

MUNICIPALITY



OF ASSIGINACK

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www.assiginack.ca

**SPECIAL MEETING OF COUNCIL
IN CHAMBERS**

Tuesday, September 12, 2023, at 7:00 p.m.

AGENDA

1. OPENING

- a) Land Acknowledgment
- b) Adoption of Agenda
- c) Disclosure of Pecuniary Interest and General Nature Thereof

2. ANNOUNCEMENTS

3. ADOPTION OF MINUTES

4. DELEGATIONS

5. REPORTS

6. ACTION REQUIRED ITEMS

- a) Draft Comprehensive Zoning By-law Review
- b) Information Center Tender

7. INFORMATION ITEMS

- a) Norisle Update

8. BY-LAWS

9. CLOSED SESSION

- a.) Personal matters about an identifiable individual, including municipal employees.

10. ADJOURNMENT



Under Section 34(1) of the Planning Act, the Province of Ontario grants municipalities the authority to enact Zoning By-laws to regulate land use within their communities.

While the Official Plan establishes general policies for land use, the Zoning By-law establishes specific rules for land use planning within our community, as identified within the zoning schedules.

Staff are recommending to Council that the Township undertake the process to update and replace our current Zoning By-law # 80-20 with a proposed new Comprehensive Zoning By-law for our community.

PURPOSE AND EFFECT OF THE ZONING BY-LAW UPDATE

Updating the Zoning By-law will allow us to:

- Ensure consistency with the Official Plan and implement its policies;
- Establish a legal framework for managing land use and future development for our community that is consistent with the Provincial Policy Statement and all Provincial policies and legislation; and
- Along with the Official Plan, help to protect our community from conflicting and/or potentially dangerous land uses.

Once approved, the updated Zoning By-law will repeal our current By-law # 80-20 and take effect within the township's entirety.

Section 26 (9) of the Planning Act states that all Councils must amend their Zoning By-laws, no later than three years after a revision of an Official Plan comes into effect, to ensure that they conform with the new Official Plan. To ensure compliance with the Planning Act, the Township needs to update our Zoning By-law to reflect the updated Official Plan, as approved by the Manitoulin Planning Board on October 29, 2018.

MHBC PLANNING, URBAN DESIGN & LANDSCAPE ARCHITECTURE

Staff have had an initial meeting with planners from ***MHBC Planning, Urban Design & Landscape Architecture*** and are recommending to Council that we hire them to work with us and implement the Comprehensive Zoning By-law process.

MHBC has been in existence since 1973 and has an extensive list of municipal clientele and proven experience working with municipalities of all sizes from across the Province.

WHAT WILL IT COST?

At this time, the costs are to be determined as staff are currently awaiting a quotation from MHBC. However, staff are confident that our current municipal budget will handle this unbudgeted expenditure and as we are legislatively mandated to undertake this process, staff are highly recommending to Council that we proceed with this project this Fall.

PROCESS OF UPDATING THE ZONING BY-LAW

To update our Zoning By-law, we must adhere to the legislative process to do so, as per the Planning Act, which includes:

- Providing notification to all property owners within the Township.
- Providing notification to those identified within Section 5(9) of O. Reg 545/06 under the Planning Act and those Provincial ministries and/or agencies that the Township deems appropriate.
- Hosting an Open House Meeting, advertised to the public for information sharing purposes.
- Advertising to the public in the local newspaper, our municipal website, and social media that we intend to host a Public Meeting. This must be done at a minimum of twenty (20) days in advance before the meeting.
- Hosting a Public Meeting, with MHBC to provide a presentation to the public.
- Upon completion of the Public Meeting and consultation, MHBC Consultants will present the Proposed Zoning By-law, along with all the comments and feedback to Council for consideration.
- Once Council has reviewed the feedback and Proposed By-law and is satisfied, they may pass the Zoning By-law through way of resolution.
- Once Council has passed the Zoning By-law, this new By-law will be enacted and take effect. *However, we must provide public notice of its' passing, to provide the opportunity for an appeal process. Any person or public body that meets certain requirements has 20 days after the notice of passing to appeal this decision to the Ontario Land Tribunal (OLT), by filing their notice of appeal with the Clerk and paying their fee required by the OLT.*

PUBLIC CONSULTATION: HOW WILL WE DO THIS?

As per Section 5 of O. Reg. 545/06 under the Planning Act, we are required to notify all landowners and the public regarding the Proposed Zoning By-law. We will provide a general information notice to the public, explaining what we are doing, the process involved, and invite community members to provide their feedback and comments.

We must provide members of the public with the opportunity to access information and ask their questions and provide the public with the opportunity to share their comments, feedback, and concerns with Council regarding the Proposed Zoning By-law. This will be

done through the hosting of two separate meetings- a Statutory Open House Meeting and a Public Meeting.

STATUTORY OPEN HOUSE MEETING

The purpose of the Open House is to provide the public an opportunity to review, ask questions and make comments to MHBC Consultants regarding the Proposed Zoning By-law. MHBC will present information and be available to answer questions.

The Open House is a legislative requirement as per Section 5 of O. Reg. 545/06 of the Planning Act.

PUBLIC MEETING

As per Section 5 of O. Reg. 545/06 of the Planning Act, we must host a Public Meeting, to provide the public with an opportunity to share their comments, feedback, and concerns with Council regarding the Proposed Zoning By-law.

Citizens are entitled to participate in the public meeting themselves or they may appoint a representative to provide their comments on their behalf. Typically, citizens wishing to attend the meeting and make comments must pre-register.

Any person may attend the Public Meeting and/or make written or verbal representation either in support or opposition of the Proposed Zoning By-law.

APPEAL PROCESS

If a person or public body wishes to appeal our Proposed Zoning By-law, they must make a written or verbal submission at the Public Meeting OR make a written submission to the Township of Assiginack before the By-law is passed. If they do not, they are not entitled to make an appeal to the Ontario Land Tribunal, unless in the opinion of the Tribunal, there are reasonable grounds to do so.

ANTICIPATED TIMELINE

Pending Council's Approval, staff are anticipating this process would commence in September, with us working with MHBC Consultants to ensure that the proposed By-law meets all legislative requirements and aligns with the current Provincial Policy Statement and Provincial policies; make updates to our Zoning Mapping to reflect the proposed changes; and to prepare all necessary documents for the public consultation period.

We anticipate that this review should be complete in November, allowing us to host our Open House in mid-November and then our Public Meeting before the end of the year.



TOWNSHIP OF ASSIGINACK

COMPREHENSIVE ZONING BY-LAW



DECEMBER 12, 2019
TOWNSHIP OF ASSIGINACK
DRAFT COPY

**THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
COMPREHENSIVE ZONING BY-LAW**

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

SECTION 1: TITLE

This By-law shall be known as the "Zoning By-law for the Corporation of the Township of Assiginack."

SECTION 2: DEFINED AREA

This By-law applies to the land included on Schedule A to this By-law within the boundaries of the Corporation of the Township of Assiginack, *herein* after known as the "**Township**" and to the adjoining shores of various lakes and rivers including land covered by water wherever there is or may be erected any jetty, **boathouse**, pier or other **building or structure**.

SECTION 3: INTERPRETATION

3.1 GENERAL

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

3.2 ZONING SCHEDULES

Schedule A attached hereto, together with the notations and references shown thereon, is hereby declared to form part of this By-law.

3.3 ZONE BOUNDARIES

When determining the boundary of any **Zone** as shown on Schedule A forming part of this By-law, the following provisions shall apply:

- a) A **boundary** indicated as following a highway, **street** or **lane** shall be the centre line of such highway, **street** or **lane**;
- b) A **boundary** indicated as following a **watercourse**, **creek**, **stream** or **the right-of-way** of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- c) A **boundary** indicated as following a shoreline, either the shoreline of the mainland or the shoreline of an island, shall follow such shoreline, except as noted in sub-section g) and in the event of change in the shoreline, the **boundary** shall be construed as moving with the actual shoreline;
- d) A **boundary** indicated as approximately following lot lines shown on a registered plan of subdivision or Township **lot**, shall follow such **lot lines**;
- e) A **boundary** indicated as approximately parallel to a **street line** or other feature indicated clauses a), b) or c) of this sub-section, and the distance from such **street line** or other feature is not indicated, and clause d) above is not applicable, such **boundary** shall be construed as being parallel to such **street line** or other feature;
- f) A **boundary** indicated as following the limits of the **Township** shall follow such limits; and
- g) Where any **zone** on Schedule A abuts a lakeshore, such zone shall be deemed to extend into the lake and apply to any water lots or to any land created by changing lake levels, land fill operations or by any other means.

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

3.4 CLOSINGS

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

3.5 CERTAIN WORDS

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

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

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

3.6 INTERPRETATION OF SIMILAR PERMITTED USES

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

Commented [ER1]: General Comment, this is fairly broad - may want to include "or similar" in certain definitions, as opposed to a blanket statement for all uses

Commented [CL2R1]: Leave as is

3.7 MULTIPLE USES ON ONE LOT

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

3.8 PROPERTIES WITH MORE THAN ONE ZONE

Where a *lot* is divided into more than one (1) *zone*, each such portion of said *lot* shall be considered separately for the purposes of determining *zone* provisions such as *lot area*, *lot frontage*, *required front yard*, *required side and rear yards* and each such portion shall conform to the provisions of the appropriate *zone*, but no *lot* shall have more than one (1) *dwelling unit* on the whole except as specifically provided in this By-law.

3.9 UNITS OF MEASURE

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

Metric units contained in this By-law are enforceable. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only and are provided only for the convenience of the reader.

SECTION 4: ADMINISTRATION

4.1 SCOPE

No **building, structure** or land shall be used, and no **building or structure** shall be **hereafter erected** with in that portion of the **Township** as now or henceforth legally constituted to which this By-law applies except in conformity with the provisions of the is By-law.

No lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining, or new building, structure, or lot to be in contravention of this By-law.

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4.2 ADMINISTRATION AND ENFORCEMENT

This By-law shall be administered by the **Chief Building Official** or such other person as **council** shall designate, and no permit for the **use** of land or for the erection of any **building or structure** or approval of any municipal license within the area to which this By-law applies, shall be issued where the proposed use, **building or structure** would be in violation of any provision of the By-law.

4.3 APPLICATION AND PLANS

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

- The true shape and dimensions of the **lot** to be used or upon which it is proposed to **erect any building or structure**;
- The proposed location, height and dimensions of the **building, structure** or work in respect of which the permit is applied for;
- The location of every **building or structure** already **erected** on or partly **erected** on such **lot**, and the location of every **use, building or structure** upon adjacent **lots**;
- The proposed location of **parking spaces, loading spaces, driveways, landscaping areas or planting strips** as may be required; and
- Other such information as may be necessary to determine whether or not every such **building, structure** and work conforms to the requirements of this By-law.

Commented [SV3]: General comment: confirm requirement. A ZBLA application may not require a survey

Commented [CL4R3]: Based on actual survey where available or as may be required by the Chief Building Official

Commented [CLS]: Add the definition of Survey in definitions section

Every such application shall be signed by the owner of the **lot** or the owner's agent duly authorized thereunto in writing and by the **Chief Building Official** and such application shall set forth in detail the current and proposed use of the **lot** and any **building or structure** thereon, together with all information necessary to determine whether or not every such proposed use of land, **building or structure** conforms with the requirements of this By-law.

4.4 CONFORMITY

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

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

4.5 INSPECTION

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

4.6 VIOLATION AND PENALTY

Any person who uses any land or *erects or uses any building or structure* in a manner contrary to any requirements of this By-law, or who causes or permits such *use or erection*, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence upon conviction. Therefore, shall be liable to a fine, exclusive of costs, which shall be recoverable under the [Provincial Offences Act, R.S.O. 1990, c.P33](#), as amended.

Each day of violation shall constitute an offence, and in the case of failure to correct the offence the fine can be charged on a per diem basis.

4.7 REPETITION OF OFFENCE

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

4.8 REMEDIES

Where any *building or structure* is or is proposed to be *erected*, reconstructed, extended or enlarged, or any *building or structure* or part thereof is or is proposed to be *used*, in contravention of any requirements of this By-law such contravention may be restrained by action at the instance of any ratepayer or of the *Township* pursuant to the [provisions of The Planning Act](#).

4.9 VALIDITY

Should any section, or part of a section, of this By-law, including anything shown on the zoning schedules (hereunto attached as Schedules ~~XXX~~), for any reason be held to be invalid, it is the intention that all the remaining provisions shall remain in full force and effect.

4.10 REPEAL OF EXISTING BY-LAWS

The following By-laws passed pursuant to Section 34 of the *Planning Act* (R.S.O. 1990, c.13 or predecessor thereof and amendments thereto) are hereby repealed and such repeal shall come into effect upon the date this By-law comes into force:

- o By-law No. 80-20 and amendments thereto; and
- o By-law No. 80-21 and amendments thereto; and

Note that where amending by-law numbers are referenced in text, they are provided for reference only, and upon consolidation with this By-law are repealed.

Commented [ER6]: General comment: suggest if including a link, linking to the Planning Act instead of the citizen's guide
<https://www.ontario.ca/laws/statute/90p13>

Commented [CL7R6]: Updated, the links in the document will be for internal purposes and not actual live document.

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

SECTION 5: DEFINITIONS

Illustrations found in this section of the by-law are for clarification and reference only and do not form part of this by-law, where measurements are concerned please see section of interest within this by-law. Defined terms in this By-law, unless the context otherwise requires will be found below. If the term you seek is not found below shall have the meanings that are commonly assigned to them in the context in which they are used, by taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

ACCESSORY BUILDING shall mean a detached *building* located on the same *lot* as the *main building*, the *use* of which is incidental or secondary to that the *main building* and which is not used for human habitation, and may include a *private garage*, a *boathouse*, a tool shed, a storage building or a warehouse.

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

ADULT ENTERTAINMENT BUSINESS shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designated to appeal to erotic or sexual appetites or inclinations.

AGGREGATE means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the [Aggregate Resources Act](#) suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under [The Mining Act](#) or the [Aggregate Resources Act](#).

AGRICULTURAL USE shall mean ~~the use of lands, buildings or structures for the purpose of forestry, field crops or fruit farming~~ the use of land, buildings or structures for:

- a) ~~The growing of crops, including cannabis, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the accessory storage and sale of crops;~~
 - b) ~~The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of poultry and fish;~~
 - c) ~~The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage, and sale of the products;~~
 - d) ~~A greenhouse or nursery garden, including storage and sale of the products;~~
 - e) ~~The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities; and~~
 - f) ~~Includes a farm dwelling and accessory buildings~~
 - g) ~~Notwithstanding Cannabis processing, Cannabis processing and treatment thereof will require a site specific zoning amendment.~~
- ~~market gardening, dairying, animal husbandry, poultry raising, beekeeping, aquaculture, and such uses as are customarily and normally related to agriculture and includes a farm dwelling, and accessory buildings and retail agricultural uses.~~

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AGRICULTURAL-RELATED USE shall mean a farm-related commercial or farm-related industrial use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity with the exception of cannabis operations.

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AIRFIELD shall mean land used for the purpose of the landing, storing, taxiing and taking-off of private aircraft as the primary function or *accessory* to a *residential use*, but not an *airport* under the regulation of the Ministry of Transport.

AIRPORT shall mean any land, *lot* or *buildings used* for the purpose of landing, storing, taxiing, and taking-off of private or commercial aircraft, pursuant to the regulations of the Ministry of Transport.

AIR TREATMENT CONTROL shall mean the functional use of an industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person(s)

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

ANIMAL HOSPITAL shall mean the premises of a veterinary services where animals, birds or other livestock are treated or kept.

APARTMENT DWELLING see **DWELLING, APARTMENT**

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

Commented [ER10]: General comment: confirm these are 2 separate uses or could they be combined?

Commented [CL11R10]: They are separate.

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AUTOMOBILE SERVICE STATION shall mean a *building* or place where petroleum products and new supplies, parts and accessories are kept for sale to service motor vehicles, recreational vehicles, farm implements and machinery and where minor and/or emergency repairs are performed to motor vehicles, farm implements and machinery but no other activities of a public garage are conducted.

BASEMENT shall mean that portion of a *building* where one or more storeys of a building are located below the first storey, which is partly underground.

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BASEMENT, WALKOUT shall mean that portion of a *building* which is partly underground, but which has more than fifty percent (50%) of the *floor area* not greater than one-half (0.5) metres [or 1.64 ft] below grade, and which has an entrance and exit at grade level. This definition shall only apply in an area where the natural terrain permits construction of a *walkout basement*.

Commented [ER12]: suggest Building Code definition: one or more storeys of a building located below the first storey

Commented [CL13R12]: yes please use the Building Code definition

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

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more than three (3) guest rooms used or maintained for the accommodation of the public and shall be clearly secondary to the use of the *dwelling unit* as a private residence.

BOARDING HOUSE shall mean any house or *building* in which the proprietor resides and occupies *floor space* for the purposes of the *boarding house* as his/her residence, and supplies for hire or gain to more than six (6) persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings and includes a rooming house, but does not include a *bed and breakfast establishment, hotel, motel or tourist cabin establishment*.

BOATHOUSE - shall mean a *building or structure* or part thereof located on land or water and not more than one *storey in height, used* for the storage of private boats and equipment *accessory* to their use and *accessory* to a *residential use*, part of may not include sleeping accommodations.

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

BUILDING LINE shall mean 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 *land* and a *lot line*.

BUILDING, MAIN shall mean that *building* the nature of the *use* of which is determined by the *zone* of the *lot* upon which it is authorized to be constructed or upon which it is constructed.

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

BUSINESS OR PROFESSIONAL OFFICE shall mean an *office* in which any business is carried on or any profession is practiced but does not include a *home occupation or a clinic*.

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

CARPORT shall mean a covered parking area which is open on at least two sides

CANNABIS PROCESSING FACILITY shall mean a building or structure or part thereof equipped with Air Treatment Control that is used for growing, producing, processing, testing, destroying, packaging and/or shipping cannabis authorized by a federal license or registration.

CEMETERY shall mean a parcel of land set apart or *used as* a place for the interment of the dead or in which human bodies have been buried, as in *the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33 - Bill 209*.

the Cemeteries Act of Ontario.

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CHIEF BUILDING OFFICIAL shall mean the person duly appointed by *council* as the *Chief Building Official* and charged with the duty of enforcing the provisions of *The Building Code Act, S.O. 1992, Chapter 23*, as amended, together with any regulations thereunder, and the *Building By-Law*.

CHILD CARE CENTRE shall mean an establishment providing care and maintenance of children separated from their parents or guardian *during the part of the day between 5 a.m. and 7 p.m. except a public school or elementary school having a similar curriculum and at least four grades.*

Commented [ER16]: suggest removing reference to time limits

Commented [CL17]: vs. private? What is reasoning behind removing

CLINIC means a *building* or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by qualified health practitioners and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, professionals (e.g. physicians, dentists, optometrists, chiropractors, chiropractors, veterinary or drugless practitioners).

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

Commented [ER18]: suggest distinguishing private v. commercial club

Commercial: for profit or gain
Private: not operation for profit or gain

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

Commented [CL19]: Yes, make the change, request suggested wording

COMMUNITY CENTRE shall mean any tract of land, or *building or buildings* or any part of any *buildings used* for community activities whether *used for commercial* purposes or not, and the control of which is vested in the *Township*, a local board or agent thereof except that in the case of a community centre located within a *mobile home park*, the control of such use may be vested in the owners of the *mobile home park*.

COMPOSTING FACILITY shall mean an open windrow *waste* processing facility in which leaf and yard *waste* is processed into compost through an aerobic biological process, conducted under controlled, engineered conditions designed to produce stabilized humus.

COMMUNICATIONS FACILITY shall mean an installation which transmits, receives and/or relays communications *such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, or similar facility.*

CONTAINER, see **SHIPPING CONTAINER**

CONVENIENCE RETAIL shall mean a retail *commercial* establishment, not exceeding one hundred and forty (140) square metres (or 1,507 ft²) or of *gross floor area* which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs, but shall not include a store catering primarily to the general *commercial* requirements of the residents of an area.

CONSERVATION USE shall mean the preservation and protection of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

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CONVERTED DWELLING see **DWELLING, CONVERTED**

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CORNER LOT see **LOT, CORNER**

COUNCIL shall mean the Council of the *Township of Assiginack*.

COURT shall mean an open, uncovered space on a *lot*, surrounded on all four sides by the principal *building* or *structure*.

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

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

DEVELOPMENT shall mean the construction, *erection* or placing of one or more *buildings* or *structures* on land in the making of an addition or alteration to a *building* or *structure* that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a *commercial parking lot*.

DRIVE-IN RESTAURANT see **RESTAURANT, DRIVE-IN**

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

DUPLEX DWELLING see **DWELLING, DUPLEX**

DWELLING shall mean a *building*, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons.

DWELLING, ADDITIONAL shall mean a separate dwelling unit which is either located in a single detached dwelling, semi-detached dwelling, rowhouse or an accessory building or structure.

DWELLING, APARTMENT shall mean a *building* consisting of five (5) or more *dwelling units*, which units have a common entrance from the street level and the occupants of which have the right to use in common halls and/or stairs and/or elevators and yards.

DWELLING, CONDOMINIUM TOWNHOUSE shall mean a *townhouse dwelling unit*, as defined in this By-Law, constructed and maintained under the provisions of the *Condominium Act*.

DWELLING, CONVERTED shall mean a *building* altered to contain less than three (3) units, with each self-contained dwelling unit having a floor space of not less than 55 square metres (or 592 ft²).

DWELLING, DUPLEX shall mean a *building* of two (2) or more *storeys* that is divided horizontally into two (2) *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.

Commented [ER21]: does not exist, replaced by Child Care Centre

Commented [CL22R21]:

Commented [CL23]: Remove this comment all together. We are permitting only 2 dwelling units hence the primary and secondary terms.

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DWELLING FLOOR AREA, see FLOOR AREA, DWELLING

DWELLING, MULTIPLE shall mean a *building* designed and intended to contain three or more *dwelling units* independent of each other but shall exclude an *apartment dwelling* or *townhouse dwelling*.

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

DWELLING, SEMI-DETACHED shall mean a *building* that is divided vertically into two (2) *dwelling units* each of which has an independent entrance either directly or through a common vestibule.

DWELLING, SINGLE DETACHED shall mean a completely detached *dwelling unit*.

DWELLING, SECONDARY shall mean a separate *dwelling unit* which is either located in a single detached dwelling, semi-detached dwelling, rowhouse or an accessory building or structure.

DWELLING, TINY HOME shall mean a small, private and self-contained dwelling unit between 17.5 sqm and with a minimum area of 37 sqm that complies with Ontario Building Code. A tiny home shall be considered a single detached dwelling unless it is on wheels in which case it shall be considered a mobile home.

DWELLING, TOWNHOUSE shall mean a *building* that is divided vertically into three (3) or more *dwelling units*, each of which has independent entrances, to a *front and rear yard* immediately abutting the front and rear walls of each *dwelling unit*.

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

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

EATING ESTABLISHMENT shall mean a *building* or part of a *building* where food is offered for sale or sold to the public for immediate consumption therein and includes a *restaurant*, *cafe*, *tea or lunch room*, *dairy bar*, *coffee shop* or *refreshment room or stand* but does not include a *boarding*, or *rooming house*, or a *bed and breakfast establishment*.

EMERGENCY VEHICLE DISPATCH CENTRE shall mean a *building* or place used for the storage, cleaning, incidental maintenance and dispatch of police, fire and ambulance vehicles and employees.

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

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Commented [CL25]: remove, not allowed on wheels,

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

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

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

EXTERIOR YARD see **YARD, EXTERIOR**

Commented [CL26]: keep all cross referencing

FARM shall mean land used for the growing of trees, grain, vegetables, or fruit crops, the grazing or pasturing of livestock, or dairying, and includes a *farm dwelling* and *accessory buildings* and such *buildings* as a barn, a grain and feed storage facilities and silos.

FARM, SPECIALIZED USE shall mean land on which the predominant use of land and/or *buildings* is for the raising of chickens, turkeys, or other fowl, fur-bearing animals, hogs, or aquaculture, or the growing of mushrooms, or sod, or the intensive feeding of cattle in a confined area and includes a *farm dwelling* and *accessory buildings*.

FLANKAGE LOT LINE see **LOT LINE, FLANKAGE**

FLOOD PLAIN shall mean the horizontal area below the *high water mark* of a watercourse (including a drainage canal) or lake that has been or may be covered by flood water during a regional flood or a one-in-one hundred year flood or as defined by The Ministry of Natural Resources.

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

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

FLOOR AREA, GROUND shall mean the *floor area* of the lowest *storey* of a *building* approximately at or first above the average finished grade level, excluding any *basement* or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such *storey*, but

- a) excludes car parking or loading areas within the *building*; and
- b) for the purpose of this paragraph the walls of an inner *court* are and shall be deemed to be exterior walls.

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

FORESTRY USE means an area of land used for cultivating or harvesting trees, with or without the sawing, splitting or sale of timber originating solely on the same *lot* therewith as *uses* accessory thereto.

FRONT LOT LINE see **LOT LINE, FRONT**

FRONT YARD see **YARD, FRONT**

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

GARAGE, DETACHED shall mean an *accessory building* or portion of a *building* which is designed or used for the sheltering of private *motor vehicles* and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or *commercial use* and is a minimum of 37.16m²[400ft²].

GARAGE, PORTABLE / TEMPORARY shall mean a prefabricated *structure* usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

GOLF COURSE shall mean a public or private area operated for the purpose of playing golf and includes a par 3 or larger golf course but does not include driving ranges, miniature golf courses and similar uses.

GROUP HOME shall mean a residence that is licensed or funded under an *Act of the Parliament of Canada* or the *Province of Ontario* for the accommodation of three (3) to ten (10) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional mental, social, or physical condition or legal status, require a group living arrangement for their well being.

GUEST CABIN shall mean a non-commercial *building* for sleeping accommodation *accessory* to a *seasonal dwelling* in the *Shoreline Residential Zone* and may not exceed more than 400 square feet [37.16 m²].

GREENHOUSE, COMMERCIAL shall mean a *building* for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same *lot* containing such greenhouse but are sold directly from such *lot* at wholesale or retail.

GREENHOUSE, FARM shall mean a *building* for the growing of plants, shrubs, trees and similar vegetation which are necessarily transplanted outdoors on the same *lot* containing such greenhouse.

GROSS FLOOR AREA see **FLOOR AREA, GROSS**

GROUND FLOOR AREA see **FLOOR AREA, GROUND**

HABITABLE ROOM shall mean a room which:

Commented [SV27]: Requirements/Provisions embedded in definitions are not recommended. Consider moving to General Provisions or Zone Requirements if desired.

For consideration: would a 1 car vehicle storage building (could be 240 sq ft) not be considered a garage due to its size?

Commented [CL28R27]: Please leave as in tiny homes

Commented [SV29]: Requirements/Provisions embedded in definitions are not recommended. Consider moving to General Provisions or Zone Requirements if desired.

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- a) is located within a *dwelling unit*;
- b) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
- c) that can be used at all times throughout the year;

but, does not include any room specifically defined *herein* as a non-habitable room.

HEAVY SERVICE SHOP see SERVICE SHOP, HEAVY

HEIGHT shall mean, with reference to a *building*, the vertical distance measured from the finished *established grade* level at the front elevation of such *building* to:

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

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

HIGH WATER MARK shall mean the normal original water mark of any body of water as measured by an Ontario Land Surveyor unless such high water mark has been altered by the construction of a public dam or dams, in which case the measurement shall be from the high water mark as controlled by such dam or dams.

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

HEREIN shall mean anywhere in this By-law.

HOME INDUSTRY shall mean a gainful occupation including an electrical, woodworking, welding, plumbing, machine shop or blacksmith, conducted in whole or in part in an *accessory building* to a *single detached dwelling*, provided that:

- a) there is no external advertising other than a *sign* erected in accordance with any by-laws of the *Township* regulating signs;
- b) there is no external storage of goods, materials or equipment;
- c) such *home industry* is not an *obnoxious* trade, business or manufacture;
- d) such *home industry* is clearly secondary to the main residential use and does not change the residential character of the *dwelling units* or creates or becomes a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
- e) not more than two (2) persons, other than the owner, are employed therein on a full-time basis; and
- f) the lot shall be an *existing lot* with not less than 40 metres (or 131.3 feet) of *lot frontage* and 50 metres (or 164 feet) of *lot depth*.

HOME OCCUPATION shall mean any occupation that is carried on as an *accessory use* and only by the residents of the *dwelling* or *dwelling unit* provided that:

- a) no person, other than a resident of the *dwelling unit* is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers;

Commented [SV30]: Suggest moving regulations to General Provisions, as opposed to being in the definition

Commented [CL31R30]: That will cause more duplication in each zone where this is allowed. This is where we prefer to have this. We are used to going to the definitions to define the specific uses.

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- b) there is no display, other than an unilluminated sign not greater than 1 square metre [or 10.76 ft²] in size, to indicate to persons outside that any part of the *dwelling, dwelling units or lot* is being used for a purpose other than a *dwelling or dwelling unit*;
- c) such *home occupation* is clearly secondary to the main residential use and does not change the residential character of the *dwelling or dwelling unit* nor create or become a public nuisance, particularly regarding noise, noxious odours or emission of smoke, traffic or parking;
- d) such *home occupation* does not interfere with television or radio reception;
- e) there is no outside storage of goods or materials;
- f) not more than twenty-five percent (25%) of the *gross floor area* of the *dwelling unit* is used for the purposes of *home occupation* uses; and
- g) such *home occupation* uses may be carried out in an *accessory building* and are limited to a service or repair shop, a personal service shop or an office.

Commented [SV32]: Suggest moving regulations to General Provisions, as opposed to being in the definition

Commented [CL33R32]: Please leave

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

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

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

INTERIOR LOT see **LOT, INTERIOR**

INTERIOR YARD see **YARD, INTERIOR**

INDUSTRIAL USE shall mean the use of land, *buildings* or *structures* for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related *accessory uses*. ~~For clarity, this definition shall include cannabis processing facilities.~~

Commented [CL34]: Remove, as we will require a site specific zoning amendment for the processing of cannabis.

INDUSTRIAL USE, LIGHT shall mean an industrial use engaged in, or used for:

- a) Producing apparel and finished textile products, other than the production of synthetic fibers,
- b) Warehousing or storing of goods or materials indoors
- c) Printing, duplicating or bookbinding
- d) Manufacturing finished paper and allied products other than processing wood pulp,
- e) Producing cosmetics, drugs and other pharmaceutical supplies,
- f) Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic-ware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monument, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use accessory to an extractive use, or
- g) Research laboratories and medical offices for engineers, architects and surveyors

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KENNEL shall mean a *building or structure* where animals, birds or other livestock intended or *used* as domestic household pets are kept or boarded.

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

LANDFILLING shall mean the disposal of *waste* by deposit, under controlled conditions, on land and included compaction of *waste* into a cell and covering the *waste* with cover material at regular intervals.

LANDSCAPING shall mean:

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

LANE shall mean a public or private thoroughfare that affords either a primary or a secondary means of vehicular access to abutting *lots* and which is not intended for general traffic circulation.

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

LIGHT INDUSTRIAL USE see **INDUSTRIAL USE, LIGHT**

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

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

LONGTERM CARE HOME shall mean a "long term care home" as defined in the Long term Care homes Act, 2007, and its successors.

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

LOT AREA shall mean the total horizontal area within the *lot lines* of a *lot* and, in the case of a *corner lot* having street lines rounding at the corner with a radius of six (6) metres (or 19.69 feet) or less, the *lot area* of such *lot* shall be calculated as if the *lot lines* were projected to their point of intersection.

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LOT, CORNER shall mean a *lot* situated at the intersection of and abutting on two (2) or more *streets* provided that the angle of intersection of such *streets* is not more than 135 degrees.

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

LOT DEPTH shall mean the horizontal distance between the *front and rear lot lines*. Where these *lot lines* are not parallel, the lot depth shall be the length of a line joining the midpoints of the *front and rear lot lines*.

LOT FRONTAGE shall mean the horizontal distance between the side *lot lines* measured at right angles. Where the front *lot line* is not a straight line, or where the side *lot lines* are not parallel, the *lot frontage* shall be measured by a line seven and one-half (7.5) metres (or 24.6 feet) back from and parallel to the chord of the *lot frontage*. For the purpose of this By-law the chord of the *lot frontage* is a straight line joining the two points where the side *lot lines* intersect the front *lot lines*.

LOT, INTERIOR shall mean a *lot* situated between adjacent *lots* and having access to one street.

LOT LINE shall mean any boundary of a *lot*.

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

LOT LINE, FRONT shall mean the *lot line* that divides the lot from the *street*, but:

- a) in the case of a corner *lot* with two *street* lines of equal lengths, the *lot line* that abuts the wider street or abuts a Provincial Highway shall be deemed to be the *front lot line*, and in the case of both streets being under the same jurisdiction, or of the same width, the *Township* may designate either *street* line as the *front lot line*;
- b) in the case of a corner lot abutting a 0.3 metre [one foot] reserve the lot so abutting the 0.3 metre [one foot] reserve shall be deemed an exterior side *lot line* and the other line abutting the *street* shall be deemed the *front lot line*;
- c) in the case of a through *lot*, the longer boundary dividing the lot from the street shall be deemed to be the *front lot line* and the opposite shorter boundary shall be deemed to be the *rear lot line*. In case each of such *lot lines* should be of equal length, the *Township* may designate either *street* line as the *front lot line*;
- d) in the case of a *lot* with *frontage* on a navigable stream, river or lake, or marine road allowance the front lot line shall be either the line of the established *high water mark* of such stream, river or lake, or the line of the inner limit of the original marine road allowance along the shore of such stream, river or lake; and
- e) in the case of a *lot* with *frontage* on a navigable stream, river or lake, or marine road allowance and an open and maintained road allowance, the front lot line shall be either the line of the *high water mark* of such stream, river or lake, or the inner line of the original marine road allowance along such stream, river or lake or the *lot line* adjacent to the open and maintained municipal road allowance.

LOT LINE, REAR shall mean the *lot line* opposite the *front lot line*.

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

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LOT OF RECORD shall mean a *lot* or parcel of land that can legally be conveyed and which includes *lots* on a registered plan of subdivision, parcels created by consent in accordance with the Planning Act or other distinct and separate holding, the deed/transfer to which is registered in the Land Registration office and which *lot* or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, *lots of record* shall not include those *lots* on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision for the purposes of Section 50 (4) of the Planning Act R.S.O. 1990, as amended.

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

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

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

Manufacturing Industry shall mean an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly, or similar production of various articles and commodities, and includes custom workshops, factories, mills, industrial shops, and similar production facilities. This definition shall include cannabis processing facilities.

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

MATERIAL RECOVERY FACILITY OR AREA shall mean a *waste* processing facility or area in which source separated material is processed into recyclable or reusable material. Processing may include such activities as sorting, baling, treatment and other forms of material recovery and short-term storage of processed material.

MICROBREWERY OPERATION shall mean a facility at which manufacturing of handcrafted ales and lagers beer from raw materials (malt, hops, water and yeast) are produced on the premises with a *commercial* and certified brewing system. Operations will further include the cold storage of beer products manufactured on site, and retail and distribution sales of those beer products. The facility may include a hospitality and tasting area, but shall not include a *restaurant*, *an eating establishment*, tavern, bar, night *club*, or takeout food service.

MOBILE HOME shall mean any *dwelling* that is designed to be made mobile, and constructed or manufactured in a factory to provide a permanent residence for one or more persons, unit complies with all applicable standards of the Canadian Standards Association for *mobile homes*, but does not include a *travel trailer* or tent trailer or trailer otherwise designed; and has a minimum width of four and one-half (4.5) metres [or 14.8 feet].

MOBILE HOME PARK Shall mean an area set aside for the *use of mobile homes* in which sewage disposal, water and hydro resources are provided and in which community laundry, social, local commercial and recreation facilities may be located, and which is licensed for this purpose by the *Township*. The area allotted for each

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mobile home park shall be not less than 930 square metres [or 10,010 ft²]. The *mobile home park* shall be created in accordance with the [Ontario Rules for Non-municipal drinking water systems](#).

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

MOTEL see **HOTEL/MOTEL/HOSTEL**

MOTOR VEHICLE REPAIR SHOP shall mean a service commercial or general industrial establishment for the repair or replacement of parts in a motor vehicle or recreational vehicle and without limiting the generality of the foregoing, absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating and cooling systems, ignition systems, mechanical or electrical parts or systems, but does not include an *auto body repair shop*.

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

MULTIPLE DWELLING see **DWELLING, MULTIPLE**

NATURAL YARD see **YARD, NATURAL**

NON-COMPLYING shall mean an *existing lot* or *building* or *buildings* which does not comply with one or more of the zone provisions or standards for the *zone* within which said *lot* or *buildings* are located.

NON-CONFORMING shall mean a use that is not permitted in the *zone* in which it is located.

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

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

NURSERY shall mean a building, structure, or lot used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

OBNOXIOUS USE shall mean an offensive use or trade within the meaning of [The Public Health Act](#) or any use which is included herein or found to be highly offensive; a nuisance by reason of emission, or the creation of

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odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste, or the depositing or leaving of unsightly objects or chattels on land.

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

OPEN SPACE shall mean an unoccupied space open to the sky except such land as is used or required for parking purposes by this By-law, and may include any facility park or recreation area, owned, operated or maintained in whole or in part by any public authority for *public use*, and shall include neighbourhood, community, regional and special *parks* or areas.

OPEN STORAGE shall mean the storage of goods, merchandise, or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement, or the storage of vehicles or equipment for sale or repair. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of a lot.

PARK shall mean an area of land designed for the purposes of passive or active leisure activities and may include thereon one or more athletic fields, field houses, *community centres*, bleachers, *swimming pools*, wading pools, skateboarding areas, bandstands, skating rinks, refreshment rooms, or arenas.

PARKING AREA shall mean an area of land which is provided and maintained upon the same *lot* or *lots* upon which the principal use is located and which area:

- a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to and *egress* from the said *parking spaces*; and
- b) is provided and maintained in accordance with all applicable provisions of this By-law.

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

PARKING SPACE shall mean an area of land which:

- a) is provided for the temporary parking or storage of one motor vehicle for other than the purpose of sale or display; and
- b) is not less than eighteen (18) square metres [or 194 ft²] exclusive of any aisles or *Ingress* or *egress* lanes; and
- c) has adequate access to permit ingress and egress of a *motor vehicle* from the *street* by way of a driveway systems in accordance with the regulations of this By-law.

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

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

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CHURCH/PLACE OF WORSHIP means a *building* maintained and controlled by a religious body organized to sustain public worship and dedicated to religious worship and may include a synagogue, a church hall, church auditorium, Sunday school, convent, monastery or parish hall ~~or any other place of worship or similar facility.~~

Commented [CL35]: Remove and replace with “.”

~~PORTABLE STORAGE CONTAINER shall mean a pre-fabricated metal or steel accessory building used for the transport and and/or storage of goods and materials but shall not include the body of a transport trailer, strait truck box or motor vehicle and is to be used for storage only and not for human habitation.~~

Commented [ER36]: similar to shipping container, suggest referencing Shipping Container definition instead of defining separately

Commented [CL37R36]: remove all together, please

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

PRINCIPAL USE shall mean the primary purpose for which a *lot, building or structure* is *used* or intended to be *used*.

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

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

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

PUBLIC PARK shall mean a park owned or controlled by the *Township* by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include a public beach and other park designations as defined under *park* in this section.

PUBLIC PLAYGROUND shall mean a playground owned or controlled by the *Township* by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include tennis courts, basketball court, and other activity related uses on municipal lands.

PUBLIC USE shall mean a *lot, building or structure* that is broadly used for public benefit.

PUBLIC UTILITY shall mean a premise used for public utility services by the *Township*, any Boards or Commissions thereof, any Ministry or Commission of the Governments on Ontario or Canada, and shall include utilities that provide electricity, street lighting systems, natural or artificial gas works, steam, water, telephone, *renewable energy generating facility*, internet or telecommunication services, cable television, transportation, drainage or sewage or refuse collection and disposal services, including a communications facility, and includes any lands, *buildings* or equipment required for the administration or operation of any such system.

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REAR LOT LINE see **LOT LINE, REAR**

REAR YARD see **YARD, REAR**

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

REGISTERED PLAN means the original official plan including the surveyed boundaries and dimensions of property to which guides the *Township* in identifying certain circumstances with the different types of land use and their granted authority to occur and identifies the specific zones. If the proposal to develop the land does not conform with the Registered Plan and the policies granted as they apply to those lands, then an Official Plan Amendment will need to be made.

RENEWABLE ENERGY GENERATING FACILITY means a facility or a system that generates electricity from a renewable energy source, inclusive of a dam, powerhouse, solar power collectors or installations, transmission lines, and all associated lands, improvements and infrastructure required for its operation, for the generation and transmission of electricity therefrom.

RESIDENTIAL USE shall mean the use of any *building or structure* on a lot for purposes of human habitation and shall have a minimum required area of 37.16m² [400ft²].

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

RESTAURANT CART means a *building or trailer*, even if it is stationary, used on a seasonal basis for the preparation and cooking of a limited selection of meals and the sale of such food and refreshments to the public for consumption on an attached patio or for consumption on the premises. The patio must be used in conjunction with the restaurant cart and also means an outdoor area located on the same lot as the restaurant cart, however, may be more commonly known as the chip stand or hot dog cart.

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

RETAIL FLOOR AREA see **FLOOR AREA, RETAIL**

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

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

Commented [SV38]: This would automatically exclude a Tiny Home as a residential use. Requirements/Provisions embedded in definitions are not recommended. Consider moving to General Provisions or Zone Requirements if desired.

Commented [CL39R38]: This is the smallest building we will allow for residential purposes. With the exception of a guest cabin in a shoreline residential zone. We have changed the Tiny home size. To reflect this.

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ROOMING HOUSE means a *building* or portion thereof in which the proprietor resides and supplies for hire or gain to more than two (2) persons, lodging and/or meals, but shall not include a *hotel, hospital* or nursing home.

SCHOOL shall mean an elementary school, a high school, a continuation school, a technical school, a college or university or any other school.

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

SEA CONTAINER, see **SHIPPING CONTAINER**

SEASONAL DWELLING, see **DWELLING, SEASONAL**

SECONDARY UNITS also known as *basement apartments* or "granny flats" and are self-contained residential units with kitchen and bathroom facilities within *dwellings*.

~~**SECONDARY USE** shall mean the use or uses that are not the original intended or primary use for any building or structure where the minimum required area shall be 37-16m² (400ft²).~~

SEMI-DETACHED DWELLING see **DWELLING, SEMI-DETACHED**

SERVICE INDUSTRY shall mean a garage including engine and auto body repair shop, a printing establishment, a cleaning establishment, a paint shop, plumbing shop, sheet metal shop and similar *uses*.

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

SERVICE SHOP, HEAVY shall mean a shop not otherwise classified or defined in this By-Law and whether conducted in conjunction with a retail store or not, for servicing or repairing tires including vulcanizing or retreading, batteries, brakes or radiators, automotive ignition, exhaust or electrical systems, furnace and oil burners, water and air coolers and domestic water heaters, fixtures and equipment and any other like articles, the business of renting automobiles or trucks, light construction or lawn care equipment, and includes the regular place of business of a master electrician or plumber.

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

SEWAGE DISPOSAL FACILITIES shall mean a system of underground pipes or conduits and related pumping and treatment appurtenances operated by the *Township* and under license of the Ministry of the Environment for

Commented [CL40]: Please leave

Commented [SV41]: general comment: what is the rationale for a minimum required size for a secondary use? Any use that is not the primary use may be considered secondary use. Requirements/Provisions embedded in definitions are not recommended.

Commented [CL42R41]: Remove definition altogether

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public use and works within the meaning of Section 1 of the Ontario Water Resources Act and Ontario Reg. 332/12, under the building code act 1992.

SHIPPING CONTAINER shall mean a reusable enclosed metal structure manufactured to be utilized in the transporting, shipping, and storing of goods and having the original intended benefit to be transferred from one mode of transport to another without the requirement of being unloaded. This shall include intermodal shipping containers, sea containers, storage containers, transport truck trailers, and straight truck trailer boxes, but does not include any vehicle defined herein. This shall also include those containers where the original doors and/or door closures have been removed, leaving the container not fully enclosed.

SIDE LOT LINE see **LOT LINE, SIDE**

SIDE YARD see **YARD, SIDE**

SINGLE DETACHED DWELLING see **DWELLING, SINGLE DETACHED**

SIGN, LEGAL shall mean a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot which directs attention to an object, product, place, activity, person, institute, organization, or business and which does not contravene any By-law of the Township or any regulation of the Government of Ontario or Canada.

SITE PLAN shall mean a scaled drawing showing the relationship between the *lot lines* and the *uses, buildings or structures existing* or proposed on a *lot*, including such details as *parking areas, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas*, densities and areas for special uses.

SOLAR COLLECTOR shall mean a Class 1 or 2 ground mounted or rooftop mounted or wall mounted device under the Green Energy and Green Economy Act, 2009 with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun. Solar Collector, Commercial Means a Class 3 ground mounted device under the Green Energy and Green Economy Act, 2009 with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun.

SPECIALIZED USE FARM see **FARM, SPECIALIZED USE**

STOREY shall mean that portion of a *building* between any floor and the floor, ceiling or roof next above, provided that any portion of a *building* partly below grade level shall not be deemed a storey unless its ceiling is at least one and eight-tenths (1.8) metres [or 5.9 feet] above average grade and provided also that any portion of a storey exceeding four (4) metres [or 13.1 feet] in *height* shall be deemed an additional storey for each four (4) metres [or 13.1 feet] or fraction thereof of such excess.

STOREY, ONE HALF shall mean the portion of a *building* located wholly or partly within a sloping roof having a *floor area* of not less than one-third or more than two-thirds of the *floor area* of the storey next below, sidewalls not less than one and two tenths (1.2) metres [or 3.94 feet] in *height* and a ceiling with a minimum *height* of two and three tenths (2.3) metres [or 7.55 feet] over an area equal to at least fifty percent (50%) of its *floor area*.

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STRAIGHT TRUCK TRAILER, see SHIPPING CONTAINER

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STREET OR ROAD shall mean a public highway as defined by The Municipal Act and The Highway Traffic Act and shall exclude a lane or right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 50(4) of The Planning Act, R.S.O. 1990, as amended, or which has not been assumed by the *Township*.

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

Commented [CL43]: Leave In

STRUCTURE shall mean anything that is *erected*, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other *structure*. For the purposes of this By-law, a fence not exceeding one and eight-tenths (1.8) metres [or 5.91 feet] shall not be deemed to be a *structure*.

SWIMMING POOL shall mean an artificial body of water, either in ground or above ground, intended and used primarily for bathing, swimming and diving but shall not include a natural dug or dammed pond which is intended primarily for aesthetic or agricultural purposes. Must be in accordance with the municipal Pool By-law in effect.

TOURIST CABIN ESTABLISHMENT shall mean an establishment comprising land and *buildings* under single ownership where individual cabins are offered for rent to tourists on a short-term basis. Such cabins may include food preparation facilities. In addition, a permanent residence for the owner or proprietor may be located on the site.

TOWNHOUSE DWELLING see DWELLING, TOWNHOUSE

TOWNSHIP shall mean the Township of Assiginack.

TRAILER shall mean any vehicle so constructed that it is suitable for being attached to a *motor vehicle*, the transport of a boat, tent or materials, notwithstanding that such vehicle is jacked up or, that its running gear is removed.

TOURIST TRAILER PARK shall mean an establishment comprising land or premises under single ownership, licensed by the *Township* and used for the parking of tourist or *travel trailers* on a temporary or seasonal basis and where community laundry, social, local commercial and recreational facilities for the exclusive use of the trailer park occupants may be located.

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

TRAVEL TRAILER OCCUPANCY-AGREEMENT LICENSE shall mean the contract ~~between the landowner and the municipality that will be~~ signed by the landowner agreeing to hold temporary occupancy in a *travel trailer* on a *lot* for which there is no primary *building or structure* and where there is no active building permit. The said agreement will be *lot specific*, bound to the landowner at the time of authorization only and timeline and fees based on fees schedule currently in effect.

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

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

UTILITY shall mean "a Public Utility" as defined by the Public Utilities Corporation Act and amendments thereto.

WASTE shall mean ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other materials as are designated in regulations under the Environmental Protection Act, R.S.O. 1990, as amended.

WASTE PROCESSING FACILITY OR AREA shall mean *land, buildings or structures* in or upon which *waste* is shredded, baled, pulverized, composted, separated or otherwise treated or altered to facilitate its further transfer, processing, utilization or disposal.

WATERCOURSE shall mean a natural channel for a stream and, for the purpose of this By-law, includes a natural channel for an intermittent stream and all watercourses, whether or not shown on Schedule A.

WATER SUPPLY shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the *Township* and/or the Ontario Ministry of the Environment for *public use* and work within the meaning of Section 2 of the Safe Drinking Water Act.

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

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

YARD, EXTERIOR shall mean the side yard of a *corner lot* which *side yard* extends from the *front lot line* and the nearest main wall of any *building or structure*.

YARD, FRONT shall mean a yard extending across the full width of a *lot* between the *front lot line* and the nearest wall of any *building or structure* on the *lot* and the "*minimum*" *front yard* means the minimum depth of a front yard on a *lot* between the *front lot line* and the nearest main wall of any *main building or structure* on the *lot*.

YARD, NATURAL shall mean a *yard* extending across the full width of a *lot* between a *lot line* abutting a navigable stream, river or lake and the nearest wall of any *building or structure* on the *lot* and which yard contains the natural and undisturbed vegetation of the shoreline.

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

YARD, SIDE shall mean a *yard* extending from the *front yard* to the *rear yard* of a *lot* between a *side lot line* and the nearest wall of any *building or structure* on the *lot* and the "*minimum*" *side yard* means the

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

minimum width of a side yard on a *lot* between a *side lot line* and the nearest main wall of any *main building* or *structure* on the *lot*.

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

Commented [CL44]: Gerry to look into this

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

DRAFT

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

SECTION 6: GENERAL PROVISIONS – ALL ZONES

6.1 ZONES

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

SECTION	ZONE	SYMBOL
7.1	Agricultural	(A)
7.2	Rural	(R)
7.3	Residential	(R1)
7.4	Multiple Residential	(R2)
7.5	Shoreline Residential	(SR)
7.6	Commercial	(C)
7.7	Commercial Recreational	(CR)
7.8	Pit and Quarry	(Q)
7.9	Institutional	(I)
7.10	Recreational	(O1)
7.11	Conservation	(O2)
7.12	Waste Disposal	(WD)
7.13	Future Development	(FD)

and no person shall use land or *erect* or use a *building* or *structure* except in accordance with the general and special provisions of this By-law applying to the *zone* in which the land, *building* or *structure* is, or is to be, situated.

6.392 USE OF ZONE SYMBOLS

a) Zone Symbols

The symbols listed in Section 6.1 may be used to refer to any of the uses of land, buildings or structures permitted by this By-law (including the zoning schedules) in the said zones, and the intent of the By-law is that the associated zone regulations apply.

b) 6.40 Holding Zone "H" Designation

Any zone classification may be placed in a Holding Zone by adding to the zone symbol the letter "h". No development is permitted on lands where the "h" symbol appears until the applicable conditions have been met and the "h" is lifted by an amendment to this By-law under Section 36 of the Planning Act.

6.2 APPLICATION OF BY-LAW

~~Where any zone on Schedule A abuts a lake shore, such zone shall be deemed to extend into the lake and to apply to any water lots or to any land created by changing lake levels, land fill operations or by any other means.~~

~~No building or structure shall hereafter be erected or altered, and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of this By-law.~~

6.3 ACCESSORY USES

Where this By-law provides that land may be *used* or a *building* or *structure* may be *erected* or *used* for a purpose, that purpose shall include any *accessory building* or *accessory use* incidental thereto, except that:

Commented [ER45]: Consider a Rural commercial or Industrial Zone, if appropriate?

Commented [CL46R45]: Leave as is

Commented [ER47]: suggest moving closer to listing of zones in Section 6.1

Commented [CL48R47]: 6.39 USE OF ZONE SYMBOLS

The symbols listed in Section 6.1 may be used to refer to any of the uses of land, buildings or structures permitted by this By-law (including the zoning schedules) in the said zones, and the intent of the By-law is that the associated zone regulations apply.

6.40 HOLDING ZONE "H" DESIGNATION

Any zone classification may be placed in a Holding Zone by adding to the zone symbol the letter "h". No development is permitted on lands where the "h" symbol appears until the applicable conditions have been met and the "h" is lifted by an amendment to this By-law under Section 36 of the Planning Act.

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

- a) An **accessory building** shall not be **erected** prior to the erection of a **dwelling** on the same **lot** except where it is necessary for the storage of tools and materials for use in connection with the construction of such **dwelling** and no **accessory building** shall be used prior to the erection of such **dwelling** for any other purpose other than **storage**.
- b) Except as may be provided **herein** any **accessory building** shall be **erected** with a **front line yard setback** not less than twenty (20) metres [or 65.6 feet] or **to the rear of the building line behind the front yard setback of the main building, which ever is less**, and shall comply with the other **yard** requirements of the **zone** in which such **building** is situated and such **accessory uses** shall not occupy more than fifteen per cent (15%) of the **lot area**.
- c) Notwithstanding Sub-paragraph (b) above, a **boathouse**, dock or wharf may be located in the **front yard, side yard or rear yard** where a **lot** abuts a navigable waterway, provided that the approval of any other government authority having jurisdiction has been obtained and provided that the **boathouse**, dock or wharf is located not closer than six (6) metres [19.7 feet] to the **side lot line** or does not encroach on adjacent frontage when the **lot** boundaries are extended into the water. **Boathouses** shall only be permitted in areas with un-opened lake shore road allowance and where a **Letter of Comfort Agreement** has been registered on the adjacent land's title.
- d) Where an **accessory building** is used for a **home industry**, as defined in this By-law, such **building** or **buildings** shall be located on a **lot** at a **setback** from any abutting **road or street** which is fifteen (15) metres [or 49.2 feet] greater than the **setback** required by this By-law for the **main building** on the **lot**.
- e) The use of any **accessory building** or structure, other than a **Guest Cabin**, for human habitation is not permitted, except where a **dwelling** is a permitted **accessory use**.
- f) The use of any **accessory building** or structure for the keeping of animals, other than domestic pets, is only permitted in the Rural and Agricultural Zones.
- g) No **accessory building** shall exceed eighty-nine (89) square metres [or 958 ft²] and six and one half (6.5) metres [or 21.32 feet] in height in a residential zone.
- h) No **accessory building** shall be built within two (2) metres [or 6.6 feet] of the **main building** in all zones.
- i) Despite section (f), one **guest cabin** having a **gross floor area** with a minimum of 37.16 square metres [or 400 ft²] may be **erected** and **used** on the same **lot** as a **seasonal dwelling**.
- j) **Travel trailers** may only be **used** in accordance with this section in **zones** that permit residential **use** and must be clearly secondary to the residential **use** and in accordance with By-Law 20-14, as may be amended from time to time.

6.4 AUTOMOBILE SERVICE STATIONS

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

- | | <u>Interior Lot</u> | <u>Corner Lot</u> |
|---|----------------------|---------------------|
| a) Minimum lot frontage | 60 Metres [196.9ft] | 60 metres [196.9ft] |
| b) Minimum lot depth | 45 metres [147.64ft] | 60 metres [196.9ft] |
| c) No portion of any pump island on an automobile service station lot shall be located closer than six (6) metres [19.7 feet] from the street line of any street ; | | |

Commented [ERS1]: confusing wording.

Building line does not provide a specified setback in and of itself. Consider revising to ...65.6 feet] or behind the front yard setback of the main building, which ever is less

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Commented [SV54]: Consider adding reference to licensing requirement, if applicable.

May also want to clarify that other than accessory to a residential use, travel trailers are only permitted in campgrounds, i.e. not to be located on vacant lands (if applicable).

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

- d) The minimum distance from the intersection of two (2) *street lines* to the nearest *ingress* or *egress* ramp shall be not less than nine (9) metres [or 29.5 feet];
- e) The maximum width of a curb ramp at the *street line* shall be not more than nine (9) metres [or 29.5 feet] and the minimum width not less than eight (8) metres [or 26.25 feet].
- f) The minimum distance between ramps shall not be less than nine (9) metres [or 29.5 feet];
- g) The minimum distance between the *lot line* of the *lot* at the *street line* and the nearest ramp shall be three (3) metres [or 9.84 feet];
- h) The area included between ramps or between ramps and a *street line* or *lot line* as required by this By-law shall not be used for any purpose other than *landscaping*; and
- i) The following minimum provisions shall apply to *buildings* and pumps associated with this use:
 - a. *Front yard* 18.0 metres [or 59 feet]
 - b. *Side yard* 4.5 metres [or 14.76 feet]
 - c. *Rear yard* 7.4 metres [or 24.28 feet]

6.5 BOATHOUSES

- a) a *boathouse* shall be subject to the ~~provisions of Section 6.3~~ setback requirements of this by-law and zone provisions applicable to *accessory buildings*.
- b) a *boathouse* may only be *erected* where approvals for the *structure* have been obtained, where required, from any authority having jurisdiction.
- c) the maximum number of *boathouses* shall be one on any *lot* with 'SR' zoning or used for residential purposes.
- d) the *height* of a *boathouse* shall be no more than one and one half (1.5) *storeys*, as defined in this by-law or six (6) metres [or 19.69 feet], measured from the *high-water mark* to the highest point of the roof, whichever is greater.
- e) The *height* of the side walls of a *boathouse* shall be no greater than four (4) metres [or 13 feet] measured from the *high water mark*, or three (3) metres [or 9.84 feet] measured from the top of an attached deck or dock that is not more than one (1) metre [or 3.28 feet] above the water level, whichever is greater.
- f) the width of a *boathouse* shall be no wider than that required to accommodate up to two (2) boat slips, plus internal access to the slips, plus the exterior walls of the *boathouse*.
- g) in addition, a *boathouse* shall be subject to the provisions of Section 6.3 (c) of this by-law.

6.6 BUILDING ON A SHORELINE

6.6.1 LAKE HURON SHORELINE

Notwithstanding any other provisions of this By-law, no person shall *erect* any habitable *building* or *structure* in any *zone* abutting the shoreline below 178.3 metres Canadian Geodetic Datum unless:

- a) the *building* or *structure* is located at least sixty-one (61) metres from the *High-Water Mark*, and
- b) the *building* or *structure* is flood-proofed to 179.6 metres Canadian Geodetic Datum.

6.6.2 LAKE SHORELINE

Notwithstanding the provisions of 7.5.2 Zone Requirements (SR), no building other than a marina or boathouse, where permitted, shall be constructed within thirty (30) metres [98.43 ft] of a lake unless a natural yard extending back from the shore a distance of twenty (20) metres [65.62ft] is left in its natural state, in which case the building setback may be reduced to twenty (20) metres [65.62ft].

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

6.7 BUILDING REPAIR & RECONSTRUCTION

- a) Nothing in this section prevents the reconstruction of any **building or structure** that is damaged or destroyed by causes beyond the control of the owner, provided that the minimum **frontage** or area, or the minimum **front, side or rear yards** required by this section are not further reduced or its original **use** altered.
- b) Nothing in this section prevents the strengthening or restoration to a safe condition of any **building or structure** or part of any such **building or structure**.
- c) Such repair or reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such **building or structure**; and;
- d) If the **building** is a dwelling house in other than a residential zone, it shall comply with all of the requirements set out in Schedule A for a **Residential use** in a residential R2 zone.
- e) Nothing in this section permits the reconstruction or repair of an unsafe **building** that has been derelict for a period exceeding 5 years.

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Suggest combining as appropriate with Section 6.14.

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6.8 BUILDINGS TO BE MOVED

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

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6.9 CHANGE OF USE

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

6.10 CONTINUATION OF FARM USE

Nothing contained within this By-law shall prevent the continued use of any land, **building or structure** for **farming** purposes as defined under the term **Farm** in [Section 5](#).

6.11 CORNER LOTS IN RESIDENTIAL ZONES

Notwithstanding any other provision of this By-law, on a corner **lot** in the area covered by **Schedule A**, no part of any **building or accessory building** shall be **erected** closer to the **lot line** of the **flanking street** than the minimum **setback** required on the **flanking street**.

6.12 DAY LIGHTING TRIANGLES

On a corner **lot**, a fence, **sign**, hedge, shrub, bush or tree, or any other **structure** or vegetation shall not be erected or permitted to grow to a **height** greater than one (1) metre [or 3.3 feet] above the grade of the streets that abut the **lot** within the triangular area included within the **street line** for a distance of six (6) metres [or 19.7 feet] from their point of intersection.

6.13 DWELLING UNIT IN NON-RESIDENTIAL

No person shall **use** any **lot**, or **erect, alter or use** any **building or structure** for the purpose of a separate **Dwelling Unit** on a **lot** zoned other than for residential uses, or within a portion of a non-residential **building** except in accordance with the following regulations:

- a) One single **dwelling unit per building** for use by the owner or operator shall be permitted with a private water supply and sewage system where such have been approved by the Ministry of the Environment, health unit or other responsible authority;

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

- b) The **dwelling unit** shall have a separate washroom or bathroom and kitchen facilities from those of the non-residential use;
- c) The **dwelling unit** shall have a separate **parking space** as provided by sub-Section 6.22 hereto;
- d) The **dwelling unit** shall have a separate **building** entrance to that of which is provided for non-residential use; and
- e) The **gross floor area** of the residential portion of a non-residential **building** in a Commercial Zone shall not exceed sixty per cent (60%) of the **lot area**
- f) The **dwelling unit** shall have a **minimum floor area** of 37.16m² [or 400ft²];
- g) Notwithstanding the provisions of this By-law, no **dwelling unit** shall be located in a non-residential **building** that is used for an **automobile service station** as defined within Section 5.

6.14 NON-COMPLYING / NON-CONFORMING LOTS, BUILDINGS, AND USES EXCEPTED ~~LANDS, BUILDINGS & NON-CONFORMING USES~~

a) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any **land, building or structure** for any purpose prohibited by this By-law if such **land, building or structure** was lawfully used for such purpose on the date of the passing of this By-law so long as it continues to be used for that purpose or to prevent the **erection or use** for a purpose prohibited by this By-law of any **building or structure** the plans for which have, prior to the date of the passing of this By-law, been approved by the **Chief Building Official**, so long as the **building or structure** when **erected** is used and continues to be used for the purpose for which it was **erected** and provided the **erection** of any such **building or structure** is commenced within 2 years after the date of the passing By-law and such **building or structure** is completed within a reasonable time after the **erection** thereof is commenced.

b) Existing Buildings

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

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

c) Existing Lots

A **lot** held as a single lot prior to the passing of this By-law may be built upon, even though said **lot** is of such size that it cannot comply with the minimum **frontage** and/or depth and/or area required by this By-law, provided that in the case of a **lot** in the Agricultural (A) Zone, Rural (R) Zone or the area covered by Schedule A, such lot has not less than 15 metres [or 49.21 feet] of frontage and not less than 900 square metres [or 9,687.52 ft²] of area. Such lot shall require the approval of the **Ministry of the Environment** or the local **Health Unit** prior to the issuance of a building permit and the proposed use must comply with all other applicable provisions of this Bylaw.

d) Residential Use in a Commercial Zone

Nothing in this By-law shall apply to prevent the alteration or replacement of a residential building existing at

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

the date of passing of this By-law in a Commercial Zone, provided that such alteration or replacement does not contravene any of the provisions of this By-law for such use in Residential Zone.

~~6.14~~ Ground Floor Area Less Than Required

Where the ground floor area is less than required;

Nothing in this By-law shall prevent an alteration being made to a permitted dwelling, to which the dwelling existed at the time of the passing of this By-law but which has a ground floor area or dwelling unit area less than that required by this By-law, provided such alteration does not contravene any other provisions of this By-law.

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6.15 FRONTAGE ON PUBLIC ROAD OR STREET

No person shall erect any building or structure in any other zone unless the lot upon which such building or structure is to be erected fronts upon public street or road allowance.

Notwithstanding a seasonal dwelling in any zone is permitted be erected on a lot which:

- fronts upon a public street or road allowance
- abuts a legal right of way which is registered on title, that provides access to a road that is opened and maintained year round by a public road authority; or
- A seasonal dwelling may also be erected on any lot having water access only provided that there is a developed public access point.

Commented [ER69]: Suggest rearranging:

i) No person shall erect any building or structure in any other zone unless the lot upon which such building or structure is to be erected fronts upon public street or road allowance.

ii) Notwithstanding i) a seasonal dwelling in any zone is permitted be erected on a lot which:

- fronts upon a public street or road allowance
- abuts a legal right of way which is registered on title, that provides access to a road that is opened and maintained year round by a public road authority; or
- A seasonal dwelling may also be erected on any lot having water access only provided that there is a developed public access point.

To confirm – only seasonal dwellings are permitting on private roads?

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-permitted on a lot with appropriate size
-permitted only in association with single detached dwelling
-permitted by way of temporary use zoning by-law amendment

Commented [CL72R71]: no

6.16 GREATER RESTRICTIONS

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

6.17 HEIGHT EXCEPTIONS

Notwithstanding the height provisions, nothing in this By-law shall apply to prevent the erection of a church spire, belfry, clock tower, chimney, farm building or structure, silo, water tank, windmill, radio, radar, or television tower or antenna, or drive-in theatre screen, ventilators, skylight or solar collectors.

6.18 LICENSES, PERMITS AND OTHER BY-LAWS

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

6.19 LOADING SPACE REGULATIONS

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 and merchandise and 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 ten (10) metres [or 32.8 feet] long, four (4) metres [or 13.12 feet] wide and having a vertical clearance of at least four and one half (4.5) metres [or 14.76 feet] for each five hundred (500) square metres [or 5,381.96 ft²] of floor area of the building or structure.

THE CORPORATION OF THE TOWNSHIP OF ASSIGNACK COMPREHENSIVE ZONING BY-LAW

- a) **Access**
Access to *loading or unloading spaces* shall be by means of a driveway at least six (6) metres [or 64.59 feet] wide.
- b) **Loading Space Surface**
The driveways, *loading and unloading spaces* shall be constructed and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.
- c) **Location**
The *loading space or spaces* required shall be located in the interior *side or rear yard* unless *setback* from the *street line* a minimum distance of twenty-five (25) metres [or 82.02 feet].
- d) **Addition of Existing Use**
When a *building or structure* has insufficient *loading space* at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and not change of use may occur, the effect of which would be an increase in that deficiency.

6.20 MINIMUM DISTANCE SEPARATION (MDS)

Notwithstanding any other yard or setback provision in this By-law to the contrary, no building housing livestock or manure handling facility shall be erected or expanded and no new lot shall be created unless it complies with the Minimum Separation Distance Formulae as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as amended.

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6.21 NUMBER OF DWELLING UNITS ON ONE LOT

No more than one (1) *single detached dwelling* shall be erected on one lot except in the Multi Residential Zone.

Commented [CL73]: re number and check cross referencing

6.22 OCCUPATION OF UNCOMPLETED BUILDING

No *building*, or part of any *building*, shall be occupied except under the requirements of the Ontario Building Code.

6.223 PARKING AREA REGULATIONS

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

a) Parking Space Requirements

The owner of every *building or structure erected or used* for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, *parking spaces* and areas as follows:

TYPE OF BUILDING	MINIMUM PARKING REQUIRED
Residential <i>dwelling unit</i> in a non-residential <i>building</i>	1.0 <i>parking spaces per dwelling unit</i>
<i>Apartment dwelling</i> , condominium <i>townhouse</i> and <i>maisonette dwelling</i>	1.5 <i>parking spaces per dwelling unit</i> of which ten percent (10%) shall be designated for guest parking areas

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

Bed & Breakfast	1.0 parking space per guest room
All other residential units	2.0 parking spaces per dwelling unit
Medical, Dental or Drugless Practitioners Office or Clinic	5.0 Parking spaces for each practitioner
Church , Funeral Home, Auditorium, Restaurant , Theatre, Arena, Hall Private club or other Places of Assembly.	Where there are fixed seats, 1 parking space for every five (5) seats or three (3) metres of bench space, where there are no fixed seats, one (1) parking space for each 9.0 sq. metres [or 96.88 ft ²] of floor area devoted to public use.
Hospitals or Institution , including a Nursing Home	One (1) parking space for every two (2) beds or forty (40) square metres [or 430.56ft ²] of floor area which ever is greater <u>Plus</u> One (1) additional space for each resident doctor or resident employee.
Hotel, Motel and Tourist Cabins	One (1) parking space per suite or guestroom, <u>and</u> One (1) additional parking space for each nine (9.5) square metres [102.26ft ²] of floor area devoted to public use.
Office , including a Home Occupation	One (1) Parking space per twenty-eight (28) square metres [or 301.39 ft ²] of office floor area .
Other Commercial Uses	One (1) parking space for every nineteen (19) square metres [or 204.51ft ²] of total floor area .
Schools	One and one half (1.5) parking spaces for each teaching area <u>plus</u> one (1) separate bus loading area per two (2) teaching areas.
Industrial including Home Industry	At least one (1) parking space for every 42m ² [or 452 ft ²] of total area up to 1858 square metres [or 19,999ft ²], <u>plus</u> 1 additional space for every 450 sq metres [or 4,843.76ft ²] of total floor area over the 1858 sq metres [or 19,999ft ²] including any basement area if used for industrial use.
Marina	One (1) parking space for each twenty (20) square metres [215.28ft ²] of total retail floor area , <u>plus</u> one (1) parking space for each boat slip provided.
Bowling Alleys, Curling Rinks and Arena	One (1) parking space each two (2) persons in the designed capacity of the establishment (designed

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	capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet).
Barrier Free Parking	Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors.

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If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.

b) Parking Area Requirements

Parking areas shall conform to the following requirements:

- (i) the **parking area** shall be located on the same lot as the use it is intended to serve except in the case of a water access lot where the **parking area** shall be located in a zone where such use is permitted by this By-law; or in the case of the Commercial Zone (C), where the **parking area** may be allocated in an off-street **parking lot**.
- (ii) each parking space shall be at least three (3) metres [or 9.85ft] by six (6) metres [or 19.69ft] and shall be provided with unobstructed access to a **street** by a driveway, aisle, lane or private road;
- (iii) any parking area designed to serve water access lots shall have a minimum area of fifty (50) square metres [or 538.2ft²] for each lot to be served and no parking shall be permitted within eight (8) metres [or 26.25ft] of the **high water mark** or within three (3) metres [or 9.85ft] of any lot line abutting a lot in a Residential Zone;
- (iv) for any parking area in a Commercial or Industrial Zone which is required to be used in winter, an additional area equal to twenty per cent (20%) of the required area shall be provided for snow storage;
- (v) the requirement for parking designated for vehicles of handicapped persons shall be at least one percent of the parking spaces required on any lot providing greater than ten (10) parking spaces and shall:
 - i. have a minimum rectangular dimension of four and one-half (4.5) metres [14.76 ft] by six (6) metres [or 19.69 ft]; and
 - ii. be located on level ground readily accessible to an entrance to such building, and
 - iii. be clearly identified and reserved for the exclusive use of physically disabled persons

iv. and must comply with to the Ontario integrated accessibility Standards Regulations 191/11, as may be amended from time to time, or its successor.

c) Parking Area Surface

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

Commented [SV74]: Are there locations where hauling offsite would be suitable? Otherwise, they would need a ZBLA if they could not meet this requirement

Commented [CL75R74]: No change is required.

Commented [ER76]: Check consistency with above provision.

Suggest reference to Ontario integrated accessibility Standards Regulations 191/11 or its successor.

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

d) Ingress and Egress

- (i) Ingress and egress, to and from the required **parking spaces** and areas shall be provided by means of unobstructed driveway ~~and~~ or **passageways** at least four (4) metres [or 13.12ft] but not more than nine (9) metres [or 29.53ft] in perpendicular width.
- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the **street line** shall be nine (9) metres [or 29.53ft].
- (iii) The minimum distance between a driveway and an intersection of **street lines** measured along the **street line** intersected by such driveway shall be eight (8) metres [or 26.25ft].
- (iv) The minimum angle of intersection between a driveway and a **street line** shall be sixty (60) degrees.
- (v) Every **lot** shall be limited to the following number of driveways:
 - a. up to the first thirty (30) metres [or 98.43ft] of **frontage** not more than two (2) driveways; and
 - b. for each additional thirty (30) metres [or 98.43ft] of **frontage** not more than one (1) additional driveway.

Commented [CL78]: Fix formatting due to comments

e) Illumination

Where **parking areas** are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than nine (9) metres [or 29.53ft] above the finished grade of the **parking area**. Fixtures shall be so designed and installed that the light is directed downward with a shield and deflected away from adjacent **lots, roads** and **streets** in accordance with the [municipalities-municipality's Dark Sky Policy](#).

e) Addition to Building or Structure

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

f) Use of Parking Spaces and Areas

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

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

Notwithstanding the foregoing, no person shall within any residential **zone** use any part of any **front yard** except the driveway for the **parking** or temporary storage of tent trailers, **motor homes**, land cruisers, truck campers, boats or motorized snow vehicles and no person shall use any part of a **front yard** in a Residential **Zone** for the parking or storage of a **travel trailer**.

No person shall, in any **zone**, except in approved **tourist trailer park**, use any tourist or **travel trailer** for the purpose of providing temporary or permanent living or eating accommodation. A **travel trailer** may be permitted in a Shoreline Residential Zone (SR) or a Rural Zone (R) with the securing of an approved **Travel Trailer Occupancy Agreement Licence** from the **Township**, **required annually**.

Commented [SV79]: Suggest making this its own General Provision: Recreational Vehicle/Tourist Trailer Storage and Use

Otherwise, it may be easy to miss here, particularly about the use of RVs in certain zones.

The occupancy agreement is the place to address the issue with rental

g) More Than One Use on a Lot

When a **building or structure** accommodates more than one (1) type of **use**, as defined in this By-law, the **parking space** requirement for the whole **building** shall be the sum of the requirements for the separate parts of the

Commented [CL80R79]: Ref bylaw and times

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THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

building occupied by the separate types of use.

h) Buffer Area

- (i) Where a *parking area* is situated in a Residential Zone and is designed to accommodate more than six (6) automobiles, a strip of land not less than three (3) metres [or 9.84 feet] wide, around the periphery of the said *parking area* and within the *lot* in which said *parking area* is located shall not be used for any purpose other than *landscaping* but this shall not prevent the provision of entrances nor exits to said *parking area* across the strip.
- (ii) Where a parking area is situated on the boundary between a *commercial use* and a *residential use* or *recreational zone*, a strip of land, not less than three (3) metres [or 9.84 feet] wide and lying in the *commercial use lot* along the said boundary shall not be used for any purpose other than *landscaping* but this shall not prevent the provision of entrances nor exits to said parking area across the strip.

i) Parking Area Location on Lot

Notwithstanding the *yard* and *setback* provisions of this By-law to the contrary uncovered surface *parking areas*, in other than *residential use* areas, shall be permitted in any required *yard* 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 one (1) metre [or 3.3 feet] to any *road* or *street line*. On a *residential lot* no parking shall be permitted in the required front *yard* of such *lot* except on a driveway of six (6) metres [or 19.69 feet] maximum width.

6.2324 PLANTING STRIPS

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

a) Width of Planting Strip:

Minimum three (3) metres [or 9.84 ft].

b) Use:

A *planting strip* shall be used for no other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than one and one-half (1.5) metres [or 4.92 ft] high immediately adjoining the *lot line* or portion thereof along which such *planting strip* is required herein, provided that no fence or hedgerow shall be required or permitted to a *height* in excess of one (1) metre [or 3.3 ft] closer to a *street line* than the required *yard* depth.

c) Driveways or Walks:

In all cases where *ingress* and *egress* driveways or walks extend through a *planting strip*, it shall be permissible to interrupt the strip within three (3) metres [or 9.84 ft] of the edge of such driveway or within one and one-half (1.5) metres [or 4.92 ft] of the edge of such walk.

d) Landscaped Open Space:

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

e) Fences in a Residential Zone:

Fences are permitted to be built on or at a property line. Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the Municipal Act or any provisions for fences as hereinafter set out in this By-law.

Commented [SV81]: There is some duplication here with the buffer area provisions of 6.22 h)

Commented [CL82R81]: The duplication is for greater clarification that the siteline can't be hindered on all of them not just in parking areas

Commented [SV83]: Should specify that fences are permitted to be built on or at a property line (i.e. no setback) here or S. 6.36 Permitted Encroachments

Commented [CL84R83]: Ok add. fences are permitted to be built on or at a property line here.

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

6.2425 PUBLIC USES PERMITTED

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

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

Nothing in this By-law shall prevent, in any zone, the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, communications, and telephone line provided that the location of such pipe or line has been approved by the *Township*.

~~6.25 REDUCTION REQUIREMENTS~~

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

6.26 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 the By-laws of the *Township* regulating *signs*.

6.27 SPECIAL USES PERMITTED

The following uses are permitted in all *Zones* within the *Township*:

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

"Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six (6) months.

6.28 SWIMMING POOLS

a) Permitted in the Side Yard

A private *swimming pool* erected in any *zone* shall be permitted in the *rear or side yard* of any *lot* provided that:

- (i) No part of such *pool* shall be located closer to any *lot line or street line* than the minimum distance required for the principal *building* located on such *lot*;
- (ii) The maximum *height* of such *swimming pool* shall be one and one-half (1.5) metres [or 4.92 feet] above the average finished grade level of the ground both adjoining and within four and one-half (4.5) metres [or 14.76 feet] of such *pool*; and

Commented [SV85]: Suggest removing. This is covered by Section 4.1

Commented [CL86R85]: Yes remove, update numbering

Commented [ER87]: Confirm location in Zoning By-law. Some municipalities prefer separate swimming pools by-law

Commented [CL88R87]: No please leave here, we only handle fencing in a bylaw

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

- (iii) Any **building or structure**, other than the **main building**, required for changing clothing or for pumping or filtering facilities, or other similar **accessory uses**, shall be in accordance with the provisions applicable to **accessory buildings** on such **lot**.

b) **Permitted in Rear Yard**

A **swimming pool** as an **accessory use** to a permitted residential in any **zone** shall be permitted in the **rear yard** of any **lot** provided that no part of such pool shall be located closer to any **lot line or street line** than the minimum distance required for an **accessory building** located on such **lot**. Any **building or structure**, other than the **main building**, required for changing clothing or for pumping or filtering facilities, or other similar **accessory uses**, shall be in accordance with the provisions applicable to **accessory buildings** on such **lot**.

Any **swimming pool** having a depth of .5 meters [or 1.64 ft] or greater shall be enclosed by a fence that measures a minimum of 1.5 meters [or 4.92 feet] from the ground, including gates.

6.29 THROUGH LOT

Where a **lot** which is not a **corner lot** has a **frontage** on more than one **street**, the **setback and front yard** requirements contained **herein** shall apply on each **street** in accordance with the provisions of the **zone or zones** in which such **lot** is situated.

6.30 TRUCK, BUS AND COACH BODIES

No car, van, railway car, streetcar body, truck, bus, coach, or **structure** of any kind other than a **dwelling unit** be placed, **erected** and **used** in accordance with this and all other By-laws of the **Township** shall be used for human habitation whether or not the same is mounted on wheels.

6.31 USE FOR HAZARDOUS PURPOSE

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

Commented [SV89]: Consider moving to 6.32 below

6.32 USES PROHIBITED

Notwithstanding any other provisions contained in this By-law, the following **uses** are prohibited in the **Township** of Assiginack

Commented [CL90R89]: Please leave

- No **use** shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health, Ministry of the Environment or **council** of the **Township** to be a noxious trade, business or manufacture under The Public Health Act or regulations thereunder
- The **use** of any land or **lot** for the purpose of a **tourist trailer park** or the **use** of a **tourist trailer**, or **mobile home** for human habitation except as specifically provided by this By-law.
- The **use** of any land or **lot** for the purpose of a **scrap or salvage yard** except as may be approved by the **Township** in conformity with the Official Plan.
- The **use** of any land or **lot** for the purpose of a **waste disposal area**, **landfill site**, or dump except for public landfill sites owned and/or operated by the **Township**, or upon lands approved by the **Township**.
- The **use** of any land or **lot** for the purposes of a track for the commercial racing of animals, motor vehicles or motorcycles or go-carts or snowmobiles except by a **club** or organization which is licensed by the **Township** for such **uses**.

Notwithstanding any other provision contained in this By-law, the following uses are prohibited within six hundred (600) metres of the urban area.

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

- a) The manufacture or storage of fertilizers from human or animal wastes.
- b) The slaughtering of animals.

6.33 VACANT LOT STORAGE

Notwithstanding any other provision of this By-law a vacant lot in any Zone may be used for the storage or parking of a motor vehicle, boat, tourist trailer or other similar vehicle.

6.34 SHIPPING CONTAINERS

Storage Containers in a Residential Zone. No person shall place a storage container in any residential zone except in accordance with the following:

1. Shipping containers shall require a building permit and will only be permitted as an accessory use on a lot where a principal use already exists.
2. One (1) only storage container shall be permitted based on lot area at a rate of one (1) shipping container or part thereof per 0.4ha (1ac) to a maximum of three (3). In no case is a shipping container permitted on a lot comprising of less than 0.4ha (1ac).
3. The dimensions of the storage container shall not exceed 6 m in length, 2.4 m in width or 3 m in height.
4. No stacking of storage containers shall be permitted.
5. No storage container shall be used for human habitation, home industry or any occupation or business.
6. The storage container shall be located in the rear yard only and shall not be located any closer than 30m (98ft) to any street line.
7. The minimum separation distance from any other building shall be 4 m.
8. The storage container shall comply with all other yard setbacks in the zone in which the storage container is located.
9. A storage container shall not be used for the purpose of display or advertising or as a component of a fence.
10. Any change in use or exterior finishes for shipping container shall require a new and separate building permit and a site plan control agreement under Section 41 of the Planning Act.
11. A storage container not exceeding the dimensions in the building code shall be permitted in a driveway on a residential property for a period not to exceed five (5) days and only for the purpose of loading or unloading household items during the process of moving, but in no case shall encroach upon a public sidewalk or create a site line obstruction to traffic.
12. A storage container shall not be used for the storage of fuels or hazardous materials.

Any storage container shall meet the requirements of the Ontario Building Code for Storage Containers in a Non-Residential or Rural Zone

1. Shipping containers shall require a building permit and will only be permitted as an accessory use on a lot where a principal use already exists.
2. Up to three (3) storage containers shall be permitted in a non-residential zone or rural zone.
3. The dimensions of the storage container shall not exceed 13.7 m in length, 2.4 m in width or 3 m in height.
4. No stacking of storage containers shall be permitted.
5. No storage container shall be used for human habitation.
6. The storage container shall be located in an interior side yard or the rear yard only.
7. No storage container shall be located on a designated parking space, aisle or access driveway.
8. The minimum separation distance from any other building other than another storage container shall be 4 m.
9. The storage container shall comply with all other yard setbacks in the zone in which the storage container is located.
10. A storage container shall not be used for the purpose of display or advertising or as a component of a fence.

Commented [ER91]: This is very open-ended.

May want to remove to not permit these uses on vacant lots, or update to include more provisions (i.e must be within 100m of primary dwelling, must enter into agreement with twp...etc.).

Commented [CL92R91]: No. lot coverage is located elsewhere. This is vacant land and no primary use is available.

Commented [SV93]: Consider combining common regulations between Residential and Non-Res/Rural into one section and then further breaking down specifics for Residential and Non-Res/Rural after. There appears to be many commonalities.

Commented [CL94R93]: Request suggested wording

Commented [SV95]: For accessory structures?

Commented [CL96R95]: Not all storage containers will be accessory use

Commented [SV97]: Make sure to update the Township's Site Plan Control By-law to include this.

Commented [CL98R97]: We do not have a site plan control BL

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

11. A storage container shall not be used for the storage of fuel or hazardous substances.
12. Any storage container shall meet the requirements of the Ontario Building Code.
13. A shipping container shall not be used for the Purpose of a commercial storage facility.

6.35 YARD EXCEPTION, TERRAIN UNSUITABILITY

Where in this By-law, a *front, side or rear yard* is required, and part of the area of the *lot* is usually covered by water or marsh or swale or is beyond the rim of a river bank or water course or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required *yard* shall be measured from the nearest main wall of the *main building or structure* on the *lot* to the edge of the wall of the *main building or structure* on the *lot* to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the *lot line*.

6.36 YARD AND SETBACK ENCROACHMENTS PERMITTED

Notwithstanding the provisions of this By-law to the contrary, where a *single detached dwelling or accessory use* thereto is to be *erected* in a built-up area where there is an *established building line*, such *dwelling or accessory use* may be *erected* closer to the *street line* or the *centre line* of the *road or street*, as the case may be, than required by this By-law provided such *dwelling or accessory use* is not *erected* closer to the *street line* or to the *centre line* of the *road or street*, as the case may be, than the *established building line* on the date of passing of this By-law and further provided that in no case shall any *building* be *erected* closer than three (3) metres [or 9.84ft] from the *front lot line* and need be no greater than *setback* regulations prescribed in the *zone* in which it is situated.

For the purposes of this subsection "the *established building line*" means the average *setback* of the *existing building*. A *building line* is considered to be established when at least three (3) *buildings* have been erected on any one side of a continuous three hundred (300) metres of land with *street frontage*.

- a) Notwithstanding the *yard and setback* provisions of this By-Law, chimneys, overhangs, un-enclosed porches, balconies, steps, and patios may project into any required yard a maximum distance of 1.5 metres [or 4.92ft].

6.37 BUILDINGS ON LAKE HURON SHORELINE

No person shall *erect* any habitable *building* in any *zone* abutting the Lake Huron shoreline below 178.3 meters Canadian Geodetic Datum, unless the *building or structure* is located at least 61 meters [or 200.13ft] from the *high water mark* and the *building or structure* is flood proofed to 179.6 meters Canadian Geodetic Datum.

6.38 MINIMUM FLOOR AREAS

6.39 SPECIAL EXCEPTIONS IN ALL ZONES

Commented [SV99]: May want to consider additional encroachments. See comment in 6.23 re: Fences.

Commented [CL100R99]: Please leave as is.

Commented [CL101]: Remove and restructure numbering

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

SECTION 7: SPECIFIC ZONES

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7.1 AGRICULTURAL ZONE (A)

7.1.1 PERMITTED USES

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

7.1.1.1 AGRICULTURAL USES

- a *farm*
- a *specialized use farm*
- a *farm* produce storage facility
- a nursery or a *farm greenhouse*
- any other *agricultural use*
- a *private airfield*
- a *home industry*
- a *home occupation use*
- a *single detached dwelling* ~~(provided the conditions of Section 6.15 Frontage on a Public Road or Street apply)~~
- a bed and breakfast
- a *commercial agricultural sales use*
- a *hunt camp*
- *Wayside pits and wayside quarries*
- a *group home*
- a *secondary unit* as per approved Township License Agreement

Commented [SV102]: Consider this comment throughout all Zones: 6.15 requires all buildings/structures except for seasonal dwellings to have public road frontage.

Suggest deleting altogether in relation to singles or move to top to relate to all uses; however, reference to Section 6 General Provisions below under 7.1.2 Zone Requirements would include 6.15

Commented [CL103R102]: Remove this comment in brackets

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Commented [CL104]: leave

Commented [CL105]: leave

7.1.2 ZONE REQUIREMENTS (A)

No person shall, within any Agricultural (A) zone use any lot, or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with the applicable provisions of 7.14 Special Exception in Zone (A), Section 6 - General Provisions - all zones and Section 8 - Special Provisions and the following.

An agricultural building or lot:

a) Minimum <i>lot frontage</i>	90m	
b) Minimum <i>lot area</i>	40 ha	
c) Maximum <i>lot coverage</i>	- %	
d) Minimum <i>front yard</i>	9 m	(or 29.5ft)
e) Minimum <i>interior side yard</i>	3 m	(or 9.84ft)
f) Minimum <i>exterior side yard</i>	9 m	(or 29.5ft)
g) Minimum <i>rear yard</i>	3 m	(or 9.84ft)

Commented [SV106]: suggest min 90m frontage

Commented [CL107R106]: ok add in

Commented [SV108]: Official Plan Conformity

Commented [CL109R108]: review

A single detached dwelling permitted under Section 7.1.1.1

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

a) Minimum <i>lot frontage</i>	30.5m	[or 100ft]
b) Minimum <i>lot area</i>	1858 m ²	[or 20,000ft ²]
c) Maximum <i>lot coverage</i>	30 %	
d) Minimum <i>front yard</i>	9 m	[or 29.5ft]
e) Minimum <i>interior side yard</i>	3 m	[or 9.84ft]
f) Minimum <i>exterior side yard</i>	9 m	[or 29.5ft]
g) Minimum <i>rear yard</i>	3 m	[or 9.84ft]
h) Minimum <i>floor area per Dwelling Unit :1 Storey</i>	80m ²	[or 861.11ft ²]
i) Minimum <i>floor area per Dwelling Unit :1.5 Storey</i>	90m ²	[or 968.75ft ²]
j) Minimum <i>floor area per Dwelling Unit :2 Storey</i>	110m ²	[or 1,184.03ft ²]
k) Maximum gross <i>floor area</i> as % of <i>lot Area</i>	-	
l) Maximum <i>building height</i>	-	
m) Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	3 m	[or 9.84ft]

7.1.3 PRIVATE AIRFIELD

Notwithstanding any other provisions of this By-law no person shall *use any land or erect, alter or use any building or structure* for the purpose of a *private airfield* as defined in this By-law except in accordance with the following provisions:

- a) no lot having less than ten (10) hectares shall be used for a *private airfield*.
- b) no person shall maintain or store more than six (6) aircraft at any *private airfield*.
- c) One *accessory building* for the purpose of parking or storing an aircraft shall be permitted on a *lot*, but shall be separate from, and located not less than fifteen (15) metres [or 49.21ft] from, any non-residential *building*, and thirty (30) metres [or 98.43ft] from any *building* used or residential purposes.
- d) No *land* used for the purpose of a *private airfield* shall be located closer than ~~one two~~ hundred (200) metres [or 656.17ft] of a residential *dwelling unit* located on an adjacent property held in separate ownership.

7.1.4 WAYSIDE PITS AND WAYSIDE QUARRIES

The making or establishment of *wayside pits* and *wayside quarries* is permitted in the Agricultural *Zones*, provided that the edge of the excavation shall be no less than 61.0 metres [or 200ft] from the limit of any *public road*, and from any adjoining *lot line*. Where two pits are located on abutting properties, the pits may be excavated to the abutting *lot line*.

7.1.4 SPECIAL EXCEPTIONS IN ZONE (A)

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

7.2 RURAL ZONE (R)

7.2.1 PERMITTED USES

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

7.2.1.1 RURAL USES

- a *farm*
- a *specialized use farm*
- a *farm* produce storage facility
- an *animal hospital, kennel* or riding stable
- a *nursery or commercial greenhouse*
- a *farm greenhouse*
- any other *agricultural use*
- an agricultural-related use
- a *private airfield* (subject to the provisions of 7.1.3.)
- a *home industry*
- *forestry uses*
- a *wayside or borrow pit*

7.2.1.2 RURAL RESIDENTIAL

- a *home industry*
- a *single detached dwelling*
- a *home occupation use*
- a *seasonal dwelling*
- a *group home*
- a *secondary unit as per approved Township License Agreement*
- a *bed and breakfast*

Commented [ER110]: Discuss with twp. may want to remove seasonal dwelling

Commented [ER111]: Update for ARU

7.2.1.3 INSTITUTIONAL USES

- a *cemetery*
- a *church*
- a *school*
- a *community centre*

7.2.1.4 RECREATIONAL USES

- a *conservation area*
- a *golf course*
- a *public park*
- a *public playground*
- a *hunt camp*
- a *cross country ski area, a hiking trail, snow mobile trails*
- a *racetrack (horse)*

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7.2.2 ZONE REQUIREMENTS (R)

No person shall, within any Rural Zone (R) use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the applicable provisions of 7.2.4 – Special Exceptions in Zone (R), Section 6 – General Provisions for all zones and Section 8 – Special Provisions and the following.

A. As rural use or lot:

a)	Minimum lot frontage	-	
b)	Minimum lot area	-	
c)	Maximum lot coverage	-	
d)	Minimum front yard	9 m	[or 29.5ft]
e)	Minimum interior side yard	3 m	[or 9.84ft]
f)	Minimum exterior side yard	9 m	[or 29.5ft]
g)	Minimum rear yard	3 m	[or 9.84ft]
h)	Minimum floor area per Dwelling Unit :1 Storey	80m ²	[or 861.11ft ²]
i)	Minimum floor area per Dwelling Unit :1.5 Storey	90m ²	[or 968.75ft ²]
j)	Minimum floor area per Dwelling Unit :2 Storey	110m ²	[or 1,184.03ft ²]
k)	Maximum gross floor area as % of lot Area	-	
l)	Maximum building height	-	
m)	Minimum distance to a lot line for an accessory building	3 m	[or 9.84ft]
n)	Maximum accessory building height	-	

Commented [ER112]: Agricultural use required min 40 ha lot area for OP conformity

Commented [CL113R112]: Review farm on other then

Commented [CL114R112]: We are not zoning this agri so do not require frontage

Commented [SV115]: Suggest minimum dwelling unit sizes are not required throughout the ZBL

Commented [CL116R115]: Leave for accessory res

B. A single detached dwelling permitted under Section 7.2.1.2

a)	Minimum lot frontage	30.5m	[or 98.43ft]
b)	Minimum lot area	1858 m ² *	[or 20,000ft ²]
c)	Maximum lot coverage	30 %	
d)	Minimum front yard	9 m	[or 29.5ft]
e)	Minimum rear yard	3 m	[or 9.84ft]
f)	Minimum interior side yard	3 m	[or 9.84ft]
g)	Minimum exterior side yard	9 m	[or 29.5ft]
h)	Minimum floor area per Dwelling Unit :1 Storey	80m ²	[or 861.11ft ²]
i)	Minimum floor area per Dwelling Unit :1.5 Storey	90m ²	[or 968.75ft ²]
j)	Minimum floor area per Dwelling Unit :2 Storey	110m ²	[or 1,184.03ft ²]
k)	Maximum gross floor area as % of lot Area	25%	
l)	Maximum building height	9 m	[or 29.5ft]
m)	Minimum distance to a lot line for an accessory building	3 m	[or 9.84ft]
n)	Maximum accessory building height	5 m	[or 16.40 ft]

* Notwithstanding any provisions of this by-law, the minimum lot area for a rural residential lot created within 305 metres [or 1000.66 ft] of a shoreline shall be 4046 square metres [or 1 acre].

Commented [SV117]: Suggest moving this up to the table itself:

Minimum lot area – greater than 305m from shoreline – 1858 sqm
Minimum lot area – within 305 m of shoreline ... 4046 sqm

Commented [CL118R117]: Yes move into the table itself

C. An institutional use as permitted under Section 7.2.1.3

a)	Minimum lot frontage	30.5m	[or 100ft]
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b)	Minimum <i>lot area</i>	1858 m ²	[or 20,000ft ²]
c)	Maximum <i>lot coverage</i>	30 %	
d)	Minimum <i>front yard</i>	9 m	[or 29.5ft]
e)	Minimum <i>rear yard</i>	3 m	[or 9.84ft]
f)	Minimum <i>interior side yard</i>	3 m	[or 9.84ft]
g)	Minimum <i>exterior side yard</i>	9 m	[or 29.5ft]
h)	Minimum <i>floor area per Dwelling Unit -1 Storey</i>		
i)	Minimum <i>floor area per Dwelling Unit -1.5 Storey</i>		
j)	Minimum <i>floor area per Dwelling Unit -2 Storey</i>		
k)h)	Maximum <i>gross floor area as % of lot Area</i>	-	
i)j)	Maximum <i>building height</i>	9 m	[or 29.5ft]
m)j)	Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	3 m	[or 9.84ft]
n)k)	Maximum <i>accessory building height</i>	5 m	[or 16.40 ft]

Commented [SV119]: Provisions can be deleted if they do not apply to the use

Commented [CL120R119]: Accessory res in guest cabins

Commented [CL121R119]: Hunt in rural & guest in shoreline res

D. A recreational use as permitted under Section 7.2.1.4

a)	Minimum <i>lot frontage</i>	30.5m	[or 100ft]
b)	Minimum <i>lot area</i>	1858 m ²	[or 20,000ft ²]
c)	Maximum <i>lot coverage</i>	-%	
d)	Minimum <i>front yard</i>	9 m	[or 29.5ft]
e)	Minimum <i>rear yard</i>	3 m	[or 9.84ft]
f)	Minimum <i>interior side yard</i>	3 m	[or 9.84ft]
g)	Minimum <i>exterior side yard</i>	9 m	[or 29.5ft]
h)	Minimum <i>floor area per Dwelling Unit -1 Storey</i>		
i)	Minimum <i>floor area per Dwelling Unit -1.5 Storey</i>		
j)	Minimum <i>floor area per Dwelling Unit -2 Storey</i>		
k)	Maximum <i>gross floor area as % of lot Area</i>		
i)	Maximum <i>building height</i>		
m)	Minimum distance to a <i>lot line</i> for an <i>accessory building</i>		
n)	Maximum <i>accessory building height</i>		

7.2.3 WAYSIDE PITS AND BORROW WAYSIDE QUARRIES

The making of establishment of *wayside pits* and *wayside quarries* is permitted in the Rural Zones, provided that the edge of the excavation shall be no less than 61.0 metres [or 200ft] from the limit of any public road and from any adjoining *lot line*. Where two pits are located on abutting properties, the pits may be excavated up to the abutting *lot line*.

7.2.4 SPECIAL EXCEPTIONS IN ZONE (R)

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

7.3 RESIDENTIAL ZONE (R1)

7.3.1. PERMITTED USES

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

7.3.1.1 RESIDENTIAL USES

provided the conditions of Section 6.15 Frontage on a Public Road or Street apply

- a single detached dwelling (provided the conditions of Section 6.15 Frontage on a Public Road or Street apply)
- a home occupation
- a semi-detached dwelling
- a duplex dwelling
- a group home
- a secondary unit as per approved Township License Agreement
- a bed and breakfast

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Commented [SV122]: Should be updated to reflect "Additional Dwelling Unit" permissions – an Official Plan Amendment will also be required

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7.3.1.2 RECREATIONAL USES

- a public park
- a public playground

7.3.2 ZONE REQUIREMENTS (R1)

No person shall, within any Residential Zone (R1) use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the applicable provisions of 7.3.3 – Special Exceptions in Zone (R1), Section 6 – General Provisions for all zones and Section 8 – Special Provisions and the following:

A. Lands serviced by municipal sewer and/or water services:

a)	Minimum lot frontage	15m	[or 49.21ft]
b)	Minimum lot area (*water or sewer)	700 m ²	[or 7,534.74ft ²]
c)	Minimum lot area (*water and sewer)	600 m ²	[or 6,458.35ft ²]
d)	Maximum lot coverage	33 %	
e)	Minimum front yard	5 m	[or 16.4ft]
f)	Minimum rear yard	7.5 m	[or 24.6ft]
g)	Minimum interior side yard	1 m	[or 3.28ft]
h)	Minimum exterior side yard	5 m	[or 16.4ft]
i)	Minimum floor area per Dwelling Unit :1 Storey	75m ²	[or 807.29ft ²]
j)	Minimum floor area per Dwelling Unit :1.5 Storey	100m ²	[1,076.39ft ²]
k)	Minimum floor area per Dwelling Unit :2 Storey	-	
l)	Maximum gross floor area as % of lot Area	-	
m)	Maximum building height	10 m	[or 32.81ft]
n)	Minimum distance to a lot line for an accessory building	1 m	[or 3.28ft]
o)	Maximum accessory building height	4.5 m	[or 14.76 ft]

Commented [ER123]: are there R1 zoned lands without services?

Commented [SV124]: Should also reflect Semi-detached dwelling unit, if on its own property
- reduced frontage
- reduced area
- 0m interior side lot line on shared side

Commented [CL125R124]: Yes, will add this.

SDSU

Commented [CL126R124]: Recommendations for semi detached and townhouse lots

B. Lands used for recreational purposes:

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a)	Minimum <i>lot frontage</i>	15m	[or 49.21ft]
b)	Minimum <i>lot area</i>	450 m ²	[or 4,843.76ft ²]
c)	Maximum <i>lot coverage</i>	-	
d)	Minimum <i>front yard</i>	5 m	[or 16.4ft]
e)	Minimum <i>rear yard</i>	7.5 m	[or 24.6ft]
f)	Minimum <i>interior side yard</i>	1 m	[or 3.28ft]
g)	Minimum <i>exterior side yard</i>	5 m	[or 16.4ft]
h)	Minimum floor area per Dwelling Unit - 1 Storey		
i)	Minimum floor area per Dwelling Unit - 1.5 Storey		
j)	Minimum floor area per Dwelling Unit - 2 Storey		
k)	Maximum gross floor area as % of lot Area		
h)	Maximum <i>building height</i>	10 m	[or 32.81ft]
m)	Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	1 m	[or 3.28ft]
n)	Maximum <i>accessory building height</i>	4.5 m	[or 14.76 ft]

7.3.3 SPECIAL EXCEPTIONS IN ZONE (R1)

**THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
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7.4 MULTIPLE RESIDENTIAL ZONE (R2)

7.4.1. PERMITTED USES

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

7.4.1.1 RESIDENTIAL USES

Providing the conditions of [Section 6.15 Frontage on a Public Road or Street](#) apply:

- an *apartment dwelling*
- a *townhouse dwelling*
- a *multiple dwelling*
- a *group home*
- a *secondary unit*

7.4.1.2 COMMERCIAL USES

- a *convenience retail use* located within an *apartment dwelling*

7.4.2. ZONE REQUIREMENTS (R2)

No person shall, within any Multiple Residential Zone (R2) *use any lot, or erect, alter or use any building or structure* for any purpose except in accordance with the applicable provisions of [7.4.3 – Special Exceptions in Zone \(R2\)](#), [Section 6 - General Provisions for all zones](#) and [Section 8 - Special Provisions](#) and the following:

A. For all lands serviced by municipal sewer and water:

- | | | | |
|--|---|---------------------|--------------------------------|
| a) | Maximum <i>lot coverage</i> | 35 % | |
| b) | Minimum <i>front yard</i> | 5 m | [or 16.4ft] |
| c) | Minimum <i>rear yard</i> | 7.5 m | [or 24.6ft] |
| d) | Minimum <i>interior side yard</i> | 2 m | [or 6.56ft] |
| e) | Minimum <i>exterior side yard</i> | 5 m | [or 16.4ft] |
| f) | Minimum <i>floor area per Dwelling Unit :1 Storey</i> | - | |
| g) | Minimum <i>floor area per Dwelling Unit :2 Storey</i> | 55m ² | [or 592ft ²] |
| h) | Minimum distance to a <i>lot line</i>
for an <i>accessory building</i> | 1 m | [or 3.28ft] |
| i) | Maximum <i>accessory building height</i> | 4.5 m | [or 14.76 ft] |
|
i. Furthermore, for lands containing an <i>apartment</i> : | | | |
| a) | Minimum <i>lot frontage</i> | 20m | [or 65.62ft] |
| b) | Minimum <i>lot area</i> | 1400 m ² | [or 15,069.47ft ²] |
| c) | Maximum gross <i>floor area</i> as % of <i>lot Area</i> | 100% | |
| d) | Maximum <i>building height</i> | 12 m | [or 39.37ft] |
|
ii. Furthermore, for lands containing a <i>Maisonette Dwelling</i> : | | | |
| a) | Minimum <i>lot frontage</i> | 30m | [or 98.43ft] |
| b) | Minimum <i>lot area</i> (per unit) | 234m ² | [or 2,497.23ft ²] |
| c) | Maximum gross <i>floor area</i> as % of <i>lot Area</i> | - | |
| d) | Maximum <i>building height</i> | 10 m | [or 32.80ft] |

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iii. Furthermore, for lands containing a Group Townhouse Dwelling or Row House:

- | | | | |
|----|---|--------------------|--------------------------------|
| a) | Minimum <i>lot frontage</i> * per unit | 6m | [or 65.62ft] |
| b) | Minimum <i>lot area</i> * per unit | 185 m ² | [or 15,069.47ft ²] |
| c) | Maximum gross <i>floor area</i> as % of <i>lot Area</i> | - | |
| d) | Maximum <i>building height</i> | 10 m | [or 32.80ft] |

iv. Furthermore, for all other uses:

- | | | | |
|----|---|--------------------|-------------------------------|
| e) | Minimum <i>lot frontage</i> | 30m | [or 98.43ft] |
| f) | Minimum <i>lot area</i> *per unit | 242 m ² | [or 2,497.23ft ²] |
| g) | Maximum gross <i>floor area</i> as % of <i>lot Area</i> | - | |
| h) | Maximum <i>building height</i> | 10 m | [or 32.80ft] |

7.4.3 SPECIAL EXCEPTIONS ADDITIONAL PROVISIONS IN ZONE (R2)

Notwithstanding any other provisions of this By-law, for a group *dwelling* one (1) *parking space* shall be provided for every three (3) beds and when a *building* or *structure* is converted to a *group dwelling*, the whole *building* or *structure* shall be converted. However, a separate *dwelling unit* may be retained for the exclusive use of the *group dwelling* custodian or caretaker.

Commented [CL127]: Confirm this is just parking spaces in R2

7.4.43 SPECIAL EXCEPTIONS IN ZONE (R2)

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7.5 SHORELINE RESIDENTIAL ZONE (SR)

7.5.1 PERMITTED USES

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

7.5.1.1 RESIDENTIAL USES

- a *seasonal dwelling*
- a *single detached dwelling* (provided the conditions of [Section 6.15 Frontage on a Public Road or Street](#) apply)
- an *existing single detached dwelling*
- a *home occupation use*

7.5.1.2 RECREATIONAL USES

- a *public park*
- a *public playground*

7.5.2 ZONE REQUIREMENTS (SR)

No person shall, within any Shoreline Residential (SR) zone *use* any *lot*, or *erect*, *alter* or use any *building* or *structure* for any purpose except in accordance with the applicable provisions of [7.5.4 – Special Exceptions in Zone \(SR\)](#), [Section 6 – General Provisions for all zones](#) and [Section 8 – Special Provisions](#) and the following:

A residential use or lot:

a) Minimum <i>lot frontage</i>	45.5m*	[or 149.28ft]
b) Minimum <i>lot area</i>	4046 m ² *	[or 1 acre]
c) Maximum <i>lot coverage</i>	15 %	
d) Minimum <i>front yard</i>	7.5 m	[or 24.61ft]
e) Minimum <i>rear yard</i>	3 m	[or 9.84ft]
f) Minimum <i>interior side yard</i>	7.5 m	[or 24.61ft]
a) Minimum <i>exterior side yard</i>	9 m	[or 29.5ft]
b) Minimum <i>floor area per Dwelling Unit :1 Storey</i>	50m ² **	[or 538.19ft ²]
c) Minimum <i>floor area per Dwelling Unit :1.5 Storey</i>	55m ² **	[or 592ft ²]
d) Minimum <i>floor area per Dwelling Unit: 2 Storey</i>	60m ² **	[or 645.83ft ²]
e) Maximum <i>gross floor area as % of lot Area</i>	25%	
g) Maximum <i>building height</i>	9 m**	[or 29.5ft]
h) Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	3 m	[or 9.84ft]
i) Maximum <i>accessory building height</i>	5 m	[or 16.40 ft]

* On *lots* serviced by communal water, minimum *lot frontage* shall be 30.5 metres and minimum *lot area* shall be 3038 square metres.

** Where more than one tier of *lots* are present, *buildings* on the waterfront *lots* shall be limited to one *storey*.

A recreational use or lot:

a) Minimum <i>lot frontage</i>	45.5m	[or 149.28ft]
b) Minimum <i>lot area</i>	4046 m ²	[or 1 acre]

Commented [SV128]: Are structures permitted? If not, please specify. If they are permitted, consider including setbacks for structures in zone requirements.

Commented [CL129R128]: Please recommend the setback. Thinking of the retained lots in subdivision creations

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- c) Maximum *lot coverage* -%
- d) Minimum *front yard* -
- e) Minimum *rear yard* -
- f) Minimum *interior side yard* -
- g) Minimum *exterior side yard* -
- h) Maximum *building height* -
- i) Minimum distance to a *lot line* for an *accessory building* -
- j) Maximum *accessory building height* -

7.5.3 HIGH WATER SETBACK ADDITIONAL (SR) ZONE PROVISIONS IN ZONE (SR)

- No habitable *building* or structure *or tile field* shall be located within 20 metres [or 65.62ft] of the high-water mark of a lake or river.
- When replacing an existing main building and tile fields, a 20 m setback should be maintained.
- Natural vegetation within the 20 m setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation. A cutting area 10 m wide may be made to afford a view from the dwelling to the water and to afford a waterside activity area.
- The shoreline will not be altered, nor any fill added or removed within 20 m of the high water mark.
- Site Plan Control may be required.

7.5.4 SPECIAL EXCEPTIONS IN ZONE (SR)

Commented [SV130]: See comment above regarding permitted structures. If structures are not permitted, consider removing.

Commented [ER131]: Consider adding additional requirements for lots abutting water.

Note -- typically a 30m setback is recommended

Consider setbacks to water for accessory structures

Commented [CL132R131]: Need clarification of the front lot description being roadside or waterside.

Shore should be considered the "front" of lot

Commented [ER133]: Lands with servicing restraints are to be placed in a holding zone.

Commented [CL134R133]: Clarify a servicing restraint

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7.6 COMMERCIAL ZONE (C)

7.6.1 PERMITTED USES

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

7.6.1.1 RESIDENTIAL USES

- a *dwelling unit* or units in accordance with the provisions of Section 6.15 Frontage on a Public Road or Street of this By-law;
- A *group home*
- A *bed and breakfast*

7.6.1.2 COMMERCIAL USES

- an office *building*
- a bowling alley
- a personal service shop
- a *restaurant/cart*
- a retail store
- a tavern
- a farm implement dealer
- a recreational vehicle sales area
- a motor vehicle sales area
- an automobile washing establishment
- a public garage (auto body)
- a public garage (mechanical)
- an *AUTOMOBILE SERVICE STATION* (see Section 6.4)
- a marina
- a post office
- a laundromat
- a restaurant
- a *hotel, motel*
- an *eating establishment*
- a take-out restaurant
- a service or repair shop
- a *business or professional office*
- a theatre
- a bank or financial institution
- a drive-in restaurant
- a car wash
- a veterinary office

*** a mini putt or miniature golf – See By-law #

7.6.1.3 INSTITUTIONAL USES

- a *church*
- a legion hall
- an auditorium
- a *community centre*
- a *public building*

7.6.1.4 RECREATIONAL USES

- a *public park*
- a *public playground*
- a *community centre*

7.6.2 ZONE REQUIREMENTS (C)

No person shall, within any Commercial Zone (C) *use any lot, or erect or use any building or structure* for any purpose except in accordance with the applicable provisions of 7.6.3 – Special Exceptions in Zone (C), Section 6 - General Provisions for all zones and Section 8 - Special Provisions and the following:

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Commented [SV135]: Consider adding medium density residential, group homes, long term care homes/seniors housing

Commented [CL136R135]: Zone specific by-amendment required for those.

Commented [CL137]: Letter of opinion on autobody repair with respect to Home Industry.

Commented [CL138]: This creates issues. Cart vs trailer vs truck vs portable vs stationary

**THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
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a) Minimum <i>lot frontage</i>	30.5 m	[or 100ft]
b) Minimum <i>lot area</i>	1858 m ²	[or 20,000ft ²]
c) Maximum <i>lot coverage</i>	50 %	
d) Minimum <i>front yard</i>	9 m	[or 29.5ft]
e) Minimum <i>rear yard</i>	4.5 m	[or 14.76ft]
f) Minimum <i>interior side yard</i>	9 m	[or 24.61ft]
g) Minimum <i>exterior side yard</i>	9 m	[or 29.5ft]
h) Maximum <i>building height</i>	9 m	[or 29.5ft]
i) Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	3 m	[or 9.84ft]
j) Maximum <i>accessory building height</i>	5 m	[or 16.40 ft]

Commented [SV139]: What is the " for?

Commented [CL140R139]: Will look at old sheet

7.6.3 SPECIAL EXCEPTIONS IN ZONE (C)

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

7.7 COMMERCIAL RECREATION ZONE (CR)

7.7.1 PERMITTED USES

No person shall within any Commercial Recreation Zone (CR) *use* any *lot*, or *ERECT, ALTER* or *use* any *building* or *structure* for any purpose except one or more of the following *uses*:

7.7.1.1 RESIDENTIAL USES

- a *dwelling unit* or units in accordance with the provisions of Section 6.15 Frontage on a Public Road or Street of this By-law.

7.7.1.2 COMMERCIAL USES

- a *hotel, motel*
- a *marina*
- a *commercial campground*
- a *tourist trailer park*
- a *tourist cabin establishment*
- a *restaurant*
- a *restaurant cart*
- a *convenience retail* store for the sale of goods and personal services
- a *mini putt*
- a *golf course*

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7.7.1.3 INDUSTRIAL USES

- | | |
|---|---|
| • a <i>saw mill</i> | • a <i>service shop</i> |
| • a <i>service shop (heavy)</i> | • a <i>service industry</i> |
| • a <i>machine or welding shop</i> | • a <i>truck bus storage terminal</i> |
| • a <i>warehouse</i> | • a <i>feed mill</i> |
| • a <i>abattoir</i> | • a <i>contractor or tradesman shop or yard</i> |
| • a <i>farm produce storage area</i> | • a <i>creamery or dairy</i> |
| • a <i>municipal works building</i> | • a <i>scrap yard or salvage yard</i> |
| • a <i>custom workshop</i> | • a <i>auto body shop</i> |
| • a <i>boat storage yard</i> | • a <i>welding shop</i> |
| • a <i>builders' supply yard</i> | • a <i>processing plant</i> |
| • a <i>equipment or materials storage yard</i> | • a <i>manufacturing plant</i> |
| • a <i>transport terminal</i> | • a <i>business office accessory to a permitted use</i> |
| • a <i>dry industry involved in the fabricating processing or manufacturing of goods or materials</i> | |

Commented [ER141]: These do not seem appropriate for a Commercial Recreation Zone.

Consider - Rural Industrial Zone?

Commented [SV142]: Not appropriate uses for the Commercial Recreation Zone – was this meant to be its own zone, either Industrial or Rural Industrial with its own zone requirements?

Commented [CL143R142]: check for a miss edit on my behalf
-request Explain and give examples

Commented [CL144R142]: This section was a deliberate consolidation of CR, restricted industrial and general industrial. Please leave as we had.

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7.7.2 ZONE REQUIREMENTS (CR)

No person shall, within any Commercial Recreation (CR) zone *use* any *lot*, or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the applicable provisions 7.7.3 – Special Exceptions in Zone (SR), Section 6 - General Provisions for all zones and Section 8 - Special Provisions and the following:

As commercial use or lot:

- | | |
|--------------------------------|---|
| a) Minimum <i>lot frontage</i> | 76m* [or 249.34ft] |
| b) Minimum <i>lot area</i> | 2325 m ² * [or 25,026ft ²] |

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c) Maximum <i>lot coverage</i>	30 %
d) Minimum <i>front yard</i>	9 m [or 29.5ft]
e) Minimum <i>rear yard</i>	4.5 m [or 14.76ft]
f) Minimum <i>interior side yard</i>	4.5 m [or 14.76ft]
g) Minimum <i>exterior side yard</i>	9 m [or 29.5ft]
h) Maximum <i>building height</i>	-
i) Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	-
j) Maximum <i>accessory building height</i>	-

* Where a Commercial Recreational (CR) use is not on a waterfront, minimum lot frontage shall be 60m [196.85ft] and the provisions of Section 7.7.3 shall apply.

7.7.3 ~~ADDITIONAL (CR) ZONE~~ PROVISIONS IN ZONE (CR)

Where a lot zoned CR has waterfrontage, the following additional provisions shall apply:

- No primary building or structure or tile field shall be located within 20 metres [or 65.62ft] of the high-water mark of a lake or river.
- When replacing an existing main building and tile fields, a 20 m setback should be maintained.
- Natural vegetation within the 20 m setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation. A cutting area 10 m wide may be made to afford a view from the dwelling to the water and to afford a waterside activity area.
- The shoreline will not be altered, nor any fill added or removed within 20 m of the high water mark.
- Site Plan Control may be required.

7.7.34 SPECIAL EXCEPTIONS IN ZONE (CR)

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Commented [ER145]: Consider adding additional requirements for lots abutting water.

Note -- typically a 30m setback is recommended

Consider setbacks to water for accessory structures

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7.8 PIT AND QUARRY ZONE (Q)

7.8.1 PERMITTED USES

No person shall within any Pit and Quarry (Q) Zone *use any lot, or erect, alter or use any building or structure* for any purpose except one or more of the following *uses*:

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

7.8.2 ZONE REQUIREMENTS (Q)

No person shall, within any Pit and Quarry (Q) zone *use any lot, or erect, alter or use any building or structure* for any purpose except in accordance with the applicable provisions 7.8.3 – Special Exceptions in Zone (Q), Section 6 - General Provisions for all zones and Section 8 - Special Provisions, and the following:

- | | | |
|---|------|--------------|
| a) Minimum <i>front yard</i> | 30 m | [or 98.43ft] |
| b) Minimum <i>rear yard</i> | 30 m | [or 98.43ft] |
| c) Minimum <i>interior side yard</i> | 30 m | [or 98.43ft] |
| d) Minimum <i>exterior side yard</i> | 30 m | [or 98.43ft] |

7.8.3 ADDITIONAL PROVISIONS IN ZONE (Q)

No pit or quarry shall be excavated so that its edge is at a point less than thirty (30) metres [or 98.43ft] from the limit of any road right-of-way and thirty (30) metres [or 98.43ft] from any adjoining *lot line*. However, ~~this~~ lot line restriction will be waived where two extractive operations abut and are being mined at the same time thus permitting a more efficient use of the available aggregate.

No *use* permitted shall be carried on within 65 meters [or 213.25ft] of any *residential use* on another *lot* and 50 meters [or 164ft] of any *street or road*.

No person shall make or establish a pit or quarry within 65 meters [or 213.25ft] of any *residential use* on another *lot* and 50 meters [or 164ft] of any *street or road*.

The requirements set out in this Section 7.8.2 do not apply to conveyor and loading facilities accessory to a *pit* or quarry operation.

7.8.34 SPECIAL EXCEPTIONS IN ZONE (Q)

Commented [CL146]: Locate letter of opinion and ensure that the existing setbacks are noted here.

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7.9 INSTITUTIONAL ZONE (I)

7.9.1 PERMITTED USES

No person shall within any Institutional Zone (I) use any *land*, or *erect, alter* or use any *building or structure* for any purpose except one or more of the following uses:

7.9.1.1 RESIDENTIAL USES

- a *dwelling unit* in accordance with the provision of Section 6.15 Frontage on a Public Road or Street of this By-law
- a *group home*

7.9.1.2 INSTITUTIONAL USES

- an auditorium
- a medical *clinic*
- a municipal office
- a *hospital*
- a nursing home
- a police station
- a *churchplace of worship*
- a fire hall
- a public building
- a *school*
- a post office
- a *group home*

Commented [CL147]: keep

7.9.1.3 RECREATIONAL USES

- a *public park*
- a *public playground*

7.9.2 ZONE REQUIREMENTS (I)

No person shall, within any Institutional Zone (I) use any *lot*, or *erect, alter* or use any *building or structure* for any purpose except in accordance with the applicable provisions of 7.9.3 – Special Exceptions in Zone (I), Section 6 – General Provisions for all zones and Section 8 – Special Provisions and the following:

~~Industrial-Institutional lot uses:~~

a)	Minimum <i>lot frontage</i>	60m	[or 196.85ft]
b)	Minimum <i>lot area</i>	4046 m ²	[or 1 acre]
c)	Maximum <i>lot coverage</i>	50 %*	
d)	Minimum <i>front yard</i>	15 m	[or 49.21ft]
e)	Minimum <i>rear yard</i>	10 m	[or 32.81ft]
f)	Minimum <i>interior side yard</i>	10 m	[or 32.81ft]
g)	Minimum <i>exterior side yard</i>	15 m	[or 49.21ft]
h)	Maximum gross <i>floor area</i> as % of <i>lot Area</i>	50%	
i)	Maximum <i>building height</i>	12 m	[or 39.37ft]
j)	Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	6 m	[or 19.69ft]
k)	Maximum <i>accessory building height</i>	6 m	[or 19.69ft]

*This coverage factor does not restrict open storage areas.

Residential ~~lot uses~~ within the townsite limits serviced by water and sewer:

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

a)	Minimum <i>lot frontage</i>	-	
b)	Minimum <i>lot area</i>	-	
c)	Maximum <i>lot coverage</i>	-	
d)	Minimum <i>front yard</i>	-	
e)	Minimum <i>rear yard</i>	-	
f)	Minimum <i>interior side yard</i>	-	
g)	Minimum <i>exterior side yard</i>	-	
h)	Minimum <i>floor area per Dwelling Unit :1 Storey</i>	75m ²	[or 807.29ft ²]
i)	Minimum <i>floor area per Dwelling Unit :2 Storey</i>	100m ²	[or 1,076.39ft ²]
j)	Minimum <i>floor area per Dwelling Unit</i>	55m ²	[or 592ft ²]
k)	Maximum <i>gross floor area as % of lot Area</i>	-	
l)	Maximum <i>building height</i>	10 m	[or 32.81ft]
m)	Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	1 m	[or 3.28ft]
n)	Maximum <i>accessory building height</i>	9 m	[or 29.53ft]

Commented [SV148]: Replace with R1 Zone requirements, or note in permitted uses that residential uses are permitted in accordance with R1 Zone requirements

7.9.3 SPECIAL EXCEPTIONS IN ZONE (I)

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7.10 RECREATIONAL ZONE (01)

7.10.1 PERMITTED USES

No person shall within any Recreational Zone (01) *use* any *lot*, or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the following *uses*:

7.10.1.1 RESIDENTIAL USES

- a ~~dwelling unit~~ in accordance with the provisions of Section 6.15 Frontage on a Public Road or Street of this By-law.

Commented [SV149]: Suggest removing primary residential use from Recreational zone

7.10.1.2 INSTITUTIONAL USES

- a church a post office a municipal office
- a fire hall a school

Commented [CL150]: Remove please
Site specific zoning by-law amendment will then be required

7.10.1.3 OPEN SPACE AND RECREATION USES

- a bowling green a hiking trail
- a curling club a community centre
- a public park / playground a playing field
- a tennis court a skating rink or arena
- a golf course a ski hill
- an area where the primary land use is for public or private recreation

7.10.2 ZONE REQUIREMENTS (01)

No person shall, within any Recreational Zone (01) *use* any *lot*, or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with the applicable provisions of 7.10.3 – Special Exceptions in Zone (01), Section 6 - General Provisions for all zones and Section 8 - Special Provisions and the following:

An Institutional use or lot:

- | | | |
|---|-------|--------------|
| a) Minimum lot frontage | - | |
| b) Minimum lot area | - | |
| c) Maximum lot coverage | 20 % | |
| d) Minimum front yard | 9 m | [or 29.5ft] |
| e) Minimum rear yard | 7.5 m | [or 24.61ft] |
| f) Minimum interior side yard | 7.5 m | [or 24.61ft] |
| g) Minimum exterior side yard | 9 m | [or 29.5ft] |
| h) Maximum building height | - | |
| i) Minimum distance to a lot line for an accessory building | 3 m | [or 9.84ft] |
| j) Maximum accessory building height | - | |

Commented [SV151]: Any requirements for setbacks for recreational buildings?

7.10.3 SPECIAL EXCEPTIONS IN ZONE (01)

Commented [CL152R151]: Recommendations please

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

7.11 CONSERVATION ZONE (O2)

7.11.1 PERMITTED USES

No person shall within any Conservation Zone (O2) *use any lot, or erect, alter or use any building or structure* for any purpose except one or more of the following uses:

7.11.1.1 RURAL USES

- a *farm* but not a *specialized use farm* as defined in [Section 5](#) of this By-law.
- a nursery garden
- no *dwelling unit or accessory building(s)* shall be permitted

7.11.1.2 OPEN SPACE USES

- a *golf course*
- an area for the protection of an environmental hazard such as swamps or marshes, *flood plain* or land liable to flood or land subject to wind or water erosion.
- an area primarily for the location of flood control, bank stabilization or erosion protection structures or projects.
- A [conservation use](#)

7.11.2 ZONE REQUIREMENTS (O2)

No person shall, within any Conservation Zone (O2) *use any lot, or erect, alter or use any building or structure* for any purpose except in accordance with the applicable provisions of [7.11.3 – Special Exceptions in Zone \(O2\)](#), [Section 6 - General Provisions for all zones](#) and [Section 8 - Special Provisions](#) and the following:

As rural use or lot:

a) Minimum <i>lot frontage</i>	-	
b) Minimum <i>lot area</i>	-	
c) Maximum <i>lot coverage</i>	-	
d) Minimum <i>front yard</i>	9 m	[or 29.5ft]
e) Minimum <i>interior side yard</i>	3 m	[or 9.84ft]
f) Minimum <i>exterior side yard</i>	9 m	[or 29.5ft]
k) Minimum <i>rear yard</i>	3 m	[or 9.84ft]
l) Minimum floor area per Dwelling Unit :1 Storey	80m²	[or 861.11ft²]
m) Minimum floor area per Dwelling Unit :2 Storey	90m²	[or 968.75ft²]
n) Minimum floor area per Dwelling Unit	110m²	[or 1,184.03ft²]
o) Maximum gross floor area as % of lot Area		
g) Maximum <i>building height</i>	9 m	[or 29.5ft]
h) Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	3 m	[or 9.84ft]
i) Maximum <i>accessory building height</i>	5 m	[or 16.40 ft]

Commented [SV153]: Not applicable – no dwellings permitted

As open space use or lot, [requirements for buildings/structures](#):

a) Minimum <i>front yard</i>	20 m	[or 65.62ft]
------------------------------	------	--------------

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
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- | | | |
|--------------------------------------|------|--------------|
| b) Minimum <i>rear yard</i> | 20 m | {or 65.62ft} |
| c) Minimum <i>interior side yard</i> | 20 m | {or 65.62ft} |
| d) Minimum <i>exterior side yard</i> | 20 m | {or 65.62ft} |

7.11.3 SPECIAL EXCEPTIONS IN ZONE (O2)

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7.12 WASTE DISPOSAL SITE ZONE (WD)

7.12.1 PERMITTED USES

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

- a) a *dumpsite* for used building material
- b) a *land fill site* for *garbage* including organic *waste* but excluding chemical wastes
- c) a *composting facility*

7.12.2 ZONE REQUIREMENTS (WD)

No person shall, within any Waste Disposal Site Zone (WD) use any *lot*, or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with the applicable provisions of 7.12.4 – Special Exceptions in Zone (WD), Section 6 - General Provisions for all zones and Section 8 - Special Provisions and the following:

a)	Minimum <i>lot frontage</i>	-	
b)	Minimum <i>lot area</i>	100,000 m ²	[or 10 Hectares]
c)	Maximum <i>lot coverage</i>	-	
d)	Minimum <i>front yard</i>	30 m	[or 98.43ft]
e)	Minimum <i>rear yard</i>	30 m	[or 98.43ft]
f)	Minimum <i>interior side yard</i>	30 m	[or 98.43ft]
g)	Minimum <i>exterior side yard</i>	30 m	[or 98.43ft]
h)	Maximum <i>building height</i>	-	
i)	Minimum distance to a <i>lot line</i> for an <i>accessory building</i>	-	
j)	maximum <i>accessory building height</i>	-	

7.12.3 WASTE DISPOSAL SITE

No waste disposal site shall be located so that its edge is at a point less than thirty (30) metres [or 98.43ft] from the limit of any travelled road right-of-way and thirty (30) metres [or 98.43ft] from any adjoining *lot line*.

7.12.4 SPECIAL EXCEPTIONS IN ZONE (WD)

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK COMPREHENSIVE ZONING BY-LAW

7.13 FUTURE DEVELOPMENT ZONE (FD)

7.13.1 PERMITTED USES

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

7.13.1.1 RESIDENTIAL USES

- an *existing single detached dwelling*

7.13.1.2 OTHER USES

- *existing non-residential uses*

7.13.2 ZONE REQUIREMENTS (FD)

No person shall, within any Future Development Zone (FD) *use any lot, or erect, alter or use any building or structure* for any purpose except in accordance with the applicable provisions of [7.13.5 – Special Exceptions in Zone \(FD\)](#), [Section 6 - General Provisions for all zones](#) and [Section 8 - Special Provisions](#) and the following:

- An *existing use* only

7.13.3 OFFICIAL PLAN CONFORMITY

Lands within a Future Development *Zone* (FD), may, upon an application to the Township of Assiginack by the landowner, be rezoned to a specific *zone or zones* in conformity with the *Official Plan*. Until such time as the *lands* are rezoned to a specific *zone or zones*, no person shall change the *use of any land, structure or building, or erect or use any land, building or structure* except in conformity with the provisions of this By-law.

7.13.4 NEW DEVELOPMENT

New *development* within the Future Development *Zone* (FD) shall be subject to a *site plan* agreement approved by the *Township*.

7.13.5 SPECIAL EXCEPTIONS IN ZONE (FD)

Commented [SV154]: Likely unnecessary -- as new development in FD zone is prohibited. Lands need to be rezoned (i.e. would not be FD) prior to development.

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
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SECTION 8: SPECIAL PROVISIONS

Commented [SV155]: This Section can be removed if site specific amendments are being included in each specific Zone section

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**THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
COMPREHENSIVE ZONING BY-LAW**

SECTION 9: EXISTING BY-LAW REPEALED

Any By-law passed under Section 34 of The Planning Act or predecessor thereof in force in the Township of Assiginack on the date of Adoption of this Zoning By-law is hereby repealed.

Commented [SV156]: Suggest moving this to Section 4.10.

Adopting By-law text can be inserted separately.

Commented [CL157R156]: Remove

Read a first time this _____ day of _____, 2019.

Corporate
Seal

Signed: _____

Reeve/Mayor: (insert Name)

Signed: _____

Clerk: (insert Name)

Read a second and third time and

finally passed, this _____ day of _____, 2019.

Corporate
Seal

Signed: _____

Reeve/Mayor: (insert Name)

Signed: _____

Clerk: (insert Name)