



SECTION VI MISCELLANEOUS: OPEN SPACE ZONES

6.2 OPEN SPACE ZONES (OS1, OS2, OS3, OS4)

6.2.1 Permitted Uses

*Amended By
89-110*

No person shall within any Open Space Zone (OS1, OS2, OS3, OS4) **USE** any **LOT** or **ERECT**, locate, **ALTER** or **USE** any **BUILDING** or **STRUCTURE** or any purpose except in accordance with the following applicable zones:

PERMITTED USES ***	PUBLIC OPEN SPACE (OS1)	PRIVATE OPEN SPACE (OS2)	COMMERCIAL OPEN SPACE (OS3)	PRIVATE OPEN SPACE ISLANDS (OS4) *
AGRICULTURAL USES	X	X	X	---
CONSERVATION	X	X	X	X
FORESTRY OPERATION	X	X	---	---
GOLF COURSE **	---	---	X	---
HUNT CAMP	X	X	---	---
MUSEUM	X	---	---	---
OPEN SPACE RECREATION	X	X	X	X
PRIVATE CLUB	---	---	X	---
PRIVATE PARK	---	---	X	---
WAYSIDE PIT OR QUARRY	X	X	X	---

* Amended By 97-46

X indicates uses permitted in applicable zone

** 98-98

*** Amended By 2001-201

6.2.2 Zone Requirements

*Amended By
89-110*

No person shall within any Open Space Zone (OS1, OS2, OS3, OS4) **USE** any **LOT** or **ERECT**, locate **ALTER** or **USE** any **BUILDING** or **STRUCTURE** except in accordance with the following requirements and applicable Special Provisions:

a. LOT AND SITE REQUIREMENTS:

ZONE		LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS				MAXIMUM HEIGHT
TITLE	SYMBOL	MIN. FRONTAGE	MIN. AREA	MAX. COVER-AGE	FRONT	INT.SIDE	EXT. SIDE	REAR	
OPEN SPACE PUBLIC	OS1	---	---	---	---	---	---	---	---
OPEN SPACE PRIVATE	OS2	---	---	5 %	20 FT.	10 FT.	25 FT.	10 FT.	15 FEET
OPEN SPACE COMMERCIAL (OS3)	OS3	660 FT.	25 AC.	5 %	66 FT.	30 FT.	66 FT.	30 FT.	40 FEET
OPEN SPACE ISLAND *	OS4	100 FT.	15,000 SQ.FT.	---	35 FT.	---	---	---	15 FEET

* Amended By 97-46

SECTION VI MISCELLANEOUS: OPEN SPACE ZONES

6.2.3 Specific Zone Requirements – Open Space Public and Private Lands

Special Provisions: Open Space Public and Private Lands (OS1, OS2)

The following specific requirements are applicable in these zones:

*Amended By
95-95*

- a. A **BUILDING** may be **ERECTED** if it is an **ACCESSORY USE** to a permitted **USE** or a **USE**, which existed at the time of the passing of this By-law and does not exceed a **FLOOR AREA** of 250 square feet.
- b. A **DOCK** may be located in a Waterbody Open Space (WOS) Zone where it abuts an Open Space (OS1, OS2) Zone or in an Open Space (OS1, OS2) Zone provided it is subject to the following:
 - i) no part of any **DOCK** shall extend beyond 66 feet from the **HIGH WATER MARK**;
 - ii) no part of any **DOCK** shall be **ERECTED** within 15 feet of the **SIDE** or **REAR LOT LINE** of any 100 foot **STRAIGHT LINE PROJECTION** thereof from the **HIGH WATER MARK**; and,
 - iii) the **DOCK** is permitted to extend from or to be located in the **FRONT YARD** of a **LOT**.
 - iv) the total **CUMULATIVE WIDTH** of **DOCKS** on a **LOT** shall not exceed 15% of **LOT FRONTAGE** or 45 feet, whichever is lesser.

*Amended By
2001-201*

2006-126

- c. A **HUNT CAMP** may be **ERECTED** and used only in accordance with the following:
 - i) Maximum **GROSS FLOOR AREA** – 1000 square feet

2003-77

- d. A **DWELLING UNIT** is not permitted.

6.2.4 Specific Zone Requirements – Open Space Commercial

Special Provisions: Open Space Commercial (OS3)

The following specific requirements are applicable in this zone:

- a. Where a **BUILDING** is **ERECTED** or **ALTERED** within 50 feet of a Residential **LOT**, 10 feet of the **REQUIRED YARD**, abutting the residential **LOT** shall be planted and maintained as a **LANDSCAPED BUFFER**.
- b. A **DWELLING UNIT** is permitted if it is an **ACCESSORY USE** to the main **USE** on the **LOT** and if it is located in a non-residential **BUILDING** shall conform with General Provision 7.17, **DWELLING** in a Non-Residential **BUILDING**.
- c. A **BOATHOUSE** may be located in a Waterbody Open Space Zone (WOS) where it abuts an Open Space (OS3) or in an Open Space Zone (OS3), provided it is an **ACCESSORY USE** to the main permitted **USE**, and is subject to the following:

SECTION VI MISCELLANEOUS: OPEN SPACE ZONES

i) in the case of a BOATHOUSE

- a) no part of any **BOATHOUSE** shall extend beyond 50 feet from the **HIGH WATER MARK**;
- b) the total **CUMULATIVE BOATHOUSE WIDTH** on a **LOT** shall not exceed 25 percent of the **LOT FRONTAGE** or 25 feet whichever is greater, and the **BOATHOUSE WIDTH** of any individual **BOATHOUSE** shall not exceed 75 feet;
- c) the **BOATHOUSE** shall not exceed a **HEIGHT** of 25 feet;
- d) no part of any **BOATHOUSE** shall be **ERECTED** within 30 feet of the **SIDE** or **REAR LOT LINE** or any 100-foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**;
- e) the **BOATHOUSE** is permitted to extend into or to be located in the **FRONT YARD** of a **LOT**; and
- f) the **BOATHOUSE** shall only be used for the storage and servicing of boats and marine related equipment.

d. A **DOCK** may be located in a Waterbody Open Space (WOS) Zone where it abuts an Open Space (OS3) Zone or in an Open Space (OS3) Zone subject to the following:

i) in the case of a DOCK

- a) no part of any **DOCK** shall extend beyond 80 feet from the **HIGH WATER MARK**;
 - b) no part of any **DOCK** shall be **ERECTED** within 30 feet of the **SIDE** or **REAR LOT LINE** or any 100-foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**; and,
 - c) the **DOCK** is permitted to extend from or to be located in the **FRONT YARD** of a **LOT**.
- e. See General Provisions 7.25 and 7.26 for Parking and Loading Requirements.

6.2.5 Specific Zone Requirements – Open Space Private Islands

Special Provisions: Open Space Private Islands (OS4)

The following specific requirements are applicable in this zone:

- 97-46 a. A **PICNIC SHELTER** may be erected provided it does not exceed a **FLOOR AREA** of 250 square feet.
- 97-46 b. A **PICNIC SHELTER** shall only be single storey with a maximum **HEIGHT** of 15 feet.
- 97-46 c. In the case of a **PICNIC SHELTER** with a flat roof, the roof cannot be used as a **SUNDECK**, for lounging, or for picnicking.

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97-46

- d. One **DOCK** may be constructed parallel to the shoreline, which abuts the shoreline for its whole width, covering no more than 30 feet of the **LOT FRONTAGE** and may project no more than 6 feet from the **HIGH WATER MARK**, OR

One **DOCK** may be constructed, other than parallel to and abutting the shoreline along its whole width, projecting no more than 30 feet from the **HIGH WATER MARK** and be no more than 6 feet in width.

SECTION IV MISCELLANEOUS: ENVIRONMENTAL PROTECTION ZONES

6.3 ENVIRONMENTAL PROTECTION ZONE (EP1, EP2)

6.3.1 Permitted Uses

No person shall within the Environmental Protection Zone (EP1, EP2) **USE** any **LOT** or **ERECT**, locate, **ALTER**, or **USE** any **BUILDING** or **STRUCTURE** for any purpose except in accordance with the following:

- a. All **STRUCTURES**, **BUILDINGS** and facilities necessary in conjunction with:
 - i) the production of cranberries excluding **BUILDINGS** and **STRUCTURES**;
 - ii) flood control;
 - iii) erosion control; and
 - iv) provision of pedestrian access and other similar activities.
- b. **DOCKS** and **BOATHOUSES** if it is an **ACCESSORY USE** to the main **USE** on the **LOT** or associated with a **WATERFRONT LANDING** or **MARINA**.

6.3.2 Zone Requirements

No person shall within the Environmental Protection Zone (EP1, EP2) **USE** any **LOT**, or **ERECT**, locate, **ALTER** or **USE** any **BUILDING** or **STRUCTURE** except in accordance with the following:

- a. STRUCTURES OVER WATER
 - i) in the case of BOATHOUSES
 - a) no part of any **BOATHOUSE** shall extend beyond 50 feet from the **HIGH WATER MARK**;
 - b) the total **BOATHOUSE WIDTH** shall not exceed 25 percent of **LOT FRONTRAGE** or 50 feet whichever is greater, excluding **BOATHOUSES** associated with a **MARINA**;
 - c) the **BOATHOUSE** does not exceed 25 feet in **HEIGHT**;
 - d) the **BOATHOUSE** is permitted to extend from or to be located in the **FRONT YARD** of a **LOT**;
 - e) the **BOATHOUSE** shall only be used for the storage and servicing of boats and marine related equipment; and,

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- f) when the **BOATHOUSE** is associated with a commercial use, no part of any **BOATHOUSE** shall be **ERECTED** within 15 feet of the **SIDE** or **REAR LOT LINE** or any 50 foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**; or,
 - g) when the **BOATHOUSE** is an **ACCESSORY USE** to a residential **USE**, no part of any single **STOREY BOATHOUSE** shall be **ERECTED** within 15 feet of the **SIDE** or **REAR LOT LINE** or any 50 foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**.
 - h) when the **BOATHOUSE** is an **ACCESSORY USE** to a residential **USE** no part of any two **STOREY BOATHOUSE** shall be **ERECTED** within 30 feet of the **SIDE** or **REAR LOT LINE** or any 50 foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**.
- ii) in the case of DOCKS associated with an existing commercial USE
 - a) no part of any **DOCK** shall extend beyond 80 feet from the **HIGH WATER MARK**; and;
 - b) no part of any **DOCK** shall be **ERECTED** within 30 feet of the **SIDE** or **REAR LOT LINE** or any 80 foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**.
 - iii) in the case of DOCKS accessory to a residential USE
 - a) no part of any **DOCK** shall extend beyond 66 feet from the **HIGH WATER MARK**; and,
 - b) no part of any **DOCK** shall be **ERECTED** within 15 feet of the **SIDE** or **REAR LOT LINE** or any 66 foot **STRAIGHT LINE PROJECTION** thereof, from the **HIGH WATER MARK**.

6.3.3 Specific Zone Requirements

Special Provisions: Environmental Protection (EP2)

The following specific requirements are applicable in this zone:

- a. No **BUILDING** or **STRUCTURE** except those listed in Section 6.3.1 shall be **ERECTED** within 100 feet of an Environmental Protection (EP2) Zone.

SECTION VII GENERAL PROVISIONS

7.1 APPLICATION AND SCOPE

Nothing in this By-law affects the **ERCTION, ALTERATION or USE** of any **BUILDING** or **STRUCTURE** or the **USE** of any **LOT** by a **PUBLIC AUTHORITY** for a **PUBLIC USE**, other than as a **GROUP HOME**.

7.2 NON CONFORMING USES

*Amended By
95-95*

7.2.1 Existing USES, BUILDINGS and STRUCTURES

The provisions of this By-law shall not apply to prevent the **USE** of any existing **LOT, BUILDING or STRUCTURE** for any purpose prohibited in this By-law if such existing **LOT, BUILDING or STRUCTURE** was lawfully used for such purposes, on the date this By-law was passed and continues to be used for that purpose.

*Amended By
89-110, 95-95*

7.2.2 Permitted Exterior Extension

The exterior of any **BUILDING** or **STRUCTURE** which was lawfully used prior to the passage of this By-law for a **USE** not permitted within the zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally **ALTERED**, unless such **BUILDING** or **STRUCTURE** is thereafter to be used for a **USE** permitted within such zone, and complies with all requirements of this By-law for such zone.

*Amended By
95-95*

7.2.3 Permitted Interior Alteration

The interior of any **BUILDING** or **STRUCTURE** which was lawfully used for a **USE** not permitted in the zone in which it is located, may be reconstructed or structurally **ALTERED**, in order to render the same more convenient or commodious for the existing purpose for which such **BUILDING** or **STRUCTURE** was lawfully used on the date this By-law was passed.

*Amended By
95-95*

7.2.4 Restoration To a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, **BUILDING** or **STRUCTURE** or part thereof used for a **NON-CONFORMING USE**, provided that the strengthening or restoration does not increase the **BUILDING HEIGHT**, size or volume or change the existing lawful **USE** of such existing **BUILDING** or **STRUCTURE**.

*Amended By
95-95*

7.2.5 Reconstruction of Damaged Existing NON-CONFORMING BUILDINGS or STRUCTURES

Nothing in this By-law shall prevent the repair, replacement or reconstruction of any **BUILDING** or **STRUCTURE** used for a **NON-CONFORMING USE**, which is damaged by causes beyond the control of the owner provided that:

*Amended By
95-95, 98-98*

- a. the **BUILDING** or **STRUCTURE** as repaired, replaced or reconstructed has the equivalent or reduced dimensions (and there is no increase in **FLOOR AREA**) as the damaged **BUILDING** or **STRUCTURE**;

SECTION VII GENERAL PROVISIONS

- Amended By
95-95* b. the application for a building permit to reconstruct, repair or replace the **BUILDING** or **STRUCTURE** is submitted within one year of the date upon which the damaged **BUILDING** or **STRUCTURE** was damaged; and,
- Amended By
95-95* c. the reconstruction, repair or replacement of the **BUILDING** or **STRUCTURE** is commenced within two years of the date upon which the damaged **BUILDING** or **STRUCTURE** was damaged.

7.2.A NON COMPLYING BUILDINGS and STRUCTURES

*2001-201,
Amended By
2003-77* 7.2.A.1 Application

*2001-201,
Amended By
2003-77, 2006-
126* The extension or **RECONSTRUCTION** of a **DWELLING UNIT** or **SLEEPING CABIN** is not permitted on a **LOT** where:

- 2001-201* a. only one (1) **DWELLING UNIT** is permitted and more than one (1) **DWELLING UNIT** exists, or,
- 2001-201* b. only one (1) **SLEEPING CABIN** is permitted and more than one (1) **SLEEPING CABIN** exists, or,
- 2001-201* c. a **SLEEPING CABIN** exists and there is more than one (1) **DWELLING UNIT** on the **LOT**.

95-95 7.2.A.2 Permitted Exterior Extension on an Undersized LOT

A **BUILDING** or **STRUCTURE** which, on the date this By-law was passed, conformed with all provisions of this By-law but was located on a **LOT** which does not comply with the minimum **FRONTAGE** or **AREA** requirement for the Zone within which it is located, may be enlarged, extended, reconstructed or otherwise structurally **ALTERED**, if the **BUILDING** or **STRUCTURE** and **USE** will continue to comply with all other requirements of this By-law.

95-95 7.2.A.3 Permitted Exterior Extension Where STRUCTURE Within Required YARDS

A **BUILDING** or **STRUCTURE** which, on the date this By-law was passed conformed with all provisions of this By-law except for the provisions establishing the minimum yard requirements for the zone within which it is located may be enlarged, extended, reconstructed or otherwise structurally **ALTERED** if the enlargement, extension, reconstruction or structural alteration complies with all of the requirements of this By-law.

2003-77 7.2.A.4 Permitted Second Storey Additions to STRUCTURES on a LOT where the maximum LOT COVERAGE is exceeded

A **BUILDING** or **STRUCTURE** on a **LOT**, where the maximum **LOT COVERAGE** is already exceeded, may be added to, by way of a second **STOREY**, provided the cumulative **FLOOR AREA** of all second **STOREYS** does not exceed the amount of the maximum **LOT COVERAGE**.

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95-95,
Amended By
2003-77

7.2.A.5 RESTORATION To Safe Condition

Nothing in this By-law shall prevent the strengthening or **RESTORATION** to a safe condition of any **BUILDING** or **STRUCTURE** or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or **RESTORATION** does not increase the **BUILDING HEIGHT**, size or volume or change the **USE** of such **BUILDING** or **STRUCTURE**.

95-95

7.2.A.6 Reconstruction of Damaged Existing NON-COMPLYING BUILDINGS or STRUCTURES

95-95

Nothing in this By-law shall prevent the repair, replacement or reconstruction of any lawful **NON-COMPLYING BUILDING** or **STRUCTURE** which is damaged by causes beyond the control of the owner (including fire) provided that:

95-95,
Amended By
98-98, 2006-126

- a. the **BUILDING** or **STRUCTURE** as repaired, replaced or reconstructed is in the same location and has the equivalent or reduced dimensions (and there is no increase in **FLOOR AREA**) as the damaged **BUILDING** or **STRUCTURE**;

95-95

- b. the application for a building permit to reconstruct, repair or replace the **BUILDING** or **STRUCTURE** is submitted within one year of the date upon which the **NON-COMPLYING BUILDING** or **STRUCTURE** was damaged; and,

95-95

- c. the reconstruction, repair or replacement of the **BUILDING** or **STRUCTURE** is commenced within two years of the date upon which the **NON-COMPLYING BUILDING** or **STRUCTURE** was damaged.

2001-201

7.2.A.7 Permitted Interior Alteration

The interior of any **BUILDING** or **STRUCTURE** which was lawfully used for a **USE** permitted in the By-law but does not comply with all requirements of the By-law, may be reconstructed or structurally **ALTERED**, in order to render the same more convenient or commodious for the existing purpose for which such **BUILDING** or **STRUCTURE** was lawfully used on the date the By-law was passed.

2006-126

7.2.A.8 Increase In Volume

Where a **BUILDING** or **STRUCTURE** which, on the date this By-law was passed was legal **NON-COMPLYING**, the exterior dimensions can be increased provided there is no increase in **FLOOR AREA** and all other requirements of the by-law are complied with.

2006-126

7.2.A.9 Additions to Shoreline Structures Exceeding Maximum CUMULATIVE WIDTH

Where **DOCKS** or **BOATHOUSES** are legal **NON-COMPLYING** due to the requirements of the maximum **CUMULATIVE WIDTH** of **DOCKS** and **BOATHOUSES**, additions are permitted provided the **CUMULATIVE WIDTH** permitted is not exceeded by the addition and all other requirements of the by-law are complied with.

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7.3 LOTS OF RECORD

7.3.1 Existing Undersized LOTS of Record

Where a **LOT**, having a lesser **FRONTAGE** or **AREA** than is required by this By-law, and is:

- a. held under distinct and separate ownership from abutting **LOTS**, on or before the passing of this By-law, as evidenced by the records of the Land Registry Office; or,
- b. is a **LOT** or block on a registered plan of subdivision; or,
- c. is created as a result of expropriation or highway widening or other land acquisition by any authority having such statutory powers; or,
- d. *Amended By 95-95* is a **LOT** created by consent under the Planning Act, or its predecessor, after March 31, 1979; and,
- e. *Amended By 2003-77* has a WR, WR1, WR5, WR6, R2, R3, R4, R5, Ru1, Ru2, Ru3, RuR, RuRH or RuER, or has a WR3 Zone on an island in excess of 2.0 acres and has a **FRONTAGE** not less than 100 feet and an **AREA** not less than 15,000 square feet; or
- f. has a WR2, WR4 or WR8 Zone and has a **FRONTAGE** of not less than 200 feet and an **AREA** of not less than 1 acre; or
- g. has an R1 Zone and has a **FRONTAGE** of not less than 50 feet and an **AREA** on not less than 6,000 square feet

Such **LOT** shall be deemed to conform with the **LOT FRONTAGE** and **LOT AREA** requirements of this By-law.

7.3.2 Enlargement of Existing LOTS

- Amended By 95-95*
- a. Where a **LOT** meets the criteria set out in Section 7.3.1, or has been granted an exemption or Minor Variance to this By-law for lot size, or is zoned Waterfront Commercial – Marina (WC2) or Community Commercial – Marina (C2), and lands are added to that **LOT**, the resulting **LOT** is deemed to meet the criteria in Section 7.3.1.
 - b. *95-95* where a lot does not meet the criteria set out in Section 7.3.1, but through a lot addition the resulting **LOT** exceeds the criteria set out in Section 7.3.1, the resultant **LOT** is deemed to meet the criteria in Section 7.3.1.

7.4 ACCESSORY BUILDINGS AND STRUCTURES

7.4.1 Construction Sequence

No **ACCESSORY BUILDING** or **STRUCTURE** shall be **ERECTED** prior to the establishment of the **MAIN BUILDING**, **STRUCTURE** or **USE** with the exception of a **DOCK** on a **LOT** accessible only by water.

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7.4.2 USE of ACCESSORY BUILDINGS

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 USE**, but shall not include the following:

- a. an occupation for gain or profit, except as this By-law specifically permits;
- b. any **BUILDING** or **STRUCTURE** used for human habitation except as this By-law specifically permits.

7.4.3 Location, Size, HEIGHT

Except as may be provided elsewhere in this By-law, any **ACCESSORY BUILDING** or **STRUCTURE**, which is not part of the **MAIN BUILDING** shall not be **ERECTED** unless the **ACCESSORY BUILDING** or **STRUCTURE**:

- a. complies with the **REQUIRED YARDS** of the zone in which it is located;
- b. does not exceed the applicable **LOT COVERAGE** requirements of the zone in which it is located;
- c. is not **ERECTED** in the **FRONT YARD**; and,
- d. is erected on a **LOT** which complies with the provisions of Section 7.5

*Amended By
2006-126*

*95-95, Amended
By 2006-126*

7.4.4 Temporary ACCESSORY BUILDINGS and STRUCTURES

*Amended By 89-
110*

Where a consent under Section 49 of the Planning Act results in the creation of a **LOT** upon which an **ACCESSORY BUILDING** or **STRUCTURE** is located before a **MAIN BUILDING**, **STRUCTURE** or **USE** has been established, such **ACCESSORY BUILDING** or **STRUCTURE**, shall be allowed to continue provided that the application to construct the **MAIN BUILDING** or **STRUCTURE** is submitted within two years of the date of conveyance of the land, and the construction of the **MAIN BUILDING** or **STRUCTURE** is completed or the **USE** has been established within three years of the date of conveyance of the land.

7.4.5 GAZEBO

95-95

No person shall **ERECT** or **USE** a **GAZEBO**, which exceeds 250 square feet in **FLOOR AREA**.

7.4.A BUILDING INTERIOR DESIGN

Where an application is made to construct an addition to a **BUILDING**; to join two or more existing **BUILDINGS** together; construct/reconstruct a **BUILDING** containing a hallway of which the walls are also exterior walls; or to join two living areas is proposed; the result will be considered as two or more **BUILDINGS** for the purpose of this By-law unless:

95-95

- a. the new construction or the **BUILDING** being moved, which is to be added to the existing **BUILDING**, is designed and built to an integral part of the existing **BUILDING**;

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- b. the new construction or **BUILDING** being moved shares at least one common wall with the existing **BUILDING**; and,
- c. the connection between the existing **BUILDINGS** and the new construction or **BUILDING** being moved, or a new **BUILDING** designed as having a hallway with exterior walls, is not one or more walkways, breezeways, hallways or other passages, whether or not such passages have exterior walls.

7.5 FRONTAGE ON PUBLIC STREET OR NAVIGABLE WATERWAY

7.5.1 General FRONTAGE Requirement

Amended By 89-110 No person shall **ERECT** any **BUILDING** or **STRUCTURE** in any zone except a Community Zone unless the **LOT** upon which such **BUILDING** or **STRUCTURE** is to be **ERECTED** fronts, for a distance equal to the minimum **FRONTAGE** requirement for the zone in which the **LOT** is located, upon:

Amended By 89-110 a. A **STREET** maintained year round by a **PUBLIC AUTHORITY**;

Amended By 89-110 b. a **NAVIGABLE WATERWAY** or **ORIGINAL SHORE ROAD ALLOWANCE**; or

95-95 c. a **STREET** dedicated as a public highway on a registered plan of subdivision and subject to terms and conditions of a Subdivision Agreement under the Planning Act or its predecessor.

7.5.2 FRONTAGE in a Community

Amended By 89-110 a. No person shall **ERECT** any **BUILDING** or **STRUCTURE** in any Community Zone unless the **LOT** upon which such **BUILDING** or **STRUCTURE** is to be **ERECTED** abuts, for a distance equal to the minimum **FRONTAGE** requirement for the zone in which the **LOT** is located, a **STREET** maintained year round by a **PUBLIC AUTHORITY**; and,

Amended By 89-110 b. where a **LOT** in a Community Zone fronts upon a **NAVIGABLE WATERWAY** or **ORIGINAL SHORE ROAD ALLOWANCE** and abuts a **STREET** maintained year round by a **PUBLIC AUTHORITY** the **LOT LINE** abutting the **STREET** must also meet the minimum **FRONTAGE** requirement for the zone in which the **LOT** is located.

7.5.3 Exemption to FRONTAGE Requirement

a. A **HUNT CAMP** may be **ERECTED** on a **LOT** in an Open Space (OS1, OS2) Zone, which does not front upon a year round maintained road or a **NAVIGABLE WATERWAY**.

b. Where there is an existing residential **DWELLING** on a **LOT**, which does not have **FRONTAGE** on a year round maintained road or a **NAVIGABLE WATERWAY**, uses **ACCESSORY** to the permitted **USE** are permitted.

Amended By 2006-126

SECTION VII GENERAL PROVISIONS

- c. A BUILDING or STRUCTURE which does not comply with Section 7.5.1 and 7.5.2 and existed on the date this By-law was passed, which is a permitted USE, and is located in a Community Zone, can be reconstructed or structurally ALTERED despite the fact the FRONTAGE requirements are not met.
- d. A BUILDING or STRUCTURE which is located on a LOT which does not comply to the FRONTAGE requirement and does not contain a HABITABLE ROOM can be ERECTED, USED or ALTERED in any Community zone despite the fact the FRONTAGE requirements are not met.

7.6 FRONTAGE ON AN ORIGINAL SHORE ROAD ALLOWANCE

Where a LOT is separated from a NAVIGABLE WATERWAY by only an ORIGINAL SHORE ROAD ALLOWANCE the LOT shall be considered for the purpose of permitted land uses in this By-law as if it abuts the NAVIGABLE WATERWAY.

7.6.A REDUCTION OF LOT AREA

95-95, Amended By 98-98, 2006-126 Where a LOT is reduced in LOT AREA by way of a consent under the Planning Act but the LOT FRONTAGE is not changing and the LOT AREA complies with the minimum LOT AREA requirements under Section 7.3.1, the LOT FRONTAGE and the LOT AREA are deemed to comply with the provision of this By-law.

7.7 GREATER RESTRICTION

95-95, Amended By 98-98 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.

7.8 HEIGHT EXCEPTIONS

No HEIGHT provision in this By-law shall apply to prevent the ERECTION, ALTERATION or USE of the following ACCESSORY BUILDINGS or STRUCTURES provided that such BUILDINGS or STRUCTURES are permitted within the zone in which it is located;

Amended By 98-98, 2006-126

- church spire	- residential radio or TV tower or antenna
- belfry	- air conditioner duct
- clock tower	- any farm BUILDING or STRUCTURE including a barn
- chimney	- cupola or other similar ornamental structure which contains no floor and is less than 100 square feet in size
- water tank	
- windmill	

7.9 PROHIBITED HABITATION

No truck, bus, coach, or other vehicle may be used for a DWELLING UNIT within the Municipality, whether or not the same is maintained on wheels.

SECTION VII GENERAL PROVISIONS

7.10 HOME INDUSTRY

- Amended By 89-110* **HOME INDUSTRY** means a gainful occupation conducted in whole or in part in a **SINGLE FAMILY DWELLING UNIT** or an **ACCESSORY BUILDING** to a **SINGLE DWELLING UNIT** by the residents of the **SINGLE FAMILY DWELLING UNIT** provided that:
- Amended By 89-110* a. there is no external advertising other than a sign of not more than 6-square feet erected in accordance with any by-laws regulating signs;
- Amended By 89-110* b. there is no external storage of goods or materials;
- Amended By 89-110* c. such **HOME INDUSTRY** is not an **OBNOXIOUS USE**;
- Amended By 89-110* d. such **HOME INDUSTRY** is clearly secondary and incidental to the main residential character of the residential **USE**;
- Amended By 89-110* e. such **HOME INDUSTRY** does not interfere with radio or television reception;
- Amended By 89-110* f. not more than two persons, other than the residents of the **SINGLE FAMILY DWELLING UNIT** are employed;
- Amended By 89-110* g. the **LOT AREA** is not less than 1 acre;
- Amended By 89-110, 98-98* h. when a **HOME INDUSTRY** is located in a **SINGLE FAMILY DWELLING UNIT** or an **ATTACHED GARAGE**, it shall not exceed 25 percent of the **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT**;
- Amended By 89-110* i. the sum of the **FLOOR AREA** of all of the **ACCESSORY BUILDING** does not exceed an area of 1000 square feet;
- Amended By 89-110* j. such **HOME INDUSTRY** does not involve the repair, maintenance or storage of aircraft; and
- Amended By 89-110* k. the **HOME INDUSTRY** does not produce waste products, which are disposed of in a manner, which contravenes any Provincial environmental legislation or regulations.

7.11 HOME OCCUPATION

- Amended By 89-110* **HOME OCCUPATION** means a gainful occupation conducted entirely within a **SINGLE FAMILY DWELLING UNIT** by members of the family residing in such **SINGLE FAMILY DWELLING UNIT** provided that:
- Amended By 89-110* a. there is no external display or advertising other than a sign not larger than 6-square feet erected in accordance with any by-laws regulating signs;
- Amended By 89-110* b. there is no external storage of goods or materials;

SECTION VII GENERAL PROVISIONS

- Amended By 89-110* c. such **HOME OCCUPATION** is clearly secondary and incidental to the main residential **USE** and does not change the residential character of the **SINGLE FAMILY DWELLING UNIT** nor create or become a nuisance in particular in regard to noise, traffic or parking;
- Amended By 89-110, 95-95, 98-98* d. not more than 20 percent of the **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT** including an **ATTACHED GARAGE** is for the **HOME OCCUPATION** except in the case of a **BED AND BREAKFAST** where the maximum **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT** for the **HOME OCCUPATION** is the **FLOOR AREA** of the three bedrooms used for the **BED AND BREAKFAST**; and
- Amended By 89-110* e. such **HOME OCCUPATION** does not interfere with television or radio reception.

7.12 RIGHT-OF-WAY/LANE AS A YARD

- Amended By 89-110* No **BUILDING** may be **ERECTED** or **USED** within 10 feet of a private **RIGHT-OF-WAY** where such **RIGHT-OF-WAY** does not form part of a **LOT LINE**.

7.13 CHANGE IN USE

- Amended By 2006-126* If any **BUILDING** is hereafter **ALTERED** for or changed to a different **USE**, both of which are permitted within the particular zone, loading and **PARKING SPACES** shall be provided as required by this By-law for such different **USE**.

7.14 ABANDONED EQUIPMENT AND MOTOR VEHICLES WITHOUT CURRENT LICENSE PLATES

Unless otherwise specifically permitted in this By-law, the parking, storing or locating of unused or discarded motor vehicles without current license plates is prohibited in all zones, except that:

- a. vehicles may be stored inside a **PRIVATE GARAGE**; and,
- b. one such vehicle may be stored in a screened space that is not visible from any **STREET** or adjacent **LOT**.

7.15 AUTOMOBILE SERVICE STATIONS

- a. Despite the requirement of this By-law, a pump island shall not be located closer than 15 feet to the **LOT LINE** of any existing or planned **STREET**.
- b. No portion of any ingress or egress shall be located closer than 50 feet to the intersection of any two **STREETS**.
- c. No portion of any ingress or egress ramp along any **LOT LINE** shall be located closer than 10 feet to any **SIDE LOT LINE**.
- d. The width of any egress or ingress ramp along any **LOT LINE** shall not be more than 30 feet nor less than 25 feet.
- e. Except for the ramps, an area not less than 5 feet in width along the **FRONT LOT LINE** shall be used for landscaping.

SECTION VII GENERAL PROVISIONS

7.16 LANDSCAPED BUFFERS

LANDSCAPED BUFFERS, as required by this By-law, shall be provided, planted and maintained by the owner of the **LOT** on which the buffers are required and located.

7.16.1 NON-CONFORMING USES

Nothing in this By-law shall require the provision of a **LANDSCAPED BUFFER** for a use, which existed on the date this By-law was passed.

7.16.2 Addition

Where an addition to an existing **BUILDING** or **STRUCTURE** occurs, the owner shall be responsible to provide, plant and maintain the required **LANDSCAPED BUFFER** for the addition.

7.17 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING

With the exception of an **AUTOMOBILE SERVICE STATION**, a **DWELLING UNIT** or a **MULTIPLE DWELLING UNIT** may be permitted, as specified in this By-law, within a non-residential **BUILDING**, provided that:

- a. it complies with the requirements of Section 4.1.2(c) in the case of a **MULTIPLE DWELLING**;
- b. each **DWELLING UNIT** shall have a separate washroom/bathroom and kitchen facility from those of the non-residential **USE**;
- c. each **DWELLING UNIT** shall have separate **PARKING SPACES** in accordance with the parking requirements of Provision 7.25; and,
- d. each **DWELLING UNIT** shall have a separate **BUILDING** entrance than that to the non-residential portion.

7.18 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any **LOT** or **BUILDING** is used, or **ERECT** any new **BUILDING** or addition to any existing **BUILDING**, or sever any lands from any existing **LOT** if the effect of such action is to cause the original, adjoining or remaining **BUILDINGS**, or original or remaining lands to be in contravention of this By-law.

7.19 SIGHT TRIANGLE

On a **CORNER LOT**, no hedge, shrub or tree shall be planted, nor **BUILDING** or **STRUCTURE ERECTED** in a **SIGHT TRIANGLE** where such would obstruct the vision of vehicular traffic.

7.20 SIGNS

The provisions of this By-law shall not apply to prevent the **ERECTION, ALTERATION** or **USE** of any sign, provided such sign complies with any authorized by-law regulating signs.

SECTION VII GENERAL PROVISIONS

7.21 SETBACK FROM STREET AND HIGH WATER MARK

*Amended By
2001-201, 2003-
77*

7.21.1 SETBACKS from Township **STREETS and Unopened Road Allowances**

No **BUILDING** or **STRUCTURE** including a **DOCK** and a **BOATHOUSE** shall be **ERECTED**, or enlarged within 25 feet from the **LOT LINE** abutting the **STREET** or unopened road allowance, or the 100 foot **STRAIGHT LINE PROJECTION** of that **LOT LINE** unless otherwise specifically permitted by this By-law.

7.21.2 SETBACKS on Provincial Highways

Where a **BUILDING** or **STRUCTURE** is located adjacent to a provincial highway or a **DISTRICT** road, **SETBACKS** shall be provided and maintained in accordance with the requirements of the Ministry of Transportation or of the **DISTRICT** where such requirements are in excess of those required by this By-law.

2001-201 **7.21.3 SETBACKS from HIGH WATER MARK**

*Amended By
2006-126*

No **BUILDING** or **STRUCTURE** shall be **ERECTED** within 66 feet of the **HIGH WATER MARK** except a **BUILDING** or **STRUCTURE** which existed prior to January 3, 2005 is legal **NON-COMPLYING**, is at least 35 feet from the **HIGH WATER MARK**, and which extends no closer to that **HIGH WATER MARK** after such **ERCTION** is completed than it did on January 3, 2005.

In the case of a **SUNDECK**, the minimum **SETBACK** shall be 50 feet from the **HIGH WATER MARK**; except for a **SUNDECK** which existed prior to January 3, 2005, is legal, **NON-COMPLYING** and is a minimum of 25 feet from the **HIGH WATER MARK**.

7.22 YARD ENCROACHMENTS

Despite the **YARD** and **SETBACK** provisions of this By-law, the following shall apply:

*Amended By
89-110*

- a. chimneys, eaves, pilasters, or other ornamental **STRUCTURES** may project into any **REQUIRED YARD** a maximum distance of 4 feet;
- b. drop awnings, clothes poles, flagpoles, garden trellises, fences, retaining walls, similar **ACCESSORY USES** or signs **ERECTED** in accordance with any authorized by-law regulating signs, are permitted in any **REQUIRED YARD**;
- c. fire escapes and the structural members may project into a **REQUIRED YARD** a maximum distance of 4 feet.

7.23 RECREATIONAL VEHICLES

7.23.1 Storage or Sale

*Amended By
89-110*

A **RECREATIONAL VEHICLE** may only be **ERECTED** or placed in an area specifically zoned for such a **USE**. This provision shall not apply where a maximum of one **RECREATIONAL VEHICLE** is located on the said land solely for the purposes of sale or storage, complies with the **REQUIRED YARDS** and is not occupied at any time.

SECTION VII GENERAL PROVISIONS

7.23.2 Temporary USE

*Amended By
89-110*

Despite Provision 7.23.1 a **RECREATIONAL VEHICLE** may be placed on residential zoned land for temporary **USE** for storage purposes or for accommodation during development of the **LOT** provided that the **RECREATIONAL VEHICLE** is located on the same **LOT** as the construction and in compliance with the **YARD** requirements for the zone in which it is located and provided that the **RECREATIONAL VEHICLE** is not located on the **LOT** until a building permit for the said construction has been issued and the **RECREATIONAL VEHICLE** is removed within 60 days of the completion or discontinuance of construction or if a building permit is revoked.

7.24 MOBILE HOMES AND MOBILE UNITS

7.24.1 Permanent USES

No person shall **USE** land for the purpose of **ERECTING** or placing thereon a **MOBILE HOME** or **MOBILE UNIT**.

7.24.2 Temporary USES

Despite Provision 7.24.1 a **MOBILE UNIT**, may be placed on industrial or commercial zoned land for temporary **USE** as an **OFFICE** or for storage purposes during development of the **LOT** provided that the **MOBILE UNIT** is located on the same **LOT** as the construction and in compliance with the **YARD** requirements for the zone in which it is located and provided that the **MOBILE UNIT** is not located on the **LOT** until a building permit for the said construction has been issued and that the **MOBILE UNIT** is removed within 60 days of the completion or discontinuance of construction.

7.25 PARKING

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

- a. The owner of every **BUILDING** or **STRUCTURE ERECTED** or **USED** for any of the following purposes 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:

SECTION VII GENERAL PROVISIONS

	Type of Building	Minimum Parking Required
i)	- a DWELLING UNIT	- 2 PARKING SPACES.
ii)	- containing two or more DWELLING UNITS	- 2 PARKING SPACES for each DWELLING UNIT.
iii)	- a medical, dental or drugless practitioner's OFFICE or clinic	- 5 PARKING SPACES for each practitioner
iv)	- CHURCH, auditorium, TAVERN, RESTAURANT, theatre, arena, hall, PRIVATE CLUB, and other places of assembly (including a funeral home)	- where there are fixed seats – 1 PARKING SPACE for 5 seats, or 10 feet of bench space. - where there are no fixed seats – 1 PARKING SPACE for each 100 square feet of FLOOR AREA open to the public.
v)	- hospital, institution	- 1 PARKING SPACE for each 2 beds or 400 square feet of FLOOR AREA whichever is greater, plus 1 additional space for each resident doctor or resident employee.
vi)	- TOURIST RESORT	- 1 PARKING SPACE for each ACCOMMODATION UNIT or HOUSEKEEPING UNIT plus 1 PARKING SPACE for each resident owner or employee family plus 1 additional space for each 200 square feet of RESTAURANT or TAVERN FLOOR SPACE open to the public.
vii)	- OFFICE, including a HOME OCCUPATION	- 1 PARKING SPACE per 300 square feet of total FLOOR AREA.
viii)	- RETAIL or CONVENIENCE STORE wholesale or discount business	- 1 PARKING SPACE for every 200 square feet of total FLOOR AREA.
ix)	- MARINA	- 1 PARKING SPACE for each 200 square feet of total retail FLOOR AREA, plus 1 PARKING SPACE for every 20 feet of dockage.
x)	- GOLF COURSES	- 24 PARKING SPACES for each nine holes of golfing facilities.

SECTION VII GENERAL PROVISIONS

		Type of Building	Minimum Parking Required
	xii)	- outdoor recreational uses such as driving ranges and miniature GOLF COURSES	- 10 PARKING SPACES for the miniature golf facility plus ONE SPACE for each tee on the driving range.
	xiii)	- PRIVATE PARKS each 4 visitors based on	1 PARKING SPACE for the total capacity of the park.
95-95	xiv)	- BED AND BREAKFAST	- 1 PARKING SPACE for each bedroom
95-95	xv)	- SUNDECK or patio used in conjunction with a RESTAURANT, TAVERN	- 1 PARKING SPACE for each 400 square feet.
<i>Amended By 95-95</i>	xvi)	- other commercial USES (including a drive-in or take out RESTAURANT)	- 1 PARKING SPACE for each 200 square feet of total FLOOR AREA .
	xvii)	- school – elementary - secondary	- 1.5 PARKING SPACES for each teaching area. - 4 PARKING SPACES for each teaching area.
	xviii)	- Industrial	- At least 1 PARKING SPACE for each 1000 square feet of total FLOOR AREA up to 20,000 square feet plus 1 additional space for every 5,000 square feet of total FLOOR AREA over 20,000 square feet including any basement area if used for industrial USE .

b. PARKING AREA Requirements:

PARKING AREA shall conform to the following requirements:

- i) the **PARKING AREA** shall be located in the same zones as, and within 500 feet of the location it is intended to serve, except for water access properties, in which case the **PARKING AREA** may be more than 500 feet from the **USE** and in a different zone;
- ii) each angled **PARKING SPACE** shall be at least 10 feet by 20 feet; each parallel **PARKING SPACE** shall be at least 9 feet by 22 feet and each **PARKING SPACE** shall be provided with unobstructed access to a **STREET** by a driveway, aisle or **LANE**; and,
- iii) the **PARKING AREA** must be in the same ownership as the **LOT** for which the **PARKING SPACES** are required.

Amended By 89-110

95-95

SECTION VII GENERAL PROVISIONS

c. PARKING AREA Surface:

In a Zone which allows commercial, industrial or multiple residential **USES**, 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.

d. Ingress and Egress:

Amended By 89-110, 2001-201

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 20 feet but not more than 30 feet in perpendicular width except, in respect to parking, for a **RESIDENTIAL USE** located in a **STRUCTURE** or **BUILDING** other than a **MULTIPLE DWELLING**;

Amended By 89-110

- ii) the maximum width of any joint ingress and egress driveway ramp measured along the **STREET LINE** shall be 40 feet;
- iii) every **LOT** shall be limited to the following number of driveways:
 - a) up to the first 100 feet of **STREET** frontage – not more than 2 driveways; and,
 - b) for each additional 100 feet of **STREET FRONTAGE** – not more than 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 30 feet 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** on the date this By-law was passed 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 allotted for off-street parking under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and vehicles used in operations incidental to the permitted **USES** on the **LOT**, all bearing currently valid license plates. No **PERSON** shall in any Residential Zone **USE** any **LOT** for the parking and storage of any commercial motor vehicle in excess of one-ton capacity, except that one commercial motor vehicle may be stored in a **PRIVATE GARAGE**. One School bus may be parked on any **LOT**.

For the purpose of this subsection “commercial motor vehicle” shall mean any commercial vehicle as defined in The Highway Traffic Act for Ontario

SECTION VII GENERAL PROVISIONS

h. PARKING AREA Location on LOT:

Despite the **YARD** and **SETBACK** provisions of this By-law, uncovered surface **PARKING AREAS** are permitted in the **REQUIRED YARDS** or in the area between the road or **STREET LINE** and the required **SETBACK** provided no part of any **PARKING AREA**, other than a driveway, is located closer than 3 feet to any **STREET LINE**. No **PARKING AREA** is to be located closer than 35 feet to the **HIGH WATER MARK** in Waterfront Zones or closer than 25 feet to the **HIGH WATER MARK** in Community Zones.

i. Boat Parking:

*Amended By
98-98*

- i) 33 percent of the required **PARKING SPACES** may be provided for the parking of boats or similar vessels provided such **PARKING SPACES** are adjacent to or on the **LOT** requiring such **PARKING SPACES**.

*Amended By
98-98*

- ii) Each **BOAT PARKING SPACE** shall be 20 feet in length along a **DOCK**, **BOATHOUSE**, or mooring facility and 10 feet in width with an unobstructed means of accessing the **BOAT PARKING SPACE**.

7.26 LOADING AREAS

a. Loading Space Requirements

The owner or occupant of any **LOT**, **BUILDING** or **STRUCTURE ERECTED** or **USED** for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the premises, on the **LOT** occupied by the **BUILDING** or **STRUCTURE** and not forming part of a **STREET** or **LANE**, within the zone in which such **USE** is located, one loading or unloading space 40 feet long and 15 feet wide for each 3,000 square feet of **FLOOR AREA** of the **BUILDING** or **STRUCTURE** provided that adequate space shall be provided for the parking of vehicles awaiting access to loading spaces

b. Access

Access to loading or unloading spaces shall be by means of a driveway at least 20 feet wide contained within the **LOT** on which the spaces are located within or adjoining the zone in which the **USE** is located.

c. 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 storm water drainage facilities.

d. Location

The loading space or spaces required may be located in the **SIDE** or **REAR YARD** only.

- e. When a **BUILDING** or **STRUCTURE** has insufficient loading space on the date this By-law was passed, 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.

SECTION VII GENERAL PROVISIONS

7.27 MORE THAN ONE ZONE ON A LOT

When a **LOT** is designated as being in more than one zone, each part of the **LOT** shall be used in accordance with the zone regulations applicable to the zone designation for that part.

7.28 ONE DWELLING / ONE LOT

Except as otherwise specifically permitted in this By-law, where a **DWELLING UNIT** is a permitted **USE**, only one **DWELLING** is permitted on a **LOT**.

2005-05 7.28A MAXIMUM HABITABLE FLOOR AREA FOR A DWELLING

The maximum **HABITABLE FLOOR AREA** for a **DWELLING** is 7,500 square feet.

2006-126 7.28B MAXIMUM TWO HABITABLE BUILDINGS PER LOT

Where the By-law permits a **DWELLING UNIT** and a **SLEEPING CABIN**, these shall constitute the only **BUILDINGS** with a **HABITABLE ROOM** permitted on the **LOT**. An **ACCESSORY BUILDING** containing a **HABITABLE ROOM** is deemed to be a **SLEEPING CABIN**.

7.29 BUILDABLE AREA

No **BUILDING** or **STRUCTURE** may be **ERECTED** on a **LOT**, which does not have an area suitable for the **ERECTION** of proposed **BUILDINGS** and **STRUCTURES** and the installation of any required sewage disposal facilities, a minimum of 3.28 vertical feet above the **HIGH WATER MARK**.

7.30 GROUP HOMES

A **GROUP HOME** is a permitted **USE** in any zone in which a **SINGLE FAMILY DWELLING UNIT** is a permitted **USE** provided that the **GROUP HOME** is located a minimum of 1,000 feet from any other **GROUP HOME**.

7.31 CALCULATING GROSS FLOOR AREA

In calculating the **GROSS FLOOR AREA**, the full **FLOOR AREA** of every **BUILDING** located on the zone boundary between a Waterfront Commercial Zone and a Backlot Commercial Zone is included in the **GROSS FLOOR AREA** of the Waterfront Commercial Zone and is not included in the Backlot Commercial Zone.

7.32 COMMERCIAL OPERATIONS ON MORE THAN ONE LOT

Amended By 95-95, 98-98 Where a Waterfront Commercial Establishment, **TOURIST RESORT, HOTEL, MOTEL, TENT AND TRAILER PARK** or **PRIVATE CAMP** consists of two or more parcels or property or **LOTS** with common administration and with common ownership or condominium ownership, the entire Waterfront Commercial Establishment, **TOURIST RESORT, HOTEL, MOTEL, TENT AND TRAILER PARK** or **PRIVATE CAMP** will be considered as one **LOT** for the purposes of;

Amended By 95-95, 98-98 a. Calculating **GROSS FLOOR AREA**,

SECTION VII GENERAL PROVISIONS

*Amended By
95-95, 98-98* b. Determining **LOT FRONTAGE** and **LOT AREA** (and any other requirements based on these) but not for the purpose of the minimum yard requirements for each constituent parcel or **LOT**. Section 7.34 does not apply.

7.33 EXEMPTIONS TO THE BY-LAW

*Amended By
95-95* Despite the provisions of Section 1.6 where a **USE**, **BUILDING** or **STRUCTURE** has been authorized by a By-law passed or a Minor Variance granted after January 1, 1985, the **USE**, **BUILDING** or **STRUCTURE** and all other specific requirements imposed by the By-law or Minor Variance continue to be permitted and imposed by this By-law. All other applicable zone provisions are those required by this By-law. Where there is a conflict between provisions of this By-law and the specific provisions so passed or granted, the specific provisions passed or granted prevail.

7.34 LOTS OF TWO OR MORE LAND PARCELS

Where a **LOT** consists of two or more parcels of land the Zone Requirements apply to each parcel as if each is a separate **LOT** for the purpose of erecting **BUILDINGS** and **STRUCTURES** on that parcel except that the **LOT AREA** requirements apply to the sum of the areas of all of the parcels in the **LOT**.

7.35 TRANSITIONAL PROVISION

Where

- a. an application is made to the Land Division Committee for consent to convey land under Section 49 of the Planning Act, prior to the enactment of this By-law;
- b. that consent is granted and the land is conveyed before the consent lapses; and
- c. that consent results in the creation of one or more **LOTS** which do not comply with the **LOT FRONTAGE** or **LOT AREA** requirements of this By-law.

then each such **LOT** created is deemed to comply with the **LOT FRONTAGE** and **LOT AREA** requirements of this By-law for the zoning applicable to that **LOT** on the date this By-law was passed.

7.36 COTTAGE INDUSTRY

- 89-110* **COTTAGE INDUSTRY** means a gainful occupation conducted in whole or in part in a **SINGLE FAMILY DWELLING UNIT** or an **ACCESSORY BUILDING** to a **SINGLE FAMILY DWELLING UNIT** by the residents of the **SINGLE FAMILY DWELLING UNIT** provided that:
- a. there is no external advertising other than a sign of not more than 6 square feet **ERECTED** in accordance with any by-laws regulating signs;
- b. there is no external storage of goods or materials;
- c. such **COTTAGE INDUSTRY** is not an **OBNOXIOUS USE**;
- d. such **COTTAGE INDUSTRY** is clearly secondary and incidental to the main residential character of the residential **USE**;
- e. such **COTTAGE INDUSTRY** does not interfere with radio or television reception;

SECTION VII GENERAL PROVISIONS

- 89-110 f. no more than two persons, other than the residents of the **SINGLE FAMILY DWELLING UNIT** are employed;
- 89-110 g. when a **COTTAGE INDUSTRY** is located in a **SINGLE FAMILY DWELLING UNIT**, it shall not exceed 25 percent of the **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT**; and
- 89-110 h. the sum of the **FLOOR AREA** of all of the **ACCESSORY BUILDINGS** does not exceed an area of 1000 square feet.

7.37 SERVICES IN COMMUNITIES

*Amended By
95-95* Where a **LOT** within a Community is within the boundaries of an Urban Service area designated by Urban Service By-laws of the **DISTRICT**, no person shall **ERECT** or **USE** a **BUILDING** with a **HABITABLE ROOM** on said **LOT** unless the water and sewer services referred to in those By-laws are available to serve such **BUILDING**.

7.38 ILLEGAL STRUCTURES CONSTRUCTED PRIOR TO PASSAGE OF BY-LAW

*2001-201,
Amended By
2003-77*

2001-201, Amended By 2003-77 Any **BUILDING** or **STRUCTURE** constructed prior to October 11, 1988, is deemed to be permitted except when:

2001-201 a. there is more than one **RESIDENTIAL DWELLING UNIT** on the **LOT**; or,

2001-201 b. there is more than one **SLEEPING CABIN** on the **LOT**.

2003-77 All such **BUILDINGS** or **STRUCTURES** must comply with the zone requirements in which it is located. Where the **BUILDING** or **STRUCTURE** does not comply with the by-law requirement it shall be deemed legal **NON-COMPLYING**.

7.39 LANDS ADJACENT TO LAND ZONED RURAL INDUSTRIAL (RuM3)

*Amended By
2002-102*

For lands adjacent to lands Zoned Rural Extractive (RuM3), the minimum setback from such lands is 100 feet.

SECTION VIII DEFINITIONS

8.1 **ACCESSORY:**

when used to described a **USE**, **BUILDING**, or **STRUCTURE** means a **USE**, **BUILDING** or **STRUCTURE** subordinate, incidental and exclusively devoted to the main **USE**, **BUILDING**, or **STRUCTURE** located on the same **LOT** therewith.

8.2 **ACCOMMODATION UNIT:**

means a room or suite of rooms used or maintained for the accommodation of the travelling or vacationing public and which does not contain a **KITCHEN**.

*Amended By
2002-102*

8.3 **AGRICULTURAL USE:**

means farming and includes the raising and harvesting of crops, dairying, animal husbandry, raising of poultry and other similar **USES** and shall include roadside facilities for the retail sale of produce grown on the **FARM**. **AGRICULTURAL USE** does not include the extraction, mining, or excavating of peat for commercial purposes.

8.4 **ALTER:**

means, when used in reference to a **BUILDING**, **STRUCTURE** or part thereof, to change any one or more of the internal or external dimensions of such **BUILDING** or to change the type of construction of the exterior walls or roof or a change from one type of occupancy to another or a structural **ALTERATION** or change. When used in reference to a **LOT** the word **ALTER** means a change in **USE**, or a decrease or increase in the width, depth or area or to decrease or increase the width, depth or area of any **REQUIRED YARD**, **SETBACK**, landscaped open space or **PARKING AREA**, or to change the location of any boundary of such **LOT** with respect to a **STREET** or **LANE**, whether such alteration is made by transference of any portion of said **LOT**, or otherwise. The words "altered" and "alteration" have corresponding meanings.

8.5 **AUTOMOBILE SALES ESTABLISHMENT:**

means a **BUILDING** or **STRUCTURE** or a clearly defined space on a **LOT** used for the display and sale of motor vehicles and may include the servicing, repair, cleaning, polishing, and lubricating of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of motor vehicles.

*Amended By
89-110*

8.6 **AUTOMOBILE SERVICE STATION:**

means a **BUILDING** or **STRUCTURE** or a clearly defined space on a **LOT** where gasoline, or other motor fuels and conveyance accessories are stored or kept for sale and where repairs essential to the actual operation of motor vehicles are executed or performed and includes areas where motor vehicles are parked or stored for remuneration, hire or sale and may include a **GAS BAR**.

8.7 **AUTOMOBILE WASHING ESTABLISHMENT:**

means a garage for washing and cleaning motor vehicles.

*Amended By
2003-77*

8.8 **BASEMENT:**

means that portion of a **BUILDING** between two floor levels which has at least one half of the distance from average finished floor to finished ceiling, below the average finished grade.

SECTION VIII DEFINITIONS

8.9 **BED & BREAKFAST:**

means a **SINGLE FAMILY DWELLING UNIT** in which not more than three bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings either or without meals for the persons so accommodated and which may be classified as a **HOME OCCUPATION**.

8.10 **BERM:**

means a landscaped natural or manmade rise in land or a hill, designed to screen or buffer adjacent **USES**.

98-98 8.10A **BOAT PARKING SPACE:**

means a single parking space for a boat or other marine vessel, which forms part of a **DOCK, BOATHOUSE** or other mooring facility.

*Amended By
95-95, 2006-126* 8.11 **BOATHOUSE:**

means an **ACCESSORY BUILDING** built or anchored near the shore for the berthing and sheltering of boats or other marine related equipment and enclosed by more than one wall. The second **STOREY** of the **BOATHOUSE** may include a **SLEEPING CABIN** or other recreational **USES**, unless prohibited by the applicable zone requirements. For the purposes of the applicable zone requirements and permitted **USES**, a **BOATHOUSE** shall include a **BOATPORT**.

*Amende95-95d
By* 8.12 **BOATHOUSE WIDTH:**

means the longest perpendicular measurement from any point on the outside of one sidewall of a **BOATHOUSE** (or the outside of a supporting post in the case of a **BOATPORT**) to any point on the outside of the opposite sidewall (or supporting post in the case of a **BOATPORT**). For the purpose of this definition, a sidewall means the outside wall of a **BOATHOUSE**, which is the closest to being perpendicular to the **HIGH WATER MARK** immediately behind such **BOATHOUSE**.

95-95 8.13 **BOATPORT:**

means a roofed **ACCESSORY BUILDING** built or anchored near the shore for the purpose of berthing and sheltering of boats or other marine related equipment and is not enclosed by more than one wall.

8.14 **BUILDING:**

means any **STRUCTURE** used or intended to be used for shelter or occupation of **PERSONS**, animals or chattels other than a fence or wall.

8.15 **BUILDING LINE:**

means a line lying in the interior of a **LOT** drawn parallel to a **LOT LINE** for the purpose of establishing the minimum distance that must exist between a **BUILDING** or **STRUCTURE ERECTED** upon the lands and a **LOT LINE**.

SECTION VIII DEFINITIONS

8.16 **BUILDING, MAIN:**

means a **BUILDING** in which the principal **USE** is conducted on the **LOT** on which

8.17 **BUILDING SUPPLY YARD:**

means a retail or wholesale store with or without a storage area used for the temporary storage and sale of building supplies such as lumber, cement, bricks and hardware.

8.18 **BULK FUEL STORAGE:**

means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid.

8.19 **CABIN:**

means a **BUILDING** without a **KITCHEN** designed for the overnight accommodation of the travelling or vacationing public.

8.20 **CAMPSITE:**

means an area of land within a **TENT AND TRAILER PARK** or **PRIVATE CAMP** which is designed to accommodate the placement of tents, **RECREATIONAL VEHICLE**, motor coach or truck campers for the temporary quarters of a travelling or vacationing **FAMILY**.

8.21 **CHURCH:**

means a **BUILDING** dedicated to religious worship and may include a church hall, church, auditorium, Sunday school, convent, monastery or parish hall.

8.22 **CLINIC:**

means a public or private **BUILDING** used for medical, surgical, dental, physio therapeutic chiropractic or other human health treatment, consultation or diagnosis by one or more practitioners.

8.23 **COMMERCIAL HOUSEBOAT:**

means a boat, rented for commercial gain, which contains facilities for overnight accommodation of people by including facilities for sleeping, the preparation, storage and cooking of food, and sanitary facilities.

8.24 **CONSERVATION:**

means the protection and improvement of the components of the natural environment through comprehensive management and maintenance for both the individual and society's uses both in the present and in the future.

8.25 **CONVIENCE STORE:**

means a retail commercial establishment supplying groceries and other daily household supplies to the immediate surrounding area.

SECTION VIII DEFINITIONS

CONVERTED DWELLING: See Section 8.32

<i>Amended By</i> 2006-126	8.26	<u>CONTRACTOR'S YARD:</u>
		means an area of a LOT used by construction, mechanical, electrical, structural, plumbing, or landscaping contractors to store, maintain, or repair construction equipment and material. It may include a business office related to the business, and may include an area for the parking of employees' vehicles. It does not include an area for the crushing or screening of aggregates or topsoil.
		<u>CORNER LOT:</u> See Section 8.70
	8.27	<u>CORPORATION:</u>
		means the Corporation of the Township of Muskoka Lakes.
89-110	8.28	<u>COTTAGE INDUSTRY:</u>
		means a gainful occupation conducted in whole or in part in a SINGLE FAMILY DWELLING UNIT or an ACCESSORY BUILDING to a SINGLE FAMILY DWELLING UNIT by the residents of the SINGLE FAMILY DWELLING UNIT in accordance with General Provision 7.36.
2005-05	8.28A	<u>COVERED AREA:</u>
		means an area covered by a roof bounded by a maximum of three walls which is open at one end or side.
95-95	8.29	<u>CUMULATIVE WIDTH:</u>
		means in reference to a BOATHOUSE or a DOCK is the sum of the widths of every BOATHOUSE and every DOCK on the LOT .
	8.30	<u>DISTRICT:</u>
		means the District Municipality of Muskoka.
<i>Amended By</i> 2005-05	8.31	<u>DOCK:</u>
		means a STRUCTURE built at or anchored to the shore at which boats or other floating vessels are berthed or secured to and which may provide a foundation for a BOATHOUSE . Any structure situated in or over lands covered by water, which is within 10 feet of a DOCK , shall be deemed to be part of the DOCK unless it is a BOATHOUSE or a BOATPORT .
<i>Amended By</i> 95-95	8.32	<u>DWELLING, CONVERTED:</u>
		means a completed separate BUILDING that was originally designed for, and constructed a DWELLING UNIT that is converted to a maximum of three DWELING UNITS .
89-110	8.33	<u>DWELLING, DUPLEX:</u>
		means a separate BUILDING that is divided horizontally into two separate DWELLING UNITS each of which has an independent entrance either from the outside or through a common vestibule.

SECTION VIII DEFINITIONS

- 8.34 **DWELLING, MULTIPLE:**
means a **BUILDING**, which contains two or more **DWELLING UNITS**.
- 89-110 8.35 **DWELLING, ROW:**
means a group of three but not more than eight attached **SINGLE FAMILY DWELLING UNITS** having independent entrances directly from the outside.
- 89-110 8.36 **DWELLING, SEMI DETACHED:**
means a pair of attached **SINGLE FAMILY DWELLING UNITS** with a common masonry wall extending from the base of the foundation to the roofline.
- Amended By
89-110, 98-98* 8.37 **DWELLING UNIT or DWELLING:**
means one or more **HABITABLE ROOMS** designed for use by and occupation by not more than one **FAMILY** in which sanitary facilities and only one separate **KITCHEN** are provided for the exclusive use of such a **FAMILY**, with a private entrance from outside the **BUILDING** or from a common hallway or stairway inside the **BUILDING**. A **RECREATIONAL VEHICLE** or **MOBILE HOME** or **HOUSEKEEPING UNIT** is deemed not to be a **DWELLING UNIT** for the purpose of this By-law. A **DWELLING UNIT** includes an **ATTACHED GARAGE**.
- 8.38 **DWELLING UNIT, SINGLE FAMILY:**
means a separate **BUILDING** containing only one **DWELLING UNIT**.
- 8.39 **ERECT:**
means to build, construct, reconstruct, **ALTER**, enlarge and relocate and without limiting the generality of the foregoing is taken to include any associated physical operation such as excavating, grading and/or structurally altering any existing **BUILDING** or **STRUCTURE** by an addition, deletion, enlargement or extension.
- 8.40 **ESTABLISHED BUILDING LINE:**
means the average **SETBACK** from the **FRONT** or **REAR LOT LINE** of existing **BUILDINGS** and **STRUCTURES** within 200 feet of the **SIDE LOT LINES** of the subject property.
- 95-95 8.41 **FAMILY:**
means one or more persons living together in one **DWELLING UNIT**.
- 8.42 **FARM:**
means land used for the tillage of soil and the growing of vegetables, fruits, grains and other staple crops including livestock raising, dairying or woodlots and includes a farm **SINGLE FAMILY DWELLING UNIT** and **ACCESSORY BUILDINGS**.

SECTION VIII DEFINITIONS

8.43 **FARM, SPECIALIZED USE:**

means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of hogs, goats, horses or cattle on feed lots, the raising or boarding of dogs or cats or the growing of mushrooms.

89-110

8.44 **FINANCIAL BUSINESS:**

means an establishment, which shall include, but not be limited to the following: a finance and loan company, mortgage company, investment and security company and other savings and credit establishments.

*Amended By
98-98, 2006-126*

8.45 **FLOOR AREA:**

means the total **AREA** of all **STOREYS** contained within the exterior faces of the exterior walls of a **BUILDING**, but excluding any **ATTACHED GARAGE**, **PRIVATE GARAGE**, porch, veranda, attic or **SUNDECK** or any **BASEMENT** when used solely for the purpose of storage. In the case of walls less than three feet in height, the **FLOOR AREA** is the total area of all **STOREYS** within the interior surface of the walls where such exist.

*Amended By
98-98*

8.46 **FLOOR AREA, GROSS:**

means the sum total of the gross horizontal areas of all **STOREYS** of all **BUILDINGS** excluding any **ATTACHED GARAGE**, attics and **BASEMENTS** when used solely for the purpose of storage.

8.47 **FLOOR AREA, GROUND:**

means the maximum area of that portion of a **LOT** occupied by a **BUILDING** or **STRUCTURE** measured to the outside walls, excluding in the case of a **DWELLING** any **PRIVATE GARAGE**, porch, veranda or sunroom unless such area is habitable at all seasons.

*Amended By
98-98, 2002-102*

8.48 **FORESTRY OPERATION:**

means the general raising and harvesting of wood for commercial purposes or gain and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees and other forest products. A **FORESTRY OPERATION** does not include a **SAWMILL**.

FRONT LOT LINE: See Section 8.76

FRONT YARD: See Section 8.148

FRONT YARD DEPTH: See Section 8.149

*98-98, Amended
By 2006-126*

8.48A **GARAGE, ATTACHED:**

means a **PRIVATE GARAGE** attached to a **DWELLING** by a common wall and/or common roof **STRUCTURE** and shall be considered to be part of the **MAIN BUILDING**.

SECTION VIII DEFINITIONS

Amended By
2006-126

8.49 **GARAGE, PRIVATE:**

means a **BUILDING** which is primarily used for the storage of motor vehicles, tools and household equipment incidental to residential occupancy and in which no business, occupation or service is conducted for profit unless otherwise specifically permitted in this By-law. Except in a Waterfront Landing Zone (WL) a **PRIVATE GARAGE** is an **ACCESSORY BUILDING**. If a **PRIVATE GARAGE** is an **ATTACHED GARAGE**, it is not an **ACCESSORY BUILDING**.

8.50 **GAS BAR:**

means a **BUILDING** or **STRUCTURE** which is used primarily for the sale of gasoline, or other motor fuels including minor running repairs to motor vehicles.

98-98

8.50A **GAZEBO:**

means a freestanding, roofed **ACCESSORY STRUCTURE** used for the purpose of relaxation in conjunction with a residential **DWELLING**. A **GAZEBO** exceeding 200 square feet in **FLOOR AREA**, which is screened or glassed, shall be considered to be a **HABITABLE ROOM**.

Amended By
2002-102

8.51 **GOLF COURSE:**

means a public or private area operated for the purpose of playing golf and includes a driving range and a miniature golf course. A **GOLF COURSE** may include a clubhouse.

GROSS FLOOR AREA: See Section 8.46

GROUND FLOOR AREA: See Section 8.47

8.52 **GROUP HOME:**

means a **SINGLE FAMILY DWELLING UNIT** in which not more than six **PERSONS**, having physical, social or mental handicaps, reside as a **FAMILY** under the appropriate supervision of supervised personnel, who may also reside in the **DWELLING UNIT**, and which is licensed or approved by a **PUBLIC AUTHORITY**. A **DWELLING UNIT** occupied for the purpose of providing shelter for **PERSONS** on parole or released from penal institutions, or for **PERSONS** ordered to reside there as a result of conviction of a criminal offence, is not a **GROUP HOME**.

2005-05

8.52A **HABITABLE FLOOR AREA:**

means the total **FLOOR AREA** of all **STOREYS** contained within the exterior walls of a **BUILDING** including a **BASEMENT** where floor to ceiling height is greater than 6 feet, but excluding any **ATTACHED GARAGE**, **PRIVATE GARAGE**, open **PORCH**, **VERANDAS**, attic and **SUNDECK**.

95-95

8.53 **HABITABLE ROOM:**

means a room designed for living, sleeping, eating or food preparation. A den, library, office, craft or hobby room, sewing room, enclosed sunroom, **GAZEBO**, or screened room are deemed to be a **HABITABLE ROOM**.

SECTION VIII DEFINITIONS

Amended By
95-95

8.54 **HEIGHT:**

means, when used in reference to a **BUILDING** or **STRUCTURE** the vertical distance between the lowest finished ground surface at the exterior of the **BUILDING** and the highest point of the roof; or, in the case of a **BOATHOUSE**, the vertical distance between the top of the **DOCK** and the highest point of the roof; or in the case of a **SUNDECK**, the vertical distance between the lowest finished ground surface adjacent to the perimeter of the **SUNDECK**. In the case where a **SUNDECK** is joined to a **BUILDING** or other **STRUCTURE**, the **HEIGHT** of the **SUNDECK** and the **HEIGHT** of the **BUILDING** or **STRUCTURE** shall be measured separately, and each shall comply with the provisions of this By-law.

8.55 **HIGH WATER MARK:**

means the present normal **HIGH WATER MARK** of a **NAVIGABLE WATERWAY**, without regard to any dredging or filling carried out subsequent to October 24th, 1980.

8.56 **HOME INDUSTRY:**

means a gainful occupation conducted in whole or in part in a **DWELLING UNIT** in accordance with General Provision 7.10.

8.57 **HOME OCCUPATION:**

means a gainful occupation conducted entirely within a **SINGLE FAMILY DWELLING UNIT** by members of the **FAMILY** residing in such **DWELLING UNIT** in accordance with General Provision 7.11.

8.58 **HOTEL:**

means a type of **TOURIST RESORT** used mainly for the purposes of catering to the needs of the vacationing or travelling public by supplying food and drink and furnishing sleeping accommodation of not less than ten **ACCOMMODATION UNITS**.

8.59 **HOUSEKEEPING UNIT:**

means a room or a suite of rooms maintained for the accommodation of the travelling or vacationing public and equipped with a **KITCHEN**.

2001-201

8.59A **HUMAN HABITATION:**

means a place of abode occupied by humans primarily for, but not limited to eating, sleeping and living functions. Such functions also include leisure and recreational activities, such as sewing, reading, crafting, hobbies, and exercising.

Amended By
95-95

8.60 **HUNT CAMP:**

means a **BUILDING** occupied not more than 14 days in any month and not more than 60 days in any twelve month period and used solely for the purposes of accommodating hunters. A **HUNT CAMP** shall not be used as a **DWELLING UNIT**.

SECTION VIII DEFINITIONS

2006-126

8.60A **INCLINATOR:**

means a **STRUCTURE** consisting of a cart on rails or track which is pulled up and down an incline or slope for the purpose of transporting people or goods. The **STRUCTURE** may include a roofed **STRUCTURE** no more than 100 square feet in **FLOOR AREA** at the upper and lower terminals of the **INCLINATOR**.

INTERIOR LOT: See Section 8.75

8.61 **KENNEL:**

means a place where dogs and/or other animals other than livestock as defined in the Agricultural Code of Practice (1976) are bred and raised, and are sold or kept for sale or boarded.

8.62 **KITCHEN:**

means a room or part of a room where food is stored or prepared or cooked, and which has cooking appliances.

8.63 **LANDINGS:**

means a **STRUCTURE** or platform between flights of stairs or at the head or foot of a staircase.

8.64 **LANDSCAPED BUFFER:**

means a landscaped or naturally planted area reserved for the purpose of screening adjacent uses by the planting or maintaining of trees and shrubs and shall consist of at least a continuous row of trees, evergreens or shrubs, not less than 6 feet high.

8.65 **LANDSCAPING CENTRE:**

means land, **BUILDINGS** or **STRUCTURES** used for the purpose of growing and selling vegetables, plants and flowers and may include the selling of materials associated with landscaping.

8.66 **LANE:**

means a travelled private road or travelled private **RIGHT-OF-WAY**, which affords access to abutting **LOTS**.

8.67 **LIGHT INDUSTRY:**

means the **MANUFACTURING**, assembling or processing of component parts or finished products for retail trade but does not include any operation involving stamping presses, furnaces, machinery or the emission of any air, water or noise pollution that creates a nuisance outside of the building. Such **USE** shall not generate any outside activity other than one loading area and parking for employees and visitors cars.

SECTION VIII DEFINITIONS

8.68 LOT: means

a. a parcel of land:

*Amended By
89-110*

- i) the whole of which can be transferred without approval for consent or approval of a plan of subdivision pursuant to the Planning Act; and

*Amended By
89-110* iv) which is not the subject of an agreement or By-law referred to in clause (c) below.

OR

*Amended By
89-110* b. a parcel of land described as a whole registered description by the Condominium Act.

OR

Amended By c. two or more parcels of land:
89-110

Amended By 89-110 ii) required to be transferred together by an agreement made pursuant to the Planning Act.

8.69 **LOT AREA:**

means the total horizontal area within the **LOT LINES** of a **LOT** but does not include lands under water. In the case of a **CORNER LOT** having **STREET LINES** rounding at the corner with a radius of 20 feet or less, the **LOT AREA** of such **LOTS** shall be calculated as if the **LOT LINES** were produced to their point of intersection.

8.70 LOT, CORNER:

means a **LOT** situated at the intersection of and abutting upon two or more **STREETS** provided that the angle of intersection within the **LOT** formed by such **STREETS** is not more than 135 degrees.

8.71 LOT COVERAGE:

means that percentage of area covered by **BUILDINGS** and **STRUCTURES** including **ACCESSORY BUILDINGS** and **STRUCTURES** on the **LOT** inclusive of any such area covered on lands adjacent to the **LOT** in a WOS Zone and excluding non-roofed **STRUCTURES** and **DOCKS**.

8.72 LOT DEPTH:

means the horizontal distance between the **FRONT** and **REAR LOT LINES**. Where these lines are not parallel, it is the length of a line joining the midpoints of the **FRONT** and **REAR LOT LINES**.

SECTION VIII DEFINITIONS

8.73 **LOT FRONTAGE:** means the horizontal straight-line distance determined as follows:

*Amended By
95-95*

- a. where the **FRONT LOT LINE** is a **HIGH WATER MARK** or abuts an **ORIGINAL SHORE ROAD ALLOWANCE**, the distance between the points where the **LOT LINES** or their **STRAIGHT LINE PROJECTIONS** intersect the **HIGH WATER MARK**.
- b. where the **FRONT LOT LINE** is in whole or in part within a **NAVIGABLE WATERWAY**, the distance between the points where each **SIDE LOT LINE** intersects.
 - i) the **HIGH WATER MARK**, if it so intersects, or
 - ii) the **FRONT LOT LINE**, otherwise.
- c. where there are no **SIDE LOT LINES**, the greatest distance between any point on the **FRONT LOT LINE** and any point on the **REAR LOT LINE**.
- d. where there are no **SIDE LOT LINES** and no **REAR LOT LINE**, such as on an island, the greatest distance between any two points.
 - i) on the **FRONT LOT LINE**, if those points are not within a **NAVIGABLE WATERWAY**; or
 - ii) on the **HIGH WATER MARK** and those parts of the **FRONT LOT LINE** not within a **NAVIGABLE WATERWAY**.

2001-201

- e. where there are two (2) **FRONT LOT LINES** abutting the same **STREET**, the longer of the two **LOT LINES** shall be the **FRONT LOT LINE**.

*Amended By
2001-201*

For the purposes of this definition, only those **SIDE LOT LINES**, which intersect the **FRONT LOT LINE** are to be considered in determining **LOT FRONTAGE**.

8.74 **LOT LINE:** means any boundary of the **LOT** or the vertical projection thereof.

8.75 **LOT, INTERIOR:**

means a **LOT** that is not a **CORNER LOT** and not a **THROUGH LOT**.

8.76 **LOT LINE, FRONT:** means in the case of:

*Amended By
89-110*

i. an **INTERIOR LOT**, the **LOT LINE** abutting;

*Amended By
89-110*

a) a **STREET**; or,

*Amended By
89-110*

b) a **NAVIGABLE WATERWAY**; or,

*Amended By
89-110*

c) an **ORIGINAL SHORE ROAD ALLOWANCE**;

SECTION VIII DEFINITIONS

*Amended By
89-110, 95-95*

- d) a **RIGHT-OF-WAY**, where the **LOT** does not abut a **STREET**, **NAVIGABLE WATERWAY** or an **ORIGINAL SHORE ROAD ALLOWANCE**.

*Amended By
95-95, 89-110*

- ii. a **CORNER LOT**, the longest of the **LOT LINES**, which abut the **STREETS**. If one of the **STREETS** contains a one-foot reserve that abuts the **LOT** the **LOT LINE** adjacent to that reserve is not to be considered in determining the **FRONT LOT LINE**.

*Amended by 89-
110*

- iii. a **THROUGH LOT**;

*Amended by 89-
110*

- a) if it abuts two **STREETS**, the **LOT LINE** abutting the **STREET** from which access is primarily gained to the **LOT**;

*Amended by 89-
110*

- b) if it abuts a **STREET** and a **NAVIGABLE WATERWAY**, the **LOT LINE** along the **HIGH WATER MARK** or within the **NAVIGABLE WATERWAY**;

*Amended by 89-
110*

- c) if it abuts a **STREET** and an **ORIGINAL SHORE ROAD ALLOWANCE**, the **LOT LINE** abutting the **ORIGINAL SHORE ROAD ALLOWANCE**;

*Amended by 89-
110, 2003-77*

- d) if it abuts two **ORIGINAL SHORE ROAD ALLOWANCES**, the longer of the two **LOT LINES** abutting the **ORIGINAL SHORE ROAD ALLOWANCES**;

*Amended by 89-
110, 2003-77*

- e) if it abuts a **NAVIGABLE WATERWAY** and an **ORIGINAL SHORE ROAD ALLOWANCE**, the longer of the two **LOT LINES**;

*Amended by 89-
110, 95-95,
2001-201*

- f) if it abuts two **NAVIGABLE WATERWAYS**, the longer of the two **LOT LINES** abutting the **NAIVGABLE WATERWAYS**.

*Amended By
95-95*

LOT LINE, REAR:

means the longest **LOT LINE** opposite the **FRONT LOT LINE**.

LOT LINE, SIDE:

means any **LOT LINES** other than the **FRONT LOT LINE** and the **REAR LOT LINE**. For the purpose of measuring the **SIDE YARD SETBACK** of **BUILDINGS** and **STRUCTURES** over water, the **SIDE LOT LINE** includes the **STRAIGHT LINE PROJECTION** of each **SIDE LOT LINE** into the water.

LOT, THROUGH:

means a **LOT** bounded on both the **FRONT LOT LINE** and the **REAR LOT LINE** by **STREETS**, or in the case of a **LOT** on a **NAVIGABLE WATERBODY**, by an **ORIGINAL SHORE ROAD ALLOWANCE** or **HIGH WATER MARK** on the **FRONT LOT LINE** and by a **STREET**, or **ORIGINAL SHORE ROAD ALLOWANCE** or **HIGH WATER MARK** on the **REAR LOT LINE**.

MAIN BUILDING: See Section 8.16

SECTION VIII DEFINITIONS

8.80 **MANUFACTURING:**

means the **USE** of land, **BUILDING** or **STRUCTURE** designed for the purpose of **MANUFACTURING**, assembly, making, preparing, inspecting, ornamenting, finishing, treating, **ALTERING**, repairing, **WAREHOUSING** or storing or adapting for sale of any goods, substance, article, thing or service, but shall not include an **OBNOXIOUS USE**, mine, **PIT** or **QUARRY**.

8.81 **MARINA:**

means a **BUILDING**, **STRUCTURE** or place, and may contain docking, boat storage facilities and automobile **PARKING AREAS**, and may be located on a **NAVIGABLE WATERWAY**, where boats and boat accessories are stored, serviced, repaired or kept for sale or hire and where facilities for the sale of marine fuels and lubricants may be provided but shall not include the rental of **COMMERCIAL HOUSEBOATS**.

8.82 **MOBILE HOME:**

means a single wide factory built **SINGLE FAMILY DWELLING UNIT** that is designed to be transported and capable of being connected to service utilities so as to be suitable for a long term occupation, but does not include a double wide **MOBILE HOME**, **TRAVEL TRAILER**, tent trailer, or **TRAILER** otherwise designed.

*Amended By
95-95*

8.83 **MOBILE UNIT:**

means singlewide factory built unit that is designed to be transported and is capable of being connected to service utilities so as to be suitable for long-term occupation. **MOBILE UNITS** include Park Model Trailer and do not include portable classrooms or an enclosed truck trailer.

8.84 **MOTEL:**

means a type of **TOURIST RESORT** which caters primarily to the traveling public by supplying overnight sleeping accommodation with or without meals of not less than five (5) **ACCOMMODATION UNITS**.

MULTIPLE DWELLING: See Section 8.34

8.85 **NAVIGABLE WATERWAY:**

means any body of water that is capable of affording reasonable passage of floating vessels of any description for the purpose of transportation, recreation or commerce.

*Amended By
95-95, 2006-126*

8.86 **NON-COMPLYING:**

means a **LOT**, **BUILDING** or **STRUCTURE** that does not fulfil the zone requirements for the zone in which the **LOT**, **BUILDING**, or **STRUCTURE** is located.

*Amended By
95-95*

8.87 **NON-CONFORMING:**

means a **USE**, which does not conform with the provisions of this By-law for the zones in which such a **USE** is located on the date the By-law was passed.

SECTION VIII DEFINITIONS

- 8.88 **NURSERY SCHOOL:**
means a day nursery within the meaning of The Day Nurseries Act for Ontario.
- 8.89 **NURSING HOME:**
means 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.
- 8.90 **OBNOXIOUS USE:**
means an offensive trade within the meaning of The Public Health Act of Ontario.
- 8.91 **OFFICE:**
means a **BUILDING** or **STRUCTURE** or part thereof used for the purpose of providing accommodation for an **OFFICE** in which business is carried on or a profession is practiced.
- Amended By
98-98* 8.92 **OPEN SPACE RECREATION:**
means the use of land, **STRUCTURES** or equipment for outdoor sports and games not conducted for profit and does not include a range for firearms, a racetrack or **PRIVATE PARK**, or **GOLF COURSE**.
- 8.93 **ORIGINAL SHORE ROAD ALLOWANCE:**
means a 66-foot wide allowance for road reserved along the shore of a **NAVIGABLE WATERWAY** by the Crown but not an allowance that has become a **STREET**.
- 98-98* 8.93A **OPEN STORAGE:**
means the storage of equipment, goods, chattels, raw materials or processed materials outside of any **BUILDING** or **STRUCTURE** for a period of more than 24 hours. For the purpose of this by-law the overnight parking of licensed vehicles shall not be **OPEN STORAGE**.
- 8.94 **PARKING AREA:**
means an area provided for the parking of motor vehicles and includes aisles, **PARKING SPACES** and related ingress and egress lands or a **PRIVATE GARAGE**, but does not include any part of a public **STREET**.
- 8.95 **PARKING SPACE:**
means an area of not less than 200 square feet, exclusive of any aisles or ingress and egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a **PRIVATE GARAGE** or carport. Each **PARKING SPACE** shall be at least 10 feet by 20 feet.
- 2006-126* 8.95A **PAVILION:**
means a **STRUCTURE** accessory to a **TOURIST RESORT** for the purpose of sheltering people with a maximum **FLOOR AREA** of 600 square feet and containing no walls.

SECTION VIII DEFINITIONS

	8.96	<u>PERSON:</u>
		means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a PERSON to whom the context can apply according to law.
	8.97	<u>PERSONAL SERVICE SHOP:</u>
		means barbershop, beauty parlour, shoe repair shop, self-service laundry or depot for the collection of any cleaning and laundry.
97-46, <i>Amended By</i> 2001-201	8.97A	<u>PICNIC SHELTER:</u>
		means a STRUCTURE with a roof, floor and support posts without walls, screening or any other form of closure (except a railing no higher than 48 inches from the floor), that is used temporarily for the prime purpose of picnicking or lounging, not for overnight accommodation of persons or the storage of chattels.
	8.98	<u>PIT:</u>
		means an open excavation or cavity in the natural level of the ground made other than by natural causes by the removal of soil or rock for the purpose of removing sand, gravel or similar material and shall include the processing of excavated material.
2003-77	8.99A	<u>PLACE OF WORSHIP:</u>
		means lands or BUILDINGS used for worship by an association of persons that is:
		i) Charitable under the laws of the Province of Ontario; and,
		ii) Organized for the advancement of religion and for the conduct of religious worship, service or rites; and,
		iii) is intended to be permanently established as to the conduct of its existence.
		and may include accessory STRUCTURES such as DWELLING for a caretaker or head of the congregation and an assembly hall.
89-110	8.99	<u>PLACE OF AMUSEMENT:</u>
		means a bowling alley, athletic club, billiard or pool hall, amusement arcade, theatre, arena or other similar USE .
	8.100	<u>PLANNING ACT:</u>
		means Statutes of Ontario 1983 Chapter 1, as amended, and any successor legislation relating to the same subject matter.
2005-05	8.100A	<u>PORCH:</u>
		means a roofed structure projecting from the exterior wall of a BUILDING for the purpose of providing a covered shelter for an entrance to a BUILDING and does not have an exterior wall.

SECTION VIII DEFINITIONS

8.101 **PRIVATE CAMP:**

means an establishment operated by a religious or private organization that provides reserved accommodation in the form of **CABINS**, rooms or **CAMPSITES**, which is not open to the travelling public, and has centralized facilities for dining and recreation, and provides recreational, religious or educational programs.

8.102 **PRIVATE CLUB:**

means golf, tennis, sailing or other athletic, social or recreational club located on private lands.

PRIVATE GARAGE: See Section 8.49

8.103 **PRIVATE PARK:**

means a park operated for commercial gain on land permanently devoted to recreational uses and may be generally characterized by its natural, historic landscape or recreational features or activities and is used for both passive and active forms of recreation.

8.104 **PRIVATE RUNWAY:**

means an area of a **LOT** used on an intermittent basis for private aircraft to take off and land and may include **ACCESSORY BUILDINGS** and **STRUCTURES** such as a hanger and private fuelling facilities and which is not Federally licensed, or used for any purpose associated with commercial gain.

8.105 **PUBLIC AUTHORITY:** means

- a. the **CORPORATION**, the **DISTRICT**, the Government of Ontario, the Government of Canada, or any board, authority, or commission of any of them; or,
- b. any utility company providing telephone, telegraph, electrical or natural gas services; or,
- c. any railway company authorized under the Railway Act of Canada; or,
- d. any corporation providing services to the public, that has an operating budget entirely funded by one or more entities described in clause (a).

8.106 **PUBLIC USE:**

means the use of a **LOT**, **BUILDING** or **STRUCTURE** by a **PUBLIC AUTHORITY**, for the purpose of providing its services to the public, or carrying out its public mandate, but does not include an office building.

8.107 **QUARRY:**

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

SECTION VIII. DEFINITIONS

REAR LOT LINE: See Section 8.77

REAR YARD: See Section 8.150

REAR YARD DEPTH: See Section 8.151

2001-201 8.107A **RECONSTRUCTION:**

means the replacement of an existing **BUILDING** or **STRUCTURE** where the amount of the **BUILDING** or **STRUCTURE** being replaced exceeds the requirements of a **RESTORATION**.

*Amended By
89-110*

8.108 **RECREATIONAL ESTABLISHMENT:**

means a drive-in theatre, miniature golf course, tennis courts or similar **USE**.

8.109 **RECREATIONAL VEHICLE:**

means any vehicle that is mobile either by itself or when attached to a motor vehicle and that is capable of being used for the living, sleeping or eating accommodation of **PERSONS**, notwithstanding that such vehicle is jacked-up or that its running gear is removed, for seasonal or temporary occupancy only.

8.10 **RECREATIONAL VEHICLE AND EQUIPMENT CENTRE:**

means a **BUILDING** or **STRUCTURE** or part thereof used for the storage, service, sale and hire of recreation vehicles including snowmobiles, boats and all terrain vehicles.

2001-201 8.110A **RESIDENTIAL:**

means the **USE** of land, **BUILDINGS**, or **STRUCTURES** for human habitation.

REQUIRED YARD: See Section 8.152

RESIDENTIAL – DWELLING UNIT: See Section 8.37

8.111 **RESTAURANT:**

means a **BUILDING** or part thereof where food is offered for sale or sold to the public for immediate consumption on or about the premises and includes a drive-in or take-out **RESTAURANT**.

2001-201 8.111A **RESTORATION:**

means the repair of a **BUILDING** or **STRUCTURE** to a safe condition where over 20% of the **FLOOR AREA** and walls remains in its present state. It does not include the **RECONSTRUCTION** or replacement of an entire **BUILDING** or **STRUCTURE**. In the case of a **DOCK**, it applies to over 20% of the top decking and does not include the foundation cribbing, piling, or poles.

8.112 **RETAIL STORE:**

means a **BUILDING** or part of a **BUILDING** where goods, wares, merchandise, substances or articles are offered for retail sale.

SECTION VIII DEFINITIONS

8.113 **RIDING STABLE:**

means land and **BUILDINGS** used to house horses and for their exercise and training and may include a school, boarding stables, tack shop or other related uses.

8.114 **RIGHT-OF-WAY:**

means an area of land that is legally described in a registered deed for the provision of private access on which there is usually a **LANE**.

8.115 **ROOFED RECREATION FACILITY:**

means a covered **BUILDING** or **STRUCTURE** used for sport or recreation uses only, such as an indoor swimming pool, racquet courts or gymnasium.

ROW DWELLING: See Section 8.35

8.116 **SLAVAGE YARD:**

means land or **BUILDINGS** used for an automobile wrecking yard or premises, the keeping and/or storing of used building products, waste paper, rags, bottles, bicycles, automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further **USE**.

8.117 **SATELLITE DISHES:**

means a **STRUCTURE** used or intended to be used to receive broadcast signals from satellites.

8.118 **SAW MILL:**

means a **BUILDING** or **STRUCTURE** used to process wood from saw logs to another use and may include land used for open storage of raw or finished lumber or products.

SEMI DETACHED DWELLING: See Section 8.36

95-95 8.119 **SERVICE CLUB:**

means an association of persons united by a common community service interest. This includes the premises owned and occupied by the members of such an association within which the activities of the club are conducted.

*Amended By
98-98* 8.120 **SERVICE SHOP:**

means a **BUILDING** or part of a **BUILDING** devoted primarily to the repair or servicing of goods, commodities, articles or materials, but not the manufacturing of same. A **SERVICE SHOP** does not include the repair or service of motor vehicles.

SECTION VIII DEFINITIONS

8.121 **SETBACK:**

means the least horizontal distance between any **LOT LINE** or **HIGH WATER MARK**, and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**. Where the **LOT LINE** is within a **NAVIGABLE WATERWAY** the distance shall be measured from the **HIGH WATER MARK**.

8.122 **SEWER SERVICE:**

means a system of underground piping for the collection of and treatment of sewage, owned and operated by a **PUBLIC AUTHORITY**.

*98-99,
Amended By
2005-05*

8.122A **SHORELINE BUFFER:**

means a natural area maintained in its natural predevelopment state for the purpose of buffering **BUILDINGS** or **STRUCTURES** on a **LOT**. Where the natural state does not include significant vegetative cover the area may be planted with indigenous trees and shrubs. Such a buffer shall consist of trees or shrubs a minimum of six feet in height and a density of one tree per 100 square feet of the required buffer.

SIDE LOT LINE: See Section 8.78

SIDE YARD: See Section 8.153

SIDE YARD EXTERIOR: See Section 8.155

SIDE YARD INTERIOR: See Section 8.156

8.123 **SIGHT TRIANGLE:**

means the triangular space formed by two intersecting **STREET LINES** and a line drawn from a point in one **STREET LINE** to a point in the other **STREET LINE**, each such point being 40 feet measured along the **STREET LINE** from the point of intersection of the **STREET LINES**.

SINGLE FAMILY DWELLING UNIT: See Section 8.38

*Amended By
89-110*

8.124 **SLEEPING CABIN:**

means a unit not attached to the **MAIN** residential **BUILDING** for the accommodation of **PERSONS**, but not containing a **KITCHEN**. A **RECREATIONAL VEHICLE** is deemed not to be a **SLEEPING CABIN** for the purposes of this By-law.

SPECIALIZED FARM USE: See Section 8.43

8.125 **STAFF QUARTERS:**

means an **ACCESSORY BUILDING** for accommodating only the employees of a **TOURIST RESORT** or **PRIVATE CAMP** and which may contain a kitchen.

8.126 **STORAGE FACILITY:**

means a covered **BUILDING** or **STRUCTURE** used for the storage of chattels, but not for the accommodation of persons.

SECTION VIII DEFINITIONS

<i>Amended By</i> 2001-201	8.127 <u>STOREY:</u>	Means the portion of a BUILDING , other than the BASEMENT which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it. In the case of a BOATHOUSE , the DOCKS are considered to be a floor.
	8.128 <u>STRAIGHT LINE PROJECTION:</u>	means the straight-line extension or projection of a LOT LINE .
	8.129 <u>STREET:</u>	means a travelled public highway or a travelled public road and does not include a LANE or a PRIVATE RIGHT-OF-WAY , or unopened road allowance.
	8.130 <u>STREET LINE:</u> means the dividing line between the LOT and a STREET .	
<i>Amended By</i> 98-98	8.131 <u>STRUCTURE:</u>	means anything constructed or ERECTED , the USE of which requires location on the ground but does not include a septic system. A STRUCTURE shall include a tennis court or sport court.
<i>Amended By</i> 2003-77	8.132 <u>SUNDECK:</u>	means a non-roofed STRUCTURE designed for lounging or sunbathing. A SUNDECK is not part of a DWELLING UNIT .
	8.133 <u>TAVERN:</u>	means a BUILDING or STRUCTURE or part thereof which is primarily used for the sale and serving of alcoholic beverages with or without entertainment and may serve food or meals.
	8.134 <u>TENT AND TRAILER PARK:</u>	means a parcel of land used and maintained as an overnight tenting or camping ground where people are temporarily accommodated in tents, TRAVEL TRAILERS , CABINS , RECREATIONAL VEHICLES or other similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not accommodate MOBILE HOMES .
		<u>THROUGH LOT:</u> See Section 8.79
	8.135 <u>TOURIST RESORT:</u>	means a commercial establishment under one management designed and used for the travelling or vacationing public, and that has facilities for accommodation and serving meals and drinks and furnishes equipment, supplies or services to persons for recreational purposes. No DWELLING UNIT is permitted within a TOURIST RESORT except as accessory to the principal permitted USE , by way of living accommodation for the manager or owner of the resort and family, and staff quarters for the staff of the resort.

SECTION VIII DEFINITIONS

95-95	8.136	<u>TRAILER:</u>
		means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of PERSONS , notwithstanding that such vehicle is jacked-up or that its running gear is removed.
95-95	8.137	<u>TRAVEL TRAILER:</u>
		means a TRAILER designed and equipped for travel, recreation and vacation uses and for seasonal or temporary occupancy only.
	8.138	<u>TUCK SHOP:</u>
		means a retail shop selling personal supplies, sundries, sports equipment and clothing to visitors to, and employees of, a PRIVATE CAMP .
2005-05	8.138A	<u>VERANDA:</u>
		means a roofed open structure along one or more sides of a BUILDING having the purpose of, or capability of providing for lounging and relaxation.
	8.139	<u>VETERINARY CLINIC:</u>
		means a BUILDING or STRUCTURE where animals, birds or other livestock are treated and where domestic animals or birds are kept for treatment.
	8.140	<u>USE:</u>
		means when used as a noun, the purpose for which the land or a BUILDING or STRUCTURE or any combination thereof, is designed, arranged, intended, occupied or maintained and "uses" has a corresponding meaning. "Use" when used as a verb, or "to use" has a corresponding meaning.
	8.141	<u>WAREHOUSE:</u>
		means any BUILDING or STRUCTURE involved primarily in transportation, storage and shipment of goods.
	8.142	<u>WASTE DISPOSAL:</u>
		means a facility for the transfer and treatment and disposal of sanitary wastes or other wastes.
	8.143	<u>WASTE TREATMENT FACILITY:</u>
		means an area on the same site as the principle permitted USE which is used for the purpose of storing, treating and spraying effluent generated on site in compliance with the relevant regulations of the Ministry of Environment.
	8.144	<u>WATERCOURSE:</u> means a creek, river and/or drainage ditch.

SECTION VIII DEFINITIONS

2001-201

8.144A **WATERFRONT LANDING:**

means the **USE** of land, parking vehicles, and storing boats, which facilitate access by persons to one or more **RESIDENTIAL** properties, to which access is gained by water.

8.145 **WATER SERVICE:**

means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by a **PUBLIC AUTHORITY**.

8.146 **WAYSIDE PIT OR WAYSIDE QUARRY:**

means a temporary **PIT** or **QUARRY** open and used by a **PUBLIC AUTHORITY** solely for the purpose of a particular project or contract and road construction and not located on the **STREET**.

8.147 **YARD:**

means an open, uncovered and unoccupied space between a **BUILDING** or **STRUCTURE** and a **LOT LINE**.

8.148 **YARD, FRONT:**

means a **YARD** extending across the full width of the **LOT** between the **FRONT LOT LINE** of the **LOT** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**.

8.149 **YARD DEPTH, FRONT:**

means the least horizontal dimensions between the **FRONT LOT LINE** of the **LOT**, or the nearest open storage **USE** on the **LOT**.

8.150 **YARD, REAR:**

means a **YARD** extending across the full width of the **LOT** between the **REAR LOT LINE** of the **LOT** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage **USE** on the **LOT**.

8.151 **YARD DEPTH, REAR:**

means the least horizontal dimensions between the **REAR LOT LINE** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage **USE** on the **LOT**.

8.152 **YARD, REQUIRED:**

means the minimum **YARD** required by the provisions of this By-law.

8.153 **YARD, SIDE:**

means a **YARD** extending from the **FRONT YARD** to the **REAR YARD** and from the **SIDE LOT LINE** of the **LOT** to the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage **USE** on the **LOT**.

SECTION VIII DEFINITIONS

8.154 **YARD WIDTH, SIDE:**

means the least horizontal dimension between the **SIDE LOT LINE** of the **LOT** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage use on the **LOT**.

8.155 **YARD, SIDE EXTERIOR:**

means a **SIDE YARD** immediately adjoining a public **STREET** or an unopened road allowance.

8.156 **YARD, SIDE INTERIOR:**

means a **SIDE YARD** other than an **EXTERIOR SIDE YARD**.