline lot |
| d) Maximum building height | 5.0 m                     |

### **7.8.3 RESTRICTIONS**

Every townhouse unit shall have one area which serves as a privacy area and which shall be adjacent to the dwelling unit and shall be at least four and one half (4.5) m in depth.

Within the Medium Density Residential (RM) Zone, sleep cabins and boathouses are not permitted as accessory buildings. (By-law 07-745)

### **7.8.4 EXCEPTIONS**

*Former provisions deleted (By-law 14-1177)*

**SECTION 7.9 - HIGH DENSITY RESIDENTIAL (RH) ZONE 7.9.1 PERMITTED USES**

No person shall within any High Density Residential (RH) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- an apartment building
- a nursing home
- a seniors facility
- accessory buildings in accordance with section 6.04

**7.9.2 ZONE REQUIREMENTS**

No person shall within any High Density Residential (RH) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

**An apartment building, nursing home, seniors facility or lot:**

- |    |                                                                                   |                                                                                                                                                                                                                      |
|----|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) | Minimum lot frontage                                                              | 30.0 m                                                                                                                                                                                                               |
| c) | Maximum lot coverage (%)                                                          | 30.0                                                                                                                                                                                                                 |
| d) | Minimum front yard                                                                | 7.5 m                                                                                                                                                                                                                |
| e) | Minimum front yard on a shoreline lot                                             | 15.0 m                                                                                                                                                                                                               |
| f) | Minimum rear yard                                                                 | 10.0 m                                                                                                                                                                                                               |
| g) | Minimum side yard                                                                 | the height of the building or 10.0 m,<br>whichever is greater                                                                                                                                                        |
| h) | Minimum flankage yard                                                             | 7.5 m<br>15.0 m on a shoreline lot                                                                                                                                                                                   |
| i) | Maximum building height                                                           | 16.0 m                                                                                                                                                                                                               |
| j) | Minimum distance between buildings on the same lot, excluding accessory buildings | 3.0 m between walls not containing windows to habitable rooms<br>10.0 m between walls where one wall contains windows to habitable rooms<br>15.0 m between walls where both walls contain windows to habitable rooms |
| l) | Maximum density                                                                   | 80 units per ha                                                                                                                                                                                                      |
| m) | Minimum landscaped open space                                                     | 35.0%                                                                                                                                                                                                                |

**All accessory buildings**

- |    |                                                       |                                    |
|----|-------------------------------------------------------|------------------------------------|
| a) | Minimum distance to an interior side or rear lot line | 1.2 m                              |
| b) | Minimum distance to shoreline                         | 3.0 m                              |
| c) | Minimum distance to a flankage lot line               | 7.5 m<br>15.0 m on a shoreline lot |

- d) Maximum building height 5.0 m

### **7.9.3 RESTRICTIONS**

Within the High Density Residential (RH) Zone, sleep cabins and boathouses are not permitted as accessory buildings.

### **7.9.4 EXCEPTIONS**

*(By-law 13-1121 – entire section 7.9 added)*



## **SECTION 7.10 - MOBILE HOME PARK (RMH) ZONE**

### **7.10.1 PERMITTED USES**

No person shall within any Mobile Home Park (RMH) Zone use any lot, or erect, alter or use any building or structure for any purpose except a Mobile Home Park on which may be located one or more of the following uses:

- a mobile home
- a modular home
- a detached or attached garage in accordance with the provisions of Section 7.10.2
- accessory buildings in accordance with Sections 6.04 and 7.10.2'
- a convenience retail store
- a laundromat
- a personal service shop
- a community centre
- a park
- a playground

(By-law 13-1121)

### **7.10.2 ZONE REQUIREMENTS**

No person shall within any Mobile Home Park (RMH) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions, and the following:

- a) Density  
The maximum permissible density for a Mobile Home Park on Municipal services shall be ten (10) units per gross hectare.
- b) Separation  
Mobile or modular homes and any part thereof shall be separated from each other or from any other building by not less than six (6.0) metres. Any porch, carport or addition to a mobile or modular home shall be regarded as part of the mobile or modular home for the purpose of separation.
- c) Storage  
There shall be no outside storage of any furniture, domestic equipment or seasonally used equipment. Adequate covered storage shall be located either at the individual mobile or modular home site or within a special storage area within the Mobile Home Park where it can be used communally.
- d) Skirting and Accessory Structure  
All mobile or modular homes shall have durable skirting to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonise with the mobile or modular home.
- e) Recreation Space  
Not less than ten per cent (10.0%) of the gross area of a Mobile Home Park shall be used as recreation space, placed in locations convenient to all residents. Such space

shall be free of traffic hazards and shall not include areas designated as planting strips. Where required recreation space exceeds five hundred (500.0) square metres, two (2) or more such areas shall be provided.

f) Parking

Notwithstanding the provisions of Section 6.33, each mobile or modular home site shall be provided with at least one (1) car parking space and in addition, visitor parking shall be provided in the amount of one (1) space for every four (4) mobile or modular home sites, and shall be dispersed throughout the Mobile Home Park at locations convenient to the site it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers. (By-law 13-1121)

g) Access

Each mobile or modular home site shall be accessible by means of an internal roadway system that may include municipal roads.

h) Services

Each mobile or modular home site shall have underground services, which shall include piped water supply and sewage disposal facilities, and may also include electrical service and fuel supply.

i) Site Plan

No mobile home park shall be established unless it is in accordance with a site plan approved by Council.

- |                                          |                                             |
|------------------------------------------|---------------------------------------------|
| j) Minimum lot frontage                  | 100.0 m or 15.0 m for each mobile home site |
| k) Minimum lot area                      | 2.0 ha or 460.0 sq. m per mobile home site  |
| l) Maximum mobile home site coverage (%) | 45.0 (By-law 09-828)                        |
| m) Minimum front yard                    | 4.5 m                                       |
| n) Minimum rear yard                     | 6.0 m                                       |
| o) Minimum interior side yard            | 1.2 m on one side and<br>2.4 m on the other |
| p) Minimum flankage yard                 | 4.5 m                                       |
| q) Maximum building height               | 5.0 m (By-law 09-828)                       |

**7.10.3 RESTRICTIONS** (By-law 13-1121)

**7.10.4 EXCEPTIONS** (By-law 06-675)

- 1) In the Temagami North Trailer Park, in addition to the uses permitted in section 7.10.1, a single detached dwelling unit shall also be permitted. The maximum ground floor area for a mobile home, modular home, or single detached dwelling unit shall be 140 sq. m. Basements and cellars shall not be permitted. (By-law 09-828)
- 2) In the Temagami North Trailer Park, the following will also be permitted in addition to the uses permitted in Section 7.10.1:
  - an attached garage or detached garage
  - accessory buildings in accordance with Section 6.04 (By-law 06-675)

- 3) In the Temagami North Trailer Park, the following zone requirements will be permitted in addition to the requirements of Section 7.10.2

**A detached or attached garage**

- a) Maximum gross floor area 72.5 - sq. m
- b) Maximum building height - 5.0 m
- c) Minimum distance to an interior side or rear lot line - 1.2 m
- d) Minimum distance to a flankage lot line - 6.0 m
- e) Minimum distance from the shore - 15.0 m

**All other accessory buildings**

- a) Minimum distance to a rear lot line - 1.2 m
- b) Minimum distance to shoreline - 3.0 m
- c) Minimum distance to a flankage lot line - 6.0 m
- d) Minimum distance to a side lot line - 6.0 m
- d) Maximum building height - 5.0 m (By-law 06-675)

## SECTION 7.11 - TOURIST COMMERCIAL (TC) ZONE

### 7.11.1 PERMITTED USES

No person shall, within any Tourist Commercial (TC) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a tourist lodge
- a tourist commercial establishment
- a public campground
- a private campground
- a gas bar
- a restaurant or tavern
- a trailer park
- a motel or hotel
- a dwelling unit for the owner/operator/caretaker accessory to the main commercial use, in accordance with Sections 6.15 and 7.5.2
- accessory buildings and uses in accordance with Section 7.11.3.

### 7.11.2 ZONE REQUIREMENTS

No person shall, within any Tourist Commercial (TC) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

**A tourist lodge, a tourist commercial establishment, a public campground, a private campground or lot:**

a) Minimum lot frontage	200.0 m
b) Minimum lot size	0.8 ha
c) Maximum lot area	6.0 ha
d) Maximum lot coverage (%)	25.0
e) Minimum front yard	10.0 m
f) Minimum rear yard	10.0 m
g) Minimum side yard	5.0 m
h) Minimum flankage yard	10.0 m
i) Maximum building height	11.0 m
j) Minimum distance to a lot line for an accessory building	5.0 m
k) Maximum building height for an accessory building	5.0 m
l) Minimum distance to other Tourist Commercial lots in the TC, TCYC and TCM Zones	1,000.0 m straight line distance

- m) Minimum distance between a Tourist Commercial lot and any municipal Road or water access point 1,000.0 m straight-line distance
- n) Minimum distance between a Tourist Commercial lot and a residential use 500.0 m straight-line distance
- o) Maximum number of bedrooms 11 per 0.8 ha or portion thereof
- p) Maximum number of buildings containing sleeping accommodations 15 buildings

**A land based boathouse:**

- a) Minimum distance from the shore 0.0 m
- b) Minimum side yard 5.0 m  
10.0 m flankage yard
- c) Maximum building height 1.5 storeys
- d) Maximum building width and length in accordance with Section 6.06

**A water based boathouse:**

- a) Minimum side yard 5.0 m from the straight-line extension of the side lot line  
10.0 m flankage yard
- b) Maximum building height in accordance with Section 6.06
- c) Maximum building width and length in accordance with Section 6.06
- d) Maximum distance from shore 3.0 m

**A detached garage**

- a) Maximum gross floor area 110.0 sq. m
- b) Maximum building height 5.0 m
- c) Minimum distance to an interior side or rear lot line 1.2 m
- f) Minimum distance to a flankage lot line 10.0 m
- g) Minimum distance from the shore 15.0 m

(By-law 13-1121)

**All other lots or permitted uses and accessory buildings:**

(By-law 13-1121)

- a) Minimum lot frontage 30.0 m
- b) Minimum lot area 1,390.0 sq. m
- c) Maximum lot coverage (%) 50.0
- d) Minimum front yard 7.5 m
- e) Minimum rear yard 7.5 m
- f) Minimum interior side yard 7.5 m
- g) Minimum flankage yard 7.5 m

(By-law 13-1121)

- |    |                                                             |                   |
|----|-------------------------------------------------------------|-------------------|
| h) | Maximum building height                                     | 11.0 m            |
| i) | Minimum rear and interior yard<br>for an accessory building | 3.0 m             |
| j) | Maximum building height for<br>an accessory building        | 5.0 m             |
| k) | Minimum landscaped open space                               | 20.0% of lot area |
| l) | Minimum distance to shoreline                               | 3.0 m             |

### 7.11.3 RESTRICTIONS

In a Tourist Commercial Zone, a dwelling unit as an accessory use may be located in the principal commercial building or may be in a separate building and shall be subject to the provision of Sections 6.15 and 7.5.2 for a dwelling unit.

Notwithstanding any other provisions of this By-law, in the Tourist Commercial (TC) Zone, sleeping accommodation is not permitted in a boathouse.

Notwithstanding any other provisions of this By-law, the tourist commercial establishments permitted on the islands of Lake Temagami shall be limited to the rental of house boats, tourist outfitters, tourist lodges, restaurants, and outfitters' outpost camps. (By-law 13-1121)

### 7.11.4 EXCEPTIONS

- *former provision deleted (By-law 11-1037)*
- (former provision added by By-law 09-834 deleted by By-law 11-1037)

'Notwithstanding any other provisions of this By-law, on the lands known as 6612 and 6628 Hwy. 11 N. (Temagami Shores Inn and Resort), the following shall apply:' (By-law 13-1121)

- a) minimum permitted lot area 2.6 ha
- b) minimum permitted lot frontage 90 m (By-law 11-1037)

7.11.4.1 – On lands described as Rabbitnose Island #1119 – 92 Lake Temagami the following shall apply:

- a) "Notwithstanding any other provisions of the By-law, on the land described as Rabbitnose Island #1119-92 Lake Temagami and identified on Schedule A-4 to this By-law the only permitted use shall be:
  - An existing Outdoor Education Facility inclusive of accommodation and associated recreation facilities.
- b) The following provisions shall apply to the subject property:
  - The maximum gross floor area of each sleeping cabin shall be 81 square metres.

For the purposes of this Section, an Outdoor Educational Facility shall be defined as:  
"shall mean a use offering students learning opportunities and overnight accommodations."

(By-Law 16-1280)

## SECTION 7.12 – TOURIST COMMERCIAL YOUTH CAMP (TCYC) ZONE

### 7.12.1 PERMITTED USES

No person shall within any Tourist Commercial Youth Camp (TCYC) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a youth camp
- a tourist lodge
- a dwelling unit for the owner/operator/caretaker accessory to the main commercial use, in accordance with Sections 6.15 and 7.5.2
- accessory buildings.

### 7.12.2 ZONE REQUIREMENTS

No person shall, within any Tourist Commercial Youth Camp (TCYC) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

#### **A youth camp and a tourist lodge:**

- |                                                                                    |                                  |
|------------------------------------------------------------------------------------|----------------------------------|
| a) Minimum lot frontage                                                            | 200.0 m                          |
| b) Minimum lot size                                                                | 0.8 ha                           |
| c) Maximum lot area                                                                | 6.0 ha                           |
| d) Maximum lot coverage (%)                                                        | 25.0                             |
| e) Minimum front yard                                                              | 10.0 m                           |
| f) Minimum rear yard                                                               | 10.0 m                           |
| g) Minimum side yard                                                               | 5.0 m                            |
| h) Minimum flankage yard                                                           | 10.0 m                           |
| i) Maximum building height                                                         | 11.0 m                           |
| j) Minimum distance to a lot line for an accessory building                        | 5.0 m                            |
| k) Maximum building height for an accessory building                               | 5.0 m                            |
| l) Minimum distance to other Tourist Commercial lots in the TC, TCYC and TCM Zones | 1,000.0 m straight line distance |
| m) Minimum distance to a Municipal road or water access point                      | 1,000.0 m straight-line distance |
| n) Minimum distance to a residential use                                           | 500.0 m straight-line distance   |

#### **A Boat Storage Area (Dry Land)**

- |                                    |        |
|------------------------------------|--------|
| a) Maximum building height         | 15.0 m |
| b) Minimum distance from shoreline | 15.0 m |

- |    |                                       |                                |
|----|---------------------------------------|--------------------------------|
| c) | Minimum distance to a residential lot | 500.0 m straight line distance |
| d) | Minimum lot area                      | 1,850.0 sq. m                  |
| e) | Minimum side and rear yard            | 9.0 m                          |
| f) | Minimum flankage yard                 | 10.0 m                         |

(By-law 13-1121)

**A land based boathouse:**

- |    |                                   |                                 |
|----|-----------------------------------|---------------------------------|
| a) | Minimum distance from the shore   | 0.0 m                           |
| b) | Minimum side yard                 | 5.0 m                           |
|    |                                   | 10.0 m flankage yard            |
| c) | Maximum building height           | 1.5 storeys                     |
| d) | Maximum building width and length | in accordance with Section 6.06 |

**A water based boathouse:**

- |    |                                   |                                                             |
|----|-----------------------------------|-------------------------------------------------------------|
| a) | Minimum side yard                 | 5.0 m from the straight-line extension of the side lot line |
|    |                                   | 10.0 m flankage yard                                        |
| b) | Maximum building height           | in accordance with Section 6.06                             |
| c) | Maximum building width and length | in accordance with Section 6.06                             |
| d) | Maximum distance from shore       | 3.0 m                                                       |

**7.12.3 RESTRICTIONS**

Notwithstanding the provisions of Section 7.12.1, a tourist lodge is only permitted in conjunction with a youth camp.

In a Tourist Commercial Youth Camp (TCYC) Zone, a dwelling unit as an accessory use may be located in the principal commercial building or may be in a separate building and shall be subject to the provision of Sections 6.15 and 7.5.2 for a dwelling unit.

Notwithstanding any other provisions of this By-law, in the Tourist Commercial Youth Camp (TCYC) Zone, sleeping accommodation is not permitted in a boathouse.

**7.12.4 EXCEPTIONS**



## SECTION 7.13 – TOURIST COMMERCIAL MARINA (TCM) ZONE

### 7.13.1 PERMITTED USES

No person shall within any Tourist Commercial Marina (TCM) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a marina

### 7.13.3 ZONE REQUIREMENTS

No person shall within any Tourist Commercial Marina (TCM) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions -All Zones, and Section 8, Special Provisions and the following:

- |                                                                                    |                                                             |
|------------------------------------------------------------------------------------|-------------------------------------------------------------|
| a) Minimum lot frontage                                                            | 50.0 m                                                      |
| b) Minimum lot area                                                                | 1,850.0 sq. m                                               |
| c) Maximum lot coverage (%)                                                        | 50.0                                                        |
| d) Minimum front yard                                                              | 4.5 m                                                       |
| e) Minimum rear yard                                                               | 9.0 m                                                       |
| f) Minimum side yard                                                               | 9.0 m                                                       |
| g) Maximum boat storage building height                                            | 15.0 m                                                      |
| h) Minimum distance to a lot line for an accessory building                        | 9.0 m                                                       |
| i) Maximum building height for an accessory building                               | 5.0 m                                                       |
| j) Minimum distance to a side lot line for a water based boathouse                 | 5.0 m from the straight line extension of the side lot line |
| k) Minimum distance between a marina and a residential use                         | 500.0 m straight line distance                              |
| l) Maximum building height of shops, sales area, office                            | 11.0 m                                                      |
| m) Minimum distance to other Tourist Commercial lots in the TC, TCYC and TCM Zones | 1,000.0 m straight line distance                            |

#### **A Boat Storage Area (Dry Land)**

- |                                          |                                |
|------------------------------------------|--------------------------------|
| a) Maximum building height               | 15.0 m                         |
| b) Minimum distance from shoreline       | 15.0 m                         |
| c) Minimum distance to a residential lot | 500.0 m straight line distance |
| d) Minimum lot area                      | 1,850.0 sq. m                  |
| e) Minimum side and rear yard            | 9.0 m                          |

- f) Minimum flankage yard 10.0 m  
(By-law 13-1121)

### **7.13.3 RESTRICTIONS**

In a Tourist Commercial Marina (TCM) Zone, a dwelling unit as an accessory use may be located in the principal commercial building or may be in a separate building and shall be subject to the provision of Sections 6.15 and 7.5.2 for a dwelling unit.

Notwithstanding any other provisions of this By-law, in the Tourist Commercial Marina (TCM) Zone, sleeping accommodation is not permitted in a boathouse.

### **7.13.4 EXCEPTIONS**

- 1) For the land known as Strathcona Inlet Bay RP 36R3188 Part 1 to 3 Pcl 28077 NIP (Temagami Marine), in addition to the uses permitted in Section 2 7.13.1 Permitted Uses, the following additional use shall be permitted:

- Indoor boat assembly facility

For the purposes of this Section, an indoor boat assembly use means, a facility where boats are assembled from various parts and painted. (By-law 11-1038) (References corrected by By-law 13-1121)

## **SECTION 7.14 - URBAN COMMERCIAL (UC) ZONE**

### **7.14.1 PERMITTED USES**

No person shall within any Urban Commercial (UC) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a club, lodge or fraternal organisation such as a Legion Hall
- a personal service shop
- a restaurant
- a bank or financial institution
- a tavern or pub
- an entertainment facility
- a business or professional office
- a clinic
- a laundromat
- a motel or hotel
- a retail store
- a service commercial facility
- a marina
- an apartment building (By-law 13-1121)
- a dwelling unit or units in accordance with the provisions of Section 6.15

### **7.14.2 ZONE REQUIREMENTS**

No person shall within any Urban Commercial (UC) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions -All Zones, and Section 8, Special Provisions and the following:

#### **A commercial lot:**

- |                             |                |
|-----------------------------|----------------|
| a) Minimum lot frontage     | no requirement |
| b) Minimum lot area         | no requirement |
| c) Maximum lot coverage (%) | 75.0           |

#### **A commercial use:**

- |                                 |                |
|---------------------------------|----------------|
| a) Maximum gross floor area (%) | 150.0          |
| b) Minimum front yard           | 1.0 m          |
| c) Minimum rear yard            | 7.5 m          |
| d) Minimum interior side yard   | no requirement |
| e) Minimum flankage yard        | 1.0 m          |
| f) Maximum building height      | 16.0 m         |

(By-law 13-1121)

## **Apartment Building**

In accordance with the provisions of the High Density Residential (RH) Zone  
(By-law 13-1121)

### **Marina:**

- |                                                                       |                                                                |
|-----------------------------------------------------------------------|----------------------------------------------------------------|
| a) Minimum lot frontage                                               | no requirement                                                 |
| b) Minimum lot area                                                   | 1,850.0 sq. m                                                  |
| c) Maximum lot coverage (%)                                           | 50.0                                                           |
| d) Minimum front yard                                                 | 4.5 m                                                          |
| e) Minimum rear yard                                                  | 9.0 m                                                          |
| f) Minimum side yard                                                  | 9.0 m                                                          |
| g) Maximum boat storage building height                               | 15.0 m (dry land only)                                         |
| h) Minimum distance to a lot line for<br>an accessory building        | 9.0 m                                                          |
| i) Maximum building height for<br>an accessory building               | 5.0 m                                                          |
| j) Minimum distance to a side lot line<br>for a water based boathouse | 5.0 m from the straight line extension<br>of the side lot line |
| k) Minimum distance between a marina<br>and a residential use         | 500.0 m straight line distance                                 |
| l) Maximum building height re: shops,<br>sales area, office           | 11.0 m                                                         |

### **A Boat Storage Area (Dry Land)**

- |                                          |                                |
|------------------------------------------|--------------------------------|
| a) Maximum building height               | 15.0 m                         |
| b) Minimum distance from shoreline       | 15.0 m                         |
| c) Minimum distance to a residential lot | 500.0 m straight line distance |
| d) Minimum lot area                      | 1,850.0 sq. m                  |
| e) Maximum lot coverage (%)              | 50.0                           |
| f) Minimum side and rear yard            | 9.0 m                          |

### **A land based boathouse:**

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| a) Minimum distance from the shore   | no requirement                  |
| b) Minimum side yard                 | 5.0 m                           |
| c) Maximum building height           | 1.5 storeys                     |
| d) Maximum building width and length | in accordance with Section 6.06 |

### **A water based boathouse:**

- |                                      |                                                                |
|--------------------------------------|----------------------------------------------------------------|
| a) Minimum side yard                 | 5.0 m from the straight-line extension<br>of the side lot line |
| b) Maximum building height           | in accordance with Section 6.06                                |
| c) Maximum building width and length | in accordance with Section 6.06                                |

- d) Maximum distance from shore 3.0 m

### **7.14.3 RESTRICTIONS**

Notwithstanding the provisions of Section 7.14.1, only a dwelling unit for the owner or operator of a marina operation is permitted. (By-law 13-1121)

### **7.14.4 EXCEPTIONS**

7.14.4.1 – On lands described as 2 Sunset Crescent the following shall apply;

- a) A building containing a retail store and two residential dwelling units; and
- b) A building containing three residential dwelling units. (By-law 20-1529)

## SECTION 7.15 – HIGHWAY COMMERCIAL (HC) ZONE

### 7.15.1 PERMITTED USES

No person shall within any Highway Commercial (HC) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- an automobile service station
- a motor vehicle sales area
- a tourist commercial establishment
- a place of amusement
- a gasoline bar
- a restaurant
- a motel or hotel
- a marina
- a tourist outfitter
- a dwelling unit for the owner/operator/caretaker, in accordance with the provisions of Section 6.15

### 7.15.2 ZONE REQUIREMENTS

No person shall within any Highway Commercial (HC) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions -All Zones, and Section 8, Special Provisions and the following:

- |                                                                |                   |
|----------------------------------------------------------------|-------------------|
| a) Minimum lot frontage                                        | 20.0 m            |
| b) Minimum lot area                                            | no requirement    |
| c) Maximum lot coverage (%)                                    | 80.0              |
| (By-law 13-1121)                                               |                   |
| d) Minimum front yard                                          | 3.0 m             |
| e) Minimum rear yard                                           | 3.0 m             |
| f) Minimum interior side yard                                  | 3.0 m             |
| g) Minimum flankage yard                                       | 3.0               |
| (By-law 13-1121)                                               |                   |
| h) Maximum building height                                     | 11.0 m            |
| i) Minimum rear and interior yard<br>for an accessory building | 3.0 m             |
| j) Maximum building height for<br>an accessory building        | 5.0 m             |
| k) Minimum landscaped open space                               | 20.0% of lot area |

#### **Marina:**

- |                             |                |
|-----------------------------|----------------|
| a) Minimum lot frontage     | no requirement |
| b) Minimum lot area         | 1,850.0 sq. m  |
| c) Maximum lot coverage (%) | 50.0           |
| d) Minimum front yard       | 4.5 m          |

- |    |                                                                 |                                                             |
|----|-----------------------------------------------------------------|-------------------------------------------------------------|
| e) | Minimum rear yard                                               | 9.0 m                                                       |
| f) | Minimum side yard                                               | 9.0 m                                                       |
| g) | Maximum boat storage building height                            | 15.0 m (dry land only)                                      |
| h) | Minimum distance to a lot line for an accessory building        | 9.0 m                                                       |
| i) | Maximum building height for an accessory building               | 5.0 m                                                       |
| j) | Minimum distance to a side lot line for a water based boathouse | 5.0 m from the straight line extension of the side lot line |
| k) | Minimum distance between a marina and a residential use         | 500.0 m straight line distance                              |
| l) | Maximum building height re: shops, sales area, office           | 11.0 m                                                      |

**A Boat Storage Area (Dry Land)**

- |    |                                       |                                |
|----|---------------------------------------|--------------------------------|
| a) | Maximum building height               | 15.0 m                         |
| b) | Minimum distance from shoreline       | 15.0 m                         |
| c) | Minimum distance to a residential lot | 500.0 m straight line distance |
| d) | Minimum lot area                      | 1,850.0 sq. m                  |
| e) | Maximum lot coverage (%)              | 50                             |
| f) | Minimum side and rear yard            | 9.0 m                          |

**A land based boathouse:**

- |    |                                   |                                 |
|----|-----------------------------------|---------------------------------|
| a) | Minimum distance from the shore   | no requirement                  |
| b) | Minimum side yard                 | 5.0 m                           |
| c) | Maximum building height           | 1.5 storeys                     |
| d) | Maximum building width and length | in accordance with Section 6.06 |

**A water based boathouse:**

- |    |                                   |                                                             |
|----|-----------------------------------|-------------------------------------------------------------|
| a) | Minimum side yard                 | 5.0 m from the straight-line extension of the side lot line |
| b) | Maximum building height           | in accordance with Section 6.06                             |
| c) | Maximum building width and length | in accordance with Section 6.06                             |
| d) | Maximum distance from shore       | 3.0 m                                                       |

**7.15.3 RESTRICTIONS**

The minimum building setback from any residential zone boundary shall be five (5.0) metres.

Notwithstanding the uses permitted in Section 7.15.1, a dwelling unit for the owner, operator/caretaker is only permitted for the owner/operator of a marina, a tourist commercial establishment, a hotel or motel and a restaurant.

## 7.15.4 EXCEPTIONS

### “7.15.1.1 Highway Commercial Exception One (HC-1) Zone (OMB file PL131380)

Notwithstanding the provisions of the Zoning By-law, the following additional specific provisions shall apply to the Highway Commercial Exception One (HC-1) Zone:

1. Within the Highway Commercial Exception One (HC-1) Zone, only the following uses are permitted:
  - a) All uses in the Highway Commercial (HC) Zone
  - b) Construction Business
2. For the purposes of the Highway Commercial Exception One (HC-1) Zone, the following definition shall apply:

**Construction Business:** means a premises that may include the following uses:

- a) Manufacturing, construction, woodworking and welding of buildings and structures and building and structure components and the sales of the said components;
  - b) Warehousing and sales of materials related to manufacturing, construction, woodworking, and welding of buildings and structure and building and structure components;
  - c) Processing and sales of logs and the outdoor storage of firewood and wood products;
  - d) Outdoor storage and sales of materials such as aggregates; landscaping materials; septic system construction supplies; recycled non-hazardous construction materials; and, portable toilets;
  - e) Outdoor storage of vehicles such as trucks; trailers; heavy equipment; boats; barges;
  - f) Repair of vehicles and equipment that are used in the business;
  - g) Fuel storage tanks for fuel used in the business; and,
  - h) An accessory office.
3. Within a Highway Commercial Exception One (HC-1) Zone, the following additional zone requirements shall apply:
    - a) Outdoor storage of materials, including but not limited to; construction materials, aggregate, landscape materials, firewood, wood products, septic system construction supplies, recycled construction material shall be located:
      - i. Minimum Setback from Front Lot Line: 15 metres”.



## SECTION 7.16 - NEIGHBOURHOOD COMMERCIAL (NC) ZONE

### 7.16.1 PERMITTED USES

No person shall within any Neighbourhood Commercial (NC) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a convenience store, including the rental of videos
- a personal service shop
- a dwelling unit for an owner/operator, in accordance with the provisions of Section 6.15
- a day nursery
- apartment units in a second storey, in accordance with the provisions of Section 6.15

### 7.16.2 ZONE REQUIREMENTS

No person shall within any Neighbourhood Commercial (NC) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions -All Zones, and Section 8, Special Provisions and the following:

#### **A commercial lot:**

- |                                  |                        |
|----------------------------------|------------------------|
| a) Minimum lot frontage          | 15.0 m                 |
| b) Minimum lot area              | 460.0 sq. m            |
| c) Maximum lot coverage (%)      | 50.0                   |
| d) Minimum landscaped open space | 20.0 % of the lot area |

#### **A commercial use:**

- |                                                             |                                                                               |
|-------------------------------------------------------------|-------------------------------------------------------------------------------|
| a) Minimum front yard                                       | 4.5 m                                                                         |
| b) Minimum front yard from the shoreline                    | 15.0 m                                                                        |
| c) Minimum rear yard                                        | 6.0 m                                                                         |
| d) Minimum interior side yard                               | 1.2 m on one side and 2.4 m on the other side                                 |
| e) Minimum flankage yard<br>(By-law 13-1121)                | 4.5 m                                                                         |
| f) Maximum building height                                  | 1 storey or 2 storeys if accessory apartments are located on the second floor |
| g) Minimum distance to a lot line for an accessory building | 1.0 m                                                                         |
| h) Maximum building height for an accessory building        | 5.0 m                                                                         |
| i) Maximum commercial gross floor area                      | 300.0 sq. m                                                                   |
| j) Maximum commercial gross floor area per establishment    | 140.0 sq. m                                                                   |

**7.16.3 RESTRICTIONS**

**7.16.4 EXCEPTIONS**

## **7.17 LIGHT INDUSTRIAL (ML) ZONE**

### **7.17.1 PERMITTED USES**

No person shall within any Light Industrial (ML) Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- a service or repair shop
- a warehouse
- a service industry
- a business office accessory to a permitted use
- a manufacturing plant
- a processing plant
- a wind farm
- a commercial use accessory to a permitted industrial use

### **7.17.2 ZONE REQUIREMENTS**

No person shall within any Light Industrial (ML) Zone use any land or erect or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, - Special Provisions and the following:

#### **An industrial lot:**

- |                                  |                       |
|----------------------------------|-----------------------|
| a) Minimum lot frontage          | 20.0 m                |
| b) Minimum lot area              | 740.0 sq. m           |
| c) Minimum landscaped open space | 20.0% of the lot area |

(By-law 13-1121)

#### **An industrial use:**

- |                               |       |
|-------------------------------|-------|
| a) Minimum front yard         | 4.5 m |
| b) Minimum rear yard          | 7.5 m |
| c) Minimum interior side yard | 3.0 m |
| d) Minimum flankage yard      | 4.5 m |

(By-law 13-1121)

- |                                                                |        |
|----------------------------------------------------------------|--------|
| e) Maximum building height                                     | 11.0 m |
| f) Maximum lot coverage (%)                                    | 50.0   |
| g) Minimum distance to a lot line for<br>an accessory building | 1.0 m  |
| h) Maximum building height for<br>An accessory building        | 5.0 m  |

### **7.17.3 RESTRICTIONS**

The outside storage of goods is not permitted.

### **7.17.4 EXCEPTIONS**

## 7.18 HEAVY INDUSTRIAL (MH) ZONE

### 7.18.1 PERMITTED USES

No person shall within any Heavy Industrial (MH) Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- all permitted uses in the Light Industrial (ML) Zone
- a contractors shop or yard
- a builders supply yard
- an equipment or materials storage yard
- a transport terminal
- an auto body repair shop
- a welding shop
- bulk sales
- a petroleum storage depot
- a saw or planing mill
- a scrap yard
- railway uses
- open storage in conjunction with a permitted use
- mining uses
- a public garage
- other industrial uses

### 7.18.2 ZONE REQUIREMENTS

No person shall within any Heavy Industrial (MH) Zone use any land or erect or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, - Special Provisions and the following:

#### **An industrial lot:**

- |                                  |                                                                    |
|----------------------------------|--------------------------------------------------------------------|
| a) Minimum lot frontage          | 30.0 m                                                             |
| b) Minimum lot area              | 1,390.0 sq. m                                                      |
| c) Minimum landscaped open space | 20.0% of the lot area including 10.0 m adjacent to any public road |

(By-law 13-1121)

#### **An industrial use:**

- |                                                             |        |
|-------------------------------------------------------------|--------|
| a) Minimum front yard                                       | 9.0 m  |
| b) Minimum rear yard                                        | 10.5 m |
| c) Minimum side yard                                        | 6.0 m  |
| d) Maximum lot coverage (%)                                 | 60.0   |
| e) Maximum building height                                  | none   |
| f) Minimum distance to a lot line for an accessory building | 6.0 m  |

(By-law 13-1121)

### **7.18.3 RESTRICTIONS**

The outside storage of goods is permitted subject to the storage area being screened from the direct view of the public.

A commercial wind farm is permitted, subject to a site specific rezoning, the other sections of this By-law and an approved site plan.

### **7.18.4 EXCEPTIONS**

- a) Notwithstanding any other provisions of this By-law, the land within Plan 36R-10857 is subject to the following provisions:

Permitted uses are limited to an automobile repair shop, bulk sales establishment, industrial uses, open storage, sawmill and scrap yard.

All buildings and structures, parking and loading areas and outdoor storage areas shall be set back a minimum of fifteen (15.0) metres from the average high water mark of Link Lake.

The minimum lot size shall be one (1.0) hectare.

The minimum lot frontage shall be thirty (30.0) metres

The minimum front yard shall be nine (9.0) metres

The minimum exterior side yard shall be nine (9.0) metres.

The minimum interior side yard shall be six (6.0) metres.

The minimum rear yard shall be six (6.0) metres.

The minimum setback from any lot line for open storage shall be six (6.0) metres.

All other applicable provisions of this By-law shall apply to the land.

Further, the Holding Zoning (H) on the land within Plan 36R10857 shall be lifted only when Council is satisfied that:

- Proposed accessory uses do not include a residence, day care centre or educational or health facility;
- The use/uses proposed on the site are those listed above or other dry uses permitted through a rezoning which do not have 'process' water flowing to septic tanks or to Link Lake; or
- The applicant has met the Health Unit or Ministry of the Environment requirements for a sewage disposal system; and
- All structures to be located on the site are a minimum of fifteen (15.0) metres from the average high water mark of Link Lake

(By-law 13-1121)

## **SECTION 7.19 - MINERAL AGGREGATE (MA) ZONE**

### **7.19.1 PERMITTED USES**

No person shall within any Mineral Aggregate (MA) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- an asphalt plant;
- a concrete batching plant;
- quarrying and sand and gravel pit operations;
- washing, screening, crushing and storage of sand, gravel, ballast, stone, aggregates and other surface and sub-surface resource materials;
- accessory and associated operations.

### **7.19.2 ZONE REQUIREMENTS**

No person shall within any Mineral Aggregate (MA) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

- |                            |        |
|----------------------------|--------|
| a) Minimum front yard      | 30.0 m |
| b) Minimum side yard       | 30.0 m |
| c) Maximum building height | 11.0 m |

### **7.19.3 RESTRICTIONS**

No pit or quarry shall be excavated so that its edge is at a point less than thirty (30) metres from the limit of any right-of-way and thirty (30) metres from any adjoining property line. However, this lot line restriction will be waived where two extractive operations abut and are being mined at the same time thus permitting a more efficient use of the available aggregate.

No permitted use shall be carried on within;

- a) 65 metres of any residential use on another lot;
- b) 50 metres of any street.

No person shall make or establish a pit or quarry within;

- a) 65 metres of any residential use on another lot;
- b) 50 metres of any street.

### **7.19.4 EXCEPTIONS**

## **7.20 PARK (P) ZONE**

### **7.20.1 PERMITTED USES**

No person shall within any Park (P) Zone use any land or erect, alter or use any building or structure except for one or more of the following:

- an area where the primary use of land is for public or private recreation
- a park
- a playground
- water parks
- playfields
- tennis courts
- a skating rink
- a swimming area

### **7.20.2 ZONE REQUIREMENTS**

No person shall within any Park (P) Zone use any land or erect, alter or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

**For all uses:**

- |                                  |                       |
|----------------------------------|-----------------------|
| a) Minimum lot frontage          | 30.0 m                |
| b) Minimum lot area              | 1,390.0 sq. m         |
| c) Maximum lot coverage (%)      | 20.0                  |
| d) Minimum front yard            | 9.0 m                 |
| e) Minimum rear yard             | 9.0 m                 |
| f) Minimum interior side yard    | 9.0 m                 |
| g) Minimum flankage yard         | 9.0 m                 |
| h) Maximum building height       | 11.0 m                |
| (By-law 13-1121)                 |                       |
| i) Minimum landscaped open space | 20.0% of the lot area |

### **7.20.3 RESTRICTIONS**

### **7.20.4 EXCEPTIONS**

## **SECTION 7.21 - OPEN SPACE (OS) ZONE**

### **7.21.1 PERMITTED USES**

No person shall within any Open Space (OS) Zone use any land or erect, alter or use any building or structure except for one or more of the following uses:

- conservation
- hazard lands
- nature trails
- public parks

### **7.21.2 ZONE REQUIREMENTS**

No person shall within any Open Space (OS) Zone use any land or erect, alter or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

- None

### **7.21.3 RESTRICTIONS**

### **7.21.4 EXCEPTIONS**



## SECTION 7.22 - COMMUNITY USE

### 7.22.1 PERMITTED USES

No person shall, within any Community Use (CU) Zone use any land or erect, alter or use any building or structure except for one or more of the following uses:

- an arena
- a curling rink
- public pools
- a community centre
- public buildings
- administration buildings
- places of worship
- hospitals and nursing stations
- clubs
- nursing homes
- utility buildings and facilities
- public schools
- day nurseries
- public parking
- the transit of industrial goods, waste, building supplies and/or equipment at approved lake access points

### 7.22.2 ZONE REQUIREMENTS

No person shall within any Community Use (CU) Zone use any land or erect, alter or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

**For community centres, an arena and a curling rink:**

- |                                      |                       |
|--------------------------------------|-----------------------|
| a) Minimum lot frontage              | no requirement        |
| b) Minimum lot area                  | no requirement        |
| c) Maximum lot coverage (%)          | 30.0                  |
| d) Minimum front yard                | 4.5 m                 |
| e) Minimum front yard from shoreline | 15.0 m                |
| f) Minimum rear yard                 | 6.0 m                 |
| g) Minimum interior side yard        | 2.4 m                 |
| h) Minimum flankage yard             | 4.5 m                 |
| i) Maximum building height           | 11.0 m                |
| j) Minimum landscaped open space     | 20.0% of the lot area |

(By-law 13-1121)

**For all other permitted uses:**

- |                         |                |
|-------------------------|----------------|
| a) Minimum lot frontage | no requirement |
|-------------------------|----------------|

b) Minimum lot area	no requirement
c) Maximum lot coverage (%)	30.0
d) Minimum front yard	4.5 m
e) Minimum front yard from shoreline	15.0 m
f) Minimum rear yard	6.0 m
g) Minimum interior side yard	2.4 m
h) Minimum flankage yard	4.5 m
i) Maximum building height	11.0 m
l) Minimum landscaped open space	20.0% of the lot area

(By-law 13-1121)

### **7.22.3 RESTRICTIONS**

Uses including vehicular and boat trailer parking areas and garbage containers adjacent to waterbodies shall be screened from the boating public through the use of vegetation. Where this is not possible, screening shall be provided through the use of wood fences or earth berms or a combination thereof. The above uses must be located fifteen (15) metres back from the high water mark.

Notwithstanding the uses permitted in Section 7.22.1, at lake access points only public parking and the transit of industrial goods, building supplies and/or equipment and the transit of waste are permitted. (By-law 13-1121)

### **7.22.4 EXCEPTIONS**

## **SECTION 7.23 - WASTE DISPOSAL (WD) ZONE**

### **7.23.1 PERMITTED USES**

No person shall, within any Waste Disposal (WD) Zone use any land or erect, alter or use any building or structure except for one or more of the following uses:

- the in-ground disposal of non-toxic, non-hazardous residential, institutional, commercial and industrial waste
- buildings and uses accessory to a permitted use

### **7.23.2 ZONE REQUIREMENTS**

No person shall within any Waste Disposal (WD) Zone use any land or erect, alter or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

**No new waste disposal of waste within:**

- 500.0 m of a body of water;
- 150.0 m of a municipal road;
- 500.0 m of an existing dwelling;
- 500.0 m of any zone other than the Protected Area, Special Management Area, Integrated Management Area, Heavy Industrial or Mineral Aggregate Zone.

### **7.23.3 RESTRICTIONS**

### **7.23.4 EXCEPTIONS**

## **7.24 FUTURE DEVELOPMENT (FD) ZONE**

### **7.24.1 PERMITTED USES**

No person shall, within any Future Development (FD) Zone use any land or erect, alter or use any building or structure except for one or more of the following uses:

- any use existing on a lot on the date of passing of this By-law

### **7.24.2 ZONE REQUIREMENTS**

No person shall within any Future Development (FD) Zone use any land or erect, alter or use any building or structure except in accordance with the provisions of this section, the provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions and the following:

- None

### **7.24.3 RESTRICTIONS (By-law 13-1121)**

### **7.24.4 EXCEPTIONS**

1. For those lands described as 120-171 Jack Guppy Way, legally described as Strathy, Strathcona Location; CL 10293 RP 36R10715 Parts 1&2 Pcl 29079 NIP, the following shall apply:
  - a) In addition to the uses permitted in Section 7.24.1 Permitted Uses, the following additional uses shall be permitted:
    - outdoor recreation activities
    - accessory uses to outdoor recreation activities
  - b) For the purposes of this Section, outdoor recreation activities means, hiking trails, zip lining, tree canopy walkways, viewing platforms, ice climbing, and rock climbing.”
  - c) For the purposes of this Section accessory uses include: comfort stations, parking areas, concession stands, souvenirs shops, educational centre and administrative offices.
  - d) Section 7.24.4.1 of the By-law shall expire at midnight on March 15, 2015 unless an extension is granted in accordance with Section 39 of the Planning Act. (12-1053)

(By-law 13-1121)

## **SECTION 8 - SPECIAL PROVISIONS**

8.1-In addition to the standards set out elsewhere in this By-law, for all zones on Lake Temagami, Cross Lake, Net Lake, Rabbit Lake, Lady Evelyn Lake, Snake Lake and Cassels Lake, buildings or structures shall not be constructed where the geodetic elevation is less than: Lake Temagami - 294.7m, Net Lake - 298.0 m, Rabbit Lake 292.34 m, Lady Evelyn Lake 289.09 m, Snake Lake - 292.5 m, Cassels Lake - 292.5 m, except:

- a) where such building or structure is intended for flood or erosion control; or
- b) where the building or structure is a water based boathouse.

## **SECTION 9 - EXISTING BY-LAW REPEALED**

By-law 81-62 and all By-laws amending By-law 81-62 passed under Section 35 of the Planning Act R.S.O. or predecessor thereof in force in the Municipality on the date of adoption of this By-law are hereby repealed.

## **SECTION 10 – EFFECTIVE DATE**

This By-law shall take effect on the date of passage thereof, subject to the provisions of Section 34 of the Planning Act, R.S.O., as amended.

READ A FIRST TIME ON: FEBRUARY 9, 2006

READ A SECOND TIME ON: FEBRUARY 23, 2006

READ A THIRD TIME AND FINALLY PASSED ON: FEBRUARY 23, 2006

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Mayor

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Clerk

APPENDIX

**CONVERSION TABLE**

<b>Metres</b>	<b>Feet</b>	<b>Metres</b>	<b>Feet</b>	<b>Metres</b>	<b>Feet</b>
1	3.281	10	32.81	35	114.835
1.2	3.9372	10.5	34.4505	40	131.24
1.5	4.9215	11	36.091	45	147.645
2	6.562	12	39.372	50	164.05
2.4	7.8744	13	42.653	60	196.86
3	9.843	14	45.934	65	213.265
4	13.124	14.5	47.5745	90	295.29
4.5	14.7645	15	49.215	100	328.1
5	16.405	17.5	57.4175	120	393.72
6	19.686	19	62.339	150	492.15
7	22.967	20	65.62	200	656.2
7.5	24.6075	22	72.182	500	1640.5
8	26.248	25	82.025	1000	3281
9	29.529	30	98.43		

<b>Square Metres</b>	<b>Square Feet</b>	<b>Square Metres</b>	<b>Square Feet</b>	<b>Square Metres</b>	<b>Square Feet</b>
1	10.76	36	387.36	400	4304
15	161.4	60	645.6	460	4949.6
9	96.84	72	774.72	500	5380
10	107.6	130	1398.8	650	6994
20	215.2	150	1614	700	7532
25	269	180	1936.8	1390	14956.4
30	322.8	200	2152	1850	19906
40	430.4	270	2905.2	5000	53800

<b>Hectares</b>	<b>Acres</b>	<b>Hectares</b>	<b>Acres</b>	<b>Kilogram</b>	<b>Tonnes</b>
0.4	0.9884	1.4	3.4594	1	0.001
0.6	1.4826	1.6	3.9536	4475	4.475
0.8	1.9768	1.8	4.4478	1 Acre	43,560 sq. ft.
1	2.471	2	4.942	1 ha	10,000 sq. m
1.2	2.9652	6	14.826		