

MUNICIPALITY OF TEMAGAMI

ZONING BY-LAW NO. 06-650

February 23, 2006

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THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 06-650

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

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

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

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

SECTION 1

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

SECTION 2 - DEFINED AREA

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

SECTION 3 - INTERPRETATION

3.01 GENERAL

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

3.02 ZONING SCHEDULE

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

3.03 ZONE BOUNDARIES

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

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

3 .04 CLOSINGS

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

3 .05 CERTAIN WORDS

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

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

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

3.06 INTERPRETATION OF SIMILAR PERMITTED USES

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

3.07 MULTIPLE USES ON ONE LOT

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

3.08 PROPERTIES WITH MORE THAN ONE ZONE

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

SECTION 4 - ADMINISTRATION

4.01 ADMINISTRATION AND ENFORCEMENT

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

4.02 APPLICATIONS AND PLANS

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

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

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

4.03 CONFORMITY

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

4.04 INSPECTION

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

4.05 REMEDIES

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

4.06 SCOPE

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

4.07 VIOLATION AND PENALTY

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

4.08 REPETITION OF OFFENCE

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

4.09 VALIDITY

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

SECTION 5 - DEFINITIONS

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

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

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

ACCESSORY BUILDING shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, but does not include a detached garage, a boathouse or a sleep cabin on a residential lot.

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

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

AUTO BODY REPAIR SHOP shall mean an industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a motor vehicle repair shop.

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

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

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

BED AND BREAKFAST ESTABLISHMENT shall mean a single detached dwelling unit or portion thereof, in which the proprietor resides and supplies for hire or gain to other persons, particularly tourists, on a temporary or day to day basis, lodging with or without meals, but shall not include a boarding house, hotel, motel, tourist cabin establishment, sleep cabin or restaurant accommodating the general public. Such an establishment shall be licensed by the Municipality and shall provide for no

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

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

BOATHOUSE - LAND BASED shall mean a building or structure, located on land and not more than one and one half storeys in height, except in the Remote Residential (RI Zone) where the maximum height shall be one (1) storey, used for the storage of private boats and equipment accessory to their use and accessory to a residential use. In Special Management Area, Integrated Management Area, Remote Residential and Rural Residential Zones, a portion of the boathouse may be used for sleeping accommodation and may contain bathroom facilities except in the RI Zone. Converted boat slips without walls are considered boathouses.

BOATHOUSE - WATER BASED shall mean a building or structure, located on a body of water and not over one and one half storeys in height, except in the Remote Residential (R 1 Zone) where the maximum height shall be one (1) storey, used for the storage of private boats and equipment accessory to their use and accessory to a residential use. In Special Management Area, Integrated Management Area, Remote Residential and Rural Residential Zones, a portion of the boathouse may be used for sleeping accommodation and may contain bathroom facilities except in the RI Zone. Converted boat slips without walls are considered boathouses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL shall mean the Council of the Municipality of Temagami.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ESTABLISHED GRADE shall mean with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or

entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.

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

FLANKAGE see lot line flankage

FLOOR AREA, DWELLING shall mean with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch or veranda, balcony, attic, basement or cellar, except that where the natural terrain permits a walkout basement in which case twenty five per cent (25%) of the floor area of the walkout basement shall be considered as habitable floor area.

FLOOR AREA, GROSS shall mean the aggregate of the floor areas of all the storeys of a building including twenty five per cent (25%) of the floor area of any walkout basement but not of any cellar, and which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and for the purposes of this clause, the walls of an inner court shall be deemed to be exterior walls.

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

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

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

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

GARDEN SUITE shall mean an additional temporary dwelling unit temporarily located on a residential lot intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. The floor area of the garden suite shall not exceed thirty percent (30%) of the existing living area of the primary residence or seventy one (71) square metres in a floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site.

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

accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing.

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

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

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

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

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

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

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

HEREIN shall mean anywhere in this By-law

HOME INDUSTRY shall mean a gainful occupation including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home Industry is conducted entirely in an accessory building or part of an accessory building on a Rural Residential or Remote Residential lot by the residents.

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

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

HOTEL shall mean a building or part of a building or a group of buildings used primarily for the purpose of providing overnight guest room accommodation to the travelling public, with or without accessory restaurants, dining rooms or refreshment rooms, and includes any establishment containing guest rooms which is defined as a "hotel" in the Hotel Registration of Guests Act, R.S.O. 1990, Chapter H.17, but does not include any residential use.

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

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

INSTITUTIONAL USE shall mean the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings.

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

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

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

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

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

LODGE see TOURIST LODGE

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

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

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

LOT COVERAGE shall mean that percentage of the lot area, covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid points of the front and rear lot lines. (See plate #1). Where the front lot line is a shoreline, lot depth shall be the length of a line joining the mid points of the line used to define the lot frontage and the rear lot line.

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

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

LOT LINE shall mean any boundary of a lot.

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

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

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

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

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

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

lot on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision for the purposes of Section 50 (4) of the Planning Act R.S.O.

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

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

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

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

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

MARINA shall mean a commercial establishment where a boathouse, boat storage, boat repair facilities, boat rental, pier, dock or jetty facilities or any combination of the foregoing are available for all types of marine - pleasure craft and may include a gasoline pump for the fuelling of marine craft, sewage pump-out facilities, potable water supply and a building or structure for the sale of marine craft, accessories and/or refreshments.

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

MOBILE HOME shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed, and has a minimum width of four and one half (4.5) metres.

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

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

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

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

MUNICIPALITY shall mean the Municipality of Temagami.

NARROW WATERBODY shall mean a navigable lake or watercourse where; the distance from shore to shore is less than sixty (60) metres. See Special Setbacks Section 6.40.

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

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

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

NON-HABITABLE ROOM shall mean any room in a dwelling unit, other than a habitable room including, but not limited to a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a veranda, a porch, a balcony, a private garage, an unfinished attic, a boiler room and any space used for the service and maintenance of such dwelling unit or for vertical travel between storeys.

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

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

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

OPEN SPACE shall mean an area of land which is left in its natural state or is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area, or loading space.

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

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

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

PARKING SPACE shall mean an area of land that:

- (a) is provided for the temporary parking or storage of one motor vehicle for other than the purpose of sale or display; and
- (b) is not less than nineteen (19) square metres exclusive of any aisles or ingress or egress lanes; and
- (c) has adequate access to permit ingress and egress of a motor vehicle from the street by way of a driveway system in accordance with the regulations of this By-law.

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

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

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

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

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

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

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

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

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

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

PUBLIC UTILITY shall mean a water supply system or distribution system, a sewage collection and treatment system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone or data transmission system to serve the public and includes any lands, buildings or

equipment required for the administration or operation of any such system and such utilities may be publicly or privately owned.

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

RECREATIONAL TRAIL shall mean trails to be used for hiking, cross-county skiing, mountain biking, dog sledding, snowmobiling, snowshoeing and in some cases all terrain vehicle riding.

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

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

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

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

RESTAURANT, TAKE-OUT shall mean an establishment in which the design of physical facilities, the serving or packaging procedures permit or encourage the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where space for the consumption of foods in motor vehicles on the premises is not provided.

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

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

ROAD see street.

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

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

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

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

SCREENING shall be any continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting that would effectively screen the property which it encloses, and is broken only where access drives and walks are located. See planting strips Section 6.31.

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

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

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

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

SHORELINE ACTIVITY AREA shall mean the percentage or cumulative percentages of a shoreline frontage of a lot located within fifteen (15) metres of the normal or controlled high water mark where shoreline activity area structures are permitted. (See Plate #8)

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

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

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

SLEEP CABIN shall mean a single storey building of not more than seventy two (72) square metres in gross floor area used for non-commercial sleeping accommodation accessory to a dwelling in the Special Management Area, Integrated Management Area, Remote Residential, or Rural Residential Zones, which may contain bathroom facilities and/or kitchen facilities.

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

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

STOREY, ONE-HALF shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, side walls not less than one and two tenths (1.2) metres in height and a ceiling with

a minimum height of two and one third (2.33) metres over an area equal to at least fifty per cent (50%) of its floor area.

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

STREET LINE shall mean the boundary line of a street.

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

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

TOURIST COMMERCIAL ESTABLISHMENT shall mean an establishment comprising land and buildings under single ownership where individual cabins or tent sites are offered for rent to tourists on a short-term basis. Such cabins may include food preparation facilities and/or sanitary facilities. In addition, a permanent residence for the owner or proprietor may be located on the site. A tourist commercial establishment is neither a residential use nor a time share establishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6 - GENERAL PROVISIONS - ALL ZONES

6.01 ZONES

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

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

6.02 ABANDONED MOTOR VEHICLES AND EQUIPMENT

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

- if such vehicles or equipment are stored inside a garage;
- if the vehicles are licensed for only part of the year, up to three vehicles may be stored on the same lot from which they are normally operated but not in the front yard; and
- vehicles and equipment used directly in the mining or forestry industry may be stored on the industrial site from which they are operated, provided that they are kept in operating condition.

6 .03 ACCESSORY APARTMENTS

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

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

6 .04 ACCESSORY BUILDINGS AND USES

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

6.05 AUTOMOBILE SERVICE STATIONS AND GAS BARS

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

	Interior Lot	Corner Lot
a) Minimum Lot Frontage	60 metres	60 metres
b) Minimum Lot Depth	45 metres	60 metres

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

6.06 BOATHOUSES

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

A boathouse may contain sleeping accommodations and bathroom facilities only in the upper half storey but shall not contain kitchen facilities. In the RI Zone, neither sleeping accommodations nor bathroom facilities are permitted in a boathouse. A boathouse containing sleeping accommodations is deemed to be a sleep cabin for the purpose of calculating the number of sleep cabins on a residential lot.

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

A water-based boathouse shall have a gable, hip or flat roof. A land-based boathouse shall have a gable, hip, flat, peaked, or mansard roof, except in the RI Zone where the boathouse shall have either a gable or a hip roof.

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

- 1.5 storeys, except in the RI Zone where the maximum height shall be one (1) storey with a maximum pitch roof of 4/12, as defined in the by-law; or
- 6.0 metres, except in the RI Zone where the maximum shall be five (5) metres, measured from the top of an attached deck or dock, which is not greater than one (1.0)

meter above the high water level, to the highest point of the roof, or a total of seven (7.0) metres above water level, except in the RI Zone where the maximum shall be six (6) metres.

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

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

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

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

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

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

For the purposes of calculating the number of boathouses on a lot a detached garage shall be deemed to be a land based boathouse.

6.0 7 BUILDING REPAIR AND RECONSTRUCTION

Nothing in this By-law shall prevent the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner, provided that the minimum frontage or area, or the minimum front, side or rear yards required by this By-law are not further reduced or its original use altered.

Nothing in this By-law shall prevent the strengthening to a safe condition or the reconstruction of a building or structure that is a non-complying use, and/or a non-conforming use, provided that such repair or reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure.

6.0 8 BUILDINGS TO BE MOVED

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

6.0 9 CHANGE OF USE

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

6.10 COMMERCIAL MOTOR VEHICLE PARKING

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

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

6.11 CONTRACTOR'S YARD

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

- (a) in the case of a lot fronting on a public road, a contractor's yard shall be located in the rear yard;
- (b) in the case of a lot fronting on both a public road and a navigable body of water, a contractor's yard shall be located in the yard abutting the road;
- (c) in the case of a water access lot, a contractor's yard may be located in the front yard, subject to the provisions of this By-law;
- (d) there is no external advertising other than a sign erected in accordance with any by-laws of the Municipality regulating signs;
- (e) a contractor's yard shall be used only for the outdoor storage of tools, equipment and in-transit building materials, except noxious or hazardous good or materials;
- (f) neither accessory buildings nor boathouses shall be used in conjunction with the contractor's yard;
- (g) an office associated with the contractor's yard may be located in the dwelling located on the same lot;
- (h) on a water access lot, a contractor's yard shall be screened by a solid vegetative buffer no less than ten (10.0) metres in width from the normal shoreline in order to buffer the contractor's yard from the viewing public and adjacent lots;
- (i) such contractor's yard is clearly secondary to the main residential use, does not change the residential character of the dwelling;
- (j) except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard; and

- (k) except in the case of island lots, one on-site parking space shall be provided for patrons of the contractor and such parking space shall not be provided in the front yard.

6.12 CORNER LOTS IN RESIDENTIAL ZONES

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

6.13 DAYLIGHTING TRIANGLES

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

6.14 DWELLING UNIT BELOW GRADE

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

6.15 DWELLING UNITS IN A COMMERCIAL BUILDING

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

- a) The dwelling unit(s) shall have separate washroom, bathroom and kitchen facilities from those of the commercial use;
- b) The dwelling unit(s) shall not be located on the ground floor or in a basement or cellar;
- c) The dwelling unit(s) shall have a separate parking space as provided by Section 6.31 hereto; and
- d) The dwelling unit(s) shall have a separate building entrance to that provided for the commercial use.

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

6.16 EXCEPTED LANDS, BUILDINGS AND NON-CONFORMING USES

- a) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or

structure was lawfully used for such purpose on the date of the passing of this By-law so long as it continues to be used for that purpose or to prevent the erection or use for a purpose prohibited by this By-law of any building or structure the plans for which have, prior to the date of the passing of this By-law, been approved by the Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of any such building or structure is commenced within two (2) years after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

b) Existing Buildings

Where a building has been erected prior to the date of the passing of this By-law, on a lot having less than the minimum frontage and/or area, or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, The said building may be enlarged, reconstructed, repaired or renovated provided that:

- (i) The enlargement, reconstruction, repair or renovation does not further reduce a front yard and/or side yard and/or rear yard presently having less than the minimum required by this By-law; and
- (ii) All other applicable provisions of this By-law are complied with.

c) Existing Lots

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

d) Residential Use in a Commercial Zone

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

6.17 FENCES

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

- a) Any fence erected in a required front yard shall be at least fifty percent (50%) open, and no fence erected in a required front yard may exceed nine tenths (0.9) metres in height measured from ground level. A clearance of seven and one half (7.5) centimetres shall be allowed for installation purposes and shall not count in determining the height of a fence in a residential zone.
- b) No privacy fence may be erected in the front yard of a residence. For through lots, that yard which is used as a rear yard and which would normally be considered a rear yard for lots other than through lots shall be considered a rear yard for the purposes of erecting a fence
- c) In residential zones, no fence may be erected which exceeds two metres in height

above ground level

- d) In residential zones, no fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials.
- e) All chain link fences shall be installed with the knuckle portion of the fence up and with the barb portion of the fence on or near the ground.
- f) No fence may be electrified except for the protection of livestock.

6.18 FORESTRY

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

6.19 FRONTAGE ON A PUBLIC ROAD OR STREET

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

Notwithstanding the foregoing;

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

6.20 GREATER RESTRICTIONS

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

6.21 HEIGHT EXCEPTIONS

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

6.22 HOME INDUSTRY

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

- (a) there is no external advertising other than a sign erected in accordance with any by-laws of the Municipality regulating signs;
- (b) the external storage of goods, materials or equipment is not permitted;

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

6.23 HOME OCCUPATION

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

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the RI, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;
- (b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit, except in the, RI and R2 Zones where no such sign is permitted;
- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
- (d) such home occupation does not interfere with television or radio reception;
- (e) there is no outside storage of goods or materials and there is no use of any part of an accessory building;
- (f) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;
- (g) except as noted in (i), such home occupation uses may include a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;

- (h) when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;
- (i) home occupations in the RI and R2 Zones shall be limited to oil and watercolour painting, the making of crafts, writing, professional offices and the business office of a tradesperson or contractor;
- (j) except in the RI and R2 Zones, one parking space shall be provided for each employee not residing in the residence.

6.24 LICENSES, PERMITS AND OTHER BY-LAWS

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

6.25 LIGHTING BESIDE NAVIGABLE WATER BODIES

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

6.26 LOADING SPACE REGULATIONS AND REQUIREMENTS

a) Access

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

b) Loading Space Surface

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

c) Location

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

d) Addition of Existing Use

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

e) Loading Requirements

For every commercial or industrial building having in excess of two hundred (200.0) square metres floor area, located on a lot having access from a municipal road, one (1) loading space for the first four hundred (400.0) square metres of floor area plus one

space (1) for every additional two hundred (200.0) square metres of floor area, or portion thereof.

6.27 MOBILE HOMES

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

6.28 NON-COMPLYING USES

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

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

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

6.29 NUMBER OF DWELLING UNITS ON ONE LOT

Not more than one (1) single detached dwelling unit shall be erected on one lot. See also Section 6.39

6.30 OCCUPATION OF UNCOMPLETED BUILDINGS

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

6.31 OPEN STORAGE

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

6.32 PARKING AREA REGULATIONS

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

a) Parking Space Requirements

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

Type of building accessed by road	Minimum Parking Required
Residential units accessed by road	2 parking spaces per dwelling unit
Accessory apartments	1 parking spaces per apartment
Bed and Breakfast Establishment	1 parking spaces per guest room in addition to the parking required for the main dwelling unit
Medical, Dental or Drugless Practitioner's Office or Clinic	5 parking spaces for each practitioner
Church, Funeral Home, Auditorium, Restaurant, Theatre, Arena, Hall, Private Club, or other Places of Assembly.	Where there are fixed seats, 1 parking space for every 5 seats or 3 metres of bench space, where there are no fixed seats, 1 parking space for each 9.0 sq. metres of floor area devoted to public use.
Hospital or Institution	1 parking space for each 2 beds or 40 sq. metres of floor area whichever is greater plus 1 additional space for each resident doctor or resident employee.
Hotel, Motel and Tourist Establishments	1 parking space per unit or guestroom and 1 additional parking space for each 10.0 sq. metres of floor area devoted to public use.
Office, including a Home Occupation	1 parking space per 30 square metres of floor area.
Home Industry	1 parking space per employee plus 1 parking space for patrons.
Neighbourhood Commercial	1 parking space for every 30 square metres of total commercial floor area of building.
Other Commercial Uses	1 parking space for each 30 square metres of total commercial floor area of building.

Type of building accessed by road	Minimum Parking Required
Schools	1 parking space for each teaching area, plus separate bus loading area per 2 teaching areas.
Industrial	At least 1 parking space for every 150 sq. metres of total floor area.
Marina	1 parking space for each 20 sq. metres of total retail floor area, plus 1 parking space for each non-transient boat slip provided plus 10 additional spaces.
Bowling Alleys, Curling Rinks and Arenas	1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet).

b) Parking Area Requirements

Parking areas shall conform to the following requirements:

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

c) Parking Area Surface

In a Commercial Zone, a parking area and driveway connecting the parking area with a street shall be maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of

crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities.

d) Ingress and Egress

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

e) Illumination

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

f) Addition to building or structure

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

g) Use of Parking Spaces and Areas

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

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

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

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

h) Calculation of Required Spaces

(i) Rounding

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

(ii) More than one use

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

(iii) Buffer Area

Where a parking area is designed to accommodate more than six (6) automobiles, a strip of land not less than three (3.0) metres wide, around the periphery of the said parking area and within the lot in which said parking area is located shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances nor exits to said parking area across the strip.

6.33 PLANTING STRIPS

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

- a) Width of Planting Strip Minimum three (3.0) metres.
- b) The planting strip shall be used for no other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than one and one-half (1.5) metres high immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedgerow shall be required or permitted to a height in excess of one (1.0) metre closer to a street line than the required yard depth.
- c) Driveways or Walks

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within three (3.0) metres of the edge of such driveway or within one and one-half (1.5) metres of the edge of such walk.

d) Landscaped Open Space

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

- e) Any large industrial or commercial use adjacent to any residential or institutional use shall be required to provide screening or buffering which shall act as an opaque visual barrier.

6.34 PROHIBITED USES

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

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

6.35 PUBLIC USES PERMITTED

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality and/or any Public Authority, or Ministry of the Government of Ontario or Canada, including Ontario Power Generation and Hydro One, or any telecommunications or utility company, provided that where such land, building or structure is located in any zone:

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

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

6.36 RAILWAYS

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

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

6.37 REDUCTION OF REQUIREMENTS

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

6.38 SHORELINE ACTIVITY AREA

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

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

- a) On remote or rural residential lots the maximum total area of all structures within the SAA shall be the lesser of ten percent (10.0%) of the SAA or one hundred (100.0) square metres for lots less than eight tenths (0.8) of a hectare. If a lot is greater than or equal to eight tenths (0.8) of a hectare then the maximum area for all SAA structures is the lesser of one hundred and sixty (160.0) square metres to only allow for a second dry land boathouse or ten percent (10.0%) of the shoreline activity area, whichever is less.

Notwithstanding the above the total lot coverage shall not exceed eight percent (8.0%).

- b) For tourist commercial or institutional lots the maximum area of all structures within the SAA is thirty three (33.0%) of the SAA; and
- c) For marinas the maximum area of all structures within the shoreline activity area is fifty percent (50.0%) of the shoreline activity area.

Disturbances in the natural vegetation adjacent to the shoreline of Lake Temagami shall be limited to the following:

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

and viewing corridors shall be limited to six (6.0) metres, and the removal of trees for safety reasons; or

- b) Twenty five percent (25%) of the shoreline, whichever is the lesser.

6.39 SLEEP CABINS

Notwithstanding Section 6.29, sleep cabins are permitted on lots in the RI, R2 and R3 Zones and on existing residential lots in the SMA and IMA Zones in accordance with the following standards.

- a) On any residential lot existing on the date of passing of this By-law, less than four tenths (0.4) hectares in size in the SMA, IMA, RI, R2 and R3 Zones, one (1) main dwelling unit and a maximum of one (1) sleep cabin without bathroom and kitchen facilities is permitted.
- b) On any residential lot existing on the date of passing of this By-law greater than four tenths (0.4) hectares in size in the SMA, IMA, RI, R2 and R3 Zones and any new residential lots in the RI, R2 and R3 Zones, one (1) main dwelling unit and a maximum of two (2) sleep cabins are permitted, in accordance with the provisions of this Section.
- c) The maximum gross floor area of the first sleep cabin on any lot in the SMA, IMA, RI, R2 or R3 Zone shall not exceed seventy two (72.0) square metres and where permitted, the second sleep cabin shall not exceed thirty six (36.0) square metres.
- d) On a lot greater than or equal to four tenths (0.4) hectares in the RI Zone and R2 Zone, one (1) sleep cabin may have bathroom or kitchen facilities, where the sleep cabin is connected to the water supply and/or sewage disposal system of the main dwelling on the lot and subject to the other provisions of this By-law while the second sleep cabin, where permitted shall have neither bathroom nor kitchen facilities.
- e) On an existing lot greater than or equal to one and six tenths (1.6) hectares in the RI, R2, and R3 Zones, only one (1) sleep cabin with bathroom and kitchen facilities may be permitted provided that the sleep cabin is connected to approved independent, on-site water supply and sewage disposal systems in order that a lot containing the sleep cabin and water supply and sewage disposal systems can be severed from a lot containing the main cabin and associated water supply and sewage disposal systems with the severed and retained lots and buildings conforming to the standards of this By-law.

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

6.40 Special Setbacks

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

Narrow Water Bodies

If the narrow water body is:

- a) Less than twenty (20.0) metres straight line distance in width, no structure projecting from the shoreline shall be permitted except through a Zoning By-law Amendment.
- b) Between twenty (20.0) and thirty (30.0) metres straight line distance in width, the maximum a structure is permitted to project into the water is no greater than eight (8.0) metres into the narrow waterbody and all structures projecting into a narrow waterbody shall be separated by a minimum distance of one hundred and fifty (150.0) metres. Boathouses are prohibited except through a Zoning By-law Amendment.
- c) Between thirty (30.0) and sixty (60.0) metres in a straight line distance in width, the maximum a structure is permitted to project into the water is no more than eleven (11.0) metres into the narrow waterbody on one side unless separated by more than one hundred and fifty (150.0) metres.

Unstable Slopes and Steep Slopes

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

The principals to be addressed are as follows:

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

For slopes over thirty three (33.33%) (30 degrees) also see Section 6.46 regarding increased setbacks.

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

6.41 SWIMMING POOLS

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

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

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

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

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

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

6.42 TEMPORARY USES PERMITTED

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

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

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

6.43 TRANSCANADA PIPELINES

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

6.44 TRUCK, BUS AND COACH BODIES

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

6.45 USE FOR HAZARDOUS PURPOSE

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

6.46 YARD EXCEPTION, TERRAIN UNSUITABILITY

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

6.47 YARD AND SETBACK ENCROACHMENTS PERMITTED

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

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

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

SECTION 7 - SPECIFIC ZONES

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

7.1.1 PERMITTED USES

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

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

7.1.2 ZONE REQUIREMENTS

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

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

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

7.2.1 PERMITTED USES

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

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

7.2.2 ZONE REQUIREMENTS

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

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

7.2.3 ZONE RESTRICTIONS

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

7.2.4 EXCEPTIONS

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

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

7.3.1 PERMITTED USES

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

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

7.3.2 ZONE REQUIREMENTS

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

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

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

7.4.1 PERMITTED USES

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

- permanent dwelling unit or a seasonal dwelling unit
- sleep cabins, in accordance with the provisions of Section 6.39
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.38
- accessory buildings, in accordance with Section 6.04
- a home occupation use, in accordance with Section 6.23
- a bed and breakfast establishment, subject to Section 7.4.3

7.4.2 ZONE REQUIREMENTS

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

The lot:

- | | |
|--|--|
| a) Minimum lot frontage | 90.0 m |
| b) Minimum lot area | 0.8 ha/1.0 ha withdrilled well |
| c) Maximum lot area | 1.5 ha |
| d) Minimum distance from a Waste Disposal Site | 500.0 m straightline distance for new Crown lots only |
| e) Minimum distance from a lake access point | 500.0 m straight line distance for new Crown lots only |
| f) Minimum distance from a residential lot | 200.0 m straight line distance for new Crown lots only |
| g) Minimum distance from a tourist commercial site | 500.0 m straight line distance for new Crown lots only |
| h) Total lot coverage (%) | 8.0 |

Any dwelling unit:

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

A land based boathouse:

- | | |
|--------------------------------------|---|
| a) Minimum distance from the shore | 0.0 m |
| b) Minimum side yard | 5.0 m |
| c) Maximum building height | in accordance with Section 6.06 |
| d) Maximum building width and length | in accordance with Sections 6.06 and 6.38 |

A water based boathouse:

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

Any sleep cabin:

- | | |
|---|---|
| a) Minimum distance from the shore | greater than the distance between the shore and the main front wall of any dwelling unit on the lot or 15 metres whichever is greater |
| b) Minimum side yard | greater than the distance between the side lot line and the main side wall of any dwelling unit on the lot |
| c) Maximum building height | 5.0 m |
| d) Maximum gross floor area | 72.0 sq. m for the first sleep cabin
36.0 sq. m for a second sleep cabin |
| e) Minimum distance from the main dwelling or another sleep cabin | 3.0 m subject to Sections 6.39, 7.4.3 |

All accessory buildings:

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

7.4.3 RESTRICTIONS

A sleep cabin with bathroom and kitchen facilities shall only be permitted on a lot equal to or greater than one and six tenths (1.6) ha and in accordance with the provisions of Section 6.39.

Buildings or structures are subject to further restrictions, as set out in Sections 6.38, 6.40 and other sections of this By-law.

A Bed and Breakfast establishment is not permitted in conjunction with sleep cabins.

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

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

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

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

In ground swimming pools are not permitted.

7.4.4 EXCEPTIONS

SECTION 7.5 - REMOTE RESIDENTIAL (R2) ZONE

7.5.1 PERMITTED USES

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

- permanent dwelling unit or a seasonal dwelling unit
- sleep cabins, subject to the provisions of Section 6.39
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.38
- accessory buildings, in accordance with section 6.04
- a home occupation use, in accordance with Section 6.23

7.5.2 ZONE REQUIREMENTS

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

The lot:

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

Any dwelling unit:

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

A land based boathouse:

- | | |
|------------------------------------|-------|
| a) Minimum distance from the shore | 0.0 m |
|------------------------------------|-------|

- | | | |
|----|-----------------------------------|---|
| b) | Minimum side yard | 5 .0 m |
| c) | Maximum building height | 1 .5 storeys |
| d) | Maximum building width and length | in accordance with Sections 6.06 and 6.38 |

A water based boathouse:

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

Any sleep cabin:

- | | | |
|----|--|---|
| a) | Minimum distance from the shore | greater than the distance between the shore and the main front wall of the primary dwelling unit on the lot or 15 metres whichever is greater |
| b) | Minimum side yard | greater than the distance between the side lot line and the main side wall of the primary dwelling unit on the lot |
| c) | Maximum building height | 5.0 m |
| d) | Maximum floor area | 72.0 sq. m for the first sleep cabin
36.0 sq. m for a second sleep cabin |
| e) | Minimum distance from the main dwelling or another sleep cabin | 3.0 m, subject to Sections 6.39, 7.5.3 |

Detached garage

- | | | |
|----|---|------------|
| a) | Maximum floor area | 72.0 sq. m |
| b) | Maximum building height | 5.0 m |
| c) | Minimum distance to an interior side or rear lot line | 1.2 m |
| d) | Minimum distance to a flankage lot line | 10.0 m |
| e) | Minimum distance from the shore | 15.0 m |

All accessory buildings:

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

7.5.3 RESTRICTIONS

A sleep cabin with bathroom and kitchen facilities shall only be permitted on a lot equal to or greater than one and six tenths (1.6) ha in accordance with the provisions of Section 6.39.

Buildings or structures are subject to further restrictions, as set out in Sections 6.38, 6.40 and other section of this By-law.

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

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

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

7.5.4 EXCEPTIONS

SECTION 7.6 - RURAL RESIDENTIAL (R3) ZONE

7.6.1 PERMITTED USES

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

- permanent dwelling unit or seasonal dwelling unit
- sleep cabins, in accordance with Section 6.39
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.38
- accessory buildings, in accordance with section 6.04
- a home occupation, in accordance with Section 6.23
- a bed and breakfast establishment, subject to Section 7.6.3

7.6.2 ZONE REQUIREMENTS

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

The lot:

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

Any dwelling unit:

- | | | |
|----|---------------------------------|--------|
| a) | Minimum front yard | 10.0 m |
| b) | Minimum distance from the shore | 15.0 m |
| c) | Minimum rear yard | 5.0 m |
| d) | Minimum side yard | 5.0 m |
| e) | Minimum flankage yard | 10.0 m |
| o | Maximum building height | 9.0 m |

- g) Maximum floor area 464.0 sq m

A land based boathouse:

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

A water based boathouse:

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

Any sleep cabin:

- a) Minimum distance from the shore greater than the distance between the shore and the main front wall of the primary dwelling unit on the lot or 15 metres whichever is greater
 b) Minimum side yard greater than the distance between the side lot line or flankage lot line and the main side wall of the primary dwelling unit on the lot
 c) Maximum building height 5.0 m
 d) Maximum floor area, 72.0 sq. m for the first sleep cabin
 36.0 sq. m for a second sleep cabin
 e) Minimum distance from the main dwelling or another sleep cabin 3.0 m, subject to Sections 6.39, 7.6.3

Detached garage

- a) Maximum floor area 72.0 sq. m
 b) Maximum building height 5.0 m
 c) Minimum distance to an interior side or rear lot line 1.2 m
 f) Minimum distance to a flankage lot line 10.0 m

- g) Minimum distance from the shore 15.0 m

All accessory buildings:

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

7.6.3 RESTRICTIONS

Buildings or structures are subject to further restrictions, as set out in Section 6.38 and Section 3.40.

A sleep cabin with bathroom and kitchen facilities shall only be permitted on a lot equal to or in excess of one and six tenths (1.6) ha in accordance with the provisions of Section 6.39.

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

A Bed and Breakfast establishment is not permitted in conjunction with sleep cabins.

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

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

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

7.6.4 EXCEPTIONS

Notwithstanding any other provisions of this By-law, on lands known as 289 Fox Run, Lot 3, Plan 36M610, the only residential uses permitted are two dwelling units with a total maximum floor area of 520.5 sq. metres and future sleep cabins are not permitted.

SECTION 7.7 - LOW DENSITY RESIDENTIAL (RL) ZONE

7.7.1 PERMITTED USES

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

7.7.1.1 Residential Uses

- a single detached dwelling unit
- a semi detached dwelling unit
- a duplex dwelling
- a bed and breakfast establishment, subject to Section 7.7.3
- a boarding house
- a home occupation, in accordance with Section 6.23
- accessory buildings in accordance with Section 6.04
- a water based or land based boathouse on a lot that abuts a navigable waterbody, in accordance with Section 6.06 and 6.38

7.7.2 ZONE REQUIREMENTS

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

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

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

A semi detached dwelling:

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

A land based boathouse:

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

A water based boathouse:

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

Detached garage

- a) Maximum floor area 72.0 sq. m
- b) Maximum building height 5.0 m

- | | | |
|----|--|--------|
| c) | Minimum distance to an interior side or rear lot line | 01.2 m |
| h) | Minimum distance to a flankage lot line | 6.0 m |
| i) | Minimum distance to a flankage lot line on a shoreline lot | 15.0 m |
| j) | Minimum distance to shore | 15.0 m |

All accessory buildings:

- | | | |
|----|---|---------------------------|
| a) | Minimum distance from a shoreline | 15 m |
| b) | Minimum distance to a rear lot line | 1.2 m |
| c) | Minimum distance to a side lot line | 6.0 m |
| d) | Minimum distance to a flankage lot line | 6.0 m |
| | | 15.0 m on a shoreline lot |
| e) | Minimum distance to the lot line separating the semi-detached units | 1.2 m |
| o | Maximum building height | 5.0 m |

7.7.3 RESTRICTIONS

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

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

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

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

7.7.4 EXCEPTIONS

SECTION 7.8 - MEDIUM DENSITY RESIDENTIAL (RM) ZONE

7.8.1 PERMITTED USES

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

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

7.8.2 ZONE REQUIREMENTS

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

A fourplex dwelling or lot:

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

A street townhouse dwelling or lot:

- | | | |
|----|--------------------------|--|
| a) | Minimum lot frontage | 6.0 m interior unit
8.0 m end unit
9.0 m corner unit |
| b) | Minimum lot area | 180.0 sq. m interior unit
260.0 sq. m end unit
270.0 sq. m corner unit |
| c) | Maximum lot coverage (%) | 35.5 |

d)	Minimum front yard	6.0 m
e)	Minimum front yard on a shoreline lot	15.0 m
f)	Minimum rear yard	7.5 m
g)	Minimum side yard	2.0 m end unit 6.0 m flankage unit 15.0 m flankage on a shoreline lot
h)	Maximum building height	9.5 m
i)	Minimum privacy area	36.0 sq. m per unit
j)	Minimum landscaped open space	30.0% of lot area, which may include the privacy area
k)	Maximum number of units per building	8

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

a)	Minimum lot frontage	50.0 m
b)	Minimum lot area	5,000.0 sq. m
c)	Maximum lot coverage (%)	35.0
d)	Minimum front yard	7.5 m
e)	Minimum front yard on a shoreline lot	15.0 m
f)	Minimum rear yard	10.0 m
g)	Minimum side yard	6.0 m except 9.0 m abutting an RL Zone
h)	Minimum side yard for townhouses	the height of the building or f), whichever is greater
i)	Minimum side yard for apartments	7.5 m
j)	Minimum flankage yard	15.0 m on a shoreline lot
k)	Maximum building height	11.0m
l)	Minimum distance between buildings on the same lot	3.0 m between walls not containing windows to habitable rooms 10.0 m between walls where one wall contains windows to habitable rooms 15.0 m between walls where both walls contain windows to habitable rooms
m)	Maximum density	40 units per ha
n)	Minimum landscaped open space	50.0% of townhouse lots, including privacy areas 25.0% of apartment and nursing home lots

All accessory buildings

- a) Minimum distance to an interior side
or rear lot line 1.2 m
- b) Minimum distance to shoreline 3.0 m
- c) Minimum distance to a flankage lot line 7.5.0 m
15.0 m on a shoreline lot
- d) Maximum building height 5.0 m

7.8.3 RESTRICTIONS

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

7.8.4 EXCEPTIONS

SECTION 7.9 - MOBILE HOME PARK (RMH) ZONE

7.9.1 PERMITTED USES

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

- a mobile home
- a modular home
- a convenience retail store
- a laundromat
- a personal service shop
- a community centre
- a park
- a playground

7.9.2 ZONE REQUIREMENTS

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

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

Where required recreation space exceeds five hundred (500.0) square metres, two (2) or more such areas shall be provided.

f) Parking

Notwithstanding the provisions of Section 6.32, each mobile or modular home site shall be provided with at least one (1) car parking space and in addition, visitor parking shall be provided in the amount of one (1) space for every four (4) mobile or modular home sites, and shall be dispersed throughout the Mobile Home Park at locations convenient to the site it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

g) Access

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

h) Services

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

0) Site Plan

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

j)	Minimum lot frontage	100.0 m or 15.0 m for each mobile home site
k)	Minimum lot area	2.0 ha or 460.0 sq. m per mobile home site
l)	Maximum mobile home site coverage (%)	30.0
m)	Minimum front yard	4.5 m
n)	Minimum rear yard	6.0 m
o)	Minimum interior side yard	1.2 m on one side and 2.4 m on the other
p)	Minimum flankage yard	4.5 m
q)	Maximum building height	11.0m

SECTION 7.10 - TOURIST COMMERCIAL (TC) ZONE

7.10.1 PERMITTED USES

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

- a tourist lodge
- a tourist commercial establishment
- a public campground
- a private campground
- a gas bar
- a restaurant or tavern
- a trailer park
- a motel or hotel
- a dwelling unit for the owner/operator/caretaker accessory to the main commercial use, in accordance with Sections 6.15 and 7.10.2
- accessory buildings and uses in accordance with Section 7.10.3.

7.10.2 ZONE REQUIREMENTS

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

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

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

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

A land based boathouse:

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

A water based boathouse:

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

All other lots or permitted uses:

- a) Minimum lot frontage 30.0 m
- b) Minimum lot area 1,390.0 sq. m
- c) Maximum lot coverage (%) 50.0
- d) Minimum front yard 7.5 m
- e) Minimum rear yard 7.5 m
- f) Minimum interior side yard 7.5 m
- g) Minimum flankage yard 7.5 m
- h) Minimum setback from Highway11 20.0 m
- i) Minimum setback from Highway64 17.5 m
- j) Maximum building height 11.0m
- k) Minimum rear and interior yard for an accessory building 3.0 m
- l) Maximum building height for an accessory building 5.0 m
- m) Minimum landscaped open space 20.0% of lot area
- n) Minimum distance to shoreline 3.0 m

7.10.3 RESTRICTIONS

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

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

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

7.10.4 EXCEPTIONS

Notwithstanding any other provision of this By-law, the tourist commercial establishments permitted on Island 1022 in Lake Temagami shall be limited to up to eight (8) housekeeping cabins. Further, the removal of vegetation shall be limited to a maximum of three (3.0) metres from all buildings and structures and a maximum of five (5.0) metres for view/access corridors.

SECTION 7.11 - TOURIST COMMERCIAL YOUTH CAMP (TCYC) ZONE

7.11.1 PERMITTED USES

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

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

7.11.2 ZONE REQUIREMENTS

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

A youth camp and a tourist lodge:

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

A Boat Storage Area (Dry Land)

a)	Maximum building height	15.0 m
----	-------------------------	--------

- | | | |
|----|---------------------------------------|--------------------------------|
| b) | Minimum distance from shoreline | 15.0 m |
| c) | Minimum distance to a residential lot | 500.0 m straight line distance |
| d) | Minimum lot area | 1,850.0 sq. m |
| e) | Maximum lot coverage (%) | 50.0 |
| f) | Minimum side and rear yard | 9.0 m |
| g) | Minimum flankage yard | 10 .0 m |

A land based boathouse:

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

A water based boathouse:

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

7.11.3 RESTRICTIONS

Notwithstanding the provisions of Section 7.11.1, a tourist lodge is only permitted in conjunction with a youth camp.

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

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

7.11.4 EXCEPTIONS

SECTION 7.12 - TOURIST COMMERCIAL MARINA (TCM) ZONE

7.12.1 PERMITTED USES

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

- a marina

7.12.2 ZONE REQUIREMENTS

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

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

A Boat Storage Area (Dry Land)

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

- | | | |
|----|----------------------------|--------|
| e) | Maximum lot coverage (%) | 50.0 |
| f) | Minimum side and rear yard | 9.0 m |
| g) | Minimum flankage yard | 10.0 m |

7.12.3 RESTRICTIONS

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

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

7.12.4 EXCEPTIONS

SECTION 7.13 - URBAN COMMERCIAL (UC) ZONE

7.13.1 PERMITTED USES

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

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

7.13.2 ZONE REQUIREMENTS

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

A commercial lot:

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

A commercial use:

a) Maximum gross floor area (%)	150.0
b) Minimum front yard	1.0 m
c) Minimum rear yard	7.5 m
d) Minimum interior side yard	no requirement
e) Minimum flankage yard	1.0 m
f) Maximum building height	11.0m

Marina:

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

b)	Minimum lot area	1,850.0 sq. m
c)	Maximum lot coverage (%)	50.0
d)	Minimum front yard	4.5 m
e)	Minimum rear yard	9.0 m
f)	Minimum side yard	9.0 m
g)	Maximum boat storage building height	15.0 m (dry land only)
h)	Minimum distance to a lot line for an accessory building	9.0 m
i)	Maximum building height for an accessory building	5.0 m
j)	Minimum distance to a side lot line for a water based boathouse	5.0 m from the straight line extension of the side lot line
l)	Minimum distance between a marina and a residential use	500.0 m straight line distance
l)	Maximum building height re: shops, sales area, office	11.0m

A Boat Storage Area (Dry Land)

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

A land based boathouse:

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

A water based boathouse:

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

7.13.3 RESTRICTIONS

Notwithstanding the provisions of Section 7.13.1, only a dwelling unit for the owner or operator of a marina operation is permitted.

7.13.4 EXCEPTIONS

SECTION 7.14 - HIGHWAY COMMERCIAL (HC) ZONE

7.14.1 PERMITTED USES

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

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

7.14.2 ZONE REQUIREMENTS

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

- | | | |
|----|---|-------------------|
| a) | Minimum lot frontage | 20.0 m |
| b) | Minimum lot area | no requirement |
| c) | Maximum lot coverage (%) | 100.0 |
| d) | Minimum front yard | 3.0 m |
| e) | Minimum rear yard | 3.0 m |
| f) | Minimum interior side yard | 3.0 m |
| g) | Minimum flankage yard | 3.0 |
| h) | Minimum setback from Highway 11 | 20.0 m |
| i) | Maximum building height | 11.0 m |
| j) | Minimum rear and interior yard
for an accessory building | 3.0 m |
| k) | Maximum building height for
an accessory building | 5.0 m |
| l) | Minimum landscaped open space | 20.0% of lot area |

Marina:

- | | | |
|----|----------------------|----------------|
| a) | Minimum lot frontage | no requirement |
| b) | Minimum lot area | 1,850.0 sq. m |

c) Maximum lot coverage (%)	50.0
d) Minimum front yard	4.5 m
e) Minimum rear yard	9.0 m
f) Minimum side yard	9.0 m
g) Maximum boat storage building height	15.0 m (dry land only)
h) Minimum distance to a lot line for an accessory building	9.0 m
i) Maximum building height for an accessory building	5.0 m
j) Minimum distance to a side lot line for a water based boathouse	5.0 m from the straight line extension of the side lot line
k) Minimum distance between a marina and a residential use	500.0 m straight line distance
l) Maximum building height re: shops, sales area, office	11.0m

A Boat Storage Area (Dry Land)

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

A land based boathouse:

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

A water based boathouse:

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

7.14.3 RESTRICTIONS

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

Notwithstanding the uses permitted in Section 7.14.1, a dwelling unit for the owner, operator/caretaker is only permitted for the owner/operator of a marina, a tourist commercial establishment, a hotel or motel and a restaurant.

7.14.4 EXCEPTIONS

SECTION 7.15 - NEIGHBOURHOOD COMMERCIAL (NC) ZONE

7.15.1 PERMITTED USES

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

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

7.15.2 ZONE REQUIREMENTS

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

A commercial lot:

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

A commercial use:

- | | |
|---|---|
| a) Minimum front yard | 4.5 m |
| b) Minimum front yard from the shoreline | 15.0 m |
| c) Minimum rear yard | 6.0 m |
| d) Minimum interior side yard | 1.2 m on one side and 2.4 m on the other side |
| e) Minimum flankage yard | 4.5 m |
| f) Minimum setback from Highway 11 | 17.5 m |
| g) Minimum setback from Highway 64 | 14.5 m |
| h) Maximum building height | 1 storey or 2 storeys if accessory apartments are located on the second floor |
| i) Minimum distance to a lot line for an accessory building | 1.0 m |
| j) Maximum building height for an accessory building | 5.0 m |

- | | | |
|----|---|-------------|
| k) | Maximum commercial gross floor area | 300.0 sq.m |
| l) | Maximum commercial gross floor area per establishment | 140.0 sq. m |

7.15.3 RESTRICTIONS**7.15.4 EXCEPTIONS**

7.16 LIGHT INDUSTRIAL (ML) ZONE

7.16.1 PERMITTED USES

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

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

7.16.2 ZONE REQUIREMENTS

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

An industrial lot:

- | | |
|----------------------------------|-----------------------|
| a) Minimum lot frontage | 20.0 m |
| b) Minimum lot area | 740.0 sq. m |
| c) Maximum lot coverage (%) | 50.0 |
| d) Minimum landscaped open space | 20.0% of the lot area |

An industrial use:

- | | |
|--|--------|
| a) Minimum front yard | 4.5 m |
| b) Minimum rear yard | 7.5 m |
| c) Minimum interior side yard | 3.0 m |
| d) Minimum flankage yard | 4.5 m |
| e) Minimum setback from Highway 11 | 17.5 m |
| f) Minimum setback from Highway 64 | 14.5 m |
| g) Maximum building height | 11.0m |
| h) Maximum lot coverage (%) | 50.0 |
| h) Minimum distance to a lot line for
an accessory building | 1.0 m |
| i) Maximum building height for
An accessory building | 5.0 m |

7.16.3 RESTRICTIONS

The outside storage of goods is not permitted.

7.16.4 EXCEPTIONS

7.17 HEAVY INDUSTRIAL (MH) ZONE

7.17.1 PERMITTED USES

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

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

7.17.2 ZONE REQUIREMENTS

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

An industrial lot:

- | | | |
|----|-------------------------------|--|
| a) | Minimum lot frontage | 30.0 m |
| b) | Minimum lot area | 1,390.0 sq. m |
| c) | Maximum lot coverage (%) | 50.0 |
| d) | Minimum landscaped open space | 20.0% of the lot area including 10.0 m adjacent to any public road |

An industrial use:

- | | | |
|----|---------------------------------|--------|
| a) | Minimum front yard | 9.0 m |
| b) | Minimum rear yard | 10.5 m |
| c) | Minimum side yard | 6.0 m |
| d) | Minimum setback from Highway 11 | 22.0 m |

e)	Minimum setback from Highway 64	19.0 m
f)	Maximum lot coverage (%)	60.0
g)	Maximum building height	none
h)	Minimum distance to a lot line for an accessory building	6.0 m

7.17.3 RESTRICTIONS

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

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

7.17.4 EXCEPTIONS

SECTION 7.18 - MINERAL AGGREGATE (MA) ZONE

7.18.1 PERMITTED USES

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

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

7.18.2 ZONE REQUIREMENTS

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

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

7.18.3 RESTRICTIONS

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

No permitted use shall be carried on within;

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

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

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

7.18.4 EXCEPTIONS

7.19 PARK (P) ZONE

7.19.1 PERMITTED USES

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

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

7.19.2 ZONE REQUIREMENTS

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

For all uses:

a)	Minimum lot frontage	30.0 m
b)	Minimum lot area	1,390.0 sq. m
c)	Maximum lot coverage (%)	20.0
d)	Minimum front yard	9.0 m
e)	Minimum rear yard	9.0 m
f)	Minimum interior side yard	9.0 m
g)	Minimum flankage yard	9.0 m
h)	Maximum building height	11.0 m
i)	Minimum setback from Highway 11	22.0 m
j)	Minimum setback from Highway 64	19.0 m
k)	Minimum landscaped open space	20.0% of the lot area

7.19.3 RESTRICTIONS

7.19.4 EXCEPTIONS

SECTION 7.20 - OPEN SPACE (OS) ZONE**7.20.1 PERMITTED USES**

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

- conservation
- hazard lands
- nature trails
- public parks

7.20.2 ZONE REQUIREMENTS

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

- None

7.20.3 RESTRICTIONS**7.20.4 EXCEPTIONS**

SECTION 7.21 - COMMUNITY USE

7.21.1 PERMITTED USES

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

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

7.21.2 ZONE REQUIREMENTS

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

For community centres, an arena and a curling rink:

a)	Minimum lot frontage	no requirement
b)	Minimum lot area	no requirement
c)	Maximum lot coverage (%)	30.0
d)	Minimum front yard	4.5 m
e)	Minimum front yard from shoreline	15.0 m
f)	Minimum rear yard	6.0 m
g)	Minimum interior side yard	2.4 m
h)	Minimum flankage yard	4.5 m
i)	Maximum building height	11.0m
j)	Minimum setback from Highway 11	17.5 m
k)	Minimum setback from Highway 64	14.5 m
l)	Minimum landscaped open space	20.0% of the lot area

For all other permitted uses:

a)	Minimum lot frontage	no requirement
b)	Minimum lot area	no requirement
c)	Maximum lot coverage (%)	30.0
d)	Minimum front yard	4.5 m
e)	Minimum front yard from shoreline	15.0 m
f)	Minimum rear yard	6.0 m
g)	Minimum interior side yard	2.4 m
h)	Minimum flankage yard	4.5 m
i)	Maximum building height	11.0m
j)	Minimum setback from Highway 11	17.5 m
k)	Minimum setback from Highway 64	14.5 m
l)	Minimum landscaped open space	20.0% of the lot area

7.21.3 RESTRICTIONS

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

Notwithstanding the uses permitted in Section 7.19.1, at lake access points only public parking and the transit of industrial goods, building supplies and/or equipment and the transit of waste are permitted.

7.21.4 EXCEPTIONS

SECTION 7.22 - WASTE DISPOSAL (WD) ZONE

7.22.1 PERMITTED USES

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

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

7.22.2 ZONE REQUIREMENTS

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

No new waste disposal of waste within:

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

7.22.3 RESTRICTIONS

7.22.4 EXCEPTIONS

7.23 FUTURE DEVELOPMENT (FD) ZONE

7.23.1 PERMITTED USES

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

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

7.23.2 ZONE REQUIREMENTS

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

- None

SECTION 8 - SPECIAL PROVISIONS

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

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

SECTION 9 - EXISTING BY-LAW REPEALED

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

SECTION 10 - EFECTIVE DATE

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

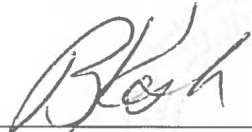
READ A FIRST TIME ON: FEBRUARY 9, 2006

READ A SECOND TIME ON: FEBRUARY 23, 2006

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



Mayor



Clerk

APPENDIX

CONVERSION TABLE

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

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

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

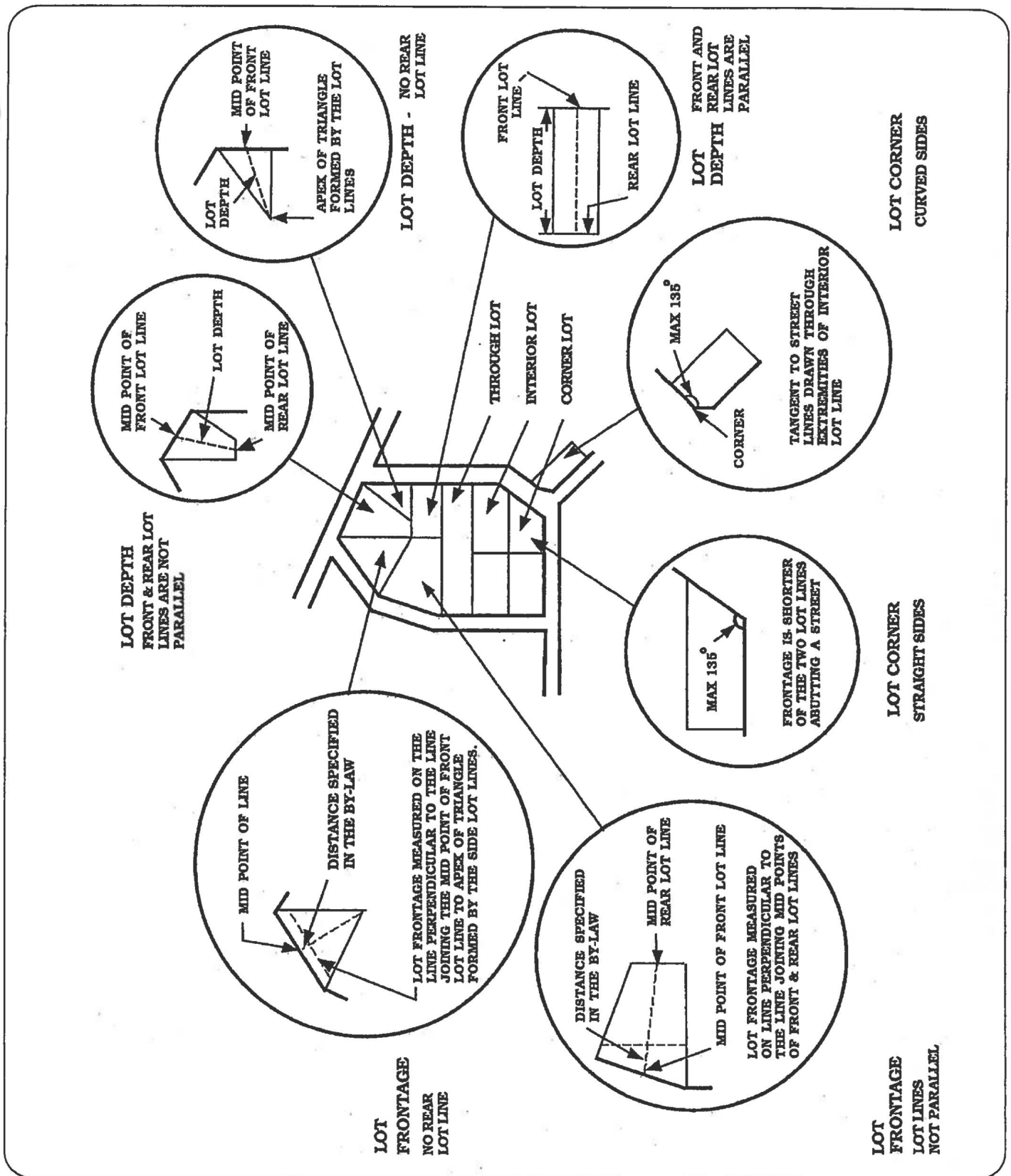


Plate # 1

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.

Date: October, 2001

EXAMPLES OF LOT DEFINITIONS

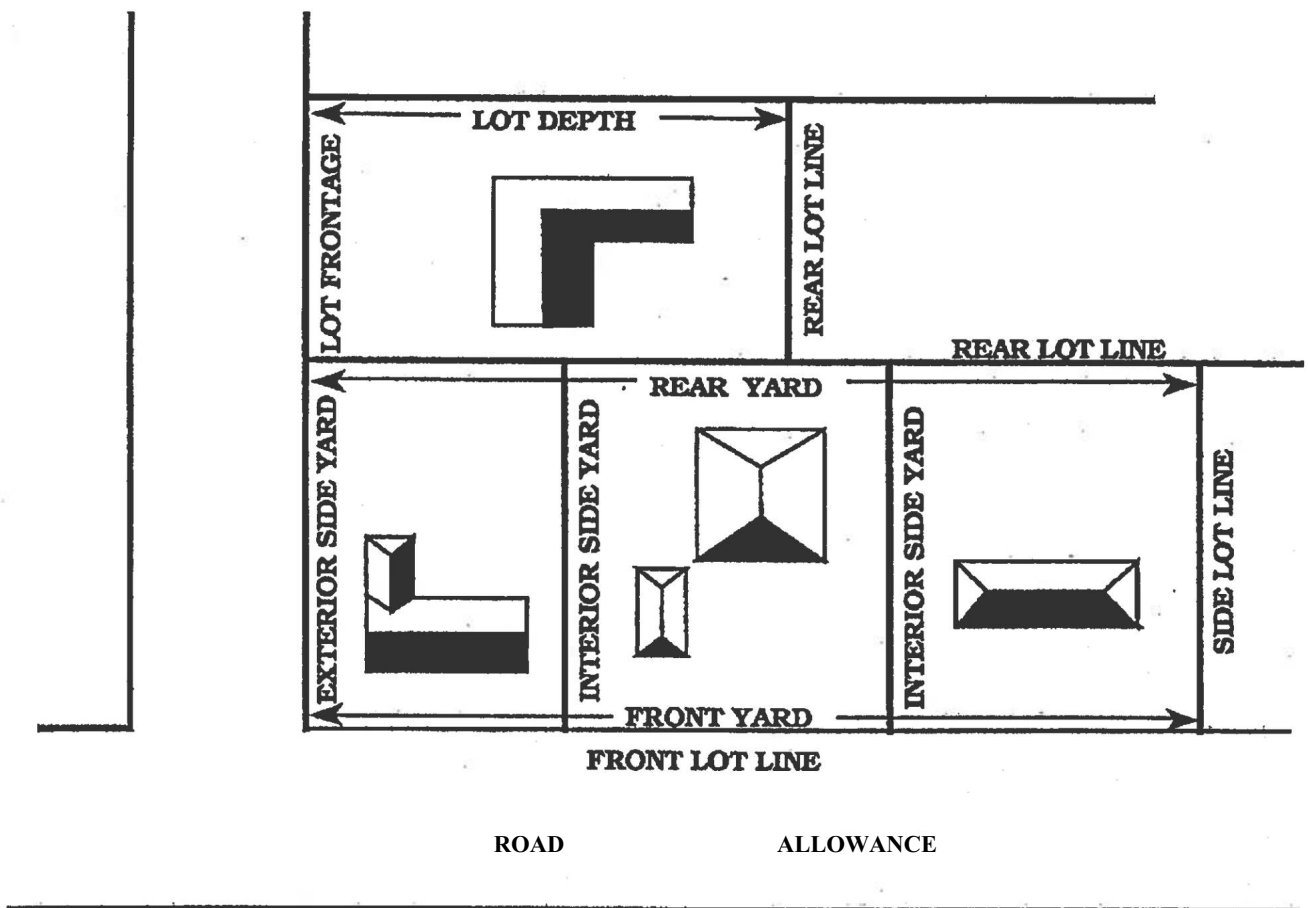


Plate # 2

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.
Date: October, 2001

EXAMPLE OF YARD DEFINITIONS

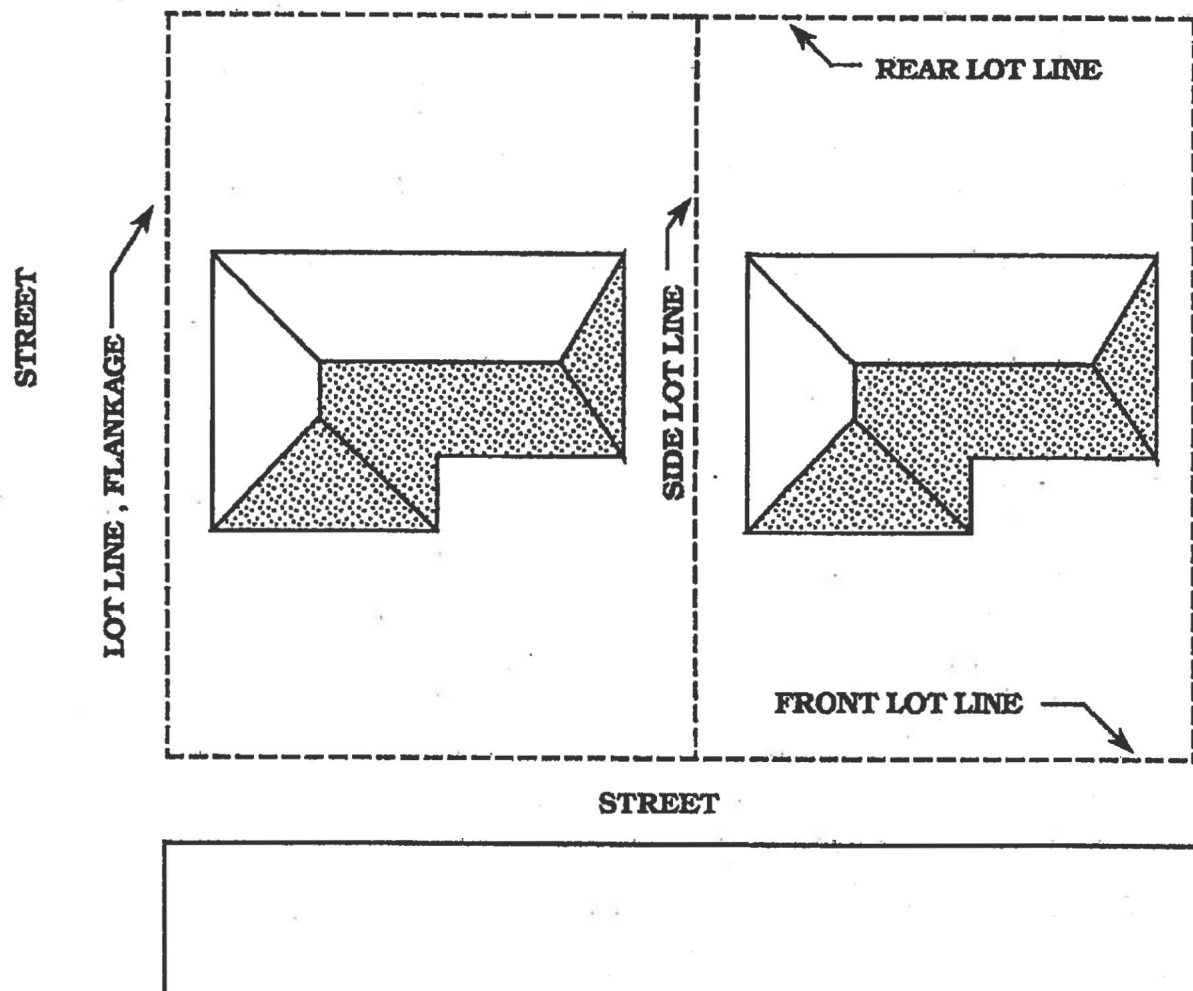


Plate # 3

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.
Date: October, 2001

LOT LINE DESCRIPTIONS

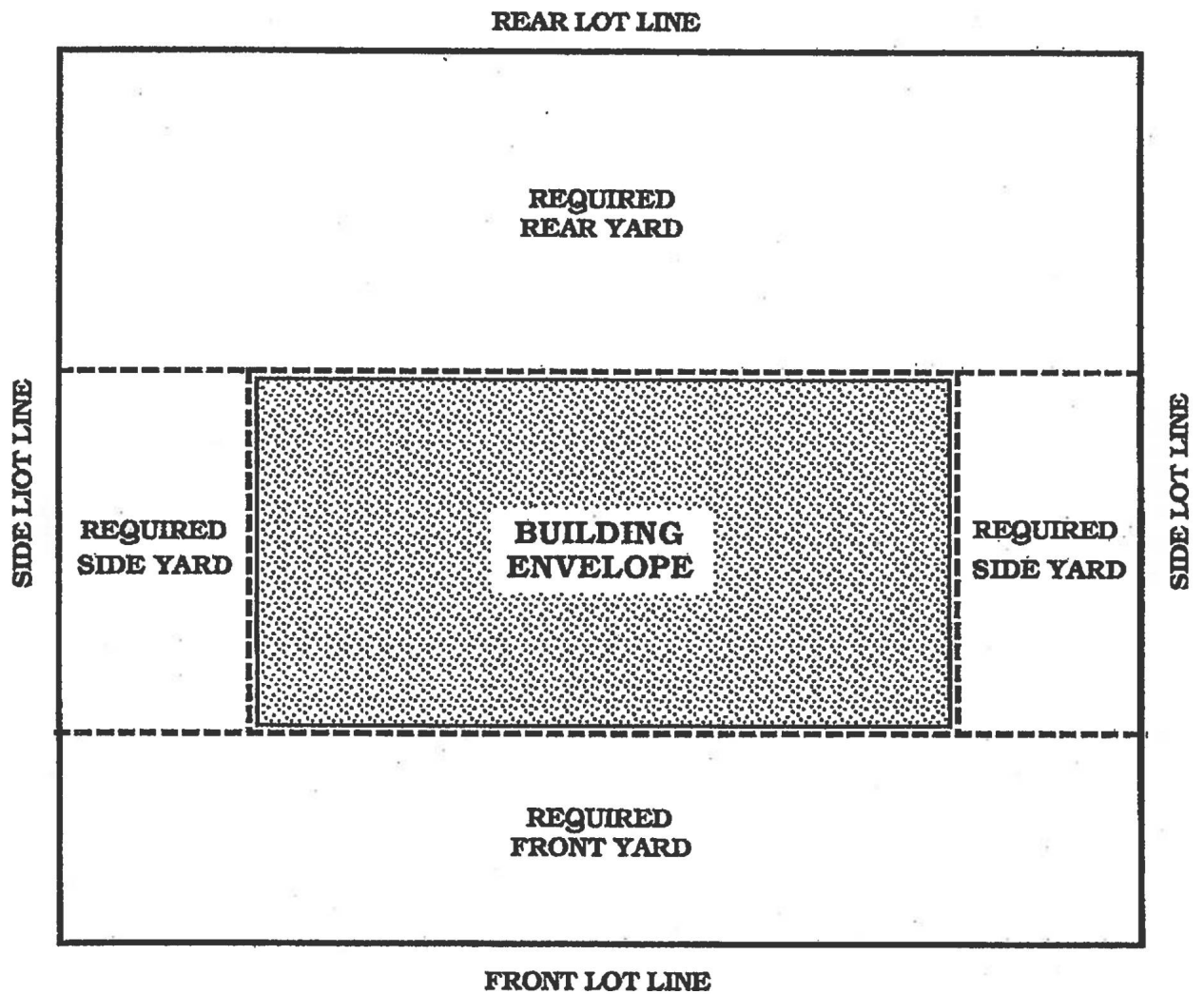


Plate # 4

BUILDING ENVELOPE

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.

Date: October, 2001

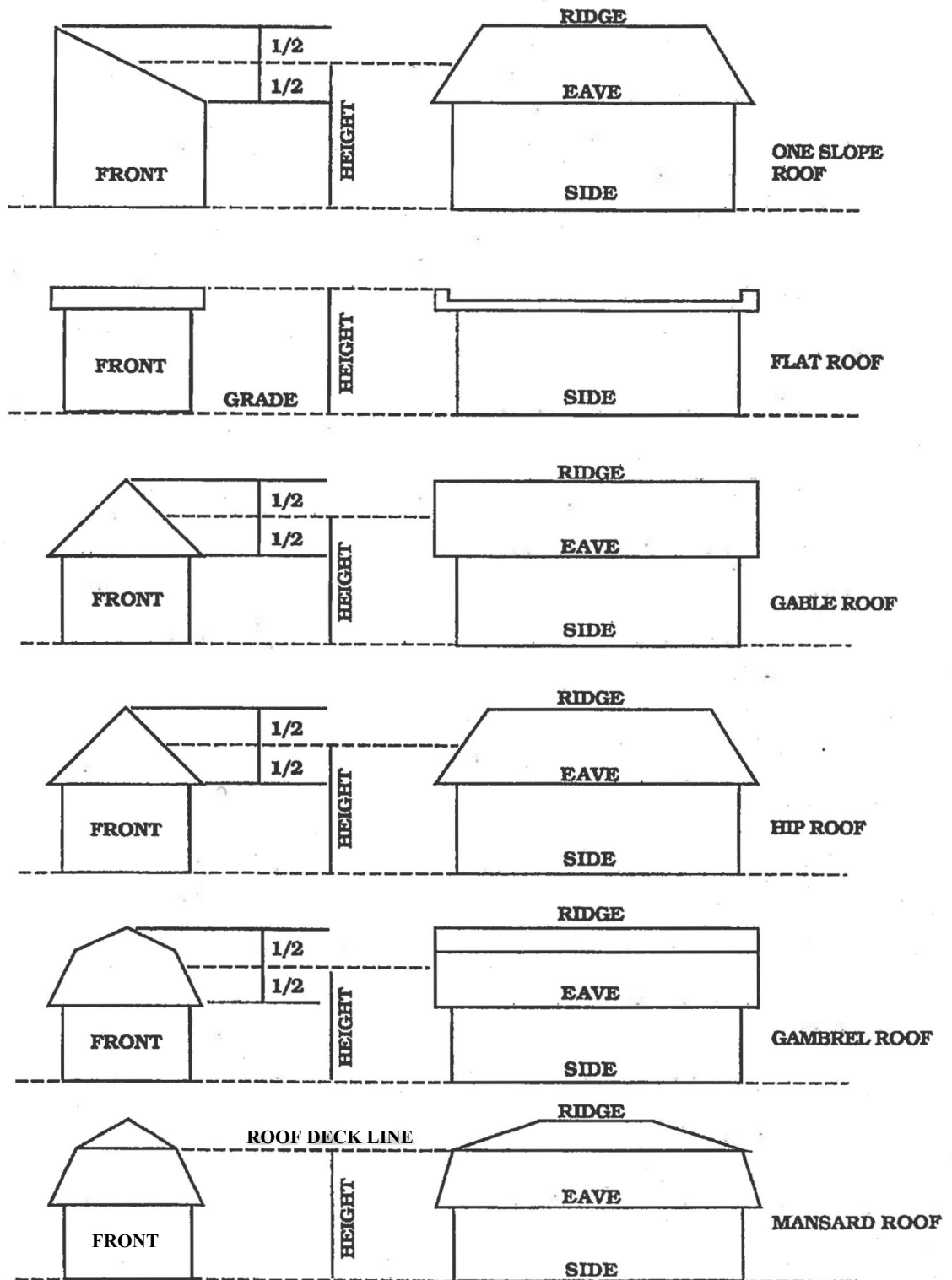


Plate # 5

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law
Date: October, 2001

GUIDE TO HEIGHT DEFINITIONS

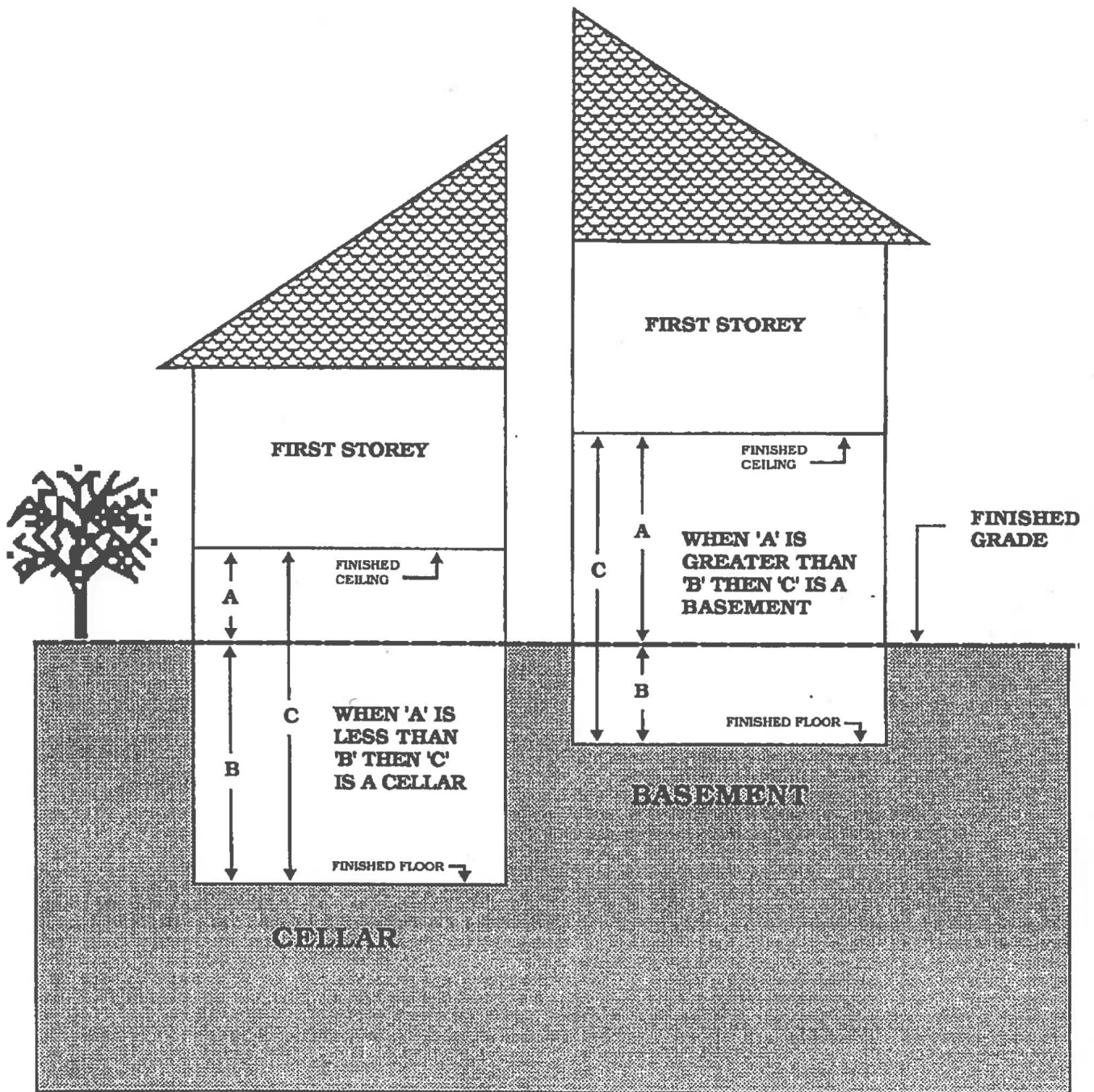


Plate # 6

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.
Date: October, 2001

BASEMENT AND CELLAR DEFINITIONS

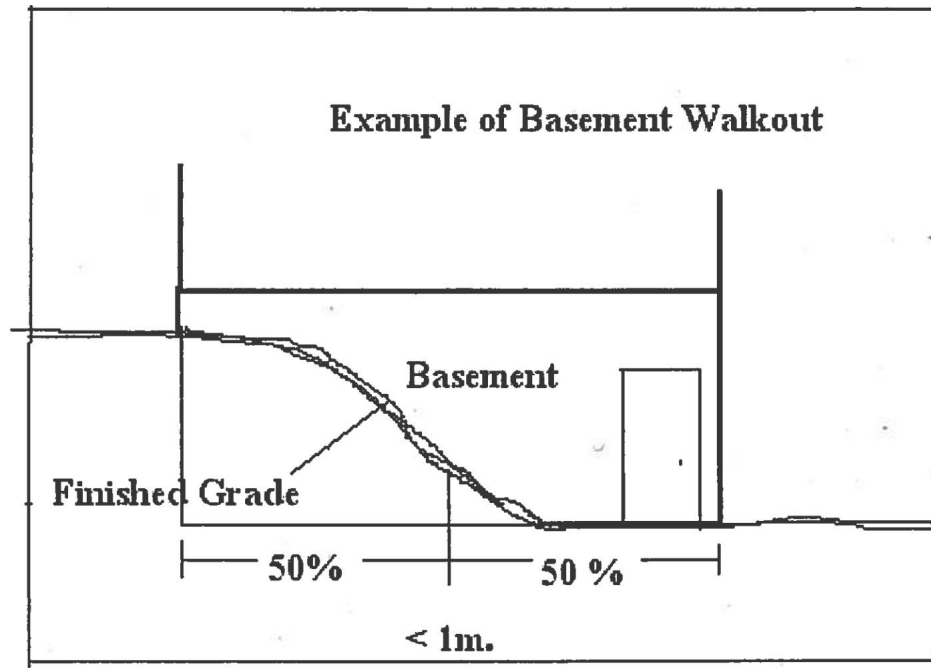


Plate # 7

EXAMPLES OF BASEMENT WALKOUT

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.
Date: October, 2001

**SHORELINE ACTIVITY
AREA
SECTION 6.37**

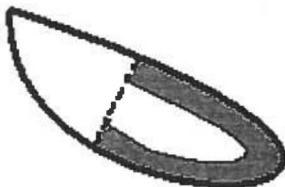
Island Properties



Front Yard setback 15 m. —

Shoreline Activity Area —

Shoreline —



Water Body

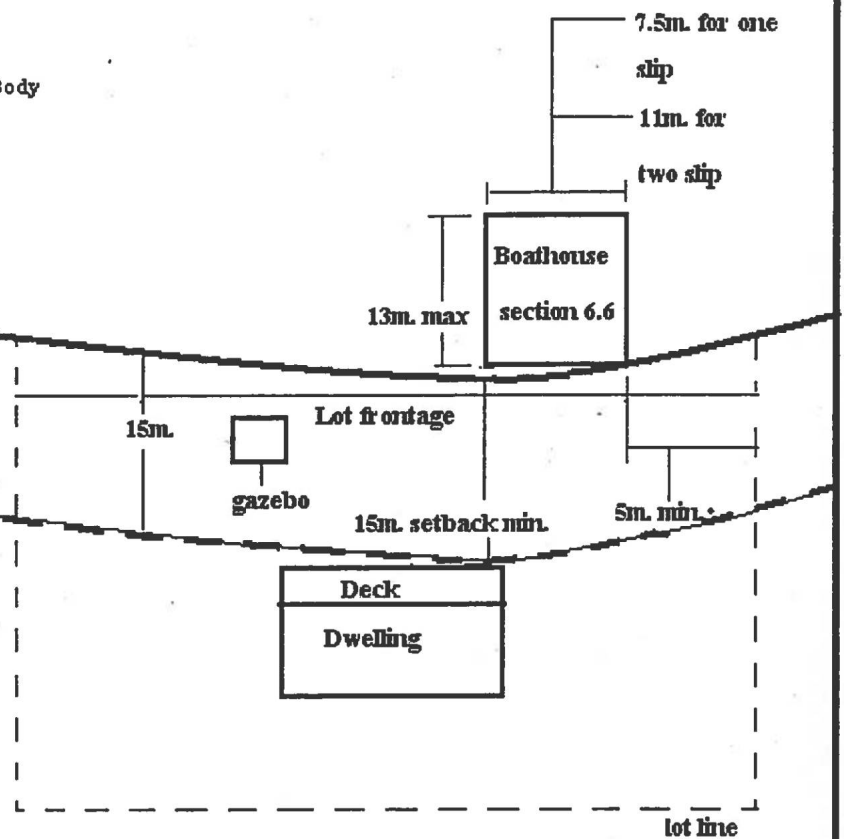
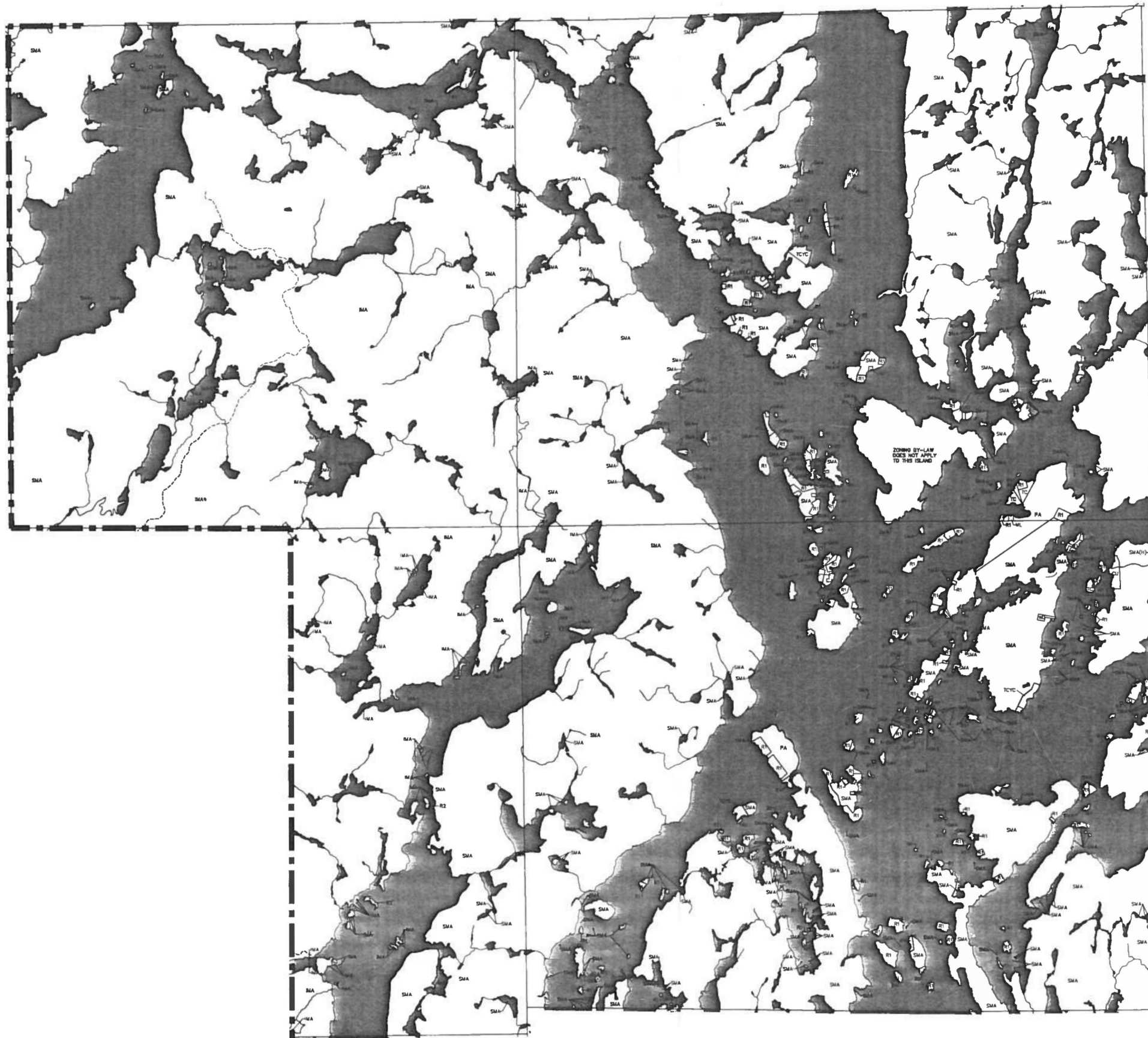


Plate # 8

**SHORELINE
ACTIVITY AREA**

Note:

The above illustrations are for clarification and convenience and do not form part of this By-law.
Date: October, 2001



MAP 'A-4' ZONING

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI

0 1000 2000 4000



KEY MAP

N.T.S.

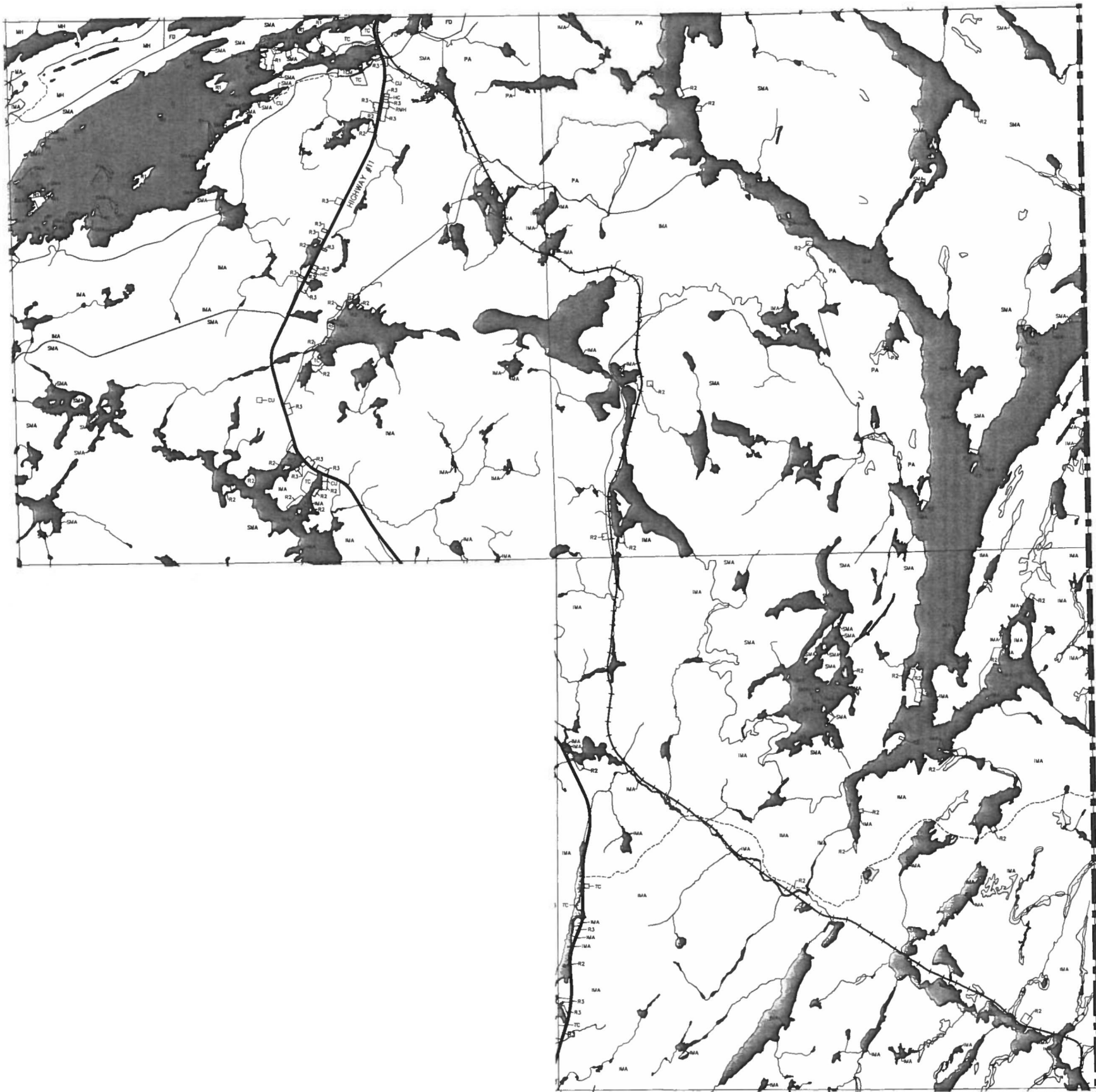
LEGEND

- PA PROTECTED AREA (PA) ZONE
- SMA SPECIAL MANAGEMENT AREA (SMA) ZONE
- IMA INTEGRATED MANAGEMENT (IMA) ZONE
- R1 REMOTE RESIDENTIAL (R1) ZONE (LAKE TEMAGAMI)
- R2 REMOTE RESIDENTIAL (R2) ZONE
- R3 RURAL RESIDENTIAL (R3) ZONE
- RL LOW DENSITY RESIDENTIAL (RL) ZONE
- RM MEDIUM DENSITY RESIDENTIAL (RM) ZONE
- RMH MOBILE HOME PARK RESIDENTIAL (RMH) ZONE
- TC TOURIST COMMERCIAL (TC) ZONE
- TCYC TOURIST COMMERCIAL YOUTH CAMP (TCYC) ZONE
- TCM TOURIST COMMERCIAL MARINA (TCM) ZONE
- UC URBAN COMMERCIAL (UC) ZONE
- HC HIGHWAY COMMERCIAL (HC) ZONE
- NC NEIGHBOURHOOD COMMERCIAL (NC) ZONE
- ML LIGHT INDUSTRIAL (ML) ZONE
- MH HEAVY INDUSTRIAL (MH) ZONE
- MA MINERAL AGGREGATE (MA) ZONE
- P PARK (P) ZONE
- OS OPEN SPACE (OS) ZONE
- CU COMMUNITY USE (CU) ZONE
- WD WASTE DISPOSAL (WD) ZONE
- FD FUTURE DEVELOPMENT (FD) ZONE

NOTES:

THIS SCHEDULE FORMS PART OF THE ZONING BY-LAW OF THE MUNICIPALITY OF TEMAGAMI AND MUST BE READ IN CONJUNCTION WITH THE TEXT AND OTHER SCHEDULES

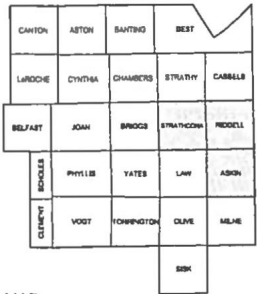
UNLESS OTHERWISE NOTED ALL ISLANDS WITHIN THE PROTECTED MANAGEMENT AREA ZONE SPECIAL MANAGEMENT AREA ZONE OR INTEGRATED MANAGEMENT AREA ZONE ARE ZONED PROTECTED MANAGEMENT AREA ZONE SPECIAL MANAGEMENT AREA ZONE OR INTEGRATED MANAGEMENT AREA ZONE RESPECTIVELY.



MAP 'A-6'
ZONING

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI

0 1000 2000 4000



KEY MAP

N.T.S.

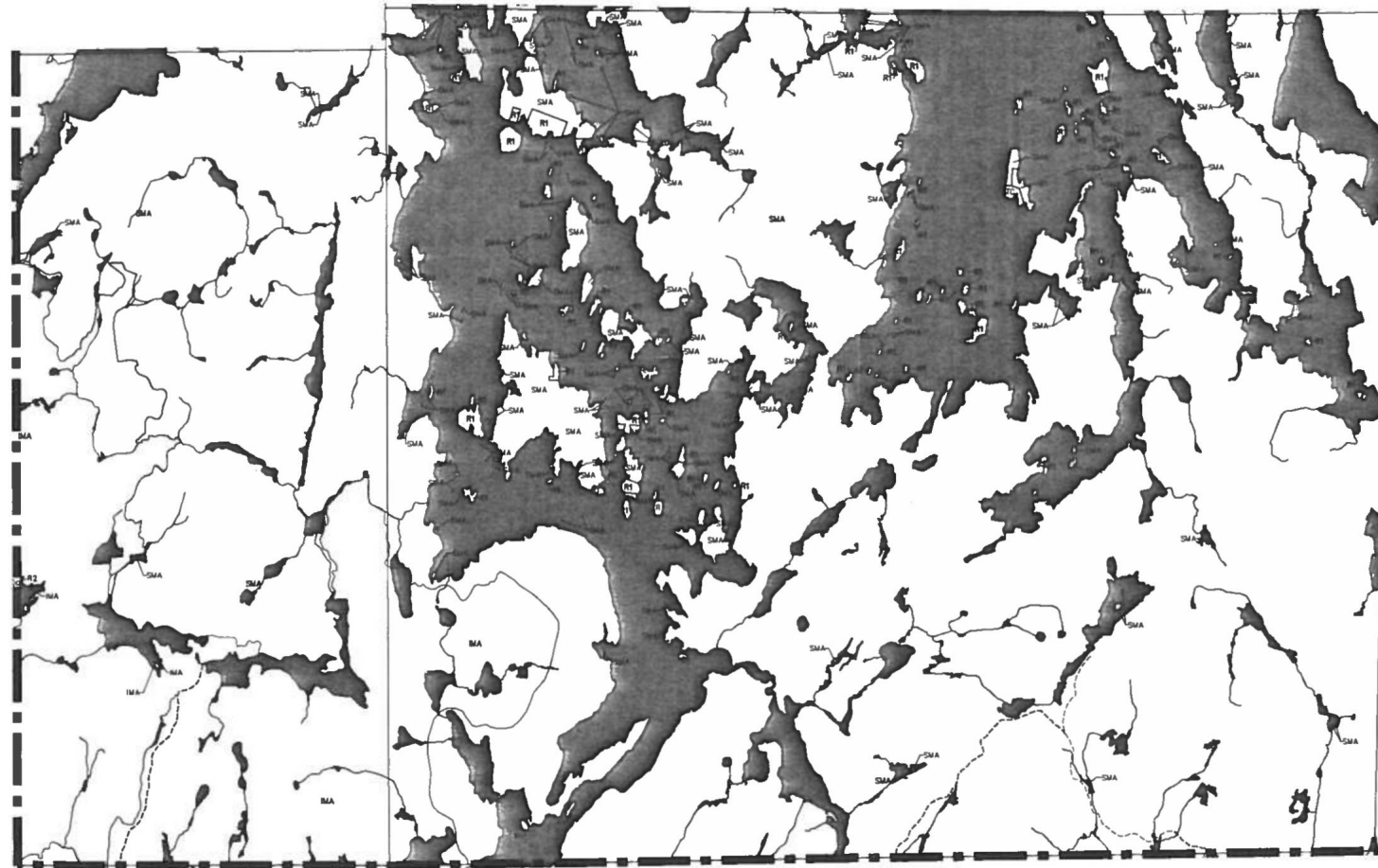
LEGEND

- PA PROTECTED AREA (PA) ZONE
- SMA SPECIAL MANAGEMENT AREA (SMA) ZONE
- IMA INTEGRATED MANAGEMENT (IMA) ZONE
- R1 REMOTE RESIDENTIAL (R1) ZONE (LAKE TEMAGAMI)
- R2 REMOTE RESIDENTIAL (R2) ZONE
- R3 RURAL RESIDENTIAL (R3) ZONE
- RL LOW DENSITY RESIDENTIAL (RL) ZONE
- RM MEDIUM DENSITY RESIDENTIAL (RM) ZONE
- RMH MOBILE HOME PARK RESIDENTIAL (RMH) ZONE
- TC TOURIST COMMERCIAL (TC) ZONE
- TCYC TOURIST COMMERCIAL YOUTH CAMP (TCYC) ZONE
- TCM TOURIST COMMERCIAL MARINA (TCM) ZONE
- UC URBAN COMMERCIAL (UC) ZONE
- HC HIGHWAY COMMERCIAL (HC) ZONE
- NC NEIGHBOURHOOD COMMERCIAL (NC) ZONE
- ML LIGHT INDUSTRIAL (ML) ZONE
- MH HEAVY INDUSTRIAL (MH) ZONE
- MA MINERAL AGGREGATE (MA) ZONE
- P PARK (P) ZONE
- OS OPEN SPACE (OS) ZONE
- CU COMMUNITY USE (CU) ZONE
- WD WASTE DISPOSAL (WD) ZONE
- FD FUTURE DEVELOPMENT (FD) ZONE

NOTES:
THIS SCHEDULE FORMS PART OF THE ZONING BY-LAW OF THE MUNICIPALITY OF TEMAGAMI AND MUST BE READ IN CONJUNCTION WITH THE TEXT AND OTHER SCHEDULES
UNLESS OTHERWISE NOTED ALL ISLANDS WITHIN THE PROTECTED MANAGEMENT AREA ZONE SPECIAL MANAGEMENT AREA ZONE OR INTEGRATED MANAGEMENT AREA ZONE ARE ZONED PROTECTED MANAGEMENT AREA ZONE SPECIAL MANAGEMENT AREA ZONE OR INTEGRATED MANAGEMENT AREA ZONE RESPECTIVELY.

REVISED ON APRIL 6, 2008

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI



N.T.S.

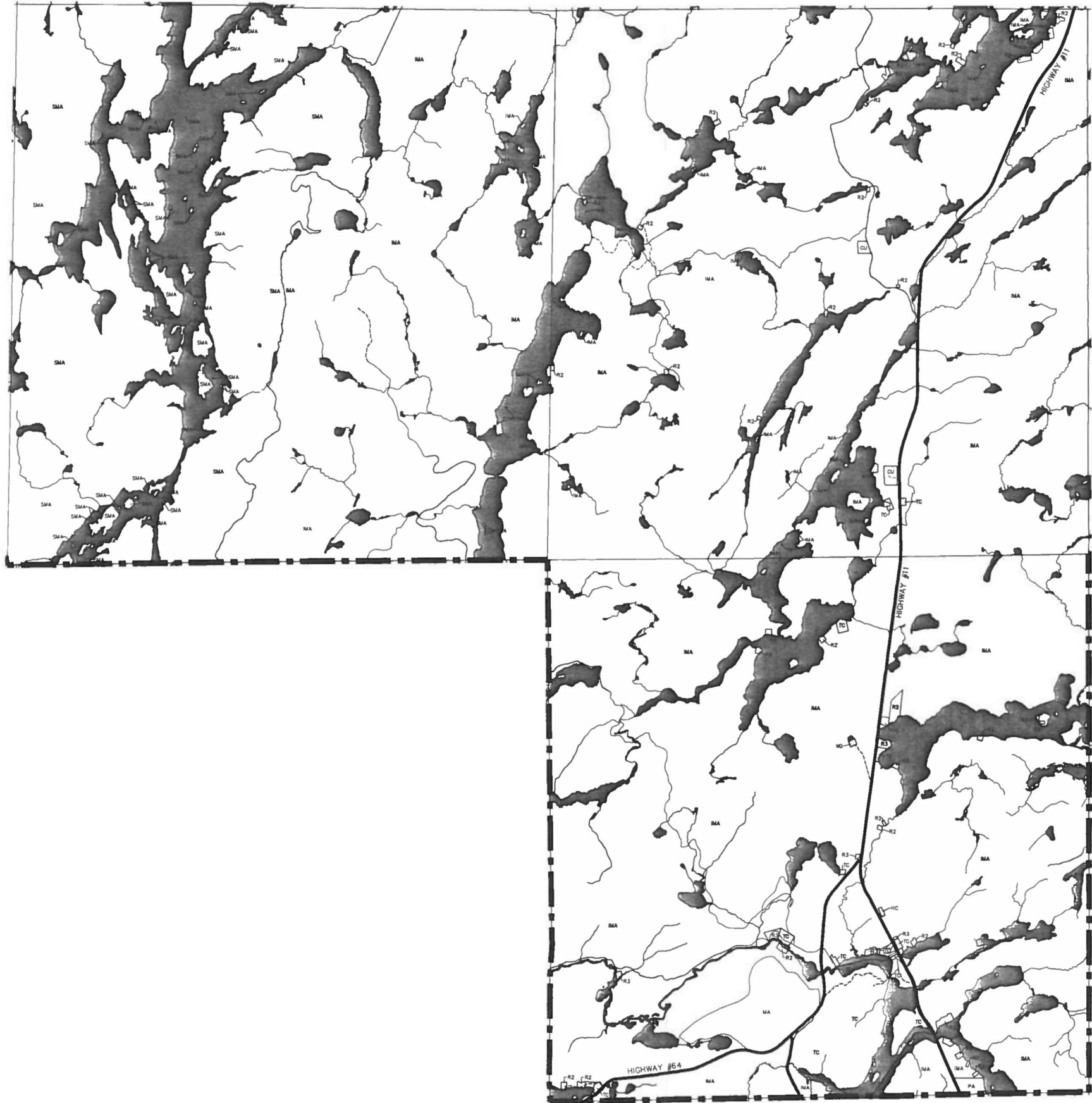
PA	PROTECTED AREA (PA) ZONE
SMA	SPECIAL MANAGEMENT AREA (SMA)ZONE
IMA	INTEGRATED MANAGEMENT (IMA) ZONE
R1	REMOTE RESIDENTIAL (R1) ZONE (LAKE TEMAGAMI)
R2	REMOTE RESIDENTIAL (R2) ZONE
R3	RURAL RESIDENTIAL (R3) ZONE
RL	LOW DENSITY RESIDENTIAL (RL) ZONE
RM	MEDIUM DENSITY RESIDENTIAL (RM) ZONE
RMH	MOBILE HOME PARK RESIDENTIAL (RMH)ZONE
TC	TOURIST COMMERCIAL (TC) ZONE
TCYC	TOURIST COMMERCIAL YOUTH CAMP (TCYC) ZONE
TCM	TOURIST COMMERCIAL MARINA (TCM)ZONE
UC	URBAN COMMERCIAL (UC) ZONE
HC	HIGHWAY COMMERCIAL (HC) ZONE
NC	NEIGHBOURHOOD COMMERCIAL (NC) ZONE
ML	LIGHT INDUSTRIAL (ML) ZONE
MH	HEAVY INDUSTRIAL (MH) ZONE
MA	MINERAL AGGREGATE (MA) ZONE
P	PARK (P) ZONE
OS	OPEN SPACE (OS) ZONE
CU	COMMUNITY USE (CU) ZONE
WD	WASTE DISPOSAL (WD) ZONE
FD	FUTURE DEVELOPMENT (FD) ZONE

THIS SCHEDULE FORMS PART OF THE ZONING BY-LAW OF
THE MUNICIPALITY OF TEMAGAMI AND MUST BE READ IN
CONJUNCTION WITH THE TEXT AND OTHER SCHEDULES

UNLESS OTHERWISE NOTED ALL ISLANDS WITHIN THE PROTECTED MANAGEMENT AREA ZONE SPECIAL MANAGEMENT AREA ZONE OR INTEGRATED MANAGEMENT AREA ZONE ARE ZONED PROTECTED MANAGEMENT AREA ZONE, SPECIAL MANAGEMENT AREA ZONE OR INTEGRATED MANAGEMENT AREA ZONE RESPECTIVELY

REVISÉ ON APRIL 6, 2008

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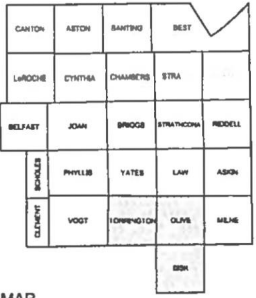


MAP 'A-8'
ZONING

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI

6

0 2000 4000



KEY MAP

N.T.S.

LEGEND

- PA PROTECTED AREA (PA) ZONE
- SMA SPECIAL MANAGEMENT AREA (SMA) ZONE
- IMA INTEGRATED MANAGEMENT (IMA) ZONE
- R1 REMOTE RESIDENTIAL (R1) ZONE (LAKE TEMAGAMI)
- R2 REMOTE RESIDENTIAL (R2) ZONE
- R3 RURAL RESIDENTIAL (R3) ZONE
- RL LOW DENSITY RESIDENTIAL (RL) ZONE
- RM MEDIUM DENSITY RESIDENTIAL (RM) ZONE
- RMH MOBILE HOME PARK RESIDENTIAL (RMH) ZONE
- TC TOURIST COMMERCIAL (TC) ZONE
- TCYC TOURIST COMMERCIAL YOUTH CAMP (TCYC) ZONE
- TCM TOURIST COMMERCIAL MARINA (TCM) ZONE
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- HC HIGHWAY COMMERCIAL (HC) ZONE
- NC NEIGHBOURHOOD COMMERCIAL (NC) ZONE
- ML LIGHT INDUSTRIAL (ML) ZONE
- MH HEAVY INDUSTRIAL (MH) ZONE
- MA MINERAL AGGREGATE (MA) ZONE
- P PARK (P) ZONE
- OS OPEN SPACE (OS) ZONE
- CU COMMUNITY USE (CU) ZONE
- WD WASTE DISPOSAL (WD) ZONE
- FD FUTURE DEVELOPMENT (FD) ZONE

NOTES:

THIS SCHEDULE FORMS PART OF THE ZONING BY-LAW OF THE MUNICIPALITY OF TEMAGAMI AND MUST BE READ IN CONJUNCTION WITH THE TEXT AND OTHER SCHEDULES.

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REVISED 2008

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI

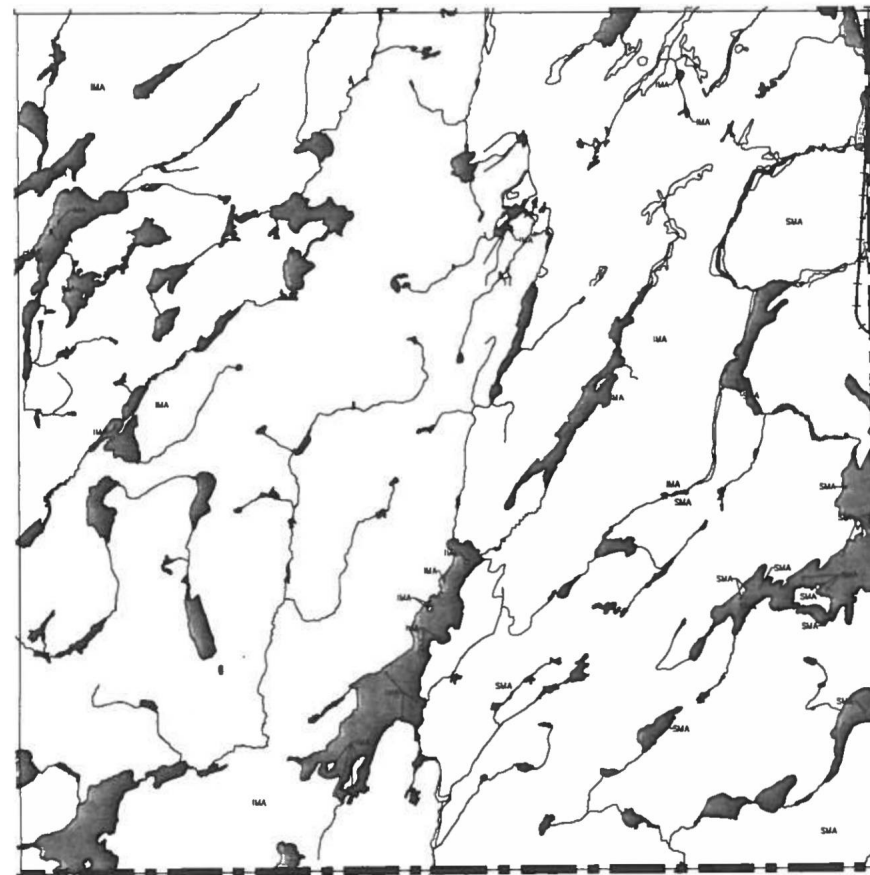


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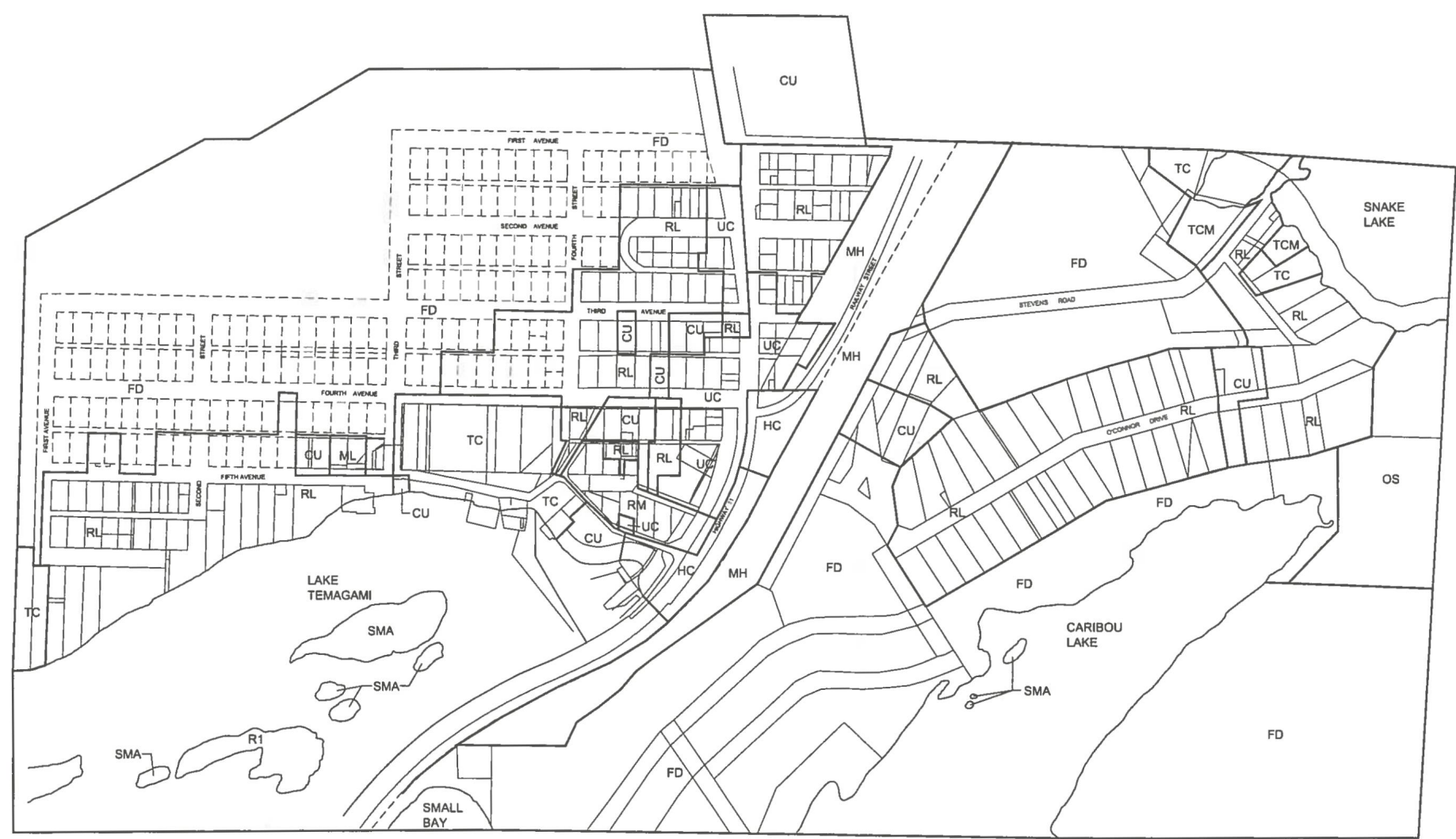
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REVISÉ ON APRIL e 2006



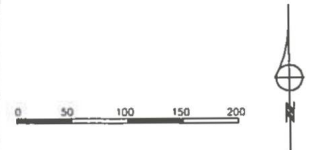
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VILLAGE OF TEMAGAMI NEIGHBOURHOOD

MAP 'A-10' ZONING

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI



KEY MAP

N.T.S.

LEGEND

- PA PROTECTED AREA (PA) ZONE
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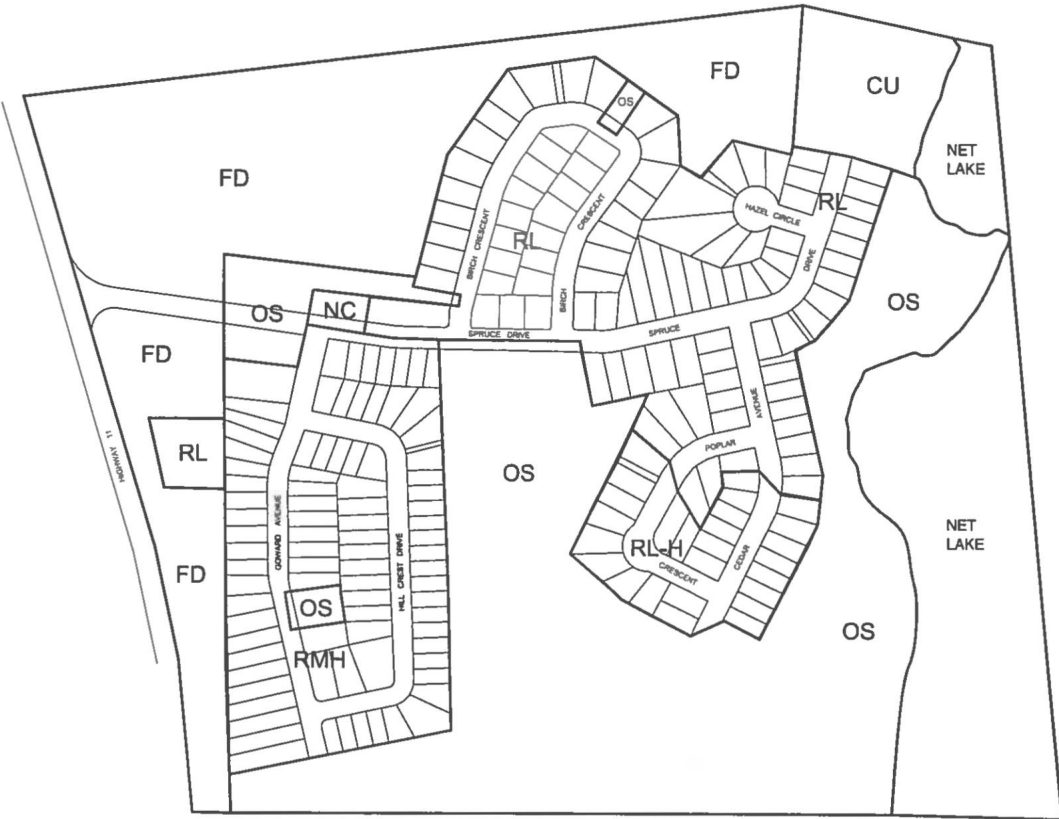
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REVISED/REVISED/REVISED 8, 2008

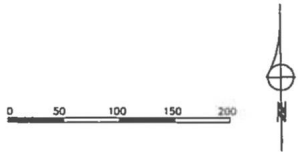
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TEMAGAMI NORTH NEIGHBOURHOOD

MAP 'A-11'
ZONING

THE CORPORATION OF
THE MUNICIPALITY OF
TEMAGAMI



KEY MAP

N.T.S.

LEGEND

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THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

NO.: 06-084

DATE: February 23, 2006

MOVED BY : 

SECONDED BY : Phil Kaistum

BE IT RESOLVED THAT: the Council of the Municipality of Temagami, give a second reading of the Comprehensive Zoning By-law with the amendments as recommended by the Planning Department, this 23rd day of February, 2006.

CARRIED ✓ AMENDED DEFEATED DEFERRED _____

Declaration of Conflict of Interest:

MAYOR:



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

NO.: 06-085

DATE: February 23, 2006

MOVED BY;: 

SECONDED BY : WJB Bill KTB

BE IT RESOLVED THAT: By-law No. 06-650, being a by-law to regulate the use of land and the character, location and use of buildings and structures in the Municipality of Temagami, be taken as read a third time this 23rd day of February, 2006;

AND FURTHER THAT: the said by-law be signed by the Mayor and Chief Administrative Officer and recorded in the bylaw book.

CARRIED ✓ AMENDED DEFEATED DEFERRED _____

Declaration of Conflict of Interest:

MAYOR:



THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI
RO. BOX 220
TEMAGAMI, ONTARIO POH 2H0
(705) 569-3421
FAX: (705) 569-2834
E-MAIL: visit(u@twp.temagami.on.ca)



PLANNING REPORT

February 7, 2006

RE: Draft Zoning Bylaw.

After reviewing all comments submitted by the public in response to the tabloid mailed in December of 2005 the Planning Advisory Committee/Planning Department have determined what changes must be made to the draft Zoning By-law to address these comments. The attached spreadsheets contain the recommended changes for your review.

The Planning Department and the Planning Advisory Committee recommend that Council adopt the Draft Zoning By-law with the amendments contained in the Spreadsheets.

Report &
spreadsheet
form part
of By-law

Tabloid Comments - Lake Temagami Group (version 3)

SECTION	LAKE TEMAGAMI GROUP COMMENTS	JOHN KENNEDY COMMENTS	STAFF COMMENTS/RECOMMENDATIONS
	3) Boathouse - Land Based and Water Based - The definition for both these contains provisions that really should be included under the general provisions section and not the definitions section. For example, the definition states the number of storeys permitted in the various zones. - The definition should be restricted to specifically defining it. - What is meant by "converted boat slips without walls are considered boathouses"?	3. 'Converted boat slips' are boatports (vs. carports). I recommend that this term be used in the ZBL for clarity.	John Kennedy will clean up the definitions section. - As well "converted" will be changed to "covered".
	4) Home Industry - Why are they only permitted on the Remote residential or rural residential lot?	4. Home industries are only permitted on larger lots in the rural area to minimize the potential impact of the use on surrounding lots. Council considered permitted home industries in other residential zones in the Municipality but decided against this for the reason noted. I do not recommend any modification to the ZBL.	Agree with J. Kennedy no change
	5) Lot Frontage - Where the side lot line are not parallel or the front lot line is not straight, frontage is measured by a line 6 metres back from the chord. - Why 6 metres? What is the rationale? Would 15 metres, the setback requirement not be more appropriate?	5. Where the side lot lines converge towards the front of the lot (pie shaped lot), it is desirable to measure the lot frontage as close to the front of the lot as possible. This ensures that the front of the lot is not significantly smaller than a standard shaped lot in the same zone. The farther back into the lot that the measurement is taken, the narrower the lot is at the front lot line. I do not recommend any modification to the ZBL.	Agree with J. Kennedy no change
	6) Lot Line Front - For lot adjacent to water body, lot line adjacent to waterbody. Is this the high mark , controlled high water mark, current water mark etc?	6.1 recommend 'the high water mark' for the front lot line.	Agree with J. Kennedy
	7) Steep slopes - States 20% but does not given an indication as to where on the lot or over how far of an area it is measured. - For example, pretty much every lot will have some area where the slope will be greater than 20 % but it might be to the rear of the property or may only be for a few feet. Should include an indication as to where this is measured; i.e. at the shoreline, measured inland for a distance of 45 metres.	7.1 recommend that the ZBL be modified to clarify that the steep slope analysis only comes into effect if it is proposed to construct a building on the steep slope. If the building is to be constructed on a flat area, the analysis would not be necessary.	Agree with J. Kennedy - And add wording that states that it is the position of the municipality that the length and width of a steep slope should be defined so that impacts on the viewscape can be dealt with on a site specific basis through site plan control.
	8) Tourist Commercial Establishment/tourist Lodge - Must be under single ownership. - Time share establishment not permitted. - By-law regulates land use, not ownership. - Under this, a corporation consisting of a number of individuals could own the establishment but a husband and wife could not own the establishment under joint ownership.	8. Tourist Lodges are dealt with in the Temagami ZBL the same way they are dealt with in other ZBL's. All assets of a husband and wife are jointly owned unless there is a legal agreement stating that specific assets do not form part of the family assets. In addition, any asset obtained by the husband or wife through a gift or bequest, in this case, a Tourist Lodge (an unlikely scenario) does not form part of the family assets. It is my opinion that a husband and wife can own a Tourist Lodge. A time share facility, in my mind, is a condominium and is not a commercial operation. I do not recommend any modification to the ZBL.	Agree with John Kennedy, no change

Tabloid Comments - Lake Temagami Group (version 3)

SECTION	LAKE TEMAGAMI GROUP COMMENTS	JOHN KENNEDY COMMENTS	STAFF COMMENTS/RECOMMENDATIONS
6.11	9) Contractors Yard - Neither accessory buildings nor boathouses to be used in conjunction with contractors yard. Would it not be preferable to store equipment and tools in a building if possible? - is a 10 metre setback from the high water mark and fencing/ or vegetative buffer sufficient to buffer such uses.	.9. Council determined that it is not preferable to have contractors' tools and equipment stored in a building. As a result, the OP indicates that buildings are not permitted accessory to a contractor's yard. The contractor's yard is for the outside storage of supplies and materials that are in transit. Permitting a building associated with a contractor's yard for storage has the potential for abuse. I do not recommend modification to the ZBL. The setback standard is consistent with the OP policies. I do not recommend any modification to the ZBL.	Agree with J. Kennedy no change - Change Title in the index of 6.22 by removing the reference to Contractors Yard.
	10) Home Industry - Only permitted in R1,R2 and R3 Zones. - In accordance with 5.3.9 of the Official Plan, a Home Industry cannot be located within a wet or dry boathouse. This should be included as a restriction under 6.22.	10.1 agree that the restriction should be added to the ZBL to be consistent with the OP.	Agree with J. Kennedy
	11) Special setbacks - Requires a site evaluation report for the lots with steep slopes (see comments on definition) - Is this a policy that should be in the ZBL or more appropriate in the OP.	11) Addressed under 7).	Agree with J. Kennedy
7.2	12) Special Management Area (SMA) Zone - Permits permanent dwelling unit or seasonal dwelling unit and accessory buildings and structures existing on the date of adoption of this By-law. - Prohibits any new hunt camps, huts warm up shelters, or permanent structures within 2 km. of the lake. - Thus, if there is an existing lot with a seasonal dwelling, no further development would be permitted, not even a small shed, dock, etc.	12. It is my opinion that the point being made here is taking the interpretation of the ZBL to the extreme. Practical application of the intent of the ZBL would, in my opinion, not result in such a literal interpretation. I do not recommend modifications to the ZBL.	Agree with J. Kennedy no change
7.4	13) Remote Residential (R1)Zone Lake Temagami - The side yard setback for a sleeping cabin requires that the side yard be greater than the distance between the side lot line and the main side wall of any dwelling unit on the lot. - This in essence, requires that a sleeping cabin be construction right behind the dwelling. Section 5.3.5 of the Official Plan requires that a fully serviced sleeping cabin be located so as to permit its future severance.	13.1 tend to agree with the point being made. If a sleep cabin has kitchen and bathroom facilities, then it must be located on the lot such that the lot can be severed and the lot with the sleep cabin must conform to all the standards of the ZBL. In such a situation, the sleep cabin will be the principal building on the lot. As a result, the standards for a principal building should apply to the sleep cabin with kitchen and bathroom facilities. Modify the ZBL accordingly.	Agree with J. Kennedy , Will make the following changes to the standards for sleep cabins- add 5m setback from rear and side lot lines, add a 10 m. setback from the main dwelling unit.
	14) Tourist Commercial Youth Camp (TCYC) Zone - This zone contains no requirements on future expansions of youth camps and/or associated tourist lodge. - a density provision should be included.	14. None of the zones contain standards for future expansions of the permitted uses, other than the expansion must conform to the zone standards. This is the approach taken in ZBL's. For example, when establishing a maximum lot coverage, it must be assumed that someone will build to that maximum. The maximum coverage standard is set with this in mind. When a minimum yard standard is established, it must be assumed that someone will build to that minimum. The yard setback is set with this in mind. Within the restrictions of the ZBL, development can occur on a lot without the need for a rezoning. I do not recommend modifications to the ZBL. In any event, it is my opinion that a density limit, in whatever form, should be spelled out in the Official Plan.	Will seek clarification from M. Walton as to what the LTG would like a density provision for i.e. buildings , people. ? - This could be a matter for the lot creation and development Study

Tabloid Comments ■ Lake Temagami Group (version 3)

SECTION	LAKE TEMAGAMI GROUP COMMENTS	JOHN KENNEDY COMMENTS	STAFF COMMENTS/RECOMMENDATIONS
6.39	Specifically, the provisions applicable to sleeping cabins under section 6.39 would permit sleeping cabins to contain kitchen facilities. This is contrary to most other Municipalities with waterfront, where kitchen facilities are explicitly prohibited in sleeping cabins. Kitchen facilities are normally prohibited as their inclusion in a sleeping cabin inevitably leads to the conversion of the sleeping cabin to a secondary dwelling unit on the lot By permitting kitchen facilities in sleeping cabins, the zoning By-law is in essence allowing for the potential doubling of the density of development along Lake Temagami, which would significantly impact the character of the Lake's communities. Such an increase in development rights would also hold significant implications to the lot Creation and development Study and consideration of such provision would be premature until such time as the study is complete.	<p>1. Lot Creation and Development Plan</p> <p>In the first paragraph on page 2 of her letter, she expresses her client's concern that the draft Zoning By-law contains provisions that appear to pre-judge the results of the Lot Creation and Development Plan.</p> <p>Several sections of the Official Plan including Section 2.15 state that the Lot Creation and Development Plan will be prepared and incorporated into the Official Plan through an amendment. In the interim, the Official Plan puts in place policies to manage development until that amendment comes into force. Legislatively, the Zoning By-law must conform to the policies of the Official Plan. It is my opinion that the By-law does this in all respects. While the By-law does not indicate explicitly that some of the provisions and standards contained therein are interim, it is clear that the By-law will have to be modified, as necessary, to bring it into conformity with the revised Official Plan. It is my opinion that it would be unwise to have anything less than a complete and comprehensive By-law in place to manage development pending completion of the Study and subsequent modifications to the Official Plan and Zoning E</p>	Agree with John Kennedy's Comments
7.4	A second provision applicable that would appear to prejudge the Lot Creation and Development Study is the inclusion of a maximum lot size of 1.5 hectares within the residential (R1) Zone (section 7.4). The inclusion of a maximum lot size is sometimes utilized in an urban setting to promote intensification, however it is extremely unusual to include such a provision within a low density, wilderness area, where normally the intent is to ensure that development is as dispersed as possible in order to preserve the wilderness character of the area, we are unsure as to what a maximum lot size provision would accomplish in the case of Temagami, and in fact it would appear to be contradictory to the intent of the Official Plan. In fact a minimum lot size greater than 1.5 hectares for new lots is one of the principals that the LTG had anticipated promoting during the lot creation and Development Study in order to control and limit development within the North and Northwest Arms of Lake Temagami.	<p>2.1 The Official Plan</p> <p>Section 5.3.5 of the Official Plan permits one sleep cabin on a lot to have kitchen and bathroom facilities as long as the following requirements are satisfied.</p> <ul style="list-style-type: none"> □ The sleep cabin must have an independent water supply and sewage disposal system; □ The sleep cabin shall only be located on a lot that is of sufficient size that the lot can be severed in the future and both lots would comply with the standards of the zoning by-law; and □ The sleep cabin shall be located on the lot such that if the lot were to be severed in the future, the sleep cabin would comply with all the standards of the zoning by-law for a main building on the lot. <p>These provisions were incorporated into the Official Plan at the insistence of the Ministry of Municipal Affairs and Housing after Council had taken the position that it wanted the OP to permit sleep cabins with both kitchen and bathroom facilities on some lots, in some circumstances. The Ministry viewed this type of sleep cabin as a second dwelling unit on a lot which it would not approve. Further, the Ministry foresaw future applications to sever a lot conte</p> <p>As can be seen, the policies ultimately approved by the Ministry ensure that if a fully serviced st</p> <p>As indicated, Council wanted to provide the opportunity for some residents to construct fully ser</p> <p>As a further safeguard, the Official Plan states that only one lot with a fully serviced sleep cabin</p>	Agree with John Kennedy's comments

Tabloid Comments - Lake Temagami Group (version 3)

SECTION	LAKE TEMAGAMI GROUP COMMENTS	JOHN KENNEDY COMMENTS	STAFF COMMENTS/RECOMMENDATIONS
7.4	In addition, a significant number of lots within the North and Northwest Arms are larger than 1.5 hectares in size. Although section 6.16 addresses existing undersized lots, it does not address existing oversized lots. Thus, technically further development on these lots would not be permitted under the proposed Zoning By-law, with the exception, interesting enough, of a sleeping cabin with a bathroom and kitchen facilities, as can be seen, there is an apparent discord between these two provisions with the one provision, maximum lot size, prohibiting the creation of new lots and prohibiting development on existing lots of this size, with the sleeping cabin provision increasing the development rights of such lots. Obviously, this contradiction needs too be addressed	<p>2.2 The Zoning By-law</p> <p>Council looks to the new Zoning By-law to implement the policies of the Official Plan regarding sleep cabins and to include standards that further clarify Council's position on when fully service sleep cabins would be permitted.</p> <p>One of the implications of setting a minimum residential lot size of 0.8 ha in the R1 Zone, coupled with the Official Plan policies was to restrict fully sleep cabins to lots greater than 1.59 ha. In order to limit fully serviced sleep cabins to existing lots greater than 1.59 ha, Council included a maximum lot size of 1.5 ha which would eliminate any possibility of a new lot being severed, as noted above.</p> <p>What Council found so appealing about this approach is that it essentially left the decision on whether or not to build a fully serviced sleep cabin in the hands of the existing residents of Lake Temagami with lots greater than 1.59 ha who, along with their fellow cottagers are concerned with maintaining the existing character of Lake Temagami. Council assumed that if the cottagers are concerned about the potential impact that the severing of a lot with a fully serv It is my opinion that the approach taken by Council is a very insightful one and reflects Council's Technically, lots on Lake Temagami greater than 1.5 ha will become non-complying lots. Howe The Zoning By-law also permits sleep cabins with either bathroom or kitchen facilities. Whethei One final point on this matter: In principle, regardless of whether or not there is a maximum lot I also note Ms. Walton's concern about the number of non-complying lots in the North and North</p>	Agree with John Kennedy's Comments - What is the fear of what could happen here - Is it LTG fear that there will be more or less development allowed.
		In summary, I do not recommend any changes to the ZBL as a result of the comments made by Margaret Walton in the body of her letter.	
14.02 h)	1) Requires that all structures regardless of size, that are proposed to be located in the front yard of a shoreline lot, including the shoreline activity area and development over water, require a building permit and will be subject to site plan control. - It is questionable whether building permits can be required for structures exempt under the Building Code. - Does the Municipality really want to be looking at site plans for small projects such as a pumphouse, etc. which this provision requires them to do.	<p>1.1 understand that Council's concern regarding maintaining the natural character on residential lots is such that it wants the small buildings subject to site plan control. While there is additional administrative cost associated with this, the potential benefits of having site plan control outweigh these costs. It should also be remembered that Council has some flexibility in the extent to which site plan control is applied ie. some matters that Council would want addressed for the main building on the lot may not be applied to small accessory buildings. With regard to subsection h), I recommend that the word 'and' in the last line be replaced with 'and/or'.</p>	The following change will be made to the wording of 4.02 h) "require a building permit and will be subject to site plan control" will be changed to " will be subject to site plan control and may or may not require a building permit.- Staff will check into the Building permit issue.
5	2) Accessory Building - definition specifically states that a detached garage, a boathouse or a sleep cabin on a residential lot are not considered accessory buildings. - What is the rationale for this? - This has implications under the general provisions for accessory buildings wherein the number permitted are limited.	2. Boat houses, garages and sleep cabins are not included in the definition of accessory buildings because, if I recall correctly, Council wants to have a rather small maximum size for accessory buildings which is difficult if garages, boathouses and sleep cabins are included in the definition. An alternative considered by Council is to include boat houses, sleep cabins and garages as accessory uses and set a range maximum sizes for accessory buildings, depending on the type. It was determined that this approach could lead to confusion on the part of the public. I support Council's approach and do not recommend any modification.	What is the LTG looking for here more, less larger etc.

Page	REPLY SENT	SECTION	COMMENTS FROM	ISSUE	PAC / John Kennedy Reccomendations
25	yes	Schedules	TLA	what is the area shown as R2 on the east shore of Ferguson Bay ?	The property is a patented mining claim should be SMA Change will be made to schedule A1
29	yes	Schedules	TLA	Camp Ojibway is not shown as Tourist commercial on island 1147	Disagree Island 1147 Camp Ojibway is identified as TCYC No change required.
32	yes	Schedules	TLA	Papoose Island is not shown as SMA. It should be	Agree will have schedule A7 amended
				Island 759 is shown as partially SMA. It is all private.	Agree Schedule A4 will be amended"
33	yes	Schedules	TLA	On Island 856 two parcels of private land are not shown on the east side.	dealt with earlier
5822	yes	definitions	Ron Prefasi	There are a number of corner lots in the Townsite which, as a result of the Municipality's renumbering of lots and of removing them from their native streets, are not in conformity with the Draft By-law. One has only to look at my lot (lot 64, Plan M393) and at that of the Stewart's on the opposite corner to see that the Municipality's numbering system has caused one or the other of us to be not in conformity with the proposed by-law. There are many other examples of corner lots in the Townsite which have been located by the Municipality on a street which would make them not conform to this section of the By-law. I must therefore object to the passing of this Draft Zoning By-law unless this situation is remedied.	Planning issues in regards to non-conformity are covered by section 4.03 of this By-law. The renumbering of the street will be dealt with by other staff. Monty to send letter to Mr. Prefasi.
29	yes	Schedules	Barret Leudke	North end Island 212 should be zoned TC	Agree will have schedule A4 amended

Tabloid Comments January 2006 (Councilors version 2) ZoningBy-lawCouncilVersionTabloidCOmments.xls

Page	REPLY SENT	SECTION	COMMENTS FROM	ISSUE	PAC / John Kennedy Recommendations
8	yes	6.11	TLA	6.11 contractors yard. This section permits either a fence of natural materials or a 10m. Wide vegetative buffer to screen the view of a contractors yard from the water. Section 5.3.18 of the Official Plan specifically requires the vegetative buffer on a water access lot.	Agree the reference to a fence will be removed from 6.11
10	yes	6.25	TLA	Lighting beside navigable water bodies. We suggest adding the following, which is included in the Lake of Bays Township zoning by-law. "The use of sensitive lighting practices that do not interfere with the view of the night sky or spill into surrounding properties will be required for all land uses. Lighting shall not exceed a maximum of 9 meters(9.5) and shall be directed downward."	We recommend the following wording " It is the Municipalities intent to require lighting practices that do not interfere with the view of the night sky or spill into surrounding properties. Lighting shall not exceed a maximum height of 9 metres (29.5 ft.) and shall be directed downward."
11	yes	6.38(a)	TLA	we would suggest adding a requirement that 75% of the SAA have a natural vegetation cover, as distinct from lawns, walkways and other landscaping elements.	Add the following wording to 6.38" Disturbances in the natural vegetation adjacent to the shoreline of Lake Temagami shall be limited to the following a) meandering pathways or access points to the shoreline constructed of permeable material no wider then 2metres, Pruning of trees for viewing and ventilation purposes. Ventilation clearing around buildings should be limited to 3 metres and viewing corridors should be limited to 6 metres, and the removal of trees for safety reasons or; b) 25% of the shoreline; which ever is the lesser.
13	yes	7.2 SMA Zone	TLA	Section 2.4.1 of the OP prohibits aggregate extraction within the Skyline reserve. This section of the Draft zoning By-law states" Mining regulations apply specifically to mainland surrounding :Lake Temagami" Is this consistent with section 2,4.1 of the OP? Clarification seems required.	The following Bullet should replace the existing Bullet "Mining", Then we will add the following wording to the restrictions section " Mining in the mainland surrounding Lake Temagami must comply with the specific restrictive mining regulations that apply to this sensitive area."
13	yes	7.3 IMA zone	TLA	since this zone comes within 2km. Of the shoreline of Lake Temagami in several areas and since this section (7.3.1) permits "commercial timber harvesting, mining and aggregate extraction". It should be revised to exclude these activities within 2km. Of the Lake Temagami shoreline, to conform with the OP Section 5.3.17	Disagree No change
30	yes	schedules	TLA	7.18 Mineral aggregate (MA) Zone. Some of this zone includes lands along the shoreline of the North east arm of Lake Temagami and therefore contravenes Section 2.4.1 and 5.4.4 of the OP. The MA zoning should be deleted from these Lands to conform with the OP	Agree the MA zone identified on the schedules should be change to SMA in the appropriate area adjacent to the lake Temagami shoreline. Monty to identify areas to be changed and forward to J. Kennedy.
21	yes	schedules	TLA	Waste disposal (WD) Zone We would suggest that approved sites be identified in this section.	Disagree Sites already identified on schedules
24	yes	schedules	TLA	Deer and beaver Islands are not indicated as SMA they should be	Agree will have schedule A1 amended

Tabloid Comments January 2006 (Councilors version 2)

Page	REPLY SENT	SECTION	COMMENTS FROM	ISSUE	PAC / John Kennedy Recommendations
33	yes	Schedules	Arthur C Townsend Island 856	Should Be R1 zone NotTC	Agree will have schedule A4 amended
29	yes	Schedules	Temagami Barge	Temagami Barge Industrial site improperly zoned as R! Should be MI	Replace R1 with SMA (h) on schedules A4 and A5 and add the following wording to section 7.2 Special management Area " 7.2.4 Exceptions- On the Land zoned SMA (h), as shown on Schedules A4 and A5 of this By-law, commonly referred to as the Temagami Barge site, no new development shall be established and no site alterations shall take place while the holding (h) symbol is in effect. The holding (h) symbol shall only be removed when the existing use on the site has been removed and any necessary site remediation has been completed."
29	yes	Schedules	Temagami Barge	Temagami Barge Waste disposal site on Temagami Island not shown.	Agree will have schedule A4 amended
26	yes	Schedules	Ev davies	Property not zoned on schedule	Agree will have schedule A2 amended
33	yes	Schedules	Jack Burke	Property not zoned on schedule	Agree will have schedule A4 amended
29	yes	Schedules	Graeme Thompson	Milne Landing Temagami Barge site should be SMA not R1	Dealt with earlier
30	yes	Schedules	Monty Cummings	Shuss property missed Island 127	Agree will have schedule A5 amended
33	yes	schedules	Jim Hasher	Isl.795 should be R1	Lettering needs to be moved off Island on schedule A4
				Isl 308 should be R1	Lettering needs to be moved off Island on Schedule A4
				Isl 823 R2 should be R1	Agree will have schedule A4 amended
13	N/A	tables		7.4 The lot (g) minimum distance from a tourist	Typo in formatting of tabloid (wording is correct in original document)
4	yes	definitions	Dick Grout	Home Industry- should there be wording that there can be employees	Disagree no change This is covered by the policies 6.22
4	yes	definitions	Dick Grout	Home Occupation- should there be wording that there can be employees	Disagree no change This is covered by the policies 6.23
8	yea	6.06	Dick Grout	Last Para - dry-land should be land Based	Agree will make change in text
10	yes	6.32	Dick Grout	In table 6.32 second column row 15 Marina "2)" should be "20"	Agree will make change "(" to " 0"
11	yes	6.35	Meridian Planning	The Municipality doe not have approval authority over pipeline location the Nation energy Board is the approval authority, the reference to Municipal approval should be removed. Trans Canada request the following" The new Zoning By-law recognize TransCanada facilities in the text, mapping and schedules. Including the TransCanada Pipelines right-of-way on maps and schedules raises awareness of the facilities for the benefit of all."	The reference to pipe line will be removed from the text of Section 6.35; The TCPL pipeline right of way will be added to schedules A2, A3, A5, A6, A8 and A10
12	yes	6.43	Meridian Planning	TransCanada has recently reduced its required setback from 10m. To seven m. their recommended wording is as follows. "All permanent structures and excavations shall be at least 7m.from the limits of TransCanada's right-of-way. Accessory structures and lots with side yards abutting the right-of-way shall have a minimum of at least 3m. from the limit of the right-of-way."	Agree, will make appropriate changes to required setbacks in the text of 6.35