

## TABLE OF CONTENTS

SECTION	PAGE
1 Preamble	1-2
2 General Implementation and Administration	3
3 Interpretation/Definitions	4-21
4 General Regulations	22-27
5 Parking and Access Requirements	28-30
6 Rural Zone	31-33
7 Lakeshore Residential Zone	34-35
8 Institutional Zone	36-37
9 Commercial Zone	38-39
10 Industrial Zone	40-41
11 Extractive Zone	42
12 Disposal Industrial Zone	43-44
13 Schedule A – for Lappe Landfill Site	45
14 Environmental Protection/Use Limitation Zone	46
15 Recreation Zone	47
16 Passing/Enactment	48

**LAKEHEAD RURAL PLANNING BOARD  
ZONING BY-LAW FOR THE GEOGRAPHIC TOWNSHIPS OF GORHAM AND WARE  
AND A PORTION OF THE DAWSON ROAD LOTS**

**PREAMBLE**

This by-law replaces By-law 001-98 and 414-08 and all amendments thereto.

This Zoning By-law is administered by the Lakehead Rural Planning Board accessing funding and authority from the Ontario Ministry of Municipal Affairs and Housing. The Board also administers an official plan and subdivision/consent granting authority for the Gorham, Ware, and Lots 1 – 20 Conc A and B Dawson Road Lots planning area.

The By-law applies to the Geographic Townships of Gorham and Ware and implements a planning program set out for these Townships by the Gorham, Ware and Part of the Dawson Road Lots Official Plan. **This document will be the first zoning regulation applied within Lots 1-20 Concessions A and B, east of the Kaministiquia River, and fulfills a policy statement in the updated Official Plan requiring that zoning regulation be extended to the Dawson Road Lots.** For Gorham and Ware, the document represents an update of a previously existing zoning By-law.

The By-law established permitted use of land, buildings, and/or structures, and lays out related planning regulation for such uses. The Zoning By-law is intended to be a legal implementation of the policies of the Official Plan, and through the official plan, policies within Ontario's Northern Growth Plan and Provincial Policy Statement (2005). The Gorham, Ware and Part of the Dawson Road Lots Official Plan was updated in 2012-13.

The zoning by-law relies upon the concept of a lot as the basis for consideration of land use. A lot is defined as a parcel of land that is capable of being transferred separate and distinct from any other lands owned by the same party. The by-law also employs a variety of land use zones and establishes permitted uses and regulations for such zones. All uses of land except those listed as permitted uses in the relevant zones are deemed by the by-law not to be legal uses of land. Exceptions are land uses that are specified in the Planning Act as being exempt from local zoning controls. General regulations are also detailed in the by-law and apply to all zones.

The By-law is enacted under authority of The Planning Act, R.S.O. 1990 and **IS A LEGAL DOCUMENT TO WHICH PROPERTY OWNERS AND USERS MUST COMPLY.**

The zoning by-law is typically updated upon completion of a five year comprehensive official plan review, and can be amended by submission and processing of a specific application. The By-law may also be amended by the Lakehead Rural Planning Board

with respect to the whole or major portion of the area to which the By-law applies, typically respecting an aspect of the by-law that deals with numerous properties. **A SITE SPECIFIC AMENDMENT TO THE BY-LAW WILL ONLY BE ACCEPTED AND PROCESSED WHERE SIGNED BY THE PROPERTY OWNER(S) OR WHERE THE PROPERTY OWNER(S) AUTHORIZE ANOTHER PARTY TO MAKE SUCH SUBMISSION. APPLICATIONS TO REZONE PROPERTY OWNED BY ANOTHER PERSON WITHOUT THEIR KNOWLEDGE OR PERMISSION WILL NOT BE ACCEPTED OR PROCESSED.**

Applications for amendment to this by-law are required under processes set out in the Planning Act to include public notice and a public meeting. Public input is invited and is taken into account by decision makers. In addition, the by-law, once enacted, undergoes required notice and appeal proceedings. Appeal, where the objection is not subsequently removed, results in a hearing by the Ontario Municipal Board and a final determination of the approval, denial, or modification of the by-law.

Appeals can be negated by the Ontario Municipal Board where the party initiating the appeal has not participated in the decision making process by giving verbal or written comments to the Board at the public meeting or prior to the passing of the amending by-law.

## **PART I**

### **GENERAL IMPLEMENTATION AND ADMINISTRATION**

1. This By-law shall apply to all lands within the boundaries of the Geographic Townships of Gorham and Ware, and The Dawson Road Lots; Lots 1 – 20 Concessions A and B, east of the Kaministiquia River.
2. All prior zoning by-laws and related amendments for the Geographic Townships of Gorham and Ware, including By-law 001-98 (Gorham) and 414-86 (Ware) are herein repealed and replaced with this By-law.
3. This By-law is the first zoning by-law applied to the Dawson Road Lots; Lots 1 – 20 Concessions A and B, east of the Kaministiquia River.
4. This By-law included and is comprised of the text, schedules and maps contained in the Preamble, in Parts I to IX, and attached maps and schedules, as amended from time to time subsequent to the date of initial passing.
5. This By-law has been determined by the Lakehead Rural Planning Board to conform to and implement the Gorham, Ware, and Dawson Road Lots Official Plan.
6. Interpretation and enforcement of this By-law is primarily the responsibility of the Lakehead Rural Planning Board, including its staff and/or identified agents.
7. Any person convicted of an offense under this By-law shall be subject to the penalties established in The Planning Act.

## PART II INTERPRETATION/DEFINITIONS

1) In this Zoning By-law;

**Abattoir** shall mean a building or structure wherein animals are slaughtered and processed for packaging, distribution and resale.

**Adjacent** shall mean contiguous to a feature, parcel or lot, site, or to a zone boundary line as referred to in this By-law.

**Accessory** shall mean a use, building or structure that is normally incidental or subordinate to, and used in association with the principal use, building, or structure on the same lot.

**Accessory dwelling** shall mean a dwelling which is accessory to a permitted non-residential use, located on the same lot therewith, and is occupied by the owner or operator of such non-residential use or by a person employed by the owner of the property to be involved in such non-residential uses.

**Aggregate processing plant** shall mean equipment and facility used to screen, wash, size and categorize aggregate material to be used for construction.

**Agricultural Use** shall mean the use of land, building or structures for:

- (a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and spreading, sludge application to land, 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, including all related activities such as breeding, raising, training, feeding and grazing, and including the breeding and raising of poultry, bees or fish.
- (c) the production of farm products such as milk, eggs, wool, fur or honey, including related activities such as the collection, storage and sale of products;
- (d) greenhouse or nursery, including storage and sale of the products;
- (e) forestry activities including planting, harvesting; sale of Christmas trees; and;
- (f) the use and accessory maintenance and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

**Agriculture-related use** shall mean those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Alter** shall mean to discontinue current activity or use; replace one activity or use with another use distinct from the previous activity or use; to change any one or more exterior dimensions of a building or structure; or to change the area, frontage, depth of a lot or to change the width, depth, area, or location of a yard, open space or parking area.

**Animal Hospital** shall mean a building or part of a building used by a veterinary surgeon where domestic animals and other livestock are treated and where domestic animals and birds are kept for treatment (including surgery), and where veterinary drugs and other related products, including pet food, may be sold. This definition also includes a veterinary establishment and may also include a Kennel as an accessory use.

**Areas of natural or scientific interest (ANSI)** shall mean lands and/or water containing or thought to contain features that have been identified by the Ministry of Natural Resources as having life or earth science values related to protection, scientific study or education.

**Areas of archaeological significance** shall mean areas identified as containing important archaeological resources as established by criteria set out by the Province of Ontario and confirmed through specific archaeological fieldwork.

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

**Automobile service station** shall mean the use of land, buildings and/or structures where gasoline, propane and/or diesel fuel, oil, grease, anti-freeze, tires, and automobile motor parts and/or accessories are kept for retail sale and where motor vehicles may be serviced or repaired excluding body work and painting.

**Bait Shop** shall mean the use of building and land for the keeping of live bait for sale for angling or fishing and may include the sale of fishing related supplies.

**Balcony** shall mean a structure without a roof extending horizontally from the wall or walls of a main building and having no separate foundation on the ground and no direct access to the ground.

**Basement or cellar** shall mean that portion of a building between two floor levels which is partially underground but which has at least one half of its height from finished floor to finished ceiling above the average ground level adjacent to the exterior walls of the building.

**Bed and Breakfast** shall mean a single detached dwelling in which no more than three (3) guest rooms are made available for overnight accommodation of the travelling or vacationing public, and in which the proprietor may offer lodging and breakfast for compensation.

**Boat house** shall mean an accessory building that is used exclusively for the storage of boats and/or related marine craft, equipment, and/or supplies.

**Body repair shop** shall mean the use of land, buildings, and/or structures for the purpose of the repairing or painting of vehicle bodies or frames.

**Buffer** shall mean an area of land the size of which is defined in the relevant zone provision containing one or more of fencing, grass, shrubs, bushes, berms, trees or other vegetation and shall not contain buildings, and is intended to function as an area of visual screening and separation.

**Building** shall mean a structure having a roof supported by columns or walls or directly on a foundation and shall include balconies and decks that are attached or supported or are closer than 0.2 metres from a wall, and that are in excess of 0.6 metres in height.

**Building Supply Centre** shall mean a building or portion thereof or a place where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed or kept for sale at retail or wholesale.

**Bulk Storage Tank** shall mean a tank for the large scale storage of petroleum, petroleum products, chemicals, gases, flammable liquid or fluid, or similar substances. This definition shall not include a fuel storage tank which is accessory to another use on the lot where such tank is located.

**Camping Area** shall mean a tent and trailer park owned and operated by the Conservation Authority, or any agency of the Governments of Ontario or Canada or by a private interest.

**Carport** shall mean a covered parking area which is open on at least two sides.

**Club** shall mean a meeting location for members of a chartered organization and may include social service, lodge, fraternity, sorority house, labour hall or similar uses.

**Church** shall mean a building dedicated to religious worship which may include a church hall, auditorium, parish hall, Sunday school, a manse, and similar features.

**Class I Industry** shall mean a building or use for a small scale, self-contained industrial use or activity that has infrequent movement of products or heavy trucks or equipment, no outside storage, daytime only operation; and is a low probability source of noise, odour, dust or vibration.

**Class II Industry** shall mean shall mean a building or use for a medium scale, industrial use or activity that may include outside storage, frequent movement of products or heavy trucks or equipment, may include shift work operation; and is occasionally a source of noise, odour, dust or vibration.

**Class III Industry** shall mean shall mean shall mean a building or use for a large scale, industrial use or activity that produces a large volume of product, with outside storage of raw material and/or finished goods, outside activity including frequent or continuous

movement of products or heavy trucks or equipment, may include shift work operation; and is a source of noise, odour, dust or vibration.

**Commercial use** shall mean the use of land, buildings, and/or structures or part thereof for the purpose of buying or selling of commodities, goods, or supplies, or for the supplying of a service to the public.

**Community hall** shall mean a building or part thereof in which facilities are provided for meetings for civic, educational, political, recreational, or social purposes and includes a banquet hall.

**Commercial Wind Turbines** shall mean a wind energy conversion system consisting of one or more wind turbines, tower(s) and associated control or conversion electronics, which has a rated capacity of more than 300 kW, and which is intended to provide electrical power for use on or off-site (either behind the meter or off-grid) and is intended or used to produce power for resale.

**Communication facility** shall mean an installation which transmits, receives, and/or relays communications such as microwave, telephone, television or radio, or similar transmitted information, and may include towers and related buildings or structures.

**Conservation use** shall mean use related to the preservation and/or conservation of natural heritage resources or the natural environment.

**Construction yard** shall mean land, building, and/or structures used for the storage of materials and the parking and storage of vehicles and equipment used in the undertaking of construction projects, and may include a related administrative office.

**Convenience Store** shall mean an establishment where milk, bread, snacks, food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale.

**Day nursery** shall mean a premises used for the temporary care of six or more children who are not of common parentage, for a continuous period not exceeding twenty-four hours, where the children are under ten years of age.

**Deck** shall mean a structure without a roof having a foundation to hold it erect, and attached to a building or abutting one or more walls of a building closer than 0.2 metres, with or without direct access to the ground, where the floor is greater than 0.6 metres above the finished grade of the ground immediately below, but shall not include a landing or stairs.

**Density** shall mean the ratio of the number of dwellings, mobile homes, campsites, tourist lodging establishment units to the total lot area.

**Derelict motor vehicle site** shall mean a site used commercially for the storage of abandoned motor vehicles and may include the removal of parts from such vehicles.

**Dwelling unit** shall mean one of more habitable rooms designed and/or intended to be used or occupied by one or more persons as an independent and separate housekeeping establishment in which separate cooking, sleeping, and sanitary facilities are provided for the exclusive use of the occupants and where there exists a separate and private entrance, but shall not include a hotel or motel, a lodging house or a group home. A mobile home shall be a dwelling unit.

**Entertainment/Recreation Facility** shall mean a land, building or structure or part thereof, designed and equipped to be used for the provision of entertainment or amusement.

**Erect** shall mean to build, construct, reconstruct, move or relocate and shall include preliminary physical operations such as clearing, grading, excavating, filling, draining, or altering of an existing building by addition, extension, or other structural change, except repair.

**Existing use** shall mean a use that is legally existing as of the date of passing of this by-law, and may include an intended use or activity where construction has begun in a meaningful and continuous way but for which actual use and activity has not commenced. Commencement of construction shall mean continuous activity once begun involving a building basement or foundation.

**Farm Supply and Service Facility** shall mean a commercial establishment which offers for sale, and maintains and repairs machinery normally used in farming and/or operates as a feed supply outlet, produce grading station or storage facility.

**Farmers' Market** shall mean an establishment or premises where the farm products of a local farming community are sold at retail by the grower from areas designated for individual retailers.

**Finished grade** shall mean the average elevation of the finished or proposed finished surface of the ground adjoining each exterior wall, excluding localized depressions.

**Flood Proof** shall mean the combination of measures incorporated into the basic design and/or construction of buildings, structures or properties to reduce or eliminate flood waters from entering the building or otherwise to reduce or eliminate flood damage.

**Floor area** shall mean the total area of all floors contained within the outside walls of a building and shall exclude a basement or cellar or attic.

**Forestry Use** shall mean the planting, management and harvesting of timber resources. This definition may include the establishment and occasional use of an accessory portable sawmill but shall not include the establishment of a permanent sawmill.

**Front lot line** shall mean the lot line dividing the lot from a road or street, or in the case of a lot in the Lakeshore Residential Zone having water frontage on a lake, dividing the lot from the shoreline reserve or the high water mark. In the case of a corner lot, the shorter lot line abutting such road or street, or shoreline reserve or high water mark shall be the front lot line.

**Front yard** shall mean a yard extending across the full width of the lot line between the front lot line and the nearest main wall of the main building, and is intended to be open, uncovered, and free of buildings or structures, except as permitted in other relevant sections of this by-law. The required front yard shall mean the front yard between the front lot line and the distance specifically set out in the relevant zone for such front yard.

**Fuel Storage Tank** shall mean a tank which is an accessory to a permitted use for the storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid.

**Garage** shall mean a building accessory to a residential dwelling (permanent or seasonal), that is used primarily for the storing of one or more vehicles and/or for the storage of personal effects, recreation vehicles or equipment, gardening and yard tools/equipment, etc incidental to the residential occupancy.

**Garden Centre** shall mean land, building, structure or portion thereof or an outdoor area primarily used for the retail sale of gardening equipment, landscaping products and planting materials.

**Garden Suite** shall mean a portable one-dwelling unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing single detached dwelling.

**Greenhouse/ Nursery, Commercial** shall mean a building used for the growing of flowers, vegetables, shrubs, trees and similar vegetation for wholesale or retail sale, and the accessory sale of gardening implements, fertilizer, and similar articles. This definition shall not include any premises used for growing of mushrooms.

**Ground floor area** shall mean the area of the lowest storey of a building or structure above grade, measured between the exterior faces of the exterior walls of the floor level of the storey.

**Guest/Bunk House** shall mean a room or suite that is intended and used for the temporary accommodation of guests visiting the occupants of the main dwelling and shall not be equipped with cooking or sanitary facilities.

**Group home** shall mean a dwelling shall mean a room or suite of rooms used or maintained for the temporary accommodation of the guests visiting the occupants of the main dwelling, and shall not be equipped with cooking or with sanitary facilities.

**Habitable Room** shall mean a room commonly used for living purposes, including a bedroom, bathroom and a kitchen but not including any space in a dwelling used as a lobby, hallway, closet, or any room having floor space of less than 4.65 square metres.

**Hauled Sewage** shall mean material removed from a holding tank (Class 5 system) or from a septic tank (Class 4 system).

**Height** shall mean, when used in reference to a building, the vertical distance measured between the lowest finished grade and the highest point of the roof, excluding mechanical or ventilation features and parapets or similar features.

**High Water Mark** shall mean the mark made by the action of water under natural conditions on the shore or bank of a waterbody which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

**Highway** shall mean a public thoroughfare intended for vehicular use by the general public and under the jurisdiction of the Province of Ontario.

**Hobby Farm** shall mean a rural residential land use where farming and/or the keeping of farm animals is pursued as a casual, part time, recreational, or similar small scale operation where the number of animal units is not greater than;

- For a parcel of land up to 1.2 hectares in size; 1 animal unit
- For a parcel of land in greater than 1.hectares up to 2.04 hectares; 3 animal units
- For a parcel of land greater than 2.04 hectare; 5 animal units
  
- One animal unit shall equal;
  - One cow or steer (greater than one year)
  - Two calves
  - Two horses, donkeys
  - Three alpacas, lamas
  - Three sheep, goats
  - Ten ducks, geese, turkeys, pheasants
  - Fifteen chickens
  - Twenty rabbits

Where the number of animal units exceeds the limit allocated for the above noted parcel sizes, the land use shall be considered to be that of an agricultural activity.

**Home Industry** shall mean a use which is clearly incidental or secondary to the residential use of a single detached dwelling house and is conducted either entirely within a single detached dwelling house or in an accessory building to a single detached dwelling house, by an inhabitant thereof. Such use may include a carpentry shop, a craft shop, an electrical shop, a small engine repair shop, a welding shop, or other similar use.

**Home-Based Business** shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of a dwelling and shall include the following:

(a) instruction in or businesses involving music, academic subjects, dancing, babysitting, arts and crafts such as pottery, weaving, painting or sculpting, sewing, hairdressing or similar uses;

(b) businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, caterers or operators of commercial vehicles, provided that the storage of commercial vehicles, equipment or materials does not take place at the residence except in accordance with the provisions of the By-law;

(c) businesses involving the repair of small appliances, radios, televisions and similar items, skate or knife sharpening or similar uses;

(d) an office used by a physician, dentist or other medical practitioner, an insurance agent, accountant, engineer, sales person, travel agent, or a person engaged in a similar occupation;

**Hotel** shall mean a commercial establishment containing at least four bedrooms available for the sleeping accommodation of the travelling public but shall not include a bed and breakfast or a group home. A hotel may include a restaurant, tavern, activity area, swimming pool or other such amenity or guest activity space.

**Industrial Use** shall mean the use of land, buildings or structures designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, processing, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services.

**Kennel** shall mean a building or structure or portion thereof where animals are bred, boarded, groomed or trained, given medical treatment or housed for similar purposes for which compensation is paid and shall include a Humane Society shelter or pound.

**Landscaped Open Space** shall mean open space at grade on a lot comprised of shrubs, flowers, trees, grass, bushes and other landscaping materials and may include space occupied by paths, walks, courts, patios and pools, but shall not include parking areas, traffic aisles, driveways or ramps for vehicles, or any open space beneath or within a building or structure.

**Loading Space** shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading

goods, merchandise or materials used in connection with the use of the lot or any building thereon.

**Lot** shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act.

(a) **Waterfront Lot** shall mean a lot which abuts a waterbody regardless of whether it has access to a street or private right-of-way.

(b) **Interior Lot** shall mean a lot situated between adjacent lots and having frontage on only one street or private right-of-way.

(c) **Corner Lot** shall mean a lot situated at the intersection of two streets or private right-of-way at any point in the same street having an angle of intersection of not more than 135 degrees.

(d) **Through Lot** shall mean a lot having frontage on two parallel or approximately parallel streets.

**Lot Area** shall mean the total horizontal area within the lot lines, excluding the horizontal area of any flood plain or wetland located on such a lot.

**Lot Coverage** shall mean the percentage of the lot area covered by all buildings and structures, including accessory buildings, and covered decks, and shall not include patios, swimming pools, or minor projections such as canopies, balconies, overhanging eaves or bay windows.

**Lot Depth** shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines; for lots with curved front lot lines, the measurement shall be taken from a line drawn parallel to the chord of the arc of the curve constituting the front lot line and lying midway between said chord and a line drawn parallel to said chord and tangent to said arc. If there is no rear lot line, lot depth shall mean the length of a straight line joining the middle of the front lot line with the apex of a triangle formed by the side lot lines.

**Lot Frontage** shall mean the width of a lot measured between the intersection of the side lot lines with a line measured at a distance (10) ten metres distant where such side lot line intersects with the front lot line.

**Lot Line** shall mean any boundary of a lot.

(a) **Front Lot Line** shall mean, in the case of a waterfront lot in a Lakeshore Residential Zone, the shoreline shall be deemed to be the front lot line. In the case of an interior lot, the shortest lot line dividing the lot from the street, or a private right of- way. In the case of a corner lot or through lot, the shorter lot line abutting one street or a private right-of-way shall be deemed to be the front lot line. In the case of a corner lot or a through lot where the lot lines abutting the streets or a private right-of-way are the same length, the lot line where the principal vehicular access to the lot is provided shall be deemed to be the front lot line. In the case of a corner lot where the street lines are joined by an arc,

the shortest straight street line shall be deemed to be the front lot line. In the case of a corner lot where the street lines do not intersect at one single point, the shorter of the two street lines shall be deemed to be the front lot line.

(b) **Rear Lot Line** shall mean, in the case of a lot having four or more lot lines, the lot line furthest from and opposite to the front lot line. If a lot has less than four lot lines, there shall be deemed to be no rear lot line.

(c) **Side Lot Line** shall mean a lot line other than a front or rear lot line.

(d) **Exterior Side Lot Line** shall mean any lot line, other than a front lot line, which is also a street line.

**Lumber Yard** shall mean use of building and/or land for the storage and sale of boards and other cut limber, and may include the sale of wood products and building supplies.

**Machinery and Equipment Sales and Service Outlet** shall mean an establishment which offers for sale, and maintains and repairs machinery and commodities normally used in farming and a contractor's shop or yard. This definition shall not include any manufacturing operation.

**Manufacturing establishment** shall mean lands and building(s) uses for the altering, assembling, fabrication, finishing, inspecting, processing, treatment, of goods and may include handling and transportation of raw materials and/or produced product and storage of raw materials and/or finished product.

**Medical Practitioner** shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, but shall not include a veterinarian.

**Mini Warehouse and Storage** shall mean a building or portion thereof wherein general merchandise, vehicles, furniture and household goods are stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

**Mobile Home Trailer** shall mean dwelling that is designed and manufactured to be transported on its own chassis, is equipped for year-round occupancy and complies with the Ontario Building Code. This definition shall not include a model trailer or recreational vehicle as defined herein.

**Mobile Home Park** shall mean two or more occupied mobile home trailers located on the same lot but does not include a campground.

**Mobile Home Site** shall mean an area of land within a mobile home park that is designed to accommodate one mobile home trailer and related yard.

**Motel** shall mean a commercial establishment containing at least four bedrooms available for the sleeping accommodation of the travelling public but shall not include a bed and breakfast or a group home. A motel may include a restaurant, tavern, activity area, swimming pool or other such amenity space.

**Non-Complying when applied to a use, building or structure**, shall mean a use, building or structure which, on the date of the passing of this By-law, is listed as a permitted use in the zone where it is located but which contravenes one or more of the provisions of the zone in which such use, building or structure is located or the provisions of other sections of this By-law.

**Non-Conforming** shall mean a use, building or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building or structure is located, but which was lawfully used for such purpose as of the date of passing of this By-law.

**Nursing Home** shall mean a building used in accordance with the definitions in the Nursing Homes Act and amendments thereto.

**Office, Business or Professional** shall mean a building or portion thereof, designed, intended or used for the practice of a profession, the carrying on of a business and/or the conduct of public administration, and where one or more individuals and/or professionally qualified persons provide services to clients. This definition includes such uses as travel agency, insurance agency, newspapers office, communications office, laboratory and research facility, lawyer's office, architect's office, land use planner's office, engineer's office, or similar use, but shall not include a medical/dental office or any other use otherwise defined or classified in this By-law.

**Open Space** shall mean an area of land that remains unoccupied by buildings and is used for purposes such as hiking trails, nature trails, parks, wildlife sanctuaries and similar uses.

**Open or Outdoor Storage** shall mean the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards, but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement or soft drink coolers or ice freezers occupying an area not greater than 4.0 square metres. This definition shall not include the open storage of goods or equipment which are incidental to the residential occupancy of a lot.

**Park** shall mean an area of land consisting mainly of open space which may include a recreational area, recreation structures, playground, playfield or similar use and conservation lands.

(a) Public Park shall mean a park owned and maintained by a public authority.

(b) Private Park shall mean a park other than a public park.

**Parking Area** shall mean an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles and parking spaces.

(a) **Parking Aisle** shall mean a portion of a parking area or a commercial parking lot which abuts a parking space on one or more sides and which provides access from the parking space to a street or driveway, and which is not used for vehicular parking.

**Parking Space** shall mean a portion of a parking area, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of a motor vehicle.

**Passive Outdoor Recreation** shall mean a trail system, nature appreciation or educational activity and includes minor structures such as boardwalks, interpretative signage, open-sided shelters and picnic area which are small-scale and open concept in nature.

**Patio** shall mean a surfaced, open space at grade or with the finished floor less than 0.6 metres (0.98 ft.) above finished grade.

**Person** shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**Personal Service Establishment/Shop** shall mean a business which is associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories. This definition includes a barber shop, beauty parlour, shoe repair shop, self-service laundry or dry cleaning distribution station or similar uses.

**Pipeline** shall mean a facility that is used for the transmission of a hydrocarbon and includes pipes, fittings, valves, controls, compressor stations, pressure-regulating stations and other similar facilities related to operation of the pipeline.

**Pit** shall mean land from which unconsolidated aggregate (gravel, sand, stone, earth, clay, fill or such other material) is being or has been excavated and that has not been rehabilitated but shall not include an excavation incidental to the erection of a building or structure or an excavation incidental to the construction of any public work. This definition includes all activities which are normally associated with the operation of a pit such as crushing, stockpiles, screening, processing, washing, weighing scales, offices and open and enclosed storage, and also includes a wayside pit as defined herein.

**Place of Worship** shall mean a building or portion thereof or an open area dedicated to religious worship and may include accessory uses such as a church hall, auditorium, daycare, parish hall, Sunday school or other non-profit organizational uses.

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

**Private recreation camp** shall mean an area of land, buildings, and/or structures used for private recreation such as hunting camps, fishing camps, summer camps, or religious retreats.

**Private Right-of-Way** shall mean an access route from a lot over one or more private properties and which is not a public street.

**Processing Establishment** shall have the same meaning as Manufacturing establishment.

**Public Authority** shall mean a provincial or federal government office or function, including crown agencies or boards conducting programs or activities set out by senior government legislation.

**Quarry** shall mean land from which consolidated aggregate (rock excluding minerals) is being or has been excavated and that has not been rehabilitated but shall not include an excavation incidental to the erection of a building or structure or an excavation incidental to the construction of any public works. This definition includes all activities which are normally associated with the operation of a quarry such as crushing, stockpiles, screening, washing, offices and open and enclosed storage and also includes a wayside quarry as defined herein.

**Reconstruction** means the removal of all of or a part of a building or structure from a lot and the construction of new buildings or structures or the renovation of an existing building or structure on the lot.

**Recreational Establishment** shall mean a building used or intended to be used for a theatre, bowling alley, curling rink, swimming pool, billiard parlour, health club, athletic club, paintball activity area, ski and/or hiking trails, or similar uses, but excluding RV track or trails.

**Recreational dwelling** shall mean a single dwelling used for recreation and not occupied as a permanent residence, home, or principal place of residence during the year.

**Recreational Vehicle** shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is self propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of persons, notwithstanding that its running gear is or may be removed. This definition includes motor homes, travel trailers, tent trailers, campers, and park model trailers as defined herein, but shall not include a mobile home.

**Rental Establishment** shall mean a building or portion thereof wherein the primary use is the rental of machinery, equipment, furniture and fixtures.

**Residential Wind Turbine** shall mean a small-scale wind energy system generating power for the sole use of a dwelling situated on the same lot. Tower height to range up to 37.0 metres (121.39 ft.) with a maximum blade diameter of 10.0 metres (32.8 ft.).

**Repair Shop** shall mean a building used for the installation, repair, servicing and/or maintenance of goods and/or small appliances excluding vehicles or machinery, and may include an accessory retail component.

**Restaurant** shall mean a building or structure or portion thereof where food is prepared and offered for sale to the public for consumption within the premises or off the premises. This definition includes uses such as taverns, sports bars, chip wagons and similar establishments.

**Retail Store** shall mean a building or portion thereof in which goods, wares, merchandise, substances or articles are stored and offered for sale to the general public and may include the storage of such goods, wares, merchandise, substances or articles. This definition does not include any establishment otherwise defined or classified in this By-law.

**Riding Stable** shall mean lands and buildings or structures used for the housing of horses and may include a riding school, boarding stables, tack shop and other related uses.

**Salvage Yard** shall mean an establishment where goods, wares, merchandise, articles or things are kept, repaired or processed wholly or partly in the open, for further use and offered for sale. This definition may include a junk yard or a scrap metal yard and automobile wrecking yard.

**Sawmill** shall mean a building, equipment and land used for the sawing of timber into boards and may include a planer and storage of raw timber and/or of sawn boards.

**School** shall mean a school under the jurisdiction of a Board as defined in the Education Act.

**School, Commercial** shall mean a school conducted for hire or gain, and includes the studio of a dancing teacher, a music teacher, an art school, business or trade school and any other such specialized school conducted for hire or gain. This definition does not include a private academic, religious or philanthropic school.

**Sensitive Land Use** means any building or structure where people sleep or an institutional use or certain recreational uses and may include, but is not limited to, residence, motel, hotel, retirement home, hospital, school, place of worship, day care or any lands used for camp ground, mobile home park, or picnic areas.

**Second Residential Unit** shall mean a second residential dwelling located in an existing residential dwelling or in a portion of an accessory building.

**Septic Disposal System** shall mean a privy, a grey water system, a cesspool, a leaching bed system, a holding tank or any other privately-owned individual or communal system for the on-site holding and/or treatment of sanitary sewage.

**Service or Repair Shop** shall mean a building or portion thereof where, whether in conjunction with a retail store or not, articles or goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles.

**Setback** shall mean:

- (a) with reference to a street, the distance between the centreline of the street allowance and the nearest building line;
- (b) with reference to a waterbody or watercourse, shall mean the distance between the high water mark and the nearest part of any main building or structure on the lot.

**Sewage Disposal Site** shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents for use as a disposal site for sewage and includes a sewage treatment plant or sewage lagoon.

**Single Detached Residential Dwelling** shall mean a dwelling occupied as a permanent residence, home, or principal place of residence during the year or part thereof when the occupant resides in NW Ontario, but shall not include a mobile home trailer that is located within a mobile home park.

**Sleeping Cabin** shall mean a single storey building having a maximum floor area of 30.0 square metres and a maximum height of 5.0 metres (16.40 ft.) and which is used only for sleeping accommodation, which may contain washroom facilities but which does not contain kitchen facilities.

**Stone Crushing Plant** shall mean a plant or equipment designed and operated to receive and to reduce and crush rock.

**Storage Compound** shall mean a lot or portion thereof which is used for the temporary storage of automobiles and other vehicles but shall not include a salvage yard.

**Storey** shall mean that portion of a building other than an attic, basement or cellar, between the surface of any floor and the surface of the floor, ceiling or roof next above it.

- (a) **First Storey** shall mean the lowest storey of a building, wherein the entire floor is at or above grade elevation.

**Street or Road** shall mean a public thoroughfare under the jurisdiction of and maintained by the relevant Local Roads Board. This definition shall not include a private right-of-way or a road allowance that is not open and travelled and which has not been accepted into the jurisdiction of the relevant local roads board.

**Structure** shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground and, without limiting the generality of the foregoing, includes a mobile home, and permanent floating docks, boathouse or other structures which are fixed or anchored to the high water mark or water's edge. This definition shall not include temporary structures which do not require a building permit.

**Tavern or night club** shall mean a place where alcoholic beverages are served to the public for a fee, with or without food, excluding a restaurant or a licensed special events activity.

**Tent and Trailer Park** shall mean a privately owned parcel of land which is used to provide temporary accommodation for the public or members of an organization intents, trailers or recreational vehicles whether or not a fee is charged or paid for such accommodation, including park model trailers but excluding mobile homes, which are not used as a principal place of residence, in which the water supply and sewage collection and disposal services are not designed to function during the winter months and which are closed for the period of November 1 to May 1 of the following year.

**Tent and Trailer Site** shall mean a parcel of land within a tent and trailer park occupied by a tent or recreational vehicle.

**Tourist Lodging Establishment** shall mean premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers and shall include hotels, motels, motor inns, cabins or similar uses. **Cabin** shall mean a building or structure designed and built for temporary accommodation of the traveling or vacationing public, equipped with heating and sanitary facilities, and limited cooking facilities.

**Trailer** shall mean any vehicle designed to be towed by a motor vehicle.

**Transportation Depot** shall mean an establishment where commercial vehicles are stored, repaired, washed, or maintained, including all administrative functions relating thereto, and may also mean an establishment for the distribution of goods or people in transit.

**Transportation Terminal** shall mean land, or a building or structure where trucks, tractor trailers and/or buses are kept for hire, rental and/or lease, stored, parked, and from which trucks, tractor trailers and/or buses are dispatched for hire as common carriers. This definition may include buildings or structures used for the storage and/or distribution of goods, wares and merchandise.

**Towing Business** shall mean the use of building and land for the operation of activities involved in towing inoperative vehicles and may include temporary storage of such vehicles on site.

**Use** shall mean the purpose for which any land, building, structure or any combination thereof is designed, arranged, occupied or maintained. A street or road shall not be considered to be a use.

**Utility** shall mean a Public Utility as defined by the Public Utilities Corporation Act.

**Utility, Private** shall mean a power generation utility not owned and operated by a Public Authority as defined herein.

**Vehicle** shall mean an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, mobile home, vessel, snowmobile or trailer.

**Vehicle Sales or Rental Establishment** shall mean an establishment having as its main use the storage of vehicles for sale or the storage of automobiles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

**Veterinary Establishment** shall mean a building or portion thereof used for a veterinary practice where domestic animals, or other livestock are kept for treatment, including surgery and where veterinary drugs and other related products including pet food and supplies may be dispensed or sold and where all functions take place within the building but shall not include a kennel or research facility.

**Warehouse** shall mean a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise or materials but not including hazardous or noxious chemicals or similar substances.

**Waste Management or Landfill Facility** shall mean a place where ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse is stored, processed, recycled, transferred, composted or disposed of. This definition shall not include a sewage treatment plant or lagoon.

**Waterbody** shall mean any bay, lake, natural watercourse, canal, municipal or other drain but does not include an irrigation channel.

**Watercourse** shall mean a natural drainage channel that contains water either permanently or intermittently, including creeks and streams.

**Wayside Pit or Wayside Quarry** shall mean a temporary pit or a temporary quarry established by or on behalf of a public road authority on short notice solely for the purpose of a particular project or contract of road construction or road maintenance and not located on the road right-of-way.

**Wetlands** shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. The four major categories of wetlands are swamps, marshes, bogs and fens.

**Workshop** shall mean any premises used by more than two persons for the conduct of a trade or craft or completion of repairs the purpose of gain or financial support.

**Wrecking Yard** shall mean an establishment or premises where derelict, discarded, abandoned or inoperable motor vehicles or other equipment are stored wholly or partly in the open and may include a salvage yard, junk yard, automobile wrecking yard but shall not include any waste disposal site, any establishment or operation incidental and subordinate to the running, repair or sale in useable or operable conditions of any goods, wares, merchandise, articles or things, or any other use that is separately defined in this By-law. A wrecking yard may also include an area for recycling of tires.

**Yard** shall mean an open and unobstructed space from the ground to the sky appurtenant to a building or structure located on the same lot as the said building or structure.

(a) **Front Yard** shall mean the space extending across the full width of a lot between the front lot line and the nearest part of any main building or structure on the lot.

(b) **Rear Yard** shall mean a space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.

(c) **Side Yard** shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot in the absence of a rear yard.

(i) **Exterior Side Yard** shall mean a side yard immediately adjacent to a street.

(ii) **Interior Side Yard** shall mean a side yard immediately adjacent to an interior side lot line.

**Zone** shall mean:

(a) a land use category as defined and regulated in this By-law; or

(b) a designated area of land use shown on the Schedule of this By-law.

2) All other terms and words not defined above are intended to have the meaning normally and ordinarily attributed to them in the English language.

## **PART III**

### **GENERAL REGULATIONS**

THE FOLLOWING GENERAL PROVISIONS SHALL APPLY TO ALL LANDS AND TO ALL DEFINED ZONES;

1. No lands to which this By-law applies shall hereafter be used and no building and/or structure shall hereafter be erected, located, or used except in accordance with this By-law.
2. In addition to the uses specifically listed as being permitted in each zone hereafter, continuing use of lands or building(s) established as a legal use by Ontario Regulation 109/75 (January 15<sup>th</sup>, 1975), or by By-laws 001-98 or 414-98 as amended from time to time, shall be deemed to be legal as if it were contained in the list of permitted uses for the relevant zone in which such lands are located, notwithstanding that Ontario Regulation 109/75 and By-law 001-98 or 414-98 have been rescinded.
3. Further, any regulation that was altered by amendment to Ontario Regulation 109/75 or By-laws 001-98 or 414-98 or any amendment that had the effect of addition additional regulation or content shall be deemed to be continuing and be legal as if it were contained in this By-law, and where a conflict occurs between such regulation and any regulation in this By-law, the former regulation shall prevail.
4. Notwithstanding item 1 above, nothing herein shall prevent the use of any land, building, or structure for a purpose prohibited by this By-law if such land, building and/or structure was lawfully used for such a purpose on the day that this By-law comes into force and effect.
5. For the purposes of this By-law, all of the lands to which this By-law applies are divided into the following zones, and said zones shall be designated on the maps and schedules set out, attached to, and being a part of this By-law and shall contain relevant permitted uses and specific regulation;

<b>Zone</b>	<b>Symbol</b>
Rural	RU
Lakeshore Residential	LR
Institutional	I
General Commercial	CG
General Industrial	M1
Extractive Industrial	M2
Disposal Industrial	M3
Use Limitation	UL
Recreation	R

6. Related accessory uses, buildings, and/or structures are permitted in every zone.
7. unless otherwise specifically provided for in this by-law not more than one dwelling unit is permitted on a lot.
8. Unless otherwise provided in this By-law, accessory buildings shall not;
  - a) Be erected, located, or uses within one metre of a side yard or rear lot line or within eight metres of a front lot line.
  - b) Be used for human habitation.
  - c) Have an aggregate floor area that exceeds 15 % of the area of the lot.
  - d) Exceed the lesser height of 10 metres or the height of the dwelling located on the same lot.
9. If the lot abuts a navigable watercourse or a lake, a boathouse and a dock may be erected, located, and uses in the front yard abutting the water.
10. Nothing in this By-law shall prevent;
  - a) The reconstruction of any existing legally non-conforming building or structure that is damaged or destroyed by causes that are beyond the control of the owner provided that the dimensions, size, and volume of the original building or structure are not increased or its original use altered;
  - b) Strengthening or restoration, or regular maintenance to return and/or maintain a safe condition of any building or structure.
11. If a building has been erected, located, or used before the date of coming into force of this By-law on a lot having less that the minimum frontage or lot area; or



- c) Minimum separation from a Class III Industry 1,000 metres
- d) Minimum separation from a landfill site 500 metres
- e) Minimum separation from a pipeline or hydro Easement or right of way 10 metres
- f) Minimum separation distance from an ANSI 100 metres
- g) Minimum separation distance from a sawmill/planer 120 metres
- h) Minimum separation distance between temporary asphalt or cement facility and a dwelling unit shall not be less than 300 metres.
- i) Minimum separation distance from a railway right of way for any residential, commercial or institutional use shall not be less than 120 metres unless an earth berm of 1.5 metres or more height is involved whereupon a setback of not less than 45 metres shall be required.

18. In addition, the following minimum separation distances shall also apply;

- a) The Minimum Separation Distance Formula of the Ministry of Agriculture shall apply to residential development and livestock operations and/or livestock facilities.
- b) 90 metres of an area defined in the appropriate schedule to the Lakehead Rural Planning Board Official Plan as being of moderate or high aggregate potential.
- c) Where a road under the jurisdiction of a Local Roads Board is not recorded in the appropriate title office as being owned by the Local Roads Board or Ontario on behalf of the Local Roads Board, a minimum setback of 10 metres from the edge of the physical road surface shall be maintained for any main building.

19. All dwellings shall be serviced with either a Class 4 or Class 5 (as per Building Code Act) subsurface sewage disposal system approve by the Thunder Bay Health Unit or other designated authority, and shall provide a private potable

water service capable of supplying a minimum water supply of 18 litres per minute tested for a minimum one hour.

20. Maximum height limitations as set out in each of the Zones defined in this By-law shall not apply to church spires, water tanks, flag poles, communication facilities, power transmission facilities, ventilation or elevator equipment or housings, chimneys, barns, silos, windmills or solar collectors.
21. Despite yard provisions set out in this By-law, unenclosed porches, balconies, steps, patios, eaves, sills, cornices, gutters, chimneys, and canopies may project into a required yard for a distance not to exceed two metres, provided that a minimum of 0.6 metres is maintained from a lot line where a building on the abutting lot is closer than 5.0 metres.
22. A tool shed, scaffold or other incidental features to construction may be erected, located, or used until construction has been completed or permanently discontinued.
23. The following uses are permitted in every zone;
  - a) Railway, gas pipelines, utility easements
  - b) Roads, streets, highways
  - c) Compressor, transformer stations
  - d) Communication towers, antennas, and related facilities
  - e) Public utilities
24. Individual solar or wind power generation is permitted in association with any permitted use in accordance with the following;
  - a) Power generated shall be directed to use by the permitted use that exists on the lot. Notwithstanding, where surplus power is generated it may be channelled back into the grid and revenues therefore may be credited back, provided that such activity does not constitute a business use of the power generation features or equipment.
  - b) Private solar or wind power generation equipment shall not be located in the front yard of a residential property.
  - c) Private solar or wind power generation equipment shall not be located closer than 5.0 metres from any property lot line.
  - d) Wind power equipment is exempt from the general height regulations set out in this By-law.
25. Home Occupations are allowed in any legally permitted dwelling except a recreation dwelling, in accordance with the following;
  - a) Shall be conducted entirely within a dwelling or within an accessory building to a dwelling.
  - b) Shall be conducted only by persons who are residing in the dwelling.
  - c) Shall not occupy more than 30 % size of the main building.

- d) Shall be clearly incidental and secondary to the main dwelling use.
  - e) Shall not alter the exterior character or appearance of the main dwelling.
  - f) Except in the case of a craftsperson or artist, shall not include the sale of goods, or the storage of goods or finished inventory.
  - g) Shall not make use of a sign other than a non-illuminated sign not exceeding 0.8 square metres in size identifying the home occupation but not containing advertising or promotion.
26. Bed and Breakfast establishments shall be permitted in any legally permitted dwelling except a seasonal recreational dwelling, subject to the following;
- a) Shall be contained entirely within the main building.
  - b) Shall be conducted only by persons who are residing in the dwelling.
  - c) Shall be clearly incidental and secondary to the main dwelling use.
  - d) Shall not involve more than four bedrooms used for bed and breakfast operation.
  - e) Length of stay shall not exceed five consecutive days.
  - f) May include the preparation of one meal per day for patrons.
27. A temporary pit or quarry and/or a portable asphalt plant or concrete plant used on public authority contracts shall be permitted in all areas provided that a minimum separation distance of 300 metres is maintained abutting an existing dwelling, commercial or institutional use, or of a watercourse or wetlands.

**PART IV**

**PARKING AND ACCESS REQUIREMENTS**

THE FOLLOWING PARKING PROVISIONS SHALL APPLY TO ALL LANDS IN ALL ZONES AND TO ALL DEFINED LAND USES;

1. No land use, building or structure shall be erected or used unless parking spaces and associated driveway and aiseways are provided in accordance with Part IV of this By-law.
2. Parking shall be provided at a standard not less than the following;

Permitted use	minimum number of parking spaces
1. Single detached or seasonal recreational dwelling, or a second residential unit	1. Minimum one space per dwelling unit
2. Agri-business	2. Minimum five spaces
3. Asphalt or cement plant	3. Minimum five spaces
4. Automobile service station or gas bar	4. One space per gas nozzle
5. Bed and breakfast establishment	5. One space per bedroom used for bed and breakfast activities
6. Building supply outlet	6. One space per 55 square metres
7. Campground	7. One space per campground site
8. Construction yard	8. Minimum five spaces
9. Church, community hall, meeting hall, club , school, activity field or skating rink or other place of assembly	9. One space per 23 square metres.

10. day nursery	10. Minimum three spaces
11. derelict motor vehicle site or vehicle storage site	11. Minimum five spaces
12. group home	12. Minimum three spaces
13. industrial use	13. One space per 70 square metres
14. institutional use, fire hall	14. Minimum ten spaces
15. hotel, motel	15. One space per guest room
16. Kennel	16. Minimum five spaces
17. manufacturing or processing establishment	17. One space per 70 square metres
18. nursery or greenhouse	18. One space per 50 square metres
19. retail store	19. One space per 45 square metres
20. restaurant	20. One space per 6 square metres unless with a drive through where one space per 10 square metres
21. workshop	21. One space per 37 square metres
22. warehouse	22. One space per 70 square metres
23. waste disposal site	23. Minimum of five spaces
24. public authority	24. One space per 30 square metres
25. any use not listed above	25. One space per 30 square metres

9. Where there are more than four parking spaces in a parking area, access to such spaces shall be provided via a driveway of not less than 6.0 metres in size or by two one way driveways each being not less than 3.0 metres in size.
10. Where a parking area contains more than four parking spaces such parking area shall be serviced with an aisle with dimensions not less than;
  - Up to 45 degrees 4.6 metres
  - Over 45 degrees up to 70 degrees 5.2 metres
  - Over 70 degrees up to 80 degrees 6.0 metres
  - Over 80 degrees up to 90 degrees 6.5 metres
11. Parking spaces shall be no less than 2.8 metres by 6.0 metres in size, provided where a parking space abuts a fence, building or other such obstruction, the width shall be not less than 3.0 metres.
12. In addition to and separate from the above noted parking spaces, here a building exceeds 500 square metres in size, a minimum of one loading space, being not less than 3.6 metres by 9 metres in size, and having unobstructed access to an aisleway or driveway shall be provided.
13. Barrier Free parking spaces shall be provided where a building or use requires 20 or more parking spaces. Spaces shall be as follows;
  - 2% of the number of parking spaces required shall be Barrier Free
  - Minimum width of 3.4 metres by 6.0 metres
  - An adjacent space being a minimum of 1.6 metres by 6.0 metres shall be maintained adjacent to such parking space
  - Barrier Free parking spaces shall be identified/marked in accordance with application law.
14. Every lot may at least one unobstructed driveway not exceeding 6.0 metres in width for a residential use and 9.0 metres in width for a non-residential use. Shared driveways between two abutting properties may be used, and where such is the case, each side shall have a minimum of 3.0 metres driveway width and the total shall not exceed 6.0 metres for a residential use and 9.0 metres for non-residential use.

**PART V  
RURAL ZONE**

- 1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Rural Zone except;
- Agricultural uses
  - Areas of Natural Scientific Interest
  - Conservation, water management
  - Day nursery
  - Greenhouse or nursery
  - Forestry harvesting
  - Kennel or dog training facility
  - Public park, playgrounds, activity areas, conservation areas
  - Single detached residential dwelling which may include a hobby farm
  - Single detached residential dwelling used in association with and accessory to an agricultural use, day nursery, greenhouse or nursery, kennel or dog training facility, or a group home
  - A home occupation, home industry, or bed and breakfast establishment, used in conjunction with a single detached residential dwelling. In addition a bait shop may be a permitted accessory use
  - A second residential unit in an existing dwelling or accessory garage to such dwelling, provided that the Health Unit confirms that the individual septic sewage system is capable of supporting two dwelling units. The second residential unit shall not be permitted as an independent, free standing second building.

2) **RURAL ZONE PERMITTED USE EXEMPTIONS**

- a) The lands in the Geographic Township of Gorham described hereafter may be used for the location and use thereon of a mobile home park, subject to the maximum limitations set out for each;
- 1) Part of Lot 5 Concession I more particularly described as Parcel 7503 and Part of Lot 5 Concession II more particularly described as Parcel 4969, provided that use is limited to a maximum of 66 mobile home trailers and not more than 1 single detached residential dwelling on the same lot as the mobile home park (Silver Springs)
  - 2) South half of Lot 16, Concession I provided that use is limited to a maximum of 27 mobile home trailers and not more than one single detached residential dwelling on the same lot as the mobile home park (Springdale).
  - 3) Part of Mining Claim 47-E being Part 3 of reference plan PAR 40 provided that use is limited to a maximum of 10 mobile homes and not

more than one single detached residential dwelling on the same lot as the mobile home park (Imperial).

- 4) Part of the northeast quarter of Location N – 8 more particularly described as Parts 1 and 2 of reference plan 55R-1585, and being Parcels 11635 and part of Parcel 16121 Thunder Bay Freehold, provided that use is limited to a maximum of 28 mobile home trailers and not more than one single detached residential dwelling on the same lot as the mobile home park (Wild Rose).
- 5) Part of Lot 1 Concession II being Part 1 of reference plan 55R - 1292 provided that use is limited to a maximum of 20 mobile home trailers and not more than one single detached residential dwelling on the same lot as the mobile home park (Copenhagen).

3) Lot, building and yard requirements for main buildings

	Single detached	group home	day nursery	all other uses
Min. lot area	2 hec.	2 hec.	2 hec.	10 hec.
Min. lot frontage	100 m.	100 m.	100 m.	150 m.
Min. lot coverage	20 %	20%	20%	
Min. front yard	8 m.	8 m.	8 m.	15m.
Min. rear yard	8 m	8 m.	8 m.	15 m.
Min. side yard	5 m.	5 m.	5 m.	15 m.
Max. height	10 m.	10 m.	10 m.	15 m.
Separation from Accessory building	5 m.	5 m.	5 m.	5 m.
Number of main uses	1	1	1	n/a

- 4) in addition to the above, no building containing livestock or manure shall be erected, maintained, located or used within 30 metres of any lot line.
- 5) no accessory building shall be used for human habitation except an accessory dwelling for an agricultural use, day nursery, or group home, kennel or dog training facility, and where permitted, an accessory dwelling shall be limited to

one only. Notwithstanding, an accessory garage may be partially occupied as a second dwelling.

- 6) Where a public road allowance is less than 20 metres in total width, a setback of 10 metres from the centreline of the existing travelled road shall be added to the relevant minimum required front yard.

**PART VI  
LAKESHORE RESIDENTIAL ZONE**

- 1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Lakeshore Residential Zone except;
- Recreational dwelling
  - Public park, playground, activity area,
  - conservation use, flood management or control
  - Private recreational camp
  - Single detached residential dwelling that was lawfully in use prior to the date of passing of this zoning By-law.
  - Single detached residential dwelling may be permitted on the lots that are listed in Subsection 7 hereafter; (the subject of specific zoning amendments)
  - Accessory buildings which may include not more than one guest house

2) Lot, building and yard requirements for main buildings;

Min. lot area	4,000 sq. m except for a conservation of flood management or control use where no maximum lot area is required.
Min. lot frontage	45 m. Except for a park, playground activity area where the maximum front yard shall be 30 metres
Min. lot coverage	20 %
Min. front yard	15 m. Provided that where the front lot line abuts a Crown shoreline reserve the maximum front yard shall be 2 metres
Min. rear yard	8 m
Min. side yard	5 m.
Max. height	10 m.
Separation from Accessory building	5 m.
Number of main uses	1

- 3) no accessory building shall be used for human habitation except a guest house.
- 4) Where a public road allowance is less than 20 metres in total width, a setback of 10 metres from the centreline of the existing travelled road shall be added to the relevant minimum required front yard.
- 5) Notwithstanding provisions to the contrary, docks, pump house and/or a gazebo may be permitted in the front yard.
- 6) No boathouse shall be permitted except by specific rezoning.
- 7) Single detached residential dwelling may be permitted on the following lots;
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_

**PART VII  
INSTITUTIONAL ZONE**

1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Institutional Zone except;

- Community Centre or hall, recreation facility, skating rink
- Post office
- Fire hall,
- Library
- Cemetery
- Day nursery
- Church
- School
- Single detached residential dwelling accessory to a church or day nursery
- Other accessory buildings

2) Lot, building and yard requirements for main buildings;

Min. lot area	4,000 sq. m
Min. lot frontage	30 m. Except for a park, playground activity area where the maximum front yard shall be 30 metres
Min. lot coverage	30 %
Min. front yard	8 m.
Min. rear yard	8 m
Min. side yard	6 m.
Max. height	12 m.
Separation from Accessory building	5 m
Number of main uses	1.

- 3) Where a public road allowance is less than 20 metres in total width, a setback of 10 metres from the centreline of the existing travelled road shall be added to the relevant minimum required front yard.

**PART VIII  
COMMERCIAL ZONE**

1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Commercial Zone except;

- Retail store, provided that the maximum gross floor area does not exceed 700 square metres
- Business or professional office, provided that the maximum gross floor area does not exceed 700 square metres
- Hotel, motel
- Restaurant
- Automobile service station; automobile gas bar which may include a retail store
- Entertainment, recreation facility
- Recreational Establishment
  
- Single detached dwelling accessory to a permitted use, except in association with an automobile service station or gas bar.
- Accessory buildings

2) Lot, building and yard requirements for main buildings;

Min. lot area	4,000 sq. m
Min. lot frontage	60 m. Except for a park, playground activity area where the maximum front yard shall be 30 metres
Min. lot coverage	40 %
Min. front yard	8 m.
Min. rear yard	8 m
Min. side yard	6 m.
Max. height	12 m.
Separation from Accessory building	5 m.
Number of Main Uses	n/a

- 3) Where a public road allowance is less than 20 metres in total width, a setback of 10 metres from the centreline of the existing travelled road shall be added to the relevant minimum required front yard.
- 4) Outside storage is prohibited within 30 metres of the abutting lot line for any commercial use that abuts an existing lot on which the principal use is a residential use.

**PART IX  
INDUSTRIAL ZONE**

1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Industrial Zone except;

- Automobile service station or gas bar
- Greenhouse or nursery
- Manufacturing or processing establishment
- Warehouse
- Lumber yard, building supply business
- Establishment for the servicing and/or repair of farm equipment
- Sawmill, planer
- Equipment or vehicle repair shop
- Stone crushing, aggregate batching plant
- Towing business including vehicle compounding
- Accessory retail or wholesale use and/or accessory administration area associated with a main use
  
- Accessory buildings which may include an accessory dwelling for an owner/operator or caretaker

2) Lot, building and yard requirements for main buildings;

Min. lot area	2 hectares
Min. lot frontage	100 m. Except for a park, playground activity area where the maximum front yard shall be 30 metres
Min. lot coverage	50 %
Min. front yard	18 m.
Min. rear yard	18 m
Min. side yard	9 m.
Max. height	12 m.
Separation from Accessory building	5 m.
Number of main uses	1

- 3) Where a public road allowance is less than 20 metres in total width, a setback of 10 metres from the centreline of the existing travelled road shall be added to the relevant minimum required front yard.
- 4) Outside storage is prohibited within 30 metres of the abutting lot line for any commercial use that abuts an existing lot on which the principal use is a residential use.

**PART X  
EXTRACTIVE ZONE**

- 1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Extractive Zone except;
  - Pits and/or quarries which may include storage of aggregate materials transported to the property
  - Aggregate processing facility
  - Accessory buildings;
  - outdoor storage of aggregate in raw or processed form
  
- 2) Lot, building and yard requirements for main buildings;

Min. lot area                      2 hectares

- 3) No pit or quarry extraction or storage shall be established or used within 30 metres of a lot line.
  
- 4) No pit or quarry and no open storage shall be established or used within 120 metres of an abutting lot used for residential, recreational, commercial or institutional purposes.
  
- 5) Where a public road allowance is less than 20 metres in total width, a setback of 10 metres from the centreline of the existing travelled road shall be added to the relevant minimum required front yard.

**PART XI  
DISPOSAL INDUSTRIAL ZONE**

1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Disposal Industrial Zone except;

- Landfill and/or waste disposal site
- Derelict motor vehicle site
  
- Accessory buildings
  
- The following land may be used for a waste disposal site for the disposal of wood waste products, namely that parcel of land in the Geographic Township of Gorham being part of the south half of Lot 16, Concession II described as Part of Parcel 3487 and being composed of approximately 12.4 hectares, and being more particularly described as
  - Beginning at a point in the westerly limit of the said Lot 16 immediately south of the Ontario Hydro right of way;
  - Thence south along the westerly lot line a distance of 322.9 metres;
  - Thence east in a line running parallel to the south boundary of the said Lot a distance of 490.7 metres;
  - Thence north in a line running parallel to the east limit of the said Lot a distance of 182.88 metres to the south limit of the Ontario Hydro right of way;
  - Thence in a general northwesterly direction in a line bordering the Ontario Hydro right of way to the point of commencement.

2) No lands in this zone shall be used for the disposal of toxic industrial or nuclear wastes.

3) Lot, building and yard requirements for main buildings;

Min. lot area	2 hectares
Minimum lot frontage	45 metres
Maximum lot coverage	5 %
Maximum height	12 metres
Number of main uses	1

- 4) No open storage shall be established or used within 185 metres of a road.
- 5) no open storage shall be established or used within 500 metres of an abutting lot used for residential, recreational, commercial or institutional purposes.
- 6) No open storage shall be within 30 metres of a watercourse or a waterbody

#### Site specific Amendments

- 7) Notwithstanding the provisions of the zoning map or any text to the contrary contained in this By-law , for the lands and premises being the South Half of Lot 13 Conc 4; the South Half of the North Half of Lot 13 Conc 4; the South Half of the North Half of Lot 14 Conc 4; and Part of the South Half of Lot 15 Conc 4, the following shall apply;
  - a) Schedule A attached hereto shall be a part of this zoning by-law.
  - b) Only the lands within Location 1 as shown on Schedule A shall be used for landfill operations.
  - c) The lands within Location 2 as shown on Schedule A shall be limited in use to buffer/containment/and related monitoring; and driveway access and shall not be used for landfill operation.
  - d) An Holding Symbol and related provisions shall be applied to the lands, and shall be removed only upon;
    - A study being completed demonstrating that the Ministry of Environment D – 4 Guidelines for Land Use on or Near Landfill Sites has been complied with, and;
    - A Ministry of Environment Certificate of Approval for an expanded landfill site has been obtained
  - e) Until such time as the (H) Holding symbol has been removed the lands and premises shall be used only for the use that existed on the day of passing of By-law 003 – 2012, and including at the size and scale that is permitted in the existing Ministry of Environment Certificate of Approval.

**Schedule A to amendment for the Lappe landfill site**

## PART XII

### ENVIRONMENTAL PROTECTION/USE LIMITATION ZONE

- 1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Environmental Protection/Use Limitation Zone except;
  - Conservation use
  - Parks,
  - Agricultural uses
  - Protection and/or management of flooding
  - Management of wetlands or lands having high water table
  - Areas of Natural Scientific Interest
  
  - Accessory buildings
  
- 2) Lot, building and yard requirements for main buildings;
  - none
  
- 3) Buildings and/or structures necessary for the purposes of conservation or water management shall be permitted.
  
- 4) Buildings may be permitted on portions of land in this zone where the Lakehead Region Conservation Authority has determined that the elevation of the land at that particular location is above flood elevation or is not otherwise contained in wetlands or high water table, or in the accompanying immediate wetlands ecosystem.

**PART XIII**  
**RECREATION ZONE**

- 1) Every use of land and every use, erection, or location of buildings and/or structures is prohibited in the Recreation Zone except;
  - Conservation use
  - Parks,
  - Protection and/or management of flooding
  - Management of wetlands or lands having high water table
  - Areas of Natural Scientific Interest
  
- 2) Lot, building and yard requirements for main buildings;
  - none
  
- 3) Buildings and/or structures necessary for the purposes of conservation or water management shall be permitted.
  
- 4) Buildings may be permitted on portions of land in this zone where the Lakehead Region Conservation Authority has determined that the elevation of the land at that particular location is above flood elevation or is not otherwise contained in wetlands or high water table, or in the accompanying immediate wetlands ecosystem.

**PART IX**

**PASSING/ENACTMENT**

1. This By-law shall come into force and effect on the date of passing by the Lakehead Rural Planning Board, if there are no appeals, or if appeals are withdrawn, subject to the applicable provisions of The Planning Act, R.S.O. 1990, as amended. Should appeal(s) be received this By-law or portions thereof shall come into force and effect upon the date of approval by the Ontario Municipal Board and in accordance with the Planning Act, as amended.
2. Read a first and second time this \_\_\_\_ day of \_\_\_\_\_, 2014.
3. Read a third and final time and passed this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_

CHAIRPERSON OF PLANNING BOARD

\_\_\_\_\_

SECRETARY TREASURER OF  
PLANNING BOARD