

Corporation of the Town of Kirkland Lake

Zoning By-law 21-032

Department of Development Services

Final Version to Town of Kirkland Lake 2021-04-30

Clean Version

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SECTION 1: TITLE

- 1.1 This By-law shall be cited as the Restricted Area (Zoning) By-law of the *Corporation* of the Town of Kirkland Lake.
- 1.2 This By-law shall be referred to as the "Zoning By-law".

SECTION 2: AUTHORITY

- 2.1 Whereas authority is granted under Section 34 of the Planning Act, R.S.O., 1990, Chapter P13, as amended, and whereas it is deemed necessary and expedient to pass a By-law to implement the Official Plan.
- 2.2 Now therefore the *Corporation* of the Town of Kirkland Lake enacts a By-law regulating the use of land and the erection or use of *buildings* and *structures* within the Town of Kirkland Lake.

SECTION 3: ADMINISTRATION AND ENFORCEMENT

3.1 SCOPE OF THE BY-LAW

1. The provisions of this By-law shall apply throughout all areas contained within the municipal limits of the Town of Kirkland Lake.
2. No building shall be *erected, altered*, constructed, reconstructed, used, maintained, occupied, moved, or removed except in accordance with the provisions of this By-law.
3. No land shall be used, maintained, built on, excavated upon or occupied except in accordance with the provisions of this By-law.
4. No development, *construction* or redevelopment shall be undertaken unless a *construction* permit granted by the Chief Building Official and the *Corporation* has been obtained.
5. Any application or request for a *construction* permit shall be accompanied by all information as is required, to determine whether or not every such use of land, *building* or *structure* conforms to the requirements of this By-law.
6. Conformance with the provisions of this By-law shall not exempt any person or party from conforming to the By-laws, regulations or statutes of the Corporation or any other authority.

3.2 VIOLATION

1. Pursuant to Section 429 of the Municipal Act, R.S.O., 2001, Chapter 25 and to Section 67 of the Planning Act, R.S.O., 1990, Chapter P13, as amended respectively, every person who contravenes any of the provisions of the Zoning By-law shall upon conviction thereof, forfeit and pay a penalty not exceeding \$25,000 exclusive of costs for each offence, and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. All of the provisions of which shall apply, except any term of imprisonment for default of the payment of the fine and costs imposed under this By-law shall not exceed six (6) months. The imposition of the penalty for contravention of this By-law shall not excuse the condition or matter resulting in such contravention or permit it to continue.
2. In addition to any penalty provided by this By-law, any contravention may be restrained by action at the instance of any ratepayer or of the *Corporation* of the Town of Kirkland Lake to the provisions of Section 45 of the Planning Act, R.S.O., 1990, Chapter P13, as amended, in that behalf.

3.3 ENFORCEMENT

1. This Zoning By-law shall be administered by the Chief Administrative Officer of the *Corporation* or such other person as from time to time is designated by *Council* to administer this By-law.

3.4 VALIDITY

1. If any provision of this By-law including anything shown on the zoning map (hereunto attached as Schedule "A-1" to "A-5" and "B-1" to "B-2") is for any reason held to be invalid, it is hereby declared to be the intention that all remaining provisions of the said By-law shall remain in full force and effect.

3.5 HIGHER STANDARD PREVAILS

1. Wherein any standard or requirement in this By-law conflicts with any standard or requirement of another By-law, statute or regulation, the higher or more stringent standard shall prevail.

3.6 REPEAL

1. By-law Number 12-019, and all amendments thereto, are hereby repealed as far as their application to the Town of Kirkland Lake upon the coming into effect of this By-law.
2. Minor variances which have been issued over the last two (2) years will have an additional two years after the coming into effect of this By-law to construct a building as per the variance decision.

3. Reference made to amending by-laws in text is for reference only, and upon consolidation with this By-law are repealed.

SECTION 4: LEGAL NON-CONFORMING AND LEGAL NON-COMPLYING USES

4.1 NON-CONFORMING USES

1. Nothing in this By-law shall prevent the use of any land, *building* or *structure* for any purpose prohibited by this By-law if such land, *building* or *structure* was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.
2. Nothing in this By-law shall prevent the reconstruction, renovation, repair or strengthening to a safe condition of any building or structure or part of any such building or structure which does not comply with the provisions of this By-law.
3. The provisions of this By-law shall not apply to prevent the reconstruction or continued use of any *building* or *structure* that is damaged or destroyed, either by voluntary or involuntary means, provided that:
4. Such restoration does not increase the height, size or volume or change the use of such building or structure.
5. This By-law is not intended to apply to prevent the *erection* or use for a purpose prohibited by the By-law of any *building* or *structure* the plans for which have, prior to the day of passing of the By-law, been approved by the Chief Building Official, so long as the *building* or *structure*, when *erected*, is used and continues to be used for the purpose for which it was *erected*.
6. Nothing in this By-law shall prevent *Council* from acquiring or disposing of any land, *building* or *structure* used or *erected* for a purpose prohibited by the By-law or for the acquisition or disposition of any vacant land having a *frontage* or *depth* less than the minimum prescribed for the *erection* of a *building* or *structure* in the defined *area* in which the land is situated. Nothing in this By-law shall prevent *Council* from disposing of any such land, *building* or *structure* or prevent *Council* from exchanging any such land for any other land within the Municipality.
7. A non-conforming use of a lot, building or structure shall not be changed except to a use which is permissible within such zone, or such other uses as may be approved under Section 45 of the Planning Act, R.S.O. 1990, Chapter P. 13.
8. A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use.
9. Portable shelters, recreational vehicles, mobile home sites and shipping containers are not subject to the provisions of legal non-conforming uses.

4.2 NON-COMPLYING BUILDINGS OR STRUCTURES

1. Where a *legal non-complying building* or *structure* is damaged, destroyed or demolished, the *building* or *structure* may be reconstructed within its original location provided that:
 - (a) The situation of non-compliance is not further increased; and
 - (b) All other provisions of the By-law are complied with.Efforts should be made to have the rebuilding of buildings or structures comply with all applicable setbacks and yard provisions of the applicable zones.
2. A *legal non-complying building* or *structure* may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.

SECTION 5: DEFINITIONS

5.1 Accessory Building or Structure

A detached or *attached building or structure* that is not used for human habitation and the use of which is customarily incidental and subordinate to a *principal use, building or structure* and located on the same *lot*.

5.2 Accessory Use

A use subordinate and naturally customarily, and normally incidental to, and exclusively devoted to a main use of land, and located on the same *lot* as the *principal use, building or structure*.

5.3 Access Driveway

The area between the travelled portion of a roadway and an *off-street parking or loading* facility used by motor *vehicles* for access to and from such facilities but does not include an *aisle*.

5.4 Accommodation Units

Any room or group of rooms designed to provide accommodations to the traveling or recreational public including a room in a *hotel, motel, resort or tourist establishment, bed and breakfast, rental cottage* or cabin or a *tent* or trailer site.

5.5 Agricultural Use

The use of land, buildings or structures for:

- a) The growing of crops, including cannabis, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;
- b) The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish;
- c) The production of animal and plant products such as milk, eggs, wool, fur, honey, maple sugar bush, or *woodlots* including related activities such as the collection, storage, and sale of the products;
- d) A commercial greenhouse or nursery garden, including storage and sale of the products; and
- e) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

5.6 Agricultural Related Use

A farm-related commercial or farm-related industrial use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

5.7 Aisle

The area used by motor *vehicles* for access to and from all *off-street parking or loading* facilities, but does not include an *access driveway*.

5.8 Alter

1. When used in reference to a *building, structure* or part thereof:
 - a) To change any one or more of the external dimensions of such *building or structure*;
 - b) To change the type of *construction* of the exterior walls or roof of such *building or structure*;
 - c) To change the use of such *building or structure*; or
 - d) To change the number of uses or *dwelling units* contained therein.
2. When used in reference to a *lot*:
 - (a) To change the boundary of such *lot* with respect to a *street* or land;
 - (b) To change any dimension or *area* relating to such *lot*, which is covered herein by a zone provision;
 - (c) To change the use of such *lot*; or
 - (d) To change the number of uses located thereon.

5.9 Animal Boarding Kennel

A premise where domestic animals are boarded during the day and/or overnight.

5.10 Animal Grooming and Spa Facility

An establishment for the hygienic care of cleaning of domestic animals and for enhancing their appearance.

5.11 Animal Hospital

A premise where animals, birds, or other livestock are treated or kept for monetary gain.

5.12 Attic

The portion of the *building* between the roof and the ceiling of the top *storey* or between a dwarf wall and a sloping roof, and which is not a one-half *storey* as defined herein.

5.13 Balcony

A partially enclosed platform projecting from the main wall of a *building* which is not supported by vertical uprights other than the wall itself and which is only accessible from within the *building*.

5.14 Basement

Means one of more *storeys* of a *building* located below the *first storey*.

5.15 Boarder

A person other than the lessee, tenant, owner or person related thereto, to whom meals may or may not be provided and where lodging is provided for compensation.

5.16 Boarding Home

A *dwelling*, or part thereof, in which accommodation is rented or intended to be rented to four (4) or more *boarders* for their domestic use and in which bathroom and kitchen facilities are shared by any or all of the occupants.

5.17 Boathouse

A detached *accessory building*, used for the berthing or sheltering of watercraft and watercraft related equipment, built or anchored near the shoreline of a navigable waterway or on land.

5.18 Boat Port

A detached *accessory structure* used for the berthing, sheltering or storing of watercraft, or watercraft related equipment, that is roofed, but not enclosed by more than one wall and is built or anchored near the shoreline of a navigable waterway or on land.

5.19 Brewery

A building or structure thereof that is used for the self-contained manufacturing, production, storage, bottling, canning and shipping of beer, authorized by a licence issued by the Alcohol and Gaming Commission of Ontario, and can be associated with a restaurant. Self-contained means that the emission of odour fumes, noise, cinder, vibration, heat, glare or electrical interference is not possible.

5.20 Building

A *building* is a *structure* consisting of a wall, roof or floor or any one or more of these which is used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, goods or materials but shall not include a lawful boundary wall or *fence*.

5.21 Building, Attached

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

5.22 Building, Principal

The *building* in which the *principal use* is conducted. For the purpose of this By-law, any porch or any other like or similar *structure* attached to the *principal building*, shall be considered as part of such *building* and shall be subject to the regulations applicable to the *principal building*.

5.23 Building Line

A line other than a *lot* line regulating the position of a *building* on a *lot*.

5.24 Building Supplies Outlet

A *building*, or part thereof, and land adjacent thereto, in which *building* or *construction* and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.

- 5.25 Bus Depot**
An area at which passengers may board or disembark from a bus and may include bus bays and bus shelters.
- 5.26 Cafeteria**
A *restaurant* or dining room in a school or business in which customers serve themselves or are served from a counter and pay before eating.
- 5.27 Campground**
Lands used for the parking and temporary use for campsites occupied by tents, trailers, motor homes, and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities, and an accessory convenience store.
- 5.28 Carport**
A sheltered or covered *parking* area of which at least 40.0 percent is open sided.
- 5.29 Carwash**
A *building*, or part thereof, which is used, or designed to be used, for the washing of motor *vehicles* by mechanical means or by hand labour methods.
- 5.30 Cellar**
The portion of a *building* that has a *basement* that is located more than 75.0 percent below *established grade*.
- 5.31 Cemetery**
Land that is reserved or used for interring the dead or placing or burying the remains, or ashes of human bodies, but does not include a *funeral home*. A *cemetery* may include a *structure* for the cremation of human remains and may include the facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.
- 5.32 Child Care Centre**
A place designed and operated for the purpose of temporary care and custody of children and which falls under the jurisdiction of the *Child Care and Early Years Act, 2014*, and its successors.
- 5.33 Commercial Entertainment**
The use of a *building*, or part thereof, for a fee for the provision of entertainment or amusement without the necessity of active transportation by the user and includes without limiting the generality of the foregoing, such uses as movie theatres, drive-in theatres, playhouses, bingo and other assembly halls, and also includes public dance halls and music halls.
- 5.34 Commercial Parking Facility**
An area of land, other than a *street* or a *lane*, used for the *parking* of motor *vehicles* and available for public or private use in which there may be compensation for such use, and for the purpose of this By-law, a *commercial parking facility* shall constitute the only use of a *lot*.
- 5.35 Commercial Vehicle**
Means a motor vehicle having attached thereto, a truck or delivery body, and includes, but is not limited to, any vehicle on which is displayed commercial lettering or commercial license plates, ambulances, fire apparatus, hearses, casket wagons, mobile food outlets, buses, cube vans, tilt and load trucks, dump trucks, tow trucks, buses, tractors used for hauling purposes on the highways and construction equipment which is self-propelled or designed to be towed.
- 5.36 Concrete Plant**
A *structure* that combines various ingredients to form concrete. A *concrete plant* shall include a ready-mix plant and central mix plant.
- 5.37 Construction**
To do anything in the *erection*, installation or extension or material *alteration* or repair of a *building* or *sign* and includes the installation of a *building unit* or *sign* fabricated or moved from elsewhere.
- 5.38 Corner Visibility Triangle**
A triangle formed within a *corner lot* by the intersecting *street* lines or the projections thereof and a straight line connecting them within a distance from their point of intersection.

- 5.39 Corporation**
The *Corporation* of the Town of Kirkland Lake.
- 5.40 Confectionary and Variety Shops**
A *retail store* supplying groceries and other daily household necessities to the immediate surrounding area.
- 5.41 Contractor's Establishment**
The *yard* of a contractor or a *construction* company used for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the wholesale or retail sale of *building* supplies or home improvement supplies.
- 5.42 Cottage**
A *building* designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for temporary occupancy during vacation periods and not for permanent occupancy.
- 5.43 Council**
The *Council* of the *Corporation* of the Town of Kirkland Lake.
- 5.44 Deck**
A *structure* with no roof or walls, except guards, which is constructed on piers, a foundation or cantilevered above grade for use as an outdoor living space, attached or accessory to a dwelling unit.
- 5.45 Designated Accessible Parking**
A *parking space* identified with appropriate *signage* and markings for the exclusive use of persons in possession of a valid accessible parking permit.
- 5.46 Dock**
An *accessory structure* built at or anchored over water at which watercrafts are berthed or secured to.
- 5.47 Dormer**
A gabled extension *building* out from a sloping roof to accommodate a vertical window.
- 5.48 Dry Cleaning Establishment**
A *building*, or part thereof, in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, through the use of chemicals which emit no odours or fumes.
- 5.49 Dwelling**
A *building* occupied or capable of being occupied in whole or part, as the home or residence of one or more persons, which contains one or more *dwelling units*, but which does not include a *mobile home* with or without a foundation, a commercial establishment such as *recreational vehicles*, bus, coach or truck body.
- 5.50 Dwelling, Apartment**
A residential *building* that is divided into five (5) or more *dwelling units* for separate occupation.
- 5.51 Dwelling, Caretaker's Unit**
A *dwelling unit* for the owner(s) or an (1) employee of a company to look after the *building* or property during off-hours.
- 5.52 Dwelling, Condominium**
A *building* corporately owned and operated, and which falls under the jurisdiction of the *Condominium Act*, S.O. 1998, Chapter 19, as amended.
- 5.53 Dwelling, Duplex**
A residential *building* having two floors with separate entrances and in separate occupation of which each occupation or *dwelling unit* is separated horizontally from the other.
- 5.54 Garden Suite**
A temporary, one-unit, self-contained, and portable detached residential structure that is ancillary to and on the same lot as a residential dwelling, and excludes a trailer as defined herein.
- 5.55 Dwelling, Grouped**
Two or more *triplexes*, *quadraplexes*, *townhouses* or *apartment buildings* which are under one ownership and are located on one *lot*.

- 5.56 Mobile Home**
A dwelling that is designed to be made mobile and constructed in accordance with Canadian Standards Association Standard Z240 that is intended to be hauled to a permanent site for use with or without a permanent foundation, but does not include a travel trailer, tent trailer or motor home otherwise designed.
- 5.57 Dwelling, Quadraplex**
A *building* that is divided into four *dwelling units*, each *unit* having independent entrances either directly or through a common vestibule.
- 5.58 Dwelling, Semi Detached**
A *building* that is divided vertically into two *dwelling units*, each of which has an independent entrance.
- 5.59 Dwelling, Single Detached**
A completely detached *building* consisting of one (1) *dwelling unit*.
- 5.60 Tiny Home**
A small, private and self-contained dwelling unit between 17.5 sqm and 37 sqm. A tiny home shall be considered a single detached dwelling, unless it is on wheels, in which case it shall be considered a mobile home.
- 5.61 Dwelling, Townhouse**
A *building* that is horizontally divided into three or more *dwelling units*, each *unit* having independent entrances.
- 5.62 Dwelling, Triplex**
A *building* that is vertically divided into three or more *dwelling units*, each *unit* having independent entrances either directly or through a common vestibule.
- 5.63 Dwelling Unit**
One or more *habitable rooms* designed, occupied, or intended for use for residential purposes by one or more individual as an independent separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such individual or individuals.
- 5.64 Additional Residential Unit**
A separate dwelling unit which is either located in a *single detached dwelling*, *semi-detached dwelling*, *triplex* or an accessory building or structure.
- 5.65 Educational Institution**
The use of land, *building* or *structures*, an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.
- 5.66 Equestrian Facility**
A commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.
- 5.67 Erect**
Setting up, *building*, constructing, reconstructing and relocating and without limited the generality of the word, also includes:
a) *Altering* any existing *building* or *structure* by an addition, enlargement, extension, relocation or other structural change;
b) Any work for the doing of which a *building* permit is required under the Building Code Act and Regulations passed there under as may be amended, replaced or re-enacted from time to time; and
c) *Erect*, *erected* and *erection* shall have a corresponding meaning.
- 5.68 Established Building Line**
The average *setback* from the *street* line of existing *buildings* on one side of the *street*.
- 5.69 Established Grade**
With reference to a *building*, the average elevation of the finished surface of the ground where it meets the *exterior* of all sides of such *building*, and when used with reference to a *structure*, means the average elevation of the *finished grade* of the ground immediately surrounding such *structure*, and when used with reference to a *street*, road or highway, will refer to the elevation established by the Municipality or other designated authority.

5.70 Explosive Manufacturing

This industry comprises establishments primarily engaged in manufacturing explosive preparations, detonators for explosives, and explosive devices, except ammunition (i.e. the manufacturing of Azides explosive materials, blasting accessories, blasting powders, caps, detonators, dynamite, fuses, gunpowder, nitro-glycerine and trinitrotoluene)

5.71 Fairground

Land devoted to entertainment on a seasonal or temporary basis and may include grandstands and other *accessory buildings* normally associated with such a use.

5.72 Fence

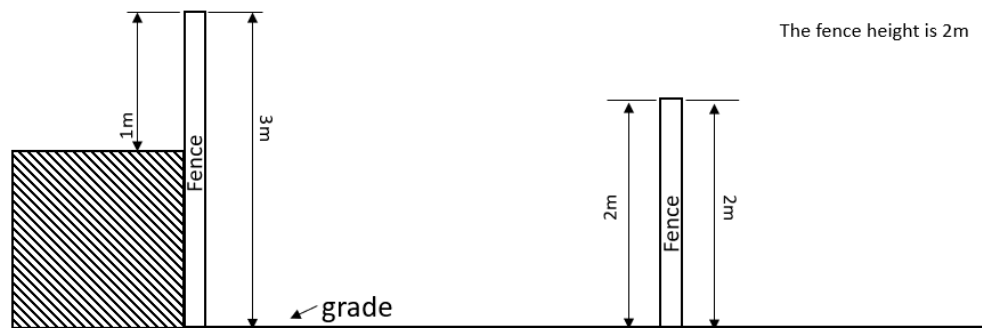
A *structure* which forms a barrier for enclosing, bounding, delineating or protecting land. If the elevation of the land impacts the height of the fence from one side to the other, than the average fence height taken from the base to the top of the fence on either side of the fence will be used as the fence height.

The average fence height is taken from the base to the top of the fence on either side

$$1\text{m} + 3\text{m} = 4\text{m}$$

$$4\text{m} / 2 = 2\text{m}$$

The fence height is 2m



Fence height is measured from grade to the top of the fence.

The fence height is 2m

Figure 1: Visual Representation of fence height

5.73 Financial Establishment

A *building*, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including *accessory* clerical functions and shall include a bank, trust company, credit union or other similar banking service.

5.74 Finished Grade

The elevations of the finished surface of the ground adjacent the ground level of the wall of a *building* or *structure*.

5.75 Floor Area

The total *habitable floor area* within a *building* which is measured between the exterior faces of the exterior walls or from the central line of a common or part wall, but excluding any private detached *garage*, breezeway, porch, veranda, *balcony*, *attic*, *cellar*, and any other *floor area* with a ceiling height less than 2.0 metres.

5.76 Floor Area, Gross

The aggregate of the *floor area* of a *building* above or below grade, measured between the exterior faces of the exterior walls of the *building* at each level but excluding car *parking* areas within the *building*; and for the purpose of this clause, the walls of the inner court means the exterior walls.

5.77 Floor Area, Net

The *Net Floor Area* of a non-residential *building*, excluding:

- Any part of such *building* used as a *dwelling unit*;
- Any part of such *building* used for the *parking* or storage of motor *vehicles*;
- Any part of such *building* used for equipment to heat, cool and/or operate such *building*, or a portion thereof;
- Any part of such *building* used as a common area between stores in a mall; and

e) The thickness of any exterior walls of such *building*.

5.78 Forestry

The general raising and harvesting of wood, and without limiting the generality of the foregoing, shall include logging, the raising and cutting of fuel wood, pulp wood, Christmas trees, and other forest products; but does not include the processing of raw material into wood products or by-products.

5.79 Fuel Storage Tank

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

5.80 Funeral Home

A *building*, or part thereof, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

5.81 Garage, Private

A detached *accessory building* or portion of a *dwelling unit* which is designed or used for the sheltering of a private motor *vehicle(s)* and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. For the purpose of this By-law, a *private garage* excludes a *carport* or other open shelter.

5.82 Garage, Attached

A *private garage accessory* to a *dwelling* on the same *lot* and attached thereto a common wall.

5.83 Garden Centre

A retail store comprised of an outdoor or indoor area used primarily for the display and retail sale of plants, gardening and landscaping supplies and equipment but does not include the propagation of plants.

5.84 Garden Nursery

An establishment engaged in the propagation and retail sale of plants, garden and landscaping supplies, and accessories.

5.85 Golf Course

A public or private area operated for the purpose of playing golf and includes, without limiting the generality of the foregoing, a *golf course*, par three *golf course*, miniature *golf course*, driving range, and *accessory* clubhouse and recreational activities.

5.86 Group Home, Closed Custody

A *group home* operated primarily for persons who have been placed on probation, released on parole, or admitted for correctional purposes.

5.87 Group Home, Open Custody

A *group home* operated primarily for persons who have been referred by a *hospital*, court, government agency, recognized social services agency or health professional.

5.88 Habitable Room

Any room used or intended to be used for living, sleeping, cooking or eating purposes with the exception of bathrooms, hallways or stairwells, *attics*, unfinished *basements* or *cellars*.

5.89 Hazard Lands

Any land having inherent environmental hazards, such as poor drainage, organic soils, floor susceptibility, erosion, steep slopes or any other natural or manmade physical conditions which effectively create unsuitable or adverse conditions for *construction* or development, or conditions unsafe to the public.

5.90 Health Services

An establishment which provides health or medical services such as chiropractor, medical clinic, associations or organizations formed to provide medical or *health services*.

5.91 Height

With reference to a *building*, *height* means the vertical distance between the *established grade* and

- a) The highest point of the roof surface or the parapet, whichever is greater of the flat roof;
- b) The *deck* roof line or decline of a mansard roof; or

c) The main level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof. Without limiting the generality of the foregoing, antennae, chimneys, spires, cupolas, flagpoles, water tanks, windmills, air conditioner ducts, barns, silos, a drive-in theatre screen or incidental equipment associated with internal *building* equipment, or other similar *structures*, shall be disregarded in calculating *building height*.

5.92 Hobby Farm

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

5.93 Hospital

Any institution, *building* or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the Public *Hospitals Act* as a public *hospital*.

5.94 Hotel/Motel

An establishment that provides sleeping accommodation of not fewer than five (5) bedrooms catering to the needs of the traveling public on a short-term basis and may supply food and refreshments from a general kitchen, dining room and other public rooms.

5.95 Household Industry

A small-scale light industrial use, such as a carpentry shop, metal working shop, a welding shop, an electrical shop, small engine repair or similar use, that provides services or wares to the community and which is an *accessory use* to a *single detached dwelling*. For the purpose of this By-law, the repairing of *mobile homes* and trailers and the storage of heavy machinery and equipment are not considered household industries. The activity must be conducted in whole by an individual residing on the premises on a full-time basis, wholly contained within a *building*.

5.96 Household Occupation

A gainful occupation conducted within or outside of a *dwelling* which is secondary to the use of the *dwelling* as a private residence and the nature and scope of which is compatible with the residential character of the *dwelling*. The activity must be conducted in whole by an individual residing on the premises on a full-time basis.

5.97 Hunt Camp

A *building* used for the purpose of accommodating persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation. The Hunt Camp shall not be larger than 140 sqm and shall not have any servicing.

5.98 Industrial Use

A building, use, or activity related to manufacturing, assembling, making, producing, refining, sorting, finishing, treating, tanning, cleaning, repairing, restoring, processing, refinishing, packing, sawing, warehousing, stockpiling, storing, distributing, shipping, breaking up, crushing, demolishing, reprocessing, repairing, servicing or recycling of goods, substances, or articles and similar uses, including ores, minerals, aggregates and agricultural produce, cannabis processing, or any part or parts thereof; or The production or storage of building or construction equipment or materials.

5.99 Laboratory

A room or *building* equipped for scientific experiments, research or teaching, or for the manufacture of drugs or chemicals.

5.100 Lane

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

5.101 Laundromat

An establishment with coin-operated washing machines and dryers for *public use*.

5.102 Library

A *building* or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow or refer to.

5.103 Liquor or Beer Outlet

A *retail store* regulated by the Provincial Government where liquor and/or beer are sold.

5.104 Loading Space

An unencumbered area of land provided and maintained upon the same *lot* or *lots* upon which the *principal use* is located and which area is designed specifically and is suitable for the temporary *parking* of one commercial motor *vehicle* while merchandise or materials are being loaded or unloaded from such *vehicle*, and does not mean an area designed for the purpose of sale or display, customer *parking* or storage. The *loading space* must have an unobstructed access to a *street* or a *lane*.

5.105 Long Term Care Home

A “long term care home” as defined in the Long-Term Care Homes Act, 2007, and its successors.

5.106 Lot

A block, reserve and any other delineation of land on a plan recorded under the Land Titles Act.

5.107 Lot Area

The total horizontal area within the *lot* lines of a *lot*.

5.108 Lot, Corner

A *lot* situated at the intersection of, and abutting on, two or more *streets*.

5.109 Lot Coverage

The percentage of *lot area* covered by all *buildings*, main and *accessory*, which includes shipping containers, and a *deck* if it is attached to the house and is 0.6 metres or higher above the ground.

5.110 Lot Depth

The horizontal distance between the front and rear *lot* lines; or where these *lot* lines are not parallel, the length of a line joining the midpoints of the front and rear *lot* lines.

5.111 Lot, Exterior

A side *lot* which abuts the *street* on a *corner lot*.

5.112 Lot Frontage

The distance between the side *lot* lines measured at the *building* line and parallel to the *street* line, except that:

- a) Where the front *lot* line is not perpendicular to the side *lot* lines, which are parallel, *lot frontage* means the horizontal perpendicular distance between two side *lot* lines;
- b) Where the front *lot* line is not a straight line and the side *lot* lines are not parallel, the *lot frontage* is to be measured by a line 6.0 metres back from and parallel to the chord of the *lot frontage*, and for the purpose of this paragraph, the chord of the *lot frontage* is a straight line joining the two points where the side *lot* lines intersect the front *lot* line; and
- c) Where there are no side *lot* lines, the greatest distance between any two points.

5.113 Lot, Interior

A *lot* situated between two *lots* or a *lot* other than a *corner lot*.

5.114 Lot, Through

A *lot* bounded on two opposite sides by *streets* or highway provided, however, that if any *lot* qualifies as being both a *corner lot* and a through *lot* as herein before defined, such *lot* means a *corner lot* for the purpose of this By-law.

5.115 Lot of Record

A *lot* which is part of the subdivision or block recorded in the registry of Land Titles Office, or a *lot* or parcel described by meets and bounds, the description of which has been so recorded.

5.116 Lot Line

A boundary, property boundary, or *exterior* line of a *lot*.

5.117 Lot Line, Front

- a) In the case of an *interior lot*, the *lot* line abutting a *street* to which access is available.
- b) In the case of a *lot* abutting a navigable waterway, the line formed by the Optimal Summer Water Level or the inner limit of the shore road allowance.

- c) In the case of a *corner lot*, the shortest of the *lot* lines which abuts the *street*. Where such *lot lines* are of equal length, the *front lot line* shall be either of the *lot lines*.
- d) In the case of a through *lot*, if it abuts two *streets*, the *lot* line abutting the *street* from which access is primarily gained to the *lot*; or, if it abuts a *street* and a navigable waterway, the *lot* line along the navigable waterway.

5.118 Lot Line, Side, Exterior

A *side lot line* that abuts a *street* on a *corner lot*.

5.119 Lot Line, Side, Interior

A *side lot line* that immediately adjoins another property.

5.120 Lot Line, Rear

The *lot line* furthest from or opposite the *front lot line* or in the case of a triangular *lot*, shall be the point formed by the intersection of the *side lot lines*.

5.121 Machining

An operation which shapes metal parts by carving away excess material as chips produced in a sequential process of turning, milling and grinding operations.

5.122 Market Place

An area of land consisting of *buildings*, stalls or an open area used primarily for the display and retailing of, without limiting the generality of the foregoing, *farm* produce, meat, poultry, foodstuffs or commodities.

5.123 Metal Products Factory

A factory for forging, rolling, stamping or drawing (either cold or hot), casting, fabricating, grinding, turning, *machining*, heat-treating, galvanizing, plating, coating, annealing or other fabrication or processing of structural steel, boilers, tanks, drums or cans, machines, motors or large parts, including railway, automotive, agriculture or electrical equipment, hardware or tools, other ferrous or ferro-alloy metal products, aluminum products, brass or copper products, white metal alloy products, bronze powder or other non-ferrous or non-ferrous alloy metal products and includes an industrial welding shop, a casting factory and a die casting factory premises used for making sand castings and a railway rolling stock *repair shop* but does not include a small metal wares factory.

5.124 Mineral Extraction

The extraction of any mineral, ore, sand, gravel, or other materials and may include above ground mining *structures*.

5.125 Mineral Processing

The processing of raw minerals extracted from the ground and may include smelting, or any other form of processing.

5.126 Mineral Disposal

The disposal or storage of waste products resulting from the processing of minerals and may include tailing sites and slag dumping sites.

5.127 Mineral Extraction and Disposal

The extraction of any mineral, ore, sand, gravel or other material and may include above ground mining *structures*, and the subsequent disposal or storage of waste products resulting from the processing of minerals and may include tailing sites and slag dumping sites.

5.128 Mobile Food Outlet

A mobile commercial operation including a refreshment or restaurant operation which is established at a location on a temporary basis and which may change location from time to time through the use of motorized transportation and which is not located in a permanent building or structure. Mobile businesses do not include the delivery of goods and services that have been prearranged.

5.129 Mobile Home Park

A parcel of land used for the *parking* or storage of *mobile homes* and includes all *accessory buildings* necessary for the operation of said park.

5.130 Mobile Home Site

An area of land within a *mobile home park* which is used as the site of not more than one (1) *mobile home*.

5.131 Model Home

A *single detached dwelling or semi-detached dwelling* used only for the purpose of display and sale and may include a detached temporary washroom facility designed for staff and the public.

5.132 Motor Vehicle Body Shop

A *building or structure* used for the painting or repairing of motor *vehicle* bodies, exterior and undercarriage, and in conjunction with which there may be towing service and *motor vehicle rentals* for customers while motor *vehicle* is under repair.

5.133 Motor Vehicle Dealership

A *building or structure* where a dealer displays motor *vehicles* for sale or rent and in conjunction with which there may be a *motor vehicle body shop*, service station and washing establishment (*car wash*).

5.134 Motor Vehicle Gas Bar

One or more pump islands, each consisting of one or more gasoline pumps and a shelter.

5.135 Motor Vehicle Rentals

A *building or structure* where a company rents automobiles for a short period of time for a fee and may be in conjunction with a *motor vehicle service station*.

5.136 Motor Vehicle Repair Shop

A *building* or part of a building used for the servicing and repair a *vehicle* or part of a *vehicle* or for the retail sales of parts, accessories or lubricants.

5.137 Motor Vehicle Service Station

A *building* or clearly defined space on a *lot* where motor *vehicle* fuel is sold by retail, including a *gas bar*, and where motor *vehicle* accessories, parts and repairs may be available for purchase, but does not include premises where the sole use is one or more of a *motor vehicle repair shop*, transmission shop, muffler shop or other like or similar businesses.

5.138 Non-Complying, Legal

Shall mean a permitted use, *building* or *structure* legally existing at the date of the passing of this By-law, which does not fulfill the minimum requirements of the zone within which the *building* is located.

5.139 Non-Conforming, Legal

An existing use or activity of any land *building* or *structure* which does not conform to the permitted uses or activities of this By-law for the zone in which such existing land, *building* or *structure* is located, so long as it continues to be used for that purpose.

5.140 Obnoxious Use

Any use which shall be a nuisance to the occupants or owners of any neighbouring lands or *buildings* by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon or otherwise.

5.141 Outdoor Display

Merchandise or goods exhibited or advertised for immediate sale and which is located on the *lot exterior* to a *building*.

5.142 Outdoor Storage

Merchandise, goods, inventory or equipment reserved or stored but not intended for immediate sale, and which is located on the *lot exterior* to a *building*.

5.143 Park

An area devoted to recreational and open space uses and used for:

- a) passive forms of recreational uses which may include a picnic area, walking trail, swimming area, greenhouse, zoological gardens, botanical gardens or like or similar uses;
- b) active forms of recreational uses which may include a baseball diamond, soccer pitch, *docks*, tennis courts, outdoor ice rink, swimming pool, fair grounds, athletic fields, field houses, bleachers, bandstands, or other like or similar uses; or

- c) special events, which may include without limiting the generality of the foregoing, social and cultural events, and the temporary display of goods, wares, merchandise, substances, foodstuffs, commodities or articles of similar kind to the general public; designed to serve the residents of a neighbourhood, community, region or province.

5.144 Parking Area, Parking Lot

An open area, other than a *street*, used for temporary *parking* of four or more motor *vehicles* and which are available for *public use* whether free, for compensation or as accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor *vehicles* to a *street* or highway by means of driveways, *aisles* or manoeuvring areas the latter upon which no *parking* or storage of motor *vehicles* is permitted.

5.145 Parking Space

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

5.146 Personal Service

A *building* or part thereof, used for the provision of services involved in the health, beauty, or grooming of a person, or the maintenance or cleaning of their apparel.

5.147 Pet Daycare Service

An establishment conducted during regular office hours, which is engaged in grooming and supervision of pet animals. A pet daycare service is not an *animal boarding facility* or a *veterinary establishment* and does not operate on a twenty-four hour basis.

5.148 Pet Obedience Training Establishment

An establishment that provides a standardized program of training for pets calculated to give owners mastery of their pets at all times.

5.149 Pet Supply Store

A retail store that specialized in pet supplies such as, but not limited to, leashes, collars, food and toys, but does not include the sale of animals.

5.150 Photography Studio

A *building* or part of a *building* used primarily for the developing and print processing of film and includes portrait and commercial photography and repair of photographic equipment.

5.151 Pit

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

5.152 Place of Assembly

A *building* or part thereof in which facilities are provided for such purposes as meeting for civic, theatrical, musical, political, religious or social purposes and shall include, without limiting the generality of the foregoing, an auditorium, banquet hall, concert hall, gymnasium, opera house, playhouse or other similar uses.

5.153 Places of Worship

A *building* dedicated to religious worship and may include such *accessory uses* as a nursery school, an assembly hall, a school of religious education, covenant, monastery or parish hall.

5.154 Plant, Asphalt or Concrete

An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in *building* or *construction*, and includes the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

5.155 Portable Asphalt Plant

A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process. Such facility is not of permanent *construction* and is designated to be dismantled and moved to another location as required.

- 5.156 Portable Shelter**
Means a prefabricated structure usually constructed with metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.
- 5.157 Post Secondary Institution**
A university or college, as defined by provincial legislation.
- 5.158 Prepared Food Store**
A *building* or part thereof in which food or beverages are prepared for human consumption and shall include bake shops, meat markets, wine making and supplies shop.
- 5.159 Principal Use**
The predominate purpose for which any land, *building*, *structure* or premises, or part thereof, is used, designed, arranged, occupied, or maintained.
- 5.160 Printing Establishment**
An establishment used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting and shall include a duplicating shop and a letter shop.
- 5.161 Prison**
A penitentiary, common jail, public or reformatory jail, lock up, guard room, or other place in which persons who are charged with or convicted of offences are usually kept in custody, as defined by the Criminal Code Chapter R.S. 1985 c. C-46 as amended, but does not include a *group home*.
- 5.162 Private Home Daycare**
A temporary care for reward or compensation of five (5) children or less who are under twelve (12) years of age where such care is provided in a private residence as a household occupation, other than the home of a parent or guardian of any such child for a continuous period not exceeding twenty-four (24) hours.
- 5.163 Private Swimming Pool**
An artificial body of water, the container of which is constructed of cement, plastic, fiberglass or similar material, having a *depth* greater than 0.45 metres and intended primarily for bathing, swimming and diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.
- 5.164 Professional or Administrative Office**
A *building*, or part thereof, in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients who seek advice, consultation or professional services, but does not include *health services*.
- 5.165 Public Authority**
Any local board defined by the Municipal Affairs Act, R.S.O. 1990, Chapter M.46, as amended.
- 5.166 Public Use**
The use of a *lot* or a *building* by a *public authority*, for the purpose of providing its services to the public, or carrying out its public mandate, but does not include a business office.
- 5.167 Quarry**
A place where consolidated rock has been or is being removed by means of an open excavation to supply material for *construction*, industrial or manufacturing purposes, but does not include a *wayside quarry* or open *pit* metal mine.
- 5.168 Recreational Facility**
The use of lands, *buildings* or *structures* designed and equipped for the conduct of athletic and recreational pursuits that have a similar requirement of, or characteristic of the principal institutional use that is offered publicly.
- 5.169 Recreational Vehicle**
A *vehicle* used primarily for recreational or vacation purposes, includes but is not limited to travel trailers, truck trailers, campers, motorized homes, boats, snowmobiles, and all terrain vehicles.
- 5.170 Recreational Vehicle Sales and Service Establishment**
A premise where new or used *recreational vehicles* and related equipment and accessories are displayed for sale or rent in conjunction with which there may be facilities for the servicing of such *vehicles*.

5.171 Redevelopment

The removal of *buildings* from the land and the *construction* and *erection* of other *buildings* thereon.

5.172 Renovation

The repair and restoration of a *building* to good condition, but shall not include its replacement.

5.173 Repair Shop

An establishment specializing in the repair and maintenance of a variety of items, excluding motorized *vehicles*.

5.174 Restaurant

An establishment which is primarily engaged in the preparation and sale of food and beverages which may be consumed on its premises by the public at tables inside or outside the *building* or may be engaged in providing the public with the take-out service of food and beverages for off-site consumption, and may or may not be licensed for the sale of alcoholic beverages. For this purpose of this definition, a *mobile food outlet* is not considered a *restaurant*.

5.175 Retail Store

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 value. This includes a cannabis retail store.

5.176 Salvage Yard

Any land, *building* or part thereof used for the storage or disassembly of motor *vehicles* or machinery and, if in conjunction therewith the crushing or scrapping of metal or the retail sale of used motor *vehicle* parts or accessories.

5.177 Self Storage Facility

A *building* or group of *buildings* used for the indoor storage of household goods, wares, substances, or articles but shall not include a cartage depot, transportation depot or warehouse. A *shipping container*, truck body, bus coach, *streetcar* body, railway car or other similar body or containers, whether on wheels or not, shall not be used as part of a *Self Storage Facility*.

5.178 Setback

The distance between a *lot* line and the nearest wall of any *building* or *structure* and extending the full width or length of the *lot*.

5.179 Shipping Container

A rectangular metal container customarily used for the transport of freight or for storage, with or without wheels.

5.180 Shopping Centre

A group of commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in location, size and type of shops to the trade area that the unit serves and which provides onsite *parking* in definite relationship to the type and total size of the stores in the *shopping centre*.

5.181 Short Term Rental Accommodation

All or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 consecutive days in exchange for payment. This includes B&Bs but excludes hotels and motels.

5.182 Bed and Breakfast

A *dwelling* or part thereof, in which not more than four (4) bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the owner supplies lodging, with or without meals, for the persons so accommodated, but does not include a *boarding home*.

5.183 Showroom

A *building* or *structure* used to display goods for sale, such as appliances and furniture.

5.184 Solar Farm

Any device or combination of devices employed in the collection of direct solar radiation for the purpose of heating or cooling a *building*, heating water, generating electricity or otherwise converting solar rays into usable forms of energy.

5.185 Special Occasion Tent or Structure

An outdoor venue that can accommodate a variety of special events including but not limited to concerts, festivals, fundraising activities, ceremonies and wedding receptions and provides temporary covered open space.

5.186 Storage Trailer

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

5.187 Storey

That portion of a *building* other than an *attic*, *basement* or *cellar*, which lies between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

5.188 Storey, First

The first *storey* is the lowest *storey* close to the *finished grade* and which is 75% above the level of the *finished grade*.

5.189 Storey, One Half

Shall mean that portion of a *building* situated wholly or in part within the roof and having its floor level not lower than 1.0 metre below the line where roof and out wall meet and in which there is sufficient space to provide a *height* between finished floor and finished ceiling of at least 2.0 metres over a *floor area* equal to fifty percent or more of the *area* of the floor next below.

5.190 Street

A public highway or public road which affords the principal means of access to abutting *lots* but does not include a public *lane* or private right-of-way.

5.191 Structure

Anything constructed or *erected* with a fixed location, on the ground or attached to something having a fixed location on the ground.

5.192 Tavern

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

5.193 Taxi Stand

A *building* or *structure* that operates as the command centre for commercial automobiles that carries passengers to and from a location for a fee.

5.194 Temporary Use

The use of land or the *erection* or use of *building* or *structure* for a *construction* camp, work camp, tool shed, scaffold, or other *building* or *structure* incidental to and necessary for such *construction* work which has not been finished or abandoned.

5.195 Tent

A temporary shelter made of canvas, nylon or other such material, including associated poles, pegs, and ropes that may be disassembled and easily moved, and that is not permanently affixed to the site but shall not include a *recreational vehicle* or any other *structure* otherwise defined or classified in this By-law.

5.196 Tourist Establishment

A commercial establishment designed for the travelling or vacationing public, and that has facilities for accommodation and may serve meals or provide kitchen facilities and may furnish equipment, supplies or services to persons for recreational purposes.

5.197 Vehicle

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

5.198 Veterinary Establishment

A *building* established for the purpose of medically or surgically treating animals, especially domestic animals.

5.199 Warehousing

A *building* or part of a *building* used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or *yard*.

5.200 Waterbody

Means any bay, or lake other than a drainage ditch or irrigation channel.

5.201 Wayside Pit or Quarry

A temporary *pit* or *quarry* 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.

5.202 Wholesaling

The sale and distribution of goods or materials for resale purposes only.

5.203 Yard

An open, uncovered space on a *lot* appurtenant to a *building*, except a court, and unoccupied by *buildings* or *structures* except as specifically permitted in this By-law.

5.204 Yard, Front

A *yard* extending across the full width of the *lot* between the *front lot line* and the *building line*.

5.205 Yard, Exterior Side

The *side yard* of a *corner lot* which extends from the *front yard* to the *rear yard* between the *exterior lot* and the nearest main wall of any *building* or *structure*.

5.206 Yard, Interior Side

A *yard* extending from a *front yard* to a *rear yard*, between a *side lot* and a line drawn parallel thereto and through the nearest point of a main *building*, nearest the *side lot line*.

5.207 Yard, Rear

A *yard* extending across the full width of the *lot* between the *rear lot line* and a line drawn parallel thereto and through the nearest point of a main *building* closest to the *rear lot line*.

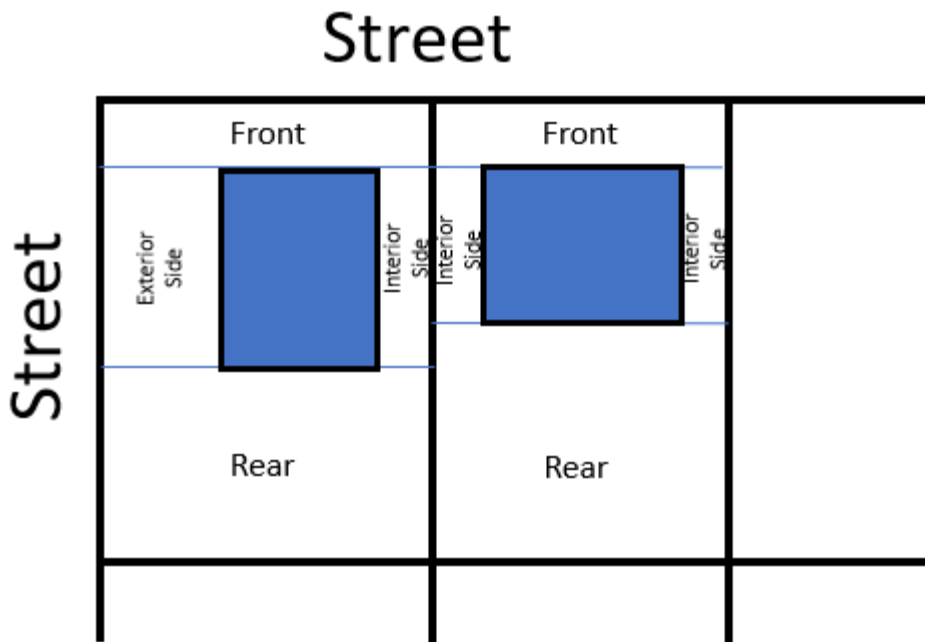


Figure 2: Visual Representation of Front, Side and Rear Yards

5.208 Zone

An area of district of land shown on the schedules of this By-law and which are subject to special restrictions.

SECTION 6: INTERPRETATION

6.1 CLASSIFICATION

- For the purpose of this By-law, the affected area of the Town of Kirkland Lake is divided into the following Zones and their extent, location and boundaries are shown on the Zoning Maps hereto attached as Schedules "A-1" to "A-5" and "B-1" to "B-2" to this By-law.

Zone	Symbol	Section
Residential Low Density	R1	10
Residential Medium Density	R2	11
Residential High Density	R3	12
Residential Mobile home	RMH	13
Town Centre Commercial	C1	15
Shopping Centre and Highway Commercial	C2	16
Neighbourhood Commercial	C3	17
Light Industrial	M1	19
Heavy Industrial	M2	20
Mining Industrial	MM	21
Mineral Extraction and Disposal	MED	22
Parks and Open Space	O1	23
Restricted Open Space	O2	24
Institutional	I	25
Rural	RA	27
Rural Estates Development	RE	28
Rural Residential	RR	29
Rural Recreation Development	RS	30
Future Development Area	DA	31

6.2 SYMBOLS

- The symbols used on Schedules "A-1" to "A-5" and "B-1" to "B-2", refer to the appropriate zones established by this By-law.

6.3 INTERPRETATION OF ZONE BOUNDARIES

- The extent and boundaries of all zones are shown on Schedules "A-1" to "A-5" and "B-1" to "B-2", and for such zones, the provisions of this By-law shall respectively apply.
- Boundaries between zones shall be determined as follows:
 - Where a zone boundary is indicated as following a *street* or *lane* or highway, the boundary shall be the centre line of such *street* or *lane* or highway, and in the event of the closing of such *street* or *lane* or highway, the zone boundary shall be the former centre line of the said *street* or *lane* or highway;
 - Where a *street* or land or highway, railroad or railway right-of-way, electrical transmission line right-of-way or water course is included in the zoning maps, it shall be, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
 - Where a railroad or railway right-of-way, electrical transmission line right-of-way or water course is included on the zoning map and serves as a boundary between two or more different zones, the line midway on such right-of-way or water course and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
 - Where a zone boundary is indicated as following the municipal limits of the Town of Kirkland Lake, the limit shall be the zone boundary.

6.4 CERTAIN WORDS

1. 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 permissive.

6.5 SPECIAL EXCEPTION ZONES

1. Where a zone symbol is followed by a dash and a number (for example “M1-1”), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions. These special provisions are listed separately under the appropriate special exception section of the parent zone (e.g. M1) in the text of this By-law.

6.6 HOLDING ZONES

1. Any parcel or area of land may be further classified as a holding zone with the addition of the suffix “-h”. The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.
2. Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building, or structure on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law, and the Town may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

6.7 TEMPORARY USE BY-LAWS

1. Temporary use By-laws may have been passed by the Town to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

SECTION 7: GENERAL PROVISIONS

7.1 APPLICATION TO ALL ZONES

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

7.2 ACCESSORY USES

1. The following provisions shall apply to permitted accessory buildings in each respective zone:
 - (a) Accessory buildings shall not be used for human habitation except where a dwelling is a permitted accessory use.
 - (b) The *accessory building* shall not be built closer to the *front lot line* than the minimum distance required by this By-law for the *principal building* on the *lot*.
 - (c) An *accessory building* shall not be considered an *accessory building* if attached to the *principal building* by a common wall, or if enclosed within the *structure* of the *principal building*.
 - (d) Where *dwellings* are permitted as *accessory buildings*, the provisions of the “Residential Low Density (R1)” zone shall apply.
 - (e) An *accessory building* shall not be *erected* on a *lot* prior to the *principal building* to which it is to be *accessory* thereto.
 - (f) Unless otherwise noted in the following table, the *accessory structure* shall have the same *setbacks* as the *principal building*.

	R1, R2, RMH	R3, R4, I	RA, RE, RR, RS, (Not waterfront)	RA, RE, RR, RS, (Waterfront)	All Other Zones
Minimum <i>Front Yard</i>	Same as <i>Principal Building</i>			0.0 metres	Same as <i>Principal Building</i>
Minimum <i>Rear Yard</i>	0.6 metres	3.0 metres	3.0 metres	3.0 metres	Same as <i>Principal Building</i>
Minimum <i>Interior Side Yard</i>	0.6 metres	3.0 metres	3.0 metres	3.0 metres	Same as <i>Principal Building</i>
Minimum <i>Exterior Side Yard</i>	Same as <i>Principal Building</i>				
Minimum Distance from <i>Principal Building</i>	1.2 metres				
Maximum <i>Height</i>	5.0 metres				
Maximum <i>Lot Coverage</i>	10.0 percent	20.0 percent	2.5 percent	2.5 percent	1.0 percent

2. Additional Dwelling Units

- (a) Where these uses are permitted, they are subject to the following provisions:
 - i. One additional residential dwelling unit is permitted in a single detached dwelling unit, semi-detached dwelling unit, or triplex dwelling unit, and one accessory dwelling unit is permitted in a building or structure accessory to the aforementioned units.
 - ii. The additional residential unit is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighborhood;
 - iii. Additional Residential units shall be subject to the corresponding zone provisions if located in the primary structure
 - iv. Additional Residential Units in an accessory structure shall be subject to the general provisions for accessory uses
 - v. 1 parking space per accessory dwelling unit or garden suite is required;
 - vi. An additional residential unit is permitted on private services, provided it can be demonstrated that the private sewage disposal system and water system can accommodate the change in use; and
 - vii. Additional Residential Units may not be severed from the lot containing the primary residential use.

3. Detached Private Garages

(a) No opening of a detached private garage located in the side or rear yard of any corner lot shall be located closer than 3.0 metres to any street line.

(b) Exception for Garage Separate from the Main Residential Use

- i. An accessory garage may be built on a separate lot without a main use, provided that:
 - a) A parking space is provided on the lot with the primary residential use; and
 - b) No residential dwelling unit (accessory, converted, or otherwise) are permitted on the lot with the accessory garage
 - c) The lot with the accessory garage shall not be used for commercial purposes unless it is zoned for commercial purposes
 - d) A maximum of one (1) commercial vehicle is permitted on the lot with the garage for parking purposes
 - e) The landowner shall enter into an agreement with the Corporation of the Town of Kirkland Lake that the lot with the garage separate from the main use shall be sold with the lot with the primary dwelling, or to an abutting property within 100 metres that the lot is servicing.

4. Deck

(a) If the deck is attached to the house and is 0.6 metres or higher above the ground it is included in the Lot Coverage.

5. Dwelling Units Below Grade

(a) No dwelling unit shall, in its entirety, be located in a cellar. If any portion of a dwelling unit is located within a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room or similar use only.

6. Garden Suites

(a) Where these uses are permitted, they are subject to the following provisions:

- i. No more than an amount equal to 40% of the gross floor area of the principal dwelling use, may be developed for a garden suite;
- ii. 1 parking space per accessory dwelling unit or garden suite is required;
- iii. Garden suites must maintain a minimum of 1.2 metre setback from the primary dwelling

7. Portable Shelters

(a) Portable shelters are permitted year-round, subject to the following provisions:

- i. A maximum of two (2) portable shelters are permitted on a property
- (b) Portable shelters must be located a minimum of 0.6 metres from the rear, interior and/or exterior side property lines;
- (c) If located in the front yard the portable shelter shall no pose any hazards for vehicular movement or human health and safety;
- (d) Portable shelters shall be included in the lot coverage calculations; and
- (e) Portable shelters are subject to the provisions established in the Property Standards By-law and the Community Standards By-law.

8. Private Swimming Pools

(a) Where a private swimming pool (excluding temporary inflatable swimming pools) is constructed as an accessory use to any principal residential or commercial use, no part of it shall be located closer than 1.2 metres to any rear or interior side lot line (3.0 metres to exterior side lot line). All pool pumps and filtering equipment shall be in an enclosed structure.

(b) All private swimming pools shall be in conformity with the Town's Pool By-law.

9. Properties Fronting Water

(a) Boathouses, boat ports and docks may be built along the front lot line when the said lot line abuts a body of water.

10. Recreational Vehicles

(a) No recreational vehicle shall be used for habitable space, other than 1 recreational vehicle used for camping purposes which shall only be permitted in the "Rural (RA) Zone".

(b) Recreational vehicles are only permitted in the Residential zones for storage/parking purposes as an accessory use on a lot that has an established primary use.

(c) Recreational vehicles must be stored appropriately and conform to the following provisions:

- i. If any vehicles are to be located in the front yard, they shall not pose any hazards for vehicular movement or human health and safety;
- ii. All recreational vehicles shall be stored in accordance with the Community Standards By-law.

11. Truck, Bus and Coach Bodies, Recreational Trailer

(a) No trucks, bus, coach or *streetcar* body, or *structure* of any similar kind shall be used for human habitation as a bona fide *dwelling unit*. No recreational trailer or *vehicle* shall be used or occupied or be intended for use as a permanent *building*.

12. Shipping Containers

(a) Shipping containers are permitted in Residential, and Industrial zones and the "Shopping Centre and Highway Commercial (C2)" and "Rural (RA)" zones, only as an accessory use on a lot that has an established primary use.

(b) Shipping containers shall conform to the following provisions:

- i. Such containers shall be maintained in an orderly appearance, i.e. not rusted.
- ii. Such containers shall only be permitted in the rear and interior side yard, and must maintain a minimum setback of 2 metres from the lot line.
- iii. In a Residential Zone, or on a lot that abuts a residential zone, a minimum landscaped buffer of 1.0 metres in width must be maintained adjacent to the shipping container.
- iv. Such container shall not be located in any required parking space.
- v. Shipping Containers shall be in compliance with the Ontario Building Code;
- vi. Shipping Containers shall be included in lot coverage calculations

7.3 AIRPORT CONSTRAINT AREA

1. Development and land use within the Airport Constraint Area (see Official Plan Schedule D-3) that would interfere with the functioning safe operation, or expansion of the Kirkland Lake Airport is prohibited. All development within the Airport Constraint Area must be developed under controlled conditions to ensure the Airport operation will not be adversely affected and conform to the provisions established in the Official Plan.

7.4 CORNER VISIBILITY TRIANGLE

1. No obstruction to visibility, whether from a building, motor vehicle, landscaping, or other impediments shall be permitted within a corner visibility triangle. The purpose being to allow a complete view of oncoming motor vehicle and pedestrian traffic by other such traffic entering the intersection. The corner visibility triangle is measured:

- (a) Along the edge of the pavement for a distance of 6.0 metres from the point of intersection on a local or collector road;
- (b) Along the edge of the pavement for a distance of 9.0 metres from the point of intersection on a highway; or

- (c) Along the edge of the pavement and a railway right-of-way for a distance of 30.0 metres from the point of intersection.

7.5 EXISTING UNDERSIZED LOTS

1. A vacant *lot* held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum *lot frontage* or *lot area* required by this By-law, may be used for the purpose permitted in the zone in which the *lot* is located and *buildings* may be *erected* on the *lot* provided that all other applicable provisions of this By-law are satisfied.

7.6 FRONTAGE/ACCESS ON A PUBLIC STREET

1. No person shall construct or erect upon a lot, a building or structure for any purpose on any zone unless the front lot line of such lot abuts a public street other than a lane or private right-of-way, except:
 - (a) Resource related development may be accessed via a private road.
 - (b) An existing separate lot of record which does not front on an opened public road or highway may be used, if the lot legal access registered on title to an opened public road or highway, or in the case of lands that have access over Crown lands that confirmation of such access in perpetuity is provided.

7.7 HEIGHT REGULATIONS

1. The *height* regulations of this By-law shall not apply to electrical power facilities, church spires, ornamental domes, cupola, water tanks, elevation enclosures, mining *head frames*, flagpoles, television or radio antennae, ventilators, skylights, chimneys, or clock towers, mechanical and service equipment, penthouses, drive-in theatre screens, silo, barn or windmill or other *farm buildings*, unless within the "Airport Constraint Area".

7.8 HOUSEHOLD OCCUPATIONS

1. In addition to the requirements of each residential, rural and rural residential zones, the following provisions shall apply:
 - (a) Permitted offices shall be for a recognized profession and without limiting the generality of the foregoing, may include: accountants, architects, auditors, dentists, engineers, insurance agents, land surveyors, lawyers, medical practitioners, notaries, veterinarians and realtors.
 - (b) Permitted household occupations shall include the manufacturing or offering for sale of goods or services normally found in a dwelling and without limiting the generality of the foregoing, may include: dressmaking, tailoring, hairdressing, barbering, instruction in music, dancing, arts and crafts to not more than six pupils or students at any one lesson, weaving, painting, sculpting, molding, or otherwise making or repairing of garden or household ornaments, articles of clothing, personal effects or tops.
 - (c) Only one person residing in the said dwelling, plus one assistant, who may or may not reside in the dwelling, may conduct the said household occupation or professional office.
 - (d) The floor area devoted to the said household occupation or professional office shall not be more than 25.0 percent of the total floor area of the dwelling, or a maximum of 46.0 square metres, whichever is the lesser.
 - (e) There shall be no advertising other than a plate or sign with a maximum area of 0.2 square metres, which does not flash and is attached and parallel to the main wall of the building.
 - (f) One off-street parking space shall be provided for each 18.0 square metres of floor area devoted to the household occupation or professional use, in addition to that required for the residential use. Not more than 15.0 percent of the total lot area may be devoted to parking facilities.
 - (g) The residential character of the dwelling unit shall not be changed.
 - (h) The household occupation or professional office shall not create or become a nuisance because of noise, fumes, dust, odour and traffic or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood.

- (i) There shall be no open storage or outdoor display of materials or finished products, and no machinery or instrument shall be used in conducting the household occupation that is not normally used in a residence or is not compatible with a residential area.
- (j) In the case of a veterinarian, there shall be no animal boarding facility.
- (k) Where an office is used by a veterinarian, physician or dentist, such office use shall be for consultation and emergency and treatment and not as a health services building or hospital.

7.9 MINIMUM DISTANCE SEPARATION

1. All new agricultural development and development in proximity to existing agricultural uses shall comply with the Minimum Distance Separation (MDS) Formulae I or II of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as may be amended from time to time.

7.10 MULTIPLE USES

1. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standards shall prevail.

7.11 ONE MAIN BUILDING ON A LOT

1. Only one principal building on a lot shall be permitted except in residential zones that permit grouped dwellings, the "Shopping Centre and Highway Commercial (C2)" zones, or unless otherwise stated in this By-law.

7.12 PARKING OF COMMERCIAL VEHICLES

1. No person shall park or store in any Residential Zone, any commercial vehicle unless under the following circumstances:
 - (a) The vehicle is located in a private garage; or
 - (b) The vehicle is located behind the front building line, in the interior side or rear yard, and is screened by an opaque fence having a height of no less than 1.8 metres; and
 - (c) The vehicle is owned and operated by the owner or occupant of the dwelling unit.
 - i. At no time, shall there be more than two (2) commercial vehicles located on a residentially zoned property.
 - ii. The owner of the dwelling unit must retain the required number of parking spaces for the dwelling, not including the space used for the commercial vehicle(s).

7.13 PERMITTED ENCROACHMENTS IN YARDS

1. Except for *accessory buildings, structures* or uses, every part of any *yard* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky provided however that those *structures* listed in the following table shall be permitted to project for the specified distances into required *yards* as follows:

Structure or Feature	Applicable Yard(s)	Required setback or Permitted Encroachment
Sills, Belt Courses, eaves, gutters, chimneys, awnings, pilasters, canopies and generators	Any yard	May encroach 0.6 m into the required yard
Window Bays	Front, and Rear yard	May encroach 1.0 metres into the required front, rear yard

Fire Escapes, Exterior Staircases	Rear and Side yards	May encroach 1.5 metres into the required rear and side yards for a maximum width of 3.0 metres
Balconies	Front, Rear and Side Yards	May encroach 2.0 metres into the required yard
Porches not exceeding one storey in height	Front, Rear and Exterior Side Yard	May encroach 2.5 metres into the required yards
Air Conditioners	Rear, Interior Side and Exterior Side Yard	May encroach 0.6 metres into the required yards
Deck located at 2 feet or above	Rear Yard	May encroach 5.0 metres into the required yard and maintain a minimum setback of 1.5 metres to the rear lot line.
	Front and Exterior Side Yard	May encroach 1.6 metres into the required yards
	Interior Side Yard	No encroachment permitted.

2. The restrictions on encroachments into any required *yard* may be relaxed wherein a Site Plan Control Agreement is executed.

7.14 PUBLIC USES IN ANY ZONE

1. Notwithstanding any other provisions of this By-law, the Town of Kirkland Lake, the District, any public authority or any Department or Ministry of the Government of Ontario or Canada, and for the purpose of this Section shall include any school board, Ontario Hydro, any telephone, cable television or telegraph company, and any natural gas distribution company, may for the purpose of the public service, use any land or erect or use any building in any zone subject to the building being in compliance with the regulations prescribed for such zone or use and subject to there being no outdoor storage of goods, materials, or equipment in any required yard abutting a residential zone. Any buildings erected or used in a residential zone under the provisions of this Section shall be designed so as to not intrude into the residential character of the area. This exception is for use in any zone; however, it shall not apply to any land or building used by said companies for professional or administrative offices, or retail store purposes.
2. Where an educational institution is considered a permitted use within a residential zone, the setback and lot requirements of the "Institutional (I)" zone shall apply.

7.15 RADIO AND TELEVISION TRANSMITTING AND RECEIVING TOWERS

1. The minimum lot size for any lot or parcel upon which a radio or television transmitting or receiving tower is to be located shall be determined as the minimum area required to containing the tower entirely within the property boundaries should the tower fall, irrespective of the direction of the fall.

7.16 REDUCTION OF MINIMUM LOT AREAS PROHIBITED

1. No lot area shall be so diminished that the required yards or other open spaces shall be smaller than prescribed in this By-law. When any part of a lot is required by this By-law to be reserved as a yard or other open space, it shall continue to be reserved.

7.17 SERVICING

1. Wherein municipal services are not required in this By-law, the provisions of any sewage disposal or water supply system shall be required to be approved by the authority having jurisdiction or the Ministry of the Environment, Conservation and Parks (MECP) prior to the issuance of any construction permit.
2. No development shall be permitted unless connected to municipal water and sewer services, except where the lands are within the Rural zones.

7.18 SHORT TERM RENTALS

1. Short term rentals are permitted in all or part of a residential building, provided that:
 - (a) Parking shall be provided in accordance with Section 8.
 - (b) The short-term rental use does not change the character of the residential dwelling, nor become a nuisance to the area in terms of parking, noise, or other factors.
 - (c) Such short-term rental is licenced with the Town, if applicable.

7.19 SOURCE WATER PROTECTION – TOWNSHIP OF TECK ACT

1. All development shall conform to the requirements of the Township of Teck Act which permits the Town to control and regulate the sanitation, development, and required studies for development of the identified Gull Lake watershed.

7.20 TEMPORARY CONSTRUCTION USES

1. Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary use, a tool shed, scaffold or similar building incidental to construction provided that a construction permit has been obtained for the erection of such building or structure.
2. Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of sixty (60) days or unless no construction permit is in force.

7.21 WATERFRONT SETBACKS

1. That any lot abutting a waterbody establish a 30 metre setback for dwellings and septic system from the shoreline.

SECTION 8: PARKING

8.1 OFF-STREET PARKING REQUIREMENTS

- In connection with the *construction, erection, enlargement or increase* in the volume of any *building* type, provisions shall be made for *off-street parking* on the same *lot* as the *building* in accordance with the following regulations and minimum *parking* requirements.

8.2 PARKING LOT REQUIREMENTS

- Parking* shall be provided and maintained in conformity with the following schedule:

Land Use	Use of Land	Required Number of Parking Spaces
Residential	<i>Bed and Breakfast</i>	One (1) per <i>dwelling unit</i> ; one (1) per guest room
	<i>Single detached, Semi-detached, Duplex</i>	Two (2) spaces per <i>dwelling unit</i>
	<i>Additional Residential Unit, Garden Suite</i>	One (1) space per <i>dwelling unit</i>
	<i>Triplex, Quadraplex, Townhouse</i>	One (1) space per <i>dwelling unit</i>
	<i>Mobile home</i>	One (1) space per <i>dwelling unit</i>
	Boarding, Rooming or Lodging House	One (1) space for each two dwellers; One (1) spaces for a residing owner
	Multiple Residential and <i>Grouped Dwellings</i>	One and one-quarter (1 ¼) spaces per <i>dwelling unit</i>
	Residential Care Facility, <i>Long Term Care Home</i>	One half (½) space for each <i>dwelling unit</i> plus one (1) space per 93.0 square metres of <i>gross floor area</i> for employees
	Short-Term Rentals	One (1) space per rental bed/unit
Commercial	Health Services	One (1) space for each 46.0 square metres of net floor area
	Retail, Merchandising	One (1) space for each 33 square metres of <i>net floor area</i>
	Sale or rental of Motor <i>Vehicles</i> , Major Recreational Equipment and accessories thereto	One (1) space for each 20.0 square metres of <i>net floor area of accessory office</i>
	<i>Motels and Motels</i>	One (1) space for each <i>unit</i> plus one (1) space for each four (4) employees
	<i>Restaurant</i>	One (1) space for each 12.5 square metres of <i>net floor area</i>
	Gas Station	One (1) space for each fuel pump island
	Service Station	One (1) space for each 28.0 square metres based on the <i>lot gross floor area</i> or five (5) spaces for each service bay, whichever is greater
	<i>Shopping centre</i>	One (1) space for each 25.0 square metres of <i>net floor area</i>
	<i>Financial establishment, Business Office, Veterinary Services</i>	One (1) space for each 37.0 square metres of <i>net floor area</i>
Local Commercial	One (1) space for each 30 square metres of <i>net floor area</i>	
Industrial	Wholesale, Manufacturing Establishment	One (1) space for each 100 square metres of <i>gross floor area</i>
	Animal Boarding Kennel	One (1) space for each 30.0 square metres of net floor area
Institutional	<i>Funeral Home</i>	One (1) space for each 23.0 square metres of <i>net floor area</i> , plus one (1) space for each funeral <i>vehicle</i> and/or ambulance
	<i>Child care centre not including a Home Day Care</i>	One (1) space for each 23.0 square metres of <i>gross floor area</i>
	Elementary, Special Education, Pre-School, Junior High Schools	Two (2) spaces for each classroom
	Secondary School	Five (5) spaces for each classroom
	Post-Secondary School	One (1) space for each 46.0 square metres of <i>gross floor area</i>

	<i>Hospitals</i>	One (1) space for each two (2) bed or each 37.0 square metres of <i>net floor area</i> , whichever is greater
	Places of assembly, Religious institutions	One (1) space for each 20.0 square metres of <i>gross floor area</i> , or one space for each four (4) fixed seats, whichever is greater
	Community Centre, Recreational Institutions	One (1) space for each 6 persons capacity
	Libraries, Museums	One (1) space per 25.0 square metres of <i>net floor area</i>
	College Residences	One quarter ($\frac{1}{4}$) space per unit

2. If the calculation of the required *parking spaces* results in a fraction, the required *parking spaces* shall be the next higher whole number.
3. Where any land or *building* accommodates more than one use, the total *parking space* requirement for such land or *building* shall be the aggregate sum of the requirements for each individual use.
4. Any *parking spaces* required to be provided by this By-law shall be exclusive of the *parking spaces* used or intended to be used for the storage or *parking* of motor *vehicles* or major *recreational vehicles* for sale or rental.
5. Where *off-street parking spaces* are required to be provided for the use of visitors, such *parking spaces* shall be clearly defined or identified as being reserved for the exclusive use of such visitors.
6. No portion of any access driveway shall be located closer than 9.0 metres to the intersections of two street lines or their projections

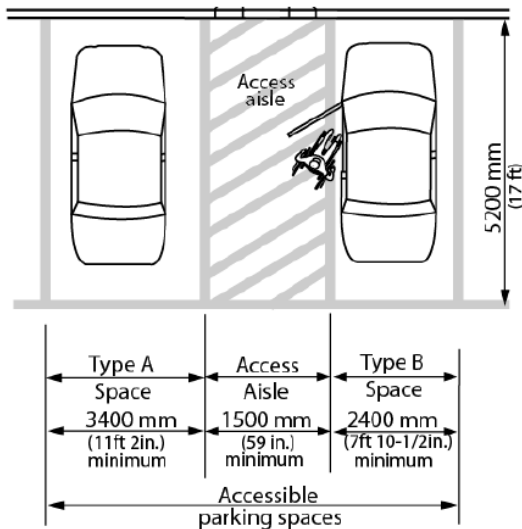
8.3 ACCESSIBLE PARKING

1. Provisions of accessible parking spaces shall be compliant with the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors.
2. In the case of Multiple Residential (i.e., apartment dwellings), Commercial, Industrial and Institutional uses, accessible parking spaces shall be provided in accordance with the following table:

Total Parking Spaces Required	Accessible Spaces Required (minimum)		
	Total	Type A	Type B
Up to 37	1	1	
38-62	2	1	1
63-86	3	1	2
87-133	4	2	2
134-166	5	2	3
167-200	6	3	3
Each additional 50 spaces thereof	1 additional space		

- (a) Where an even number of accessible parking spaces are provided, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
- (b) Where an odd number of accessible parking spaces are provided, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the off-numbered space, may be a Type B parking space.
- (c) Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors and at the time of the writing of this By-law be of the following two types;
 - i. Type A: minimum width of 3.4 m
 - ii. Type B minimum width of 2.4 m

- (d) Access for accessible spaces may be shared by two parking spaces for the use of persons with disabilities and must have a minimum width of 1.5 m.



8.4 SIZE OF PARKING SPACES

1. Each automobile *parking space* shall have a minimum length of 5.5 metres and a minimum width of 2.75 metres.
2. In the case of angled or parallel *parking*, each *parking space* shall have a minimum width of 3.0 metres and a minimum length of 5.5 metres and the access driveway and the aisle giving access to such *parking spaces* shall have a minimum width of 6.0 metres.

8.5 LOCATION

1. Required parking in any Residential Zone shall be provided on the same lot as the dwelling unit;
 - (a) In all other zones, the parking area and its access shall be located in the same zone and within 100 m of the lot it is intended to serve;
 - (b) Where the required parking is provided away from the lot on which the use of building served is located, the parking spaces shall be in the same ownership or on a renewable long-term lease, with agreement registered with the municipality, and the parking facilities shall be maintained for the duration of the use.

8.6 DRIVE THROUGH

1. The entrance for a drive through function must provide for the progressive movement of cars and shall be sufficient to accommodate stacking for not less than ten (10) cars on said *lot*, starting at the last window, and that the drive through function does not inhibit the use of the necessary required *parking spaces*. Stacking spaces for drive through or drive-in uses may not be counted as required off-street *parking spaces*.

8.7 DRIVEWAYS, RAMPS, LANES, POINTS OF ACCESS

1. All off-street *parking* facilities required by this By-law shall be provided with adequate means of access to and from a public thoroughfare so arranged as not to interfere with normal *public use* of the thoroughfare.
2. The nearest side of any point of driveway shall be located a minimum of 15.0 metres from the nearest intersection of any *street* lines except in any "Residential Low Density (R1)", "Residential Medium Density (R2)" or "Mobile home (RMH)" zone, wherein the minimum distance may be reduced to 9.0 metres.
3. Parking is permitted in the *front yard* In Residential Zones, provided the required *Front Yard* setback distance is unreduced.
4. *Front yard* parking In Residential Zones, may not exceed more than 50% of the *lot frontage*.

5. Allowance for driveways for residential *dwelling* shall not be less than 3.0 metres clear of all projections, except eaves.
6. Parking spaces may be permitted in tandem in the “Residential Low Density (R1)” Zone.

8.8 OFF-STREET LOADING

1. No commercial or industrial *building* to which, or from which, regular deliveries are made, shall be used or *erected* unless off-street spaces for the standing, loading or unloading of motor *vehicles* are provided in conformity with the following regulations:

- (a) Off-street loading spaces shall be so arranged, and of such a size as to avoid interference with the use of public streets and lanes;
- (b) Each off-street loading space shall have a minimum dimension of 3.5 metres by 12.0 metres, with a height clearance of 4.0 metres;
- (c) Access to loading spaces shall be by means of a driveway at least 3.5 m wide for one way traffic and 6.0 m wide for two way traffic and located within the lot on which the loading spaces are located
- (d) Every loading space shall be located contiguous to the *building*, but shall not occupy any portion of any required front yard, or be located as to occupy any required parking space, or circulation or manoeuvring area;
- (e) The number of off-street loading spaces shall be provided in conformance with the following schedule:

Gross Floor Area of Building	Required Number of Loading spaces
140.0 square metres or less	None
140.0 square metres to 1,855 square metres	One (1)
1,856 square metres to 4,645 square metres	Two (2)
4,646 square metres to 9,290 square metres	Three (3)
For each additional 7,000 square metres	One (1) additional loading space

- (f) The requirements for loading spaces shall be exempted for those areas of the “Town Centre Commercial (C1)” zone located within Registered Plan Numbers M-15, M-32 and M-98 respectively and for those areas of the “Neighbourhood Commercial (C3)” zone.
- (g) Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirements for each use.
- (h) The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required in Section 8.8.1 (e)
- (i) Each loading space and driveway connecting a loading space with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. Before being used, such loading spaces and driveways shall be constructed of crushed stone, gravel, asphalt paving, concrete, paver stones, or similar materials and be provided with adequate drainage.

8.9 STANDARDS FOR PARKING AREAS FOR MORE THAN FOUR (4) VEHICLES

1. Where parking facilities for more than four (4) vehicles are required or permitted:
 - (a) The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
 - (b) A structure, not more than 5.0 metres in height and not more than 4.5 square metres in area may be erected in the parking area for the use of attendants.
 - (c) Where the parking area is of a permanent hard surfacing such as asphalt or concrete, each parking space shall be clearly demarcated and maintained as such.
 - (d) No gasoline pumps or other equipment incidental to any permitted use shall be located or maintained on the parking lot.

- (e) The approaches or *access driveways* or points of access to any *parking* area shall not be located closer than 15.0 metres from the limits of the right-of-way at a *street* intersection.
- (f) Entrance and exit ramps or points of access to any *parking* area shall not exceed two (2) in number and each such ramp shall have a minimum width of 5.0 metres at the *street* line.
- (g) Points of *access driveways* to any *parking* areas shall be clearly defined and a physical barrier curb, or landscaping shall be provided between points of *access driveways* so as to prevent vehicular access between defined access points.
- (h) The width of an *access driveway* leading to a *parking* or *loading* area shall have a minimum width of 3.0 metres if for one-way traffic and have a minimum width of 5.0 metres if for two-way traffic, and the maximum width of a driveway shall be 7.5 metres.
- (i) No *parking* area within a “Residential High Density (R3)”, zones shall be permitted within 3.0 metres of a *habitable room* located in a *basement*.

8.10 EXEMPTIONS

1. Where the provisions of this Section are inconsistent with the provisions of any other Section, the more stringent or specialized regulations shall apply.
2. *Off-street parking* regulations shall be exempted for those areas of the “Town Centre Commercial (C1)” zone located within Registered Plans No. M-15, M-32 and M-98 respectively, except that one (1) *parking space* shall be provided for each *dwelling unit* within the “Town Centre Commercial (C1)” zone.

SECTION 9: RESIDENTIAL ZONES

9.1 SUMMARY TABLE OF PERMITTED USES

	R1	R2	R3	RMH
Single Detached	X			
Semi-Detached	X			
Duplex	X			
Triplex		X		
Quadraplex		X		
Townhouse		X		
Boarding House			X	
Group Home	X	X	X	
Apartment			X	
Grouped Dwelling		X	X	
Mobile Home				X
Educational Institution	X	X	X	
Child Care Centre	X	X	X	
Short-Term Rentals	X			
Parks	X	X	X	X
Accessory Uses	X	X	X	X

9.2 CONFORMITY WITH EXISTING SETBACKS

1. *Building or structures* within any zone may be built between existing *buildings* within 60.0 metres on the same block with a *setback* equal to the average *setback* of the adjacent *buildings*, but in the case of *buildings* in the residential zones, the *depth* of the *setback* shall not be less than 3.0 metres from the *front lot line*. Where reduced *front yard setbacks* are permitted in accordance with this provision, an *access driveway* shall be required or *off-street parking* shall be provided to the rear of the *building line*.

9.3 MODEL HOMES IN RESIDENTIAL AREAS

1. *Model homes* are considered permitted uses in all residential zones. A maximum of two (2) *model homes* are permitted for each new residential subdivision being created by a developer. *Model homes* shall not operate for a period longer than two (2) years. The residential character of the *building* shall be maintained.

9.4 MOBILE HOME

1. No *mobile home* shall be permitted in any zone other than the "*Mobile Home (RMH)*" zone. No *mobile homes* shall be located and used as a *dwelling unit* on a parcel of land in any zone other than a zone which specifically lists such use as a permitted use in that zone.

9.5 FENCING

1. Where a *fence* is provided for, or is required to be provided for by this By-law, such *fence* shall not exceed 2.0 metres in height in a residential zone. In no case shall a *fence* in the *front yard* of a residential zone be higher than 1.2 metres unless a permit is obtained.

9.6 OPEN SPACE REQUIREMENTS

1. For any property with ten (10) or more *units*, 9.0 square metres per *dwelling unit*, based on the total number of *dwelling units*, shall be devoted to, and consist of developed open space for recreational and play area purposes.
2. The said play area shall be provided and maintained in accordance with the following provisions:
 - (a) The play area shall be enclosed with a *fence* not less than 1.2 metres in *height*;
 - (b) The play area shall be located no closer than 3.6 metres to the nearest wall of any *building*;
 - (c) The play area shall not be separated from any *building* by any *parking lot* or *access driveway*;

- (d) The play area shall be located in one place; and
- (e) The play area shall be located in the *rear* or *side yard*.

9.7 ATTACHED GARAGES/CARPORT

1. Required *Interior side yard* may be reduced to 0.6 m for *Attached Garages* or *Carport*.

9.8 SIGNS FOR MULTI-RESIDENTIAL DEVELOPMENT

1. The maximum *sign area* for a ground *sign erected* in conjunction with any *townhouse, apartment* or *grouped dwelling* shall be 0.7 square metres.
2. The maximum *sign area* for a *facia wall sign* shall be 1.5 square metres.

9.9 GROUP HOMES

1. The following properties have been previously zoned for the use as a group home:
 - 18 Wright Hargreaves (By-law No. 83-81) – TECK MC L1829 PT, RP TER-339, PTS 35 & 36, PCL 9792CST
 - (This group home is for children under the age of 18 only)
 - 90 Wilson Avenue (By-law No. 88-92) – TECK MC L2260 PT, RP 54R-3033, PTS 11 & 12, PCLS 12775 & 12683CST
 - 91 Third Street (By-law No. 88-91) – PLAN M-65T, LT 61, PCL 1323CST
 - 195 Pollock Street (By-law No. 90-082) – TELC PT MC L2679 BG RP 54R-3559, PT 5, PCL 13023CST
 - 32 Furlong Street (By-law No. 88-93) – PLAN M-120T, PT LOT 153 BG, AND PT LANE BG RP 54R-3014, PTS 33 & 34, RP 54R-3387, PT 2, PCLS 12773, 12774 & 12771CST

SECTION 10: RESIDENTIAL LOW DENSITY (R1) ZONE

10.1 In the “Residential Low Density (R1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

10.2 Permitted Uses

Single Detached Dwelling

Semi-Detached Dwelling

Duplex

Group Home

Child care centre

Short-Term Rentals

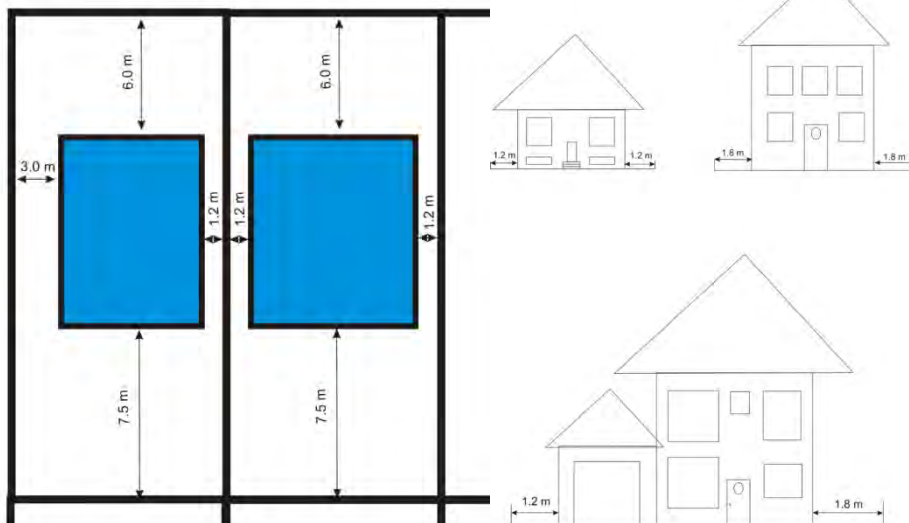
Educational Institution, in accordance with the I Zone provisions

Parks

Accessory Uses

10.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Single Detached Dwelling, Short Term Rental, Group Home, Child Care Centre</i>	<i>Semi-Detached Dwelling and Duplex Dwelling</i>
Minimum Lot Area	370.0 square metres	480.0 square metres
Minimum Lot Frontage	12.0 metres	
Maximum Height	10.5 metres	
Maximum Lot Coverage	35.0 percent	
Minimum Front Yard	6.0 metres	
Minimum Interior Side Yard ¹	1.2 metres (additional 0.6 metres for each storey)	
Minimum Exterior Side Yard	3.0 metres	
Minimum Rear Yard	7.5 metres	



¹ Where a *building* is two storeys on one side and one storey on the other, the minimum side yard *setback* shall be 1.8 metres on the side which is two storeys and 1.2 metres on the side which is one storey.

10.4 SPECIAL EXCEPTION ZONES

1. R1-01 (41 Hudson Bay Ave; S PT LT 8, M-96T, PCL 11713 CST; By-law 12-026)

Notwithstanding the provisions of Sections 10.3 and 8.2 of this By-law to the contrary, the lands zoned R1-1 may be used in accordance with the following provisions:

Minimum <i>Lot Area</i>	223.0 sq.m.
Minimum Parking Spaces Required	none

2. R1-02 (11 Kirkland Ave, Swastika; Lot 75, Plan M-35T, Parcel 2384 CST; By-Law No. 14-085)

Notwithstanding the provisions of Section 10.3 of this By-law to the contrary, the lands zoned R1-2 may be used in accordance with the following provision:

Maximum <i>Lot Coverage</i>	39.0 percent
Minimum <i>Front Yard</i>	0.0 metres
Minimum <i>Rear Yard</i>	2.0 metres

3. R1-03 (74 Second Street; Plan M-64T, Parcel 2251 CST; By-law No. 17-127)

Notwithstanding the provisions of Section 10.3 of this By-law to the contrary, the lands zoned R1-3 may be used in accordance with the following provisions:

Minimum <i>Front Yard</i>	0.0 metres
Minimum <i>Interior Side Yard</i> (<i>northeastern property line</i>)	0.0 metres

4. R1-04 (Southwest Corner of George and Queen Streets; PT MC 16633, PT MC L2757, Plan 54R6009 Pts 1 & 2; By-law No. 18-019)

Notwithstanding the provisions of Section 10.3 of this By-law to the contrary, the lands zoned R1-4 may be used in accordance with the following provisions:

Minimum <i>Lot Frontage</i>	9.3 metres
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SECTION 11: RESIDENTIAL MEDIUM DENSITY (R2) ZONE

11.1 In the “Residential Medium Density (R2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

11.2 Permitted Uses

Townhouse Dwelling

Triplex Dwelling

Quadraplex Dwelling

Grouped Dwellings

Child care centre, in accordance with the “Residential Low Density (R1)” zone provisions

Educational Establishment, in accordance with the “Institutional (I)” zone provisions

Park

Group Home, in accordance with the “Residential Low Density (R1)” zone provisions

Accessory Uses

11.3 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Triplex Dwelling</i>	<i>Quadraplex Dwelling</i>	<i>Townhouse Dwelling</i>	<i>Grouped Dwellings</i>
Minimum Lot Area	555.0 square metres	600.0 square metres	190.0 square metres per <i>dwelling unit</i>	1,115.0 square metres; plus 93.0 square metres for each <i>dwelling unit</i> over six
Minimum Lot Frontage	18.0 metres	24.0 metres	5.0 metres per <i>dwelling unit</i>	30.0 metres
Maximum Height	10.5 metres			
Maximum Lot Coverage	45.0 percent		50.0 percent	
Minimum Front Yard	6.0 metres			7.5 metres
Minimum Interior Side Yard	3.0 metres			
Minimum Exterior Side Yard	3.0 metres			
Minimum Rear Yard	7.5 metres			
Minimum Clear Distance Between Main Buildings	-	-	-	6.0 metres

11.4 SPECIAL EXCEPTION ZONES

- R2-01 (57 Prospect Avenue; PLAN M96T, North Part of Lot 20, PCL 5250 CST; By-law No. 13-011)

Notwithstanding the Provisions from Sections 11 and 8.2 of this By-law to the contrary, the lands zoned R2-01 may be used in accordance with the following provisions:

Minimum Parking Spaces Required	none
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The building as it currently sits shall be recognized as legal non-complying.

SECTION 12: RESIDENTIAL HIGH DENSITY (R3) ZONE

12.1 In the “Residential High Density (R3)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

12.2 Permitted Uses

Apartment Dwelling

Quadraplex

Townhouse

Boarding House

Grouped Dwellings, in accordance with the “Residential Medium Density (R2)” zone provisions

Group Home, in accordance with the “Residential Low Density (R1)” zone provisions

Child care centre, in accordance with the “Residential Low Density (R1)” zone provisions

Educational Institution, in accordance with “Institutional (I)” zone provisions

Park

Accessory Uses

12.3 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Apartment Dwellings</i>	<i>Boarding, Lodging or Rooming House</i>	<i>Quadraplex Dwelling</i>	<i>Townhouse Dwelling</i>
Minimum <i>Lot Area</i>	750.0 square metres; plus 150.0 square metres for each additional dwelling over five	555.0 squared metres	600.0 square metres	190.0 square metres per dwelling unit
Minimum <i>Lot Frontage</i>	24.0 metres	11.0 metres	24.0 metres	5.0 metres per dwelling unit
Maximum <i>Height</i>	30.0 metres	10.5 metres	10.5 metres	10.5 metres
Maximum <i>Lot Coverage</i>	50.0 percent	45.0 percent	45.0 percent	50.0 percent
Minimum <i>Front Yard</i>	6.0 metres or half the <i>height</i> of the main <i>building</i> , whichever is greater	6.0 metres	6.0 metres	7.5 metres
Minimum <i>Interior and Exterior Side Yard</i>	3.0 metres or half the <i>height</i> of the main <i>building</i> , whichever is greater	1.2 metres (additional 0.6 metres for each storey)	3.0 metres	3.0 metres
Minimum <i>Rear Yard</i>	9.0 metres	3.0 metres	7.5 metres	7.5 metres
Minimum Clear Distance between Main Buildings	6.0 metres	7.5 metres		

12.4 Vegetative Buffer/Planting Strips

1. A vegetative buffer/planting strip or a fence shall be provided on or near any property line where the “Residential High Density (R3)” zone property abuts upon a “Low Density Residential (R1)” property. The vegetative buffer/planting strip or fence shall be provided in accordance with the following regulations:

- (a) Such planting strips shall be contained within the zone for which it is a requirement, and shall run the entire length of the property line or lines separating it from the abutting the “Low Density residential (R1)” zone except that no planting strip shall be located between the *street* line and the *building* line in such a manner or of such a *height* as to obscure the vision of the operator or a motor *vehicle* traveling on a public *street* and in no case shall this By-law require the placing of a planting trip across that part of a *lot* which abuts upon a public *street*.
- (b) Such planting strips shall consist of a continuous unpierced planting or suitable trees or shrubs which shall be healthy plants of a type suitable to soil and atmospheric conditions of the area and shall be maintained at an ultimate *height* of not less than 1.5 metres.
- (c) Such planting strips shall have a width throughout of not less than 1.0 metres.
- (d) Such planting strips shall be planted within one calendar year from the date of occupation of the high-density residential use or as otherwise provided by site plan control.

12.5 SPECIAL EXCEPTION ZONE

- 1. R3-01 (11 Station Road; MCL 1635 PT PCL 12151 CST; By-law No. 12-025)

Notwithstanding the provisions of Section 8.2 of this By-law to the contrary, the lands zoned R3-01 may be used in accordance with the following provision:

Minimum parking spaces required	5
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- 2. R3-02 (26 Hudson Bay Avenue; Lot 45, Plan M-96T, Parcel 2731 CST; By-law No. 16-044)

Notwithstanding the provisions of Section 12.3 of this By-law to the contrary, the lands zoned R3-02 may be used in accordance with the following provisions:

Minimum <i>Lot Area</i>	445.9 square metres
Minimum <i>Lot Frontage</i>	12.1 metres
Minimum Front Yard for Main	3.0 metres
Minimum Front Yard for Balcony	0.5 metres
Minimum Front Yard for Deck	0.5
Minimum Side Yard (west Side)	0.7 metres
Minimum Side Yard (east side)	2.5 metres

Additional Requirements: Parking requirements be satisfied on land located at 38 Hudson Bay Ave is identified in the Site Plan Control Agreement.

- 3. R3-03 (51 Fourth St, PCL 9169 SEC CST PT MINING LOCATION L2728 TECK SRO PT 1 TER934; EXCEPT SRO PT 3 54R3085 AS IN LT256324)

Notwithstanding the provisions of Section 12.2 of this By-law to the contrary, the lands zoned R3-03 may be used in accordance with the following provisions:

- Apartment Dwelling
- Day Nursery
- Educational Institution
- Grouped Apartment Dwellings
- Grouped Dwellings
- Park
- Quadraplex
- Townhouse Dwelling

Any construction, development or redevelopment shall be in conformance with the following requirements:

Use	Apartment Dwellings	Triplex Dwelling	Quadraplex Dwelling	Townhouse Dwelling	Grouped Dwelling
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Minimum Lot Area	750.0 square metres; plus 150.0 square metres for each dwelling over five	555.0 square metres	600.0 square metres	190.0 square metres per dwelling unit	1,115.0 square metres; plus 93.0 square metres for each dwelling unit over six
Minimum Lot Frontage	24.0 metres	18.0 metres	24.0 metres	5.0 metres per dwelling unit	30.0 metres
Maximum Height	30.0 metres	10.5 metres			
Maximum Lot Coverage	50.0 percent	45.0 percent	50.0 percent		
Minimum Front Yard	6.0 metres or half the height of the main building, whichever is greater	6.0 metres		7.5 metres	6.0 metres or half the height of the main building, whichever is greater
Minimum Interior and Exterior Side Yard	3.0 metres or half the height of the main building, whichever is greater	3.0 metres			3.0 metres or half the height of the main building, whichever is greater
Minimum Rear Yard	9.0 metres	7.5 metres			
Minimum Clear Distance Between Main Buildings	-				6.0 metres

SECTION 13: RESIDENTIAL MOBILE HOME (RMH) ZONE

13.1 In the “Residential Mobile Home (RMH)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

13.2 Permitted Uses

Mobile Home Dwellings

Accessory uses to mobile home parks shall be deemed to include a *mobile home park office*, maintenance equipment storage for such items used in the operation and maintenance of the mobile home park, *retail convenience*, *laundry* and personal goods storage, but shall not be deemed to include any sales *office* or *service repair facility for mobile homes*.

13.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	Mobile Home Site	Mobile Home Park
Minimum <i>Lot Area</i>	370.0 square metres	4.0 hectares
Minimum <i>Lot Frontage</i>	12.0 metres	120.0 metres
Minimum <i>Front Yard</i>	7.0 metres	15.0 metres
Minimum <i>Exterior and Interior Side Yard</i>	3.0 metres	15.0 metres
Minimum <i>Rear Yard</i>	5.0 metres	15.0 metres
Maximum <i>Height</i>	7.5 metres	N/A
Maximum <i>Lot Coverage</i>	25.0 percent	N/A
Maximum Width of Interior <i>Street Right-of-Ways</i>	N/A	20 metres

13.4 General Regulations Regarding *Mobile Home Parks*

1. Every *mobile home park* shall have, immediately within its boundaries, a buffer area of at least 15.0 metres in *depth* in which no *lots*, *buildings* or *structures* shall be permitted.
2. In addition to any other applicable access regulations required by this By-law, the minimum distance between the nearest side of any access to any *mobile home park* and the nearest intersection of *street* lines shall be 60.0 metres.
3. Except for permitted or required openings such as points of access, any required *yard* for any *mobile home park* shall be appropriately landscaped through the retention of existing natural vegetation where such vegetation consists of trees and bushes, or by providing vegetation comprised of lawn and ornamental shrubs. Where landscaping is provided, such requirements shall not be deemed to limit the provision of flowers and trees or the provision of paths, walkways or patios. This provision shall not exempt any person from providing any other required open space in the form of *parks* or playgrounds.
4. Any *mobile home* which does not contain a flush toilet and a bath or shower shall not be permitted in any “Residential *Mobile Home* (RMH)” zone.

13.5 General Regulations Regarding *Mobile Home Sites*

1. Each *mobile home* shall, within thirty (30) days of being located on a *lot*, be provided with skirting extending from the bottom of the *unit* to the ground, having a readily accessible removable panel of not less than 1.0 metre wide and 0.6 metres high, giving access to the service connection. All skirting shall be finished with an acceptable protective coating or prefinished so that the design and *construction* will complement the main *structure*.

- (a) No advertising sign or other device shall be allowed within a mobile home park except a single sign at or near any access point to the mobile home park advertising the park provided, however, that the sign area of any sign does not exceed 2.5 square metres for a single faced sign and 5.5 square metres in total sign area.

SECTION 14: COMMERCIAL ZONES

14.1 Motor Vehicle Service Stations and Gas Bars

1. The requirements for *service stations* and *gas bars* are as follows:
 - (a) No portion of any pump island shall be located closer than 6.0 metres from any *street* line.
 - (b) The maximum width of a ramp or *access driveway* to a *service station* shall be 11.0 metres.
 - (c) Access to a *service station* shall be limited to two (2) in number, except for *service stations* located on a *corner lot*, in which case three (3) points of access shall be permitted.
 - (d) Access will only be permitted from a collector or arterial road.
 - (e) A curb or similar physical barrier shall be provided extending continuously between any permitted access points. Such a curb or physical barrier shall be non-mountable so as to prevent vehicular access between defined points of access.

14.2 Accessory Dwelling Units

1. The minimum *floor area* for permitted *accessory dwelling units* in any commercial zone shall be as follows:

Unit Type	Minimum Floor Area
Bachelor/Studio	37.0 square metres
1 Bedroom	37.0 square metres
2 Bedrooms	46.0 square metres
3 Bedrooms	65.0 square metres
4 Bedrooms	93.0 square metres

14.3 Fences

1. Where a *fence* is provided for, or is required to be provided for by this By-law, such *fence* shall not exceed 2.5 metres in height in any Commercial zone.
2. A fence shall be required in the *rear* and/or *interior side yards* when the commercial use abuts any residential zone. Such fence shall be constructed of such material as is necessary to impose a visual barrier between the commercial and any adjacent residential zones.
3. In no case shall a fence be permitted in the *Front Yard* or *Exterior Side Yard*, *except under agreement with the Town*.

14.4 Requirements for Open Storage or Outdoor Display

1. No "*Open Storage* or *Outdoor Display*" are permitted in the following Commercial Zones
 - (a) "Neighbourhood Commercial (C3)" zone
2. The following requirements shall apply to *open storage* and *outdoor displays*:
 - (a) No *open storage* shall be permitted within any front *yard* of a *lot*.
 - (b) No *open storage* or *outdoor display* shall be located closer than 3.0 metres from any *lot* line.
 - (c) No *open storage* or *outdoor display* shall be permitted in an abutting *yard* where a commercial zone abuts any residential zone, unless the *yard* is adequately screened from adjacent residential properties by an appropriate vegetative buffer or *fence*.
 - (d) The area devoted to *open storage* or *outdoor display* shall not exceed 50.0 percent of the total *lot area*.

14.5 Parking

1. Where parking is required, except for the "Town Centre Commercial (C1)" "Neighbourhood Commercial (C3)" zone:
 - (a) The parking and circulation areas shall be paved or asphalted;
 - (b) The parking spaces for motor vehicles shall be demarcated and maintained as such;
 - (c) Circulation aisles shall have a minimum width of 6.5 metres;
 - (d) No parking space shall be located within 6.0 metres of any lot line abutting any residential zone;
 - (e) A barrier curb or other physical barriers shall be provided so as to prevent vehicular access except between defined access points; and

(f) All applicable provisions of Section 8 of this By-law shall be deemed to apply in addition to the above provisions.

14.6 Access

1. A suitable physical barrier between required points of access shall be provided to prevent any vehicular access by motor *vehicles* between points of access.
2. Ingress and egress must be clearly delineated with illuminated entrance or exit *signs* and suitable pavement markings where ingress and egress are not divided by boulevards.
3. Those areas of the "Town Centre Commercial (C1)" zone located within Registered Plans No. M-15, M-32 and M-98 shall be exempt from access requirements.

SECTION 15: TOWN CENTRE COMMERCIAL (C1) ZONE

15.1 In the “Town Centre Commercial (C1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

15.2 Permitted Uses

<i>Bus Depot</i>	<i>Motor Vehicle Service Stations</i>
<i>Commercial Entertainment</i>	<i>Museums</i>
<i>Confectionary and Variety Shops</i>	<i>Parking Lots</i>
<i>Child care centre</i>	<i>Parks</i>
<i>Dwelling Units, above the first storey only</i>	<i>Personal Services</i>
<i>Financial Establishment</i>	<i>Photography Studios and Artist Studios</i>
<i>Funeral Home, plus caretaker’s unit</i>	<i>Places of Assembly</i>
<i>Health Services</i>	<i>Places of Worship</i>
<i>Hotels and Motels, plus caretaker’s unit</i>	<i>Prepared Food Stores</i>
<i>Laundromat</i>	<i>Post Office</i>
<i>Libraries</i>	<i>Printing Establishment</i>
<i>Liquor or Beer Outlets</i>	<i>Professional or Administrative Office</i>
<i>Market Place</i>	<i>Repair Shops</i>
<i>Motor Vehicle Body Shop</i>	<i>Restaurants and Taverns</i>
<i>Motor Vehicle Dealership</i>	<i>Retail Stores</i>
<i>Motor Vehicle Gas bars</i>	<i>Taxi Stand</i>
<i>Motor Vehicle Rentals</i>	<i>Veterinary Establishment</i>
<i>Motor Vehicle Repair Shop</i>	

15.3 Permitted Accessory Uses

Accessory Dwelling Unit, located at the rear or above a permitted commercial use

15.4 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

	Service Station	Gas bar	All Other Uses
Minimum <i>Lot Area</i>	1,860 square metres	1,400 square metres	555.0 square metres
Minimum <i>Lot Frontage</i>	38.0 metres	30.0 metres	18.0 metres
Minimum <i>Front Yard</i>	15.0 metres		N/A except that <i>setback</i> shall be 3.5 metres where a C1 zone abuts a residential zone
Minimum <i>Side Yard</i>	6.0 metres 15.0 metres when pumps are located within <i>side yard</i>		N/A; except that <i>setback</i> shall be 3.5 metres where a C1 zone abuts a residential zone
Minimum <i>Rear Yard</i>	9.0 metres		7.5 metres
Maximum <i>Height</i>	10.5 metres		30.0 metres
Maximum <i>Lot Coverage</i>	50.0 percent		75.0 percent
Maximum <i>Dwelling Units</i>	none		N/A

15.5 Parking Exemption

- Despite the requirements of Section 9, to the contrary in the off-street parking regulations shall be exempted for those areas of the “Town Centre Commercial (C1)” zone located within Registered Plans No. M-15, M-32 and M-98 respectively, except that one (1) parking space shall be provided for each dwelling unit within the “Town Centre Commercial (C1)” zone, and parking spaces for hotels and motels shall be in accordance with Section 8.

15.6 SPECIAL EXCEPTION ZONES

1. C1-01 (50 Government Road West; Part Mining Claim L2566, Parcels 5117 and 4952; By-Law No. 17-034)
Notwithstanding the provisions of Section 15.2.1 of this By-law to the contrary, the lands zoned C1-02- may be used in accordance with the following provision:

- residential uses permitted on the main floor of the building

2. C1-02 (145 Government Road West; Part Mining Claim L1557, TER297, Part 31, Parcel 9893 CST; By-law No. 17-042)
Notwithstanding the provisions of Sections 9.2 and 9.3 of this By-law to the contrary, the lands zoned C1-03 may be used in accordance with the following provisions:

Maximum parking spaces required	67
Maximum accessible parking spaces required	6

3. C1-03 (1 Duncan Ave North; MC L1829PT BG RP TER 384, Part 24, RP TER625, Part 1, RP 54R-1476, Parts 1,2,4, Parcels 9954, 10056, 10898, 10947CST; By-law No. 19-061)
Notwithstanding the provisions of Section 8.3 of this By-law to the contrary, the lands zoned C1-04 may be used in accordance with the following provisions:

Minimum accessible parking spaces required	1
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4. C1-04 (36/38 Prospect Avenue; Lots 170, 171, Plan M-15T, Parcels 2828, 962 CST; By-law No. 19-081)
Notwithstanding the provisions of Section 15.2.1 of this By-law to the contrary, the lands zoned C1-4 may be used in accordance with the following provisions:

- Residential units on main floor are permitted, so long as a commercial use(s) are maintained on the property.

SECTION 16: SHOPPING CENTRE AND HIGHWAY COMMERCIAL (C2) ZONE

16.1 In the “Shopping Centre Commercial (C2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

16.2 Permitted Uses

<i>Accessory Dwelling Unit</i>	Motor Vehicle Gas Bars
<i>Confectionary and Variety Stores</i>	Motor Vehicle Repair Shop
<i>Conference Centre</i>	Motor Vehicle Service Station
<i>Commercial Entertainment</i>	Museums
<i>Contractor’s Establishment</i>	<i>Parking Lots</i>
<i>Exhibition Building</i>	<i>Personal Services</i>
<i>Fairground</i>	<i>Photography Studios and Artist Studios</i>
<i>Financial Establishments</i>	<i>Places of Worship</i>
<i>Funeral Homes, Caretaker’s Unit</i>	<i>Post Office</i>
<i>Garden Centre and Nursery</i>	<i>Prepared Food Store</i>
<i>Health Services</i>	<i>Printing Establishment</i>
<i>Heavy Equipment Sales and Services</i>	<i>Professional or Administrative Offices</i>
<i>Hotels and Motels, plus caretaker’s unit</i>	Recreational Vehicles, Repairing and Sales
<i>Laundromat</i>	<i>Repair Shop</i>
Libraries	<i>Restaurants and Taverns</i>
<i>Liquor or Beer Outlets</i>	<i>Retail Stores and Warehousing</i>
Market Place	<i>Service Stations and Gas Bars</i>
Motor Vehicle Body Shops	<i>Taxi Stand</i>
Motor Vehicle Dealership	

16.3 Permitted Accessory uses

Accessory Dwelling Unit, located at the rear or above a permitted commercial use

16.4 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	Service Station	Gas bar	All Other Uses
Minimum <i>Lot Area</i>	1,860 square metres	1,400 square metres	1,400 square metres
Minimum <i>Lot Frontage</i>	38.0 metres	30.0 metres	46.0 metres
Minimum <i>Front Yard</i>	15.0 metres		15.0 metres
Minimum Interior <i>Side Yard</i>	6.0 metres 15.0 metres when pumps are located within <i>side yard</i>		5 metres
Minimum Exterior <i>Side Yard</i>			12.0 metres
Minimum <i>Rear Yard</i>			7.5 metres
Maximum <i>Height</i>	10.5 metres		10.5 metres
Maximum <i>Lot Coverage</i>	50.0 percent		50.0 percent
Maximum Dwelling Units	none		n/a

16.5 General Regulations regarding Access

1. Up to two access points shall be provided, but not more than two access points shall be permitted to any one public road. The minimum distance between each point of access shall be 18.0 metres and 46.0 metres for each lot with a lot area greater than 4.0 hectares.
2. Where only one access point is provided, the width of the access point shall be no less than 7.5 metres and no more than 9.0 metres.
3. Where two access points are provided, the width of the access points shall be no less than 5.0 metres and no more than 5.5 metres
4. No access points shall be located closer than 9.0 metres from the nearest interior side lot line.
5. No access point shall be located closer than 18.0 metres from the nearest intersection.
6. The nearest distance between two access points shall not be less than 18.0 metres.
7. The minimum width of a two-way point of access shall be 11.0 metres and if ingress ways are divided, each ingress and egress shall have a minimum width of 5.5 metres.

16.6 SPECIAL EXCEPTION ZONES

1. C2-01

In addition to the uses permitted in 16.2, the following uses are permitted in the C2-1 Zone: Bus depot; and *Places of Assembly*. Any construction, development or redevelopment in the C2-1 Zone shall be in conformance with the following requirements:

- Service stations and gas bars shall comply with the provisions of the C2 Zone.
- All other uses shall be in conformance with the following requirements:

Minimum <i>Front Yard</i>	15.0 metres
Minimum <i>Side Yard</i>	5.0 metres or 15.0 metres where abutting a Residential Zone
Minimum <i>Rear Yard</i>	7.5 metres or 15.0 metres where abutting a Residential Zone

2. C2-02 (Mining Claim L16635, Plan TER-685, Parts 36 to 38, Parcel 9669 CST, Township of Teck; By-law No. 13-063)

Notwithstanding the provisions of Section 16.2 of this By-law to the contrary, the lands zoned C2-2 permits the following uses: Triplexes, Quadraplexes, Townhouses, Apartment Buildings, Grouped Dwellings, and Residential units above the first storey of commercial establishment in addition to the C2 Zone permitted uses, in accordance with the following provisions:

- Service stations, gas bars, and all other commercial uses shall comply with the provisions of the C2 Zone.
- Residential uses shall be in conformance with the following provisions:

Use	Apartment Dwellings	Triplex	Quadraplex	Townhouse Dwelling	Grouped Dwellings
Minimum Lot Area	750.0 square metres + 150.0 square metres for each dwelling unit over 5	555.0 square metres	0.0 square metres	190.0 square metres	1115.0 square metres + 93.0 square metres for each dwelling unit over 6
Minimum Lot Frontage	24.0 metres	18.0 metres	24.0 metres	5.0 metres / dwelling unit	30.0 metres
Minimum Front Yard	30.0 metres	10.5 metres			

Minimum <i>Side Yard</i>	3.0 metres; half height of building	3.0 metres		3.0 metres; half height of building
Minimum <i>Rear Yard</i>	9.0 metres	7.5 metres		
Maximum <i>Height</i>	30.0 metres	10.5 metres		
Maximum <i>Lot Coverage</i>	50.0 percent	45.0 percent	50.0 percent	
Minimum Clearance Between Buildings	6.0 metres			

- No residential development, unless above the first storey or a commercial establishment, shall occur within 60.0 metres of Government Road West. This area is identified for commercial development only. The maximum lot coverage used to calculate the residential portion of development shall not include the area identified for commercial development.
- A visual buffer (fence of vegetation) shall be required when a commercial use abuts any residential uses

3. C2-03 (175 Government Road West, Part of 54R-3429)

Notwithstanding the provisions of Section 16.3 of this By-law to the contrary the lands zoned C2-03 may be used in accordance with the following provision:

Minimum <i>Lot Frontage</i>	43.0 metres
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SECTION 17: NEIGHBOURHOOD COMMERCIAL (C3) ZONE

17.1 In the “Neighbourhood Commercial (C3)” zone, no person shall use any land, *building* or *structure*, or erect any *building* or *structure*, except in conformity with the following provisions.

17.2 Permitted Uses

- Confectionary and Variety Store*
- Dwelling Unit, Accessory Only*
- Financial establishment*
- Health Services*
- Liquor or Beer Outlets*
- Laundromat*
- Motor Vehicle Gas Bars*
- Motor Vehicle Service Station*
- Pet Daycare Services*
- Personal Services*
- Post Office*
- Prepared Food Store*
- Professional or Administrative Offices*
- Repair Shop*
- Restaurants and Taverns*
- Retail Stores*

17.3 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

Use	Service Station and Gas Bar	All Other Uses
Minimum <i>Lot Area</i>	1,860 square metres	460.0 square metres
Minimum <i>Lot Frontage</i>	38.0 metres	12.0 metres
Minimum <i>Front Yard</i>	15.0 metres	6.0 metres
Minimum <i>Side Yard</i>	6.0 metres	2.0 metres
Minimum <i>Rear Yard</i>		7.5 metres
Maximum <i>Height</i>	10.5 metres	10.5 metres
Maximum <i>Lot Coverage</i>	50.0 percent	35.0 percent

1. The gross leasable floor area used for serving the public or for selling or displaying to the public in a confectionary store in the “Neighbourhood Commercial (C3)” zone shall not be less than 37.0 square metres or more than 225.0 square metres.

17.4 Parking

1. Parking may be permitted in a required front yard in a “Neighbourhood Commercial (C3)” zone.
2. Any parking area required in the “Neighbourhood Commercial (C3)” zone shall be constructed on a permanent hard surface such as asphalt or concrete.

17.5 Signs

1. *Signs* shall be permitted on any storefront façade which faces onto a *street* provided that the total *sign area* shall not exceed 10.0 percent of each respective *street frontage* for any first *storey*.
2. *Signs* shall not be permitted on the façade of any second or higher *storey*.

3. Projecting wall *signs* shall be permitted in combination with fascia walls *signs* subject to the regulations in Section 8 of this By-law.

17.6 Pet Daycare Service

1. In addition to the requirements of the “Neighbourhood Commercial (C3)” zone, the following provisions shall apply:
- A *pet daycare service* shall be located inside of a *structure*. No outdoor *animal boarding facilities* shall be permitted.
 - Outdoor *yards* shall be allowed for the purpose of exercising animals. Those *yards* are to be enclosed by 2.5 metre walls of sound-attenuating fencing. The *yard* may be required to be *setback*, landscaped or designed to further buffer neighbouring properties.
 - The maximum number of animals shall be 1 per 4.6 square metres to a maximum of five (5).

17.7 SPECIAL EXCEPTION ZONES

1. C3-01 (57 Duncan Avenue/1 Hudson Bay Avenue)

In the “Neighbourhood Commercial Special (C3-01)” zone, no person shall use any land, *building* or *structure* or *erect* any *building* or *structure*, except in conformity with the following provisions.

- The only permitted uses shall be:

Apartments, Three (3)

Confectionary and Variety Stores

Dwelling Unit, Accessory Only

Health Services

Laundromat

Personal Services

Prepared Food Store

Repair Shops

Restaurants and Taverns

Retail Store

- Any construction, development or redevelopment in the C3-01 Zone shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	410.0 square metres
Minimum <i>Lot Frontage</i>	12.0 metres
Minimum <i>Front Yard</i>	0.4 metres
Minimum <i>Rear Yard</i>	2.5 metres
Minimum <i>Side Yard</i>	0.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	39.0 percent

- The maximum floor area for retail clothing to be 30.0 square metres.
- The nearest side of any point of access to the parking space to be 13.0 metres from the nearest intersection of any street lines.
- In the event that the existing building is destroyed by fire or demolished, the zone requirements of the C3 Zone shall apply.

2. C3-02 (128 Woods St)

Notwithstanding the provisions of Section 17.2 of this By-law to the contrary, the lands zoned C3-02 may be used in accordance with the following provision:

- Educational Institution

SECTION 18: INDUSTRIAL ZONES

18.1 Access

1. A maximum of two (2) access points to any industrial establishment from any public road shall be permitted. A barrier curb or physical barrier between access roads shall be provided so as to prevent vehicular access between defined access points.
2. Access points shall have a maximum width of 9.0 metres.
3. Access points shall be located a minimum of 15.0 metres from the nearest intersection of *street* lines.

18.2 Outdoor Display and Outdoor Storage

1. Where a portion of the *lot* is to be used for *open storage* or *outdoor display* within any "Light Industrial" zone or the Heavy Industrial zone the following requirements shall apply:
 - (a) The area devoted to *open storage* or *outdoor display* shall not exceed 50.0 percent of the total *lot area*.
 - (b) No *open storage* shall be permitted within any *front yard* of a *lot*.
 - (c) No *outdoor display* on any required *front yard* shall be located closer than 5.0 metres from the *front lot* line. The area devoted to an *outdoor display* shall not exceed 50.0 percent of the total *area* of the *front yard*.
 - (d) No *open storage* or *outdoor display* shall be permitted in an abutting *yard* where an industrial zone abuts any residential zone unless the abutting *yard* in is adequately screened from adjacent residential properties by a vegetative buffer/planting strip, or a *fence*.

18.3 Landscaping

1. Any required *front yard* of any industrial use shall be completely sodded as a minimum requirement for landscaping, except for provision of *access driveways*, as required by this By-law.

18.4 Ancillary Uses

1. All *accessory uses*, including *building* and *structures* and all ancillary uses including *outdoor storage*, *outdoor display* and truck movements associated with loading and turning shall be accommodated on the *lot*.

18.5 Vegetative Buffer/Planting Strips

1. A vegetative buffer/planting strip or a *fence* shall be provided on or near any property line where the industrial property abuts upon a residential property in any residential zone. The vegetative buffer/planting strip or *fence* shall be provided in accordance with the following regulations:
 - (a) Such planting strips shall be contained within the zone for which it is a requirement, and shall run the entire length of the property line or lines separating it from the abutting residential zone except that no planting strip shall be located between the *street* line and the *building* line in such a manner or of such a *height* as to obscure the vision of the operator or a motor *vehicle* traveling on a public *street* and in no case shall this By-law require the placing of a planting trip across that part of a *lot* which abuts upon a public *street*.
 - (b) Such planting strips shall consist of a continuous unpierced planting or suitable trees or shrubs which shall be healthy plants of a type suitable to soil and atmospheric conditions of the area and shall be maintained at an ultimate *height* of not less than 2.5 metres.
 - (c) Such planting strips shall have a width throughout of not less than 1.5 metres.
 - (d) Such planting strips shall be planted and maintained by the owner or owners of the land on which the planting strips are located.
 - (e) Such planting strips shall be planted within one calendar year from the date of occupation of the industrial establishment or as otherwise provided by site plan control.

18.6 Fence

1. Such *fence* shall have a minimum *height* of 2.5 metres.
2. Such *fence* shall be constructed of such material as is necessary to impose a visual barrier between the industrial and any adjacent residential, commercial or institutional zone.
3. Such *fence* shall be contained within a zone for which it is a requirement and shall run the entire length of the property line or lines separating it from the abutting residential, commercial or institutional zone except that no *fence* shall be located between the *street* line and the *building* line in such a manner or of such a *height* to obscure the vision of the operator of a motor *vehicle* traveling on a public *street* and in no case shall this By-law require the placing of a *fence* across that part of a *lot* which abuts upon a public *street*.
4. Such *fence* shall be *erected* within nine (9) months from the date of occupation of the industrial establishment or as otherwise provided by a site development agreement.
5. The outside facing of the *fence* shall face the residential, commercial or institutional property on the abutting property.

18.7 Environmental Protection

1. In the Light Industrial (M1-03) Zone and The Heavy Industrial (M2) Zone no construction permit shall be issued for a proposed construction, expansion, enlargement or *alteration* where the use has not established, or intends to establish, a program for pollution abatement or environmental protection arising out of any operation that is part of or incidental to the use.

SECTION 19: LIGHT INDUSTRIAL (M1) ZONE

19.1 In the “Light Industrial (M1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions.

19.2 Permitted Uses

Any manufacturing, compounding, assembly, processing, packaging or *warehousing* operation conducted and wholly contained within an enclosed *building* and which is not considered obnoxious by reason of sound, odour, dust, fumes or smoke, or other *obnoxious* emissions or refuse matter or water carried waste or by reason of unsightly *open storage* or detonation of *explosions*. Any activity connected with the automotive trade except an automobile scrap or *salvage yard*, and an automobile or motorcycle race track or course.

Building Supplies Outlet

Commercial Equipment Rentals

Contractor’s Establishment

Dairies

Heavy Equipment, Sales and Services

Laboratories

Manufacturing, Food, Furniture or Monuments

Metal Products Factory

Motor Vehicle Repair Shop

Recreational Vehicles, Repairing and Sales

Petroleum, Bulk, Sale and Storage Plant

Railway Yards

Repair Shops

Self Storage Facility

Storage of Equipment for House Mover’s and Paving Contractors

Warehouses

Wholesale

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

19.2.1 Permitted Accessory uses

Cafeterias and *Showrooms*

Professional or Administrative Offices

Retail Stores

Restaurants and Taverns

19.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	1,400.0 square metres
Minimum <i>Lot Frontage</i>	30.0 metres
Minimum <i>Front Yard</i>	9.0 metres
Minimum <i>Side Yard</i> ²	5.0 metres
Minimum <i>Rear Yard</i> ³	7.5 metres
Maximum <i>Height</i>	16.5 metres
Maximum <i>Lot Coverage</i>	60.0 percent

² Where a side yard of a “Light Industrial (M1)” zone abuts yards with any residential, institutional or commercial zone, the side yard shall be increased to 9.0 metres.

³ Where a rear yard of a “Light Industrial (M1)” zone abuts yards with any residential, institutional or commercial zone, the rear yard shall be increased to 12.0 metres.

19.4 SPECIAL EXCEPTION ZONES

1. M1-01

In addition to the uses permitted under Section 19.2, the following uses are permitted in the “Light Industrial Special (M1-01)” zone:

- *Head Frame*
- *Hoist room*
- Maintenance Building

2. M1-02

The provisions of Section 19, as amended, shall apply to the “Light Industrial Special (M1-02)” zone subject to the following modifications. Notwithstanding Section 19, Subsection 2, the only permitted uses shall be:

- Compressor Building
- Dry House
- *Hoist room*
- *Head frame*
- Maintenance Building
- Shaft House
- Storage Buildings

Notwithstanding the requirements of Section 8 and 18:

- (a) The existing *buildings* shall be allowed and shall not be enlarged or structurally *altered* unless a Site Plan Agreement is entered into with the Town of Kirkland Lake;
- (b) A minimum of thirty (30) *parking spaces* shall be provided;
- (c) A group of *buildings* will be allowed; and
- (d) A security chain link *fence* with a minimum *height* of 2.0 metres is required.

3. M1-03

In the “Light Industrial (M1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions:

- The crushing, manufacturing or processing of granular materials is not permitted.

4. M1-04

In the “Light Industrial (M1-04)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions. In addition to the uses permitted in Section 19.2, the following uses are permitted:

- Animal Boarding Kennel

Permitted Accessory Uses for Animal Boarding Kennel

- Pet Daycare Service
- Veterinary Establishment
- Obedience Training
- Animal Grooming and Spa Facility
- Pet Supply Store

Additional Requirements for Animal Boarding Kennels:

- The owner shall be responsible for following the regulations and guidelines found under the Animal Boarding Kennel Business Licensing By-law.
- Sound attenuating building material must be used in order to reduce noise complaints from nearby residents
- Fencing must be constructed in a manner that will discourage the potential for animal escape.

Minimum <i>Front Yard</i>	5.0 metres
Minimum <i>Side Yard</i>	6.0 metres
Minimum <i>Rear Yard</i>	5.0 metres

5. M1-05 (Mining Claim 2903 (Archer Drive))

Notwithstanding the provisions of this by-law to the contrary, on the lands zoned M1-05 a fence with a maximum height of 3.7 metres for a distance of 18.0 metres from the most easterly point of Part 3, TER 320 and measured westerly along the southerly side of the property shall be required. The residential dwelling use is allowed to remain.

SECTION 20: HEAVY INDUSTRIAL (M2) ZONE

20.1 In the “Heavy Industrial (M2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

20.2 Permitted Uses

Asphalt and Asphalt Products Processing
 Blast Furnaces
Explosive Manufacturing, Storage and Distribution
 Gas, Bottled Manufacturing and Storage
Machining
Metal Products Factory
 Paint and Varnish, Bulk, Storage, Warehouse
 Pulp and Paper Manufacturing
 Saw Mill and Lumber Mill
Salvage Yard
 Septic Tanks, Servicing, Cleaning, Equipment *Yard*
 Wood Processing Industries, Manufacturing, Preserving, Treatment

Industries in which the operation of such uses may be offensive because of heat, odour, heavy transportation requirement, or largescale operations not enclosed in buildings, and may include manufacturing, repair workshops and bulk storage of goods.

Office, retail establishments, *restaurants* and *cafeterias*, and *recreational facilities*, but only when these are *accessory* to a use permitted within the “Heavy Industrial (M2)” zone.

Accessory uses and *structures* including administrative offices, *retail* and *wholesale* outlets and *showrooms*, but only when these uses are *accessory* to the above permitted uses.

20.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	1,400 square metres
Minimum Clear Distance of Any <i>Building</i> from Any <i>Lot Line</i>	15.0 metres
Maximum <i>Lot Coverage</i>	50.0 percent
Maximum <i>Height of Building</i>	N/A

20.4 Prohibited Uses

1. No industrial *building* or park thereof shall be used for any purpose of which its nature or the materials used therein is under the Health Protection and Promotion Act, R.S.O. 1990, Chapter H.7, as amended, or regulations there under, declared to be a noxious trade, business or manufacturer.
2. In a “Heavy Industrial (M2)” zone, no *construction* permits shall be issued for any permitted uses where the municipal sewer and water are not available.

SECTION 21: MINING INDUSTRIAL (MM) ZONE

21.1 In the “Mining Industrial (MM)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions.

21.2 Permitted Uses

- Blast Furnaces
- Extrusions Shapes, Galvanizing
- Forge *Plants*
- Foundries
- Heavy Casting, Primary Processing
- Metals, Bulk Metal, Processing and Casting
- Mineral Extraction
- Mineral Processing*
- Ore Reduction and Foundries
- Pits and Quarries
- Processing of Raw Materials extracted from the ground

21.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	N/A
Minimum <i>Lot Frontage</i>	N/A
Minimum <i>Front Yard</i>	100.0 metres
Minimum <i>Side Yard</i>	100.0 metres
Minimum <i>Rear Yard</i>	100.0 metres
Maximum <i>Lot Coverage</i>	80.0 percent
Maximum <i>Height</i>	N/A

21.4 Pits and Quarries

1. A buffer zone shall be established between any *pit* and *quarry* operation and any abutting residential or commercial zone, or any adjacent public highway.
2. Such buffer zones shall have a minimum width of 7.5 metres, and shall run continuously along a *lot line* or otherwise so as to visually obscure any *pit* or *quarry*, and bulk storage of aggregate or soil cover or any machinery used in the operation of the *pit* or *quarry* from any abutting residential or commercial zone or adjacent public highway.
3. Such buffer shall consist of natural vegetation or planted trees, bushes or sodded or grassed berm of any combination thereof subject to the following:
 - (a) Where natural vegetation constitutes the buffer, such vegetation shall consist of trees or bushes or both and which is of such a density or vegetative cover as to completely hide any evidence of a *pit* or *quarry* operation. Such buffer not meeting this requirement may be supplemented with trees or bushes to provide for the required obscuring.
 - (b) Where the vegetative cover is planted, trees or bushes or a combination of both shall be provided such that the minimum *height* of any tree or bush at planting is 2.5 metres and such that the density or vegetative cover effectively visually obscures the *pit* or *quarry* operation when observed from the opposite side of the buffer.
 - (c) Where the buffer consists of a berm, the berm may be constituted by soil, earth or rock cover with earth and which such berm shall be completely sodded or grassed so as to prevent the raising or dust and soil particles. Such berm shall have a minimum *height* of 2.5 metres from its apex to the *established grade*. Trees or bushes may be planted atop the berm to provide further obscuring.
 - (d) Any buffer herein required shall be maintained for the purpose for which it is required.

- (e) The land and water must be rehabilitated to acceptable provincial and municipal standards for the rehabilitation of mine tailings and water bodies.

21.5 Exemption

1. No buffer shall be required where a *pit* or *quarry* operation, exclusive of machinery or *buildings*, is located further than 185.0 metres from a property line.

21.6 Access

1. A maximum of two points of access to any *pit* or *quarry* operations shall be permitted and which shall be located at least 60.0 metres apart, at which such points of access shall be located at least 60.0 metres from the nearest intersection of *street* lines.

21.7 SPECIAL EXCEPTION ZONES

1. MM-01 (Along Highway 112; Part of Mining Claims L7583, HR597 and HR599 Part of Parcels 9251, 8691 and 8690; By—law No. 17-067)

Notwithstanding the provisions of Section 21.2 of this By-law to the contrary, the lands zoned MM-01 may be used in accordance with the following provisions:

Permitted Uses:

- Crush and Process Mineral Aggregate, in compliance with the Site Plan Control Agreement

2. MM-02 (Part of Mining Claim L16527 and L16528, Parcel 10191CST)

Notwithstanding the provisions of Section 21.3 of this By-law to the contrary, the lands zoned MM-02 may be used in accordance with the following provisions:

Minimum <i>setback from property lines</i>	15.0 metres
Minimum <i>setback from Creek</i>	60 metres
Minimum setback from Quarry processing and stockpiling area to existing dwelling	600 metres
Minimum setback to railline	20 metres

Additional Requirements:

- Site operations must occur in compliance with the Site Plan Control Agreement
- Where there is conflict between the setback requirements, the most restrictive setback shall apply
- For the purposes of MM-02 the definition of a Quarry shall be as follows:
A place where consolidated rock has been or is being removed by means of an open excavation and is crushed, processed and stockpiled to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

SECTION 22: MINERAL EXTRACTION AND DISPOSAL (MED) ZONE

22.1 In the “Mineral Extraction and Disposal (MED)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

22.2 Permitted Uses

- Mineral Extraction
- Mine Tailings and Disposal
- Slag Dumping

22.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	N/A
Minimum <i>Lot Frontage</i>	N/A
Minimum <i>Front Yard</i>	100.0 metres
Minimum <i>Side Yard</i>	100.0 metres
Minimum <i>Rear Yard</i>	100.0 metres
Minimum <i>Lot Coverage</i>	80.0 percent
Maximum <i>Height</i>	N/A

22.4 The land and water must be rehabilitated to acceptable provincial and municipal standards for the rehabilitation of mine tailings and water bodies.

22.5 Special Exception Zones

1. MED-01 (multiple locations)

MC L1223, L1340, L1342 (Pcl 9286, 9284, 9287CST); L5362 (Pcl 726CST); L5045, L5049, L5343 (Pcl 3803, 3804, 3805CST); L2762, L2763, L2764, L2947 (Pcl 3067, 3068, 3007T); L2831 (Pcl 4276CST); L5927, L5928, L5929 (Pcl 471, 472, 473CST); L5967, L5980 (Pcl 3806, 4235T); L4755 (Pcl 1221CST); L5692 (Pcl 557CST); L6013 (Pcl 11405CST); L3019, L6804, L9107 (Pcl 9309, 9310, 9311CST); L3018, L6805, L1432 (Pcl 9288, 11404, 11406CST); L1525 (Pcl 2926CST); Part of L5779 (Pcl 10454CST); Part of L1850 (Pcl 10494CST); Part of L1617 (Pcl 8933CST); L2837, L2838, L4186 (Pcl 2495, 2496, 3056T); HR770, L2640 (Pcl 3055T); HR769, L2641 (Pcl 3124T); HR768, L2642 (Pcl 3426T); L4185 (Pcl 3425CST); L3044 (Pcl 539CST); Part of L1643, L2771 (Pcl 9330CST); and L5926 (Pcl 470CST); By-law No. 18-031)

(MC L3044, L2771 & PT MC L1643)

Notwithstanding the provisions of Section 22.3 of this By-law to the contrary, the lands zoned MED-1 may be used in accordance with the following provision:

Minimum setback from eastern property boundary	33.0 metres
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SECTION 23: PARKS AND OPEN SPACE (O1) ZONE

23.1 In the “Parks and Open Space (O1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions:

23.2 Permitted Uses

Cemeteries
 Conservation-Related Projects
Golf Courses
 Neighbourhood and Community *Parks*
Parks, Playgrounds, Tot-Lots
 Public Washrooms
 Pedestrian Walkways, Bikeways, Linear Open Space

23.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

For any *building* in excess of 9.0 square metres in *area*, the following *yard* requirements shall be respected:

Use	All Permitted Uses
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Setback</i> for All Other <i>Yards</i>	9.0 metres

In addition to the above, no *structure* shall be permitted to be located within 5.0 metres of any *lot line*.

23.4 Maximum Size of Structures

1. Other than a cemetery or golf course, any such structures shall not exceed 15.0 square metres. This shall not preclude the construction of change room for tennis courts or outdoor rinks.
2. The construction of buildings shall be limited in the case of a cemetery to combined maximum lot coverage of 275.0 square metres and in the case of a golf course to combined maximum lot coverage of 555.0 square metres.

23.5 Prohibited uses

1. Any building, structure or use requiring a septic permit shall be prohibited.

23.6 Special *Setback* for Monuments, Cemeteries or Graves

1. The minimum *setback* of any monument, or in a *cemetery*, grave, from any *lot line* shall be 15.0 metres.

23.7 Special Exception Zones

1. O1-01 (Block 22, 54M361, Sandy Drive and Block 23, 54M362, Pinetree Road; By-law 21-032)

Notwithstanding the provisions of Sections 7.2.10, 23.2, and 23.5 on the lands zoned O1-01 the following use is permitted:

- Placement of a Recreational Vehicle for camping purposes with an approved holding tank

SECTION 24: RESTRICTED OPEN SPACE (O2) ZONE

24.1 In the “Restricted Open Space (O2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

24.2 Permitted Uses

Protection, Conservation or Preservation of Natural Environmental Features

24.3 Special Requirements

1. “Restricted Open Space (O3)” for the protection, conservation or preservation of natural environmental features or *hazard lands* shall be left undisturbed in their natural state or properly managed under a conservation program. Area designated for restricted open space purposes shall not be used for the disposal of garbage, waste, rubbish or sanitary landfill subject to the Environmental Protection Act, the Mining Act, and the Ontario Water Resources Act.
2. Any abandoned mine workings as defined within the Mining Act required therein to be or which is *fenced* shall for the purposes of public safety to be deemed to be non-developable land upon which no *dwellings* or *structures*, save those required to afford suitable protection to the public, shall be permitted.

SECTION 25: INSTITUTIONAL (I) ZONE

25.1 In the “Institutional Open Space (O2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

25.2 Permitted Uses

Child Care Centre
Educational Institutions (excluding *Commercial Schools*)
 Fire Halls
Funeral homes, caretaker’s unit
 Government and Public Services
Health Services
Hospitals
Libraries
 Museums, Monuments, Historic Sites
Long Term Care Homes
Recreational Facilities
Places of Assembly
Places of Worship

Accessory uses and which shall not be deemed to limit the *construction* of a *single detached dwelling* in an association with a church or denominational institution and which is the municipality and which is the principal residence of the clergy.

25.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	930.0 square metres
Minimum <i>Lot Frontage</i>	30.0 metres
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Rear Yard</i>	12.0 metres
Minimum <i>Side Yard</i>	3.0 metres ⁴
Maximum <i>Height</i>	23.0 metres
Maximum <i>Lot Coverage</i>	50 percent

25.4 Public and private community, cultural and recreational services shall not be deemed to include race tracks or course for any motorized *vehicles* or animals.

25.5 SPECIAL EXCEPTION ZONES

- I-01 (111 Burnside Drive; Part Mining Claim L2100 and L2226, TER-14, Parts 13 & 18, Parcel 9272 CST; By-Law No. 15-024)

Notwithstanding the provisions of Section 25.2 of this By-law to the contrary, the lands zoned I-01 permit the following use:

- “Alkaline Hydrolysis Unit for the purposes of human disposition”
 Additional Requirements: The Alkaline Hydrolysis Unit is only permitted on I-01 as an accessory use provided it complies with the *Funeral, Burial and Cremation Services Act*.

⁴ Add an additional 0.6 metres for each additional storey after the third storey.

2. I-02 (400 Government Road; PT M.C. 16626 TECK & PT M.C. 16635 TECK (400 Government Road West, PINs 61228-1755, 61228-1761 & 61228-2097; By-law 12-079)

Notwithstanding the provisions of Section 25.2 of this By-law to the contrary, the lands zoned I-02 permits the following uses:

- Conference Centre
- Exhibition Centre
- Fairground
- Financial Establishment
- Hotel/Motel
- Market Place
- Restaurants and Taverns

SECTION 26: RURAL ZONES

26.1 Household industry

1. A household industry as defined in this By-law shall be a permitted use in the “Rural (RA)” zone, provided that such use is maintained in accordance with the following provisions:
 - (a) The *lot* on which the *household industry* is located shall have a minimum *lot area* of 1.0 hectares;
 - (b) The *household industry* shall clearly be secondary to the main residential use of the property and shall not change the residential character of the *dwelling*;
 - (c) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the use of the land for other uses permitted in the zone;
 - (d) Such *household industry* shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring *buildings* or *structures*;
 - (e) There shall be no display to indicate that any part of the property is being used for other than residential or rural uses except for an unlit *sign* of not more than 0.8 square metres;
 - (f) The *household industry* shall meet the same *yard* provisions as required for the principal residential use for the zone in which it is located, with the exception of the *interior side yard*, which shall be a minimum of 10.0 metres;
 - (g) The use shall not occupy more than 25.0 percent of the *gross floor area* of the *dwelling*, or where located in an *accessory building*, shall not occupy more than 100.0 square metres of *gross floor area*;
 - (h) A maximum of two (2) employees who do not reside in the *dwelling*, may be employed on site in the *household industry* and additional employees may be employed off-site;
 - (i) No *open storage* shall be permitted;
 - (j) A landscaped buffer shall be provided on the *lot* in accordance with the provisions of this By-law;
 - (k) There shall be no goods, wares or merchandise offered for sale or rent from the property which are not manufactured or processed on the *lot*;
 - (l) The *household industry* shall be subject to site plan control to regulate storage and *accessory buildings*.

26.2 Animal Boarding Kennel

1. An animal boarding kennel, as defined in this By-law, shall be a permitted use in the “Rural (RA)” zone, provided that such use is maintained in accordance with the following provisions:
 - (a) Kennels shall be subject to Site Plan Control;
 - (b) Kennels shall be allowed as either indoor or outdoor facilities;
 - (c) All animal containing *structures* and runs shall be *setback* a minimum distance of 15.0 metres from the property line. The *structure* may be required to be *setback*, landscaped or designed in such a fashion to screen them from neighbouring residential uses;
 - (d) In order to mitigate potential noise impacts, animal-containing *structures* constructed of materials such as chain link, which do not provide sound proofing, may be required to meet a 30.0 metre *setback* distance from adjoining uses. These standards include but are not limited to the *construction* of *fences* and installation of landscaping; and
 - (e) The maximum number of animals shall be 2.0 per 4.6 square metres to a maximum of ten (10).

26.3 Pet Daycare Service

1. In addition to the requirements of the “Local Commercial (C5)” zone, the following provisions shall apply:
 - (a) A *pet daycare* service shall be located inside of a *structure*. No outdoor *animal boarding facilities* shall be permitted.
 - (b) Outdoor *yards* shall be allowed for the purpose of exercising animals. Those *yards* are to be enclosed by 2.0 metre walls of sound-attenuating fencing. The *yard* may be required to be *setback*, landscaped or designed to further buffer neighbouring properties.
 - (c) The maximum of animals shall be 1.0 per 4.6 square metres to a maximum of five (5).

26.4 Fencing

1. Where a *fence* is provided for, or is required to be provided for, this By-law, such *fence* shall not exceed 2.0 metres in a rural zone. In no case shall a *fence* in the *front yard* of a rural zone be higher than 1.2 metres unless a permit is obtained.

26.5 Communal Waste Disposal Facilities

1. Any sewage treatment plant or waste disposal facility not wholly enclosed within a *building* shall not be located closer than 90.0 metres to any residential *lot*.

26.5 Conservation of Natural Environment

1. Except as may be provided by site development control or other measures, every endeavour shall be made to protect the ecology and natural environmental amenities of any site approved for "Rural Residential Special (RR-01)" development.

26.7 Park, Garden or Street

1. Nothing in this By-law shall apply to prevent the use of any land within the defined area as a public or community park, playground, garden or street.

26.8 Setbacks from non-residential uses

1. Non-residential land uses will not be permitted to develop within 300.0 metres of any residential property or residential zone.
2. Septic tanks require a minimum setback of 2 m from any lot line, and a 5 metre setback from any building or structure.

SECTION 27: RURAL (RA) ZONE

27.1 In the “Rural (RA)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

27.2 Permitted Uses

Agriculture Uses
 Agricultural-Related Uses
 Airports
Animal Kennel Facility
 Drive-In Theatres
Equestrian Facility
 Forestry and Logging
Hobby Farm
Hunt Camp
Mobile home, only within a mobile home park
 Mobile Home Park
 Outdoor Recreational Uses
Pet Daycare Service
Pits and Quarries (Existing Only)
Single Detached Dwelling

Accessory uses to drive-in theatres, *equestrian facility*, *forestry* and logging and *mobile home parks* shall be deemed to include *cafeterias*, *restaurants* and *retail stores*, but only when these are constructed as, and are intended to be secondary or incidental to the main use.

27.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Single Detached Dwelling</i>	All Other Uses
Minimum <i>Lot Area</i>	2.0 hectares	4.0 hectares
Minimum <i>Setback</i> of Any <i>Building</i> from Any <i>Lot Line</i>	15.0 metres	15.0 metres
Minimum <i>Lot Frontage</i>	46.0 metres	46.0 metres
Maximum <i>Height</i> of Any <i>Building</i>	10.5 metres	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent	50.0 percent

27.4 For each bona fide “Rural (RA)” use:

1. One resident for an owner or caretaker or supervisor or watchman or other person whose residence or presence on the premises is essential to the protection, management or maintenance of the property of such use shall be permitted provided that there is made available a suitable supply of water and sewage disposal system acceptable to the Local Medical Officer or Health or authority having jurisdiction;
2. Such residence is located on the property actually used by the rural use for purposes *accessory* to that use; and
3. The minimum *setback* and *yard* requirements are established for the main use in this zone are observed for *accessory* uses.

27.5 SPECIAL EXCEPTION ZONES

1. RA-01 (500 Hays Street; Mining Claim HR753, Parcel 841 CST; By-law No. 19-082)

Notwithstanding the provisions of Section 27. 2 of this By-law to the contrary, the lands zoned RA-1 may be used in accordance with the following provision:

Permitted uses:

- Outdoor recreational commercial uses
- One mobile home

SECTION 28: RURAL ESTATES DEVELOPMENT (RE) ZONE

28.1 In the “Rural Estates Development (RE)” zone, no person shall use any land, *building* or *structure* or *erect* any *building* or *structure*, except in conformity with the following provisions.

28.2 Permitted Uses

Bed and Breakfast

Parks

Single Detached Dwelling

28.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	0.8 hectares
Minimum <i>Lot Frontage</i>	60.0 metres
Minimum <i>Front Yard</i>	20.0 metres
Minimum <i>Rear Yard</i>	20.0 metres
Minimum <i>Side Yard</i>	10.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent

28.4 SPECIAL EXCEPTION ZONES

1. RE-01

Notwithstanding the provisions of Section 28.3 of this By-law, in the “Rural Estate Development Special (RE-01)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

Minimum <i>Lot Area</i>	0.2 hectares
Minimum <i>Lot Frontage</i>	28.0 metres
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Rear Yard</i>	7.5 metres
Minimum <i>Side Yard</i>	5.0 metres

2. RE-02 (54M-346 and Mining Claim L2090)

Notwithstanding the provisions of Section 28.3 of this By-law to the contrary the lands zoned RE-1 may be used in accordance with the following provisions:

Minimum <i>Lot Frontage</i>	46.0 metres
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SECTION 29: RURAL RESIDENTIAL (RR) ZONE

29.1 No land shall hereafter be used and no *building* or *structure* shall hereafter be *erected*, *altered* or used, except in accordance with the terms of this By-law

29.2 Permitted Uses

- Bed and Breakfast*
- Parks*
- Single Detached Dwelling*

29.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	3,200 square metres
Minimum <i>Lot Frontage</i>	32.0 metres
Minimum <i>Front Yard</i>	20.0 metres
Minimum <i>Rear Yard</i>	10.0 metres
Minimum <i>Side Yard</i>	5.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent

29.4 Special Exception Zones

1. RR-01

In the “Rural Residential Special (RR-01)” zone, no person shall use any land, *building* or *structure*, or *erect* and *building* or *structure*, except in conformity with the following provisions. Only cottages and parks are permitted in accordance with the following provisions.

Minimum <i>Lot Area</i>	0.2 hectares
Minimum <i>Lot Frontage</i>	28.0 metres
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Rear Yard</i>	7.5 metres
Minimum <i>Side Yard</i>	3.0 metres

No new development, additions to existing development, or redevelopment that requires septic approval is permitted.

2. RR-02

Lots located on M-314 (part of Goodfish Lake) shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	1,344 square metres
Minimum <i>Lot Frontage</i>	28.0 metres
Minimum <i>Front Yard</i>	15.0 metres

SECTION 30: RURAL RECREATION DEVELOPMENT (RS) ZONE

30.1 In the “Rural Recreation Development (RS)” zone, no person shall use land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

30.2 Permitted Uses

Cottage

Single Detached dwelling

30.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	0.4 hectares
Minimum <i>Lot Frontage</i>	30.0 metres
Minimum Front Yard	20.0 metres
Minimum <i>Rear Yard</i>	7.5 metres
Minimum <i>Side Yard</i>	3.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent

30.4 SPECIAL EXCEPTION ZONES

1. RS-01

In the “Rural Recreation – Special Open Space (RS-01)” zone, no person shall use land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions:

The only permitted uses shall be:

- Campgrounds
- Outdoor Recreational Uses
- *Parks*
- Recreational Trailer Parks
- *Accessory uses*, such as retail establishments, *restaurants* or *cafeterias*, and places of recreation, but only when these are constructed as, and are intended to be, secondary or incidental to the main use.

No person shall use, and no owner or lessee of any trailer shall permit to be used, any trailer for the living, sleeping or eating accommodation of persons within the municipality of the Town of Kirkland Lake, unless in a trailer camp duly designated and approved for that purpose, for more than sixty days in any period of ten consecutive months.

No new development, additions to existing development, or redevelopment that requires septic approval is permitted.

SECTION 31: FUTURE DEVELOPMENT AREA (DA) ZONE

30.1 In any "Future Development Area (DA)" zone, no person shall use any land, *building* or *structure* for any purpose other than that for which it was used on the enactment day of this By-law, until such land has been rezoned by a By-law and has been subdivided or designated as a *lot* or block by means of a Registered Plan of Subdivision.

30.2 The intended future use will be captured in the corresponding zone identified in the abbreviation on the lot

Abbreviation	Intended use
DA-RES	Future Residential Development Area