



TOWNSHIP OF ASSIGINACK

COMPREHENSIVE ZONING BY-LAW



MARCH 8, 2024

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

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HOW TO USE THIS BY-LAW

Introduction

These pages explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by Council and are intended only to make the Zoning By-law more understandable and easier to reference.

Purpose of this Zoning By-law

The purpose of this Zoning By-law is to implement the policies of the District of Manitoulin Official Plan. The Official Plan contains general policies that affect the use of land throughout the Municipality. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The statutory authority to zone land is granted by the Ontario *Planning Act*. The *Planning Act* specifies what a By-law can regulate. A Zoning By-law can:

- prohibit the use of land or buildings for any use that is not specifically permitted by the By-law;
- prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the By-law;
- regulate the type of construction and the height, bulk, location, size, floor area, spacing, and use of buildings or structures;
- regulate the minimum frontage and lot area of a parcel of land;
- regulate the proportion of a lot that any building or structure may occupy;
- regulate the minimum elevation of doors, windows or other openings in buildings or structures;
- require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and,
- prohibit the use of lands and the erection of buildings or structures on land that is:
 - Subject to flooding;
 - The site of steep slopes;
 - Rocky, low-lying, marshy or unstable;
 - Contaminated;
 - A sensitive groundwater recharge area or head water area;
 - The location of a sensitive aquifer;
 - A significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
 - A significant corridor or shoreline of a lake, river or stream; or
 - The site of a significant archaeological resource.

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How to Use this By-law

In order to reference this By-law easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

a) Locate the Property on a Map

Maps in a Zoning By-law are called 'Schedules'. The first step to using this By-law is to refer to the zone schedules that are attached to this By-law to determine in which zone category your property is located. The zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as "RU" beside your property. This would indicate that your property is within the "Rural" Zone. The zone symbols are explained in [Section 3.1](#) of the By-law.

b) By-law Amendments

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law Amendment. While the Township strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Staff at the Township will be able to assist you to confirm if your property has been subject to a more recent amendment.

c) Zone Provisions

The next step to using this By-law is to determine what uses are permitted on your property. [Section 6](#) of the By-law identifies the permitted uses and zone requirements for each zone in the Municipality.

The definitions in [Section 4](#) can assist you if you are not sure of the nature of a permitted use or how it has been defined for the purposes of this By-law. Uses which are not identified as permitted uses within a particular zone are not permitted in that zone.

You have now identified the zone in which your property is located and have identified what uses are permitted on your property. The next step is to determine what standards may apply to the uses on your property. [Section 6](#) of the By-law identifies the zone requirements for each of the zone categories in the Municipality including standards for minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for principal and accessory buildings, maximum permitted buildings height and in some cases, the minimum required landscaped open space on the lot.

d) General Provisions

Now that you are aware of the uses permitted on your property and the specific zone requirements that apply to those uses, reference should be made to the General Provisions Section of this By-law. [Section 5](#) contains a more general set of standards known as 'General Provisions' that apply to all properties in all zones throughout the Municipality. For example, the General Provisions contain

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standards that regulate the location of accessory structures on a lot and height requirements, as well as providing guidelines for the potential expansion of legal non-conforming/non-complying uses. The General Provisions apply to all properties regardless of what zone the property is located in, unless otherwise specified.

e) Parking and Loading

[Section 5.26](#) provides the parking and loading requirements for all uses permitted in the Municipality. If you are considering changing the use of your property or adding a new use to your property, you should review [Section 5.26](#) to ensure that you are aware of the parking requirements for the proposed use.

f) Exceptions, Holding Zones and Temporary Uses

Zoning By-laws are not static documents and lands may be subject to a zone exception, a holding zone, or a temporary use. If a zone symbol is followed by a dash (-) and a number, the lands are subject to a site specific exception and are subject to site specific exception provisions in addition to all provisions of the parent zone and general provisions, unless otherwise stated in the exception. If the zone symbol is followed by an (H) or preceded by a (T), the lands are subject to holding symbol or temporary use.

What are Legal Non-Conforming and Legal Non-Complying for the Purposes of this By-law?

A legal non-conforming use is a use of land and/or building that legally existed prior to a Zoning By-law coming into effect. To be legal, the use must have been permitted on the lands in accordance with the previous Zoning By-laws for the Township.

A legal non-complying building or structure is a building or structure that was legally constructed and in a location that was permitted in accordance with any applicable Zoning By-law at the time of construction. Alternatively, if the building or structure existed before the first By-law for the Township of Assiginack or the By-law for the original Township, the building or structure may be legal.

Description of By-law Components

This By-law contains seven sections which together, provide the land uses and standards applicable to all lands within the Municipality. These sections are as follows:

- Section 1 – Interpretation
- Section 2 – Administration
- Section 3 – Establishment of Zones
- Section 4 – Definitions
- Section 5 – General Provisions
- Section 6 – Specific Zones
- Section 7 – Enactment

The purpose of each of these Sections is described below:

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Section 1 and 2 – Interpretation and Administration

These sections of the By-law specify:

- What lands are covered by the By-law;
- That every parcel of land in the area covered by the By-law is to conform and comply with the By-law; and
- What penalties can be levied against a person or corporation if they contravene any provision in the By-law.

Section 3 – Establishment of Zones

This section establishes the Zones that apply to the lands covered by the By-law. This section also describes how to determine the location of the Zone boundaries on the schedules.

Section 4 – Definitions

It is necessary to define words in a Zoning By-law because it is a legal document. A By-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in the By-law and ensure that the By-law and its intent are applied consistently. If a word is not defined, refer to a dictionary and apply the defined term in the context of which that word is used.

Section 5 – General Provisions

This section contains a number of regulations that apply to certain types of uses, buildings, or structures regardless of where in the Municipality or in what zone they are located.

Section 6 – Specific Zones

Section 6 identifies the uses that are permitted in each Zone category. The effect of these Zones is to only permit certain uses in various parts of the Municipality. The only uses permitted in a zone are those that are specified in the By-law. If a use is not specifically mentioned as a permitted use in a Zone then it is not permitted. Similarly, if a use is defined in Section 4 of the By-law but does not appear as a permitted use in any zone, then it is not a use permitted by the By-law.

Section 6 also contains a number of regulations that control the placement, bulk, and height of a building on a lot. This includes regulations such as minimum lot size, minimum frontage, maximum building height or the maximum coverage of buildings and structures on a lot.

SECTION 1: INTERPRETATION

1.1 TITLE

This By-law may be referred to as the "Township of Assiginack Zoning By-law" and applies to all areas within the Township of Assiginack.

1.2 ADMINISTRATION

This By-law shall be administered and enforced by municipal staff as appointed by the Council of the Corporation of the Township of Assiginack.

1.3 CONFORMITY AND COMPLIANCE WITH BY-LAW

No land, building or structure may be used, erected or altered except in accordance with the provisions of this By-law.

No land, building or structure may be located or used such that the uses, buildings or structures on the lands would no longer comply with the provisions of this By-law.

1.4 INTERPRETATION

The provisions of this By-law are the minimum requirements except where a maximum requirement applies.

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Township of Assiginack or any requirement of the Province of Ontario or Government of Canada that may affect the use of lands, buildings or structures in the Municipality.

1.5 BUILDING PERMITS AND MUNICIPAL LICENCE

The requirements of this By-law, and all applicable law, must be met before a Building Permit, Certificate of Occupancy, or approval of an application for a municipal license is issued for the use of land or the use, erection, addition to or alteration of any building or structure.

SECTION 2: ADMINISTRATION

2.1 ENFORCEMENT

Any person who contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine(s) as provided for under the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

2.2 SEVERABILITY

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

2.3 EFFECTIVE DATE

This By-law shall come into force the day it was passed if no appeals are received. If an appeal(s) is received, this By-law, or portions thereof, shall come into force upon the approval of the Ontario Land Tribunal and in accordance with the provisions of the *Planning Act* as amended.

2.4 REPEAL OF FORMER BY-LAWS

By-law No. 80-20, as amended, of the Township of Assiginack and By-law No. 80-21, as amended, of the Township of Assiginack, are hereby repealed.

2.5 TRANSITION PROVISIONS

This By-law does not apply to prevent the issuance of a Building Permit for a Development for which an Approval under the *Planning Act* has been granted for:

- a) A Minor Variance to a Zoning By-law or Interim Control By-law; or
- b) An Amendment to a Zoning By-law;

Where the said development occurs in strict accordance with the plans originally filed with the Township in support of the application for development and the building permit is issued within two years of this Zoning By-law coming into effect.

SECTION 3: ESTABLISHMENT OF ZONES

3.1 ZONES

The Provisions of this By-law apply to all lands within the limits of the Township of Assiginack. All lands in the Township are contained within one or more of the following Zones.

SYMBOL	ZONE
A	Agricultural
C	Commercial
CR	Commercial Recreational
CO	Conservation
FD	Future Development
GC	General Commercial
M	General Industrial
H	Hamlet
I	Institutional
LS	Lakeside
PQ	Pit and Quarry
RE	Recreational
R1	Residential
RM	Residential Multiple
SR	Shoreline Residential
RU	Rural
WD	Waste Disposal Site

3.2 LANDS UNDER WATER

All lands under water of the lakes and rivers within the Township are subject to this By-law in addition to the requirements of both Federal and Provincial legislation. All lands under water shall be zoned Lakeside (LS) and may be used in accordance with the abutting zones and appertaining lands and regulations in Section xx of this By-law.

3.3 ZONE SYMBOLS

The Zone symbols may be used to refer to lots, buildings, and structures, and to the use of lots, buildings, and structures permitted by this By-law.

3.4 ZONE SCHEDULES

Schedule XX attached hereto, together with the Zones and Zone boundaries, notations and references shown thereon, is hereby declared to form part of this By-law. which are attached to and form part of this By-law.

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3.5 DETERMINING 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.

3.6 SITE SPECIFIC ZONES

Where a Zone symbol on the attached Schedule(s) is followed by a dash, and a number, such as A-17, the symbol refers to a site-specific exception that applies to the lands noted. Where there is conflict between a general provision or general zone standard and the site specific exception, the regulations or uses contained in the exception shall prevail.

3.7 HOLDING ZONES

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter (H), no person shall use the land for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan and the provisions of this By-law and/or the requirements of any amending By-law, and the requirements of the *Planning Act*, as amended.

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3.8 TEMPORARY USE ZONES

Where on Schedules to this By-law, a zone symbol is preceded by the letter (T) and a dash, and followed by a zone designation and a number (for example T-RU-1), one or more additional uses are permitted on the lands noted until the permission granted by the Site Specific Temporary Use By-law expires.

3.9 METRIC AND IMPERIAL MEASUREMENTS

Zone standards in this By-law are provided in metric units. To convert metres to feet, multiply the number of metres by 3.281. To convert square metres to square feet, multiply the number of square metres by 10.764.

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SECTION 4: DEFINITIONS

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.

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

ADULT ENTERTAINMENT BUSINESS shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principal 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 land, buildings or structures for:

- a) The growing of crops, , 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;

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- 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 farm accessory buildings;

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 processing, treatment operations and sale which shall require a site specific zoning amendment.

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.

APARTMENT DWELLING see **DWELLING, APARTMENT**

APARTMENT, ACCESSORY shall mean a dwelling unit in a principal building which is accessory to the principal use on the lot.

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.

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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.

BASEMENT shall mean that portion of a building which has at least one-half of its height from finished floor to finished ceiling, or to the undersides of the floor joists of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.

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 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.

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 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 which may not include sleeping accommodations.

BOATPORT shall mean an unenclosed, open-walled stand alone structure for the docking and storage of watercraft and equipment accessory to the use and operation of watercraft.

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, PRINCIPAL shall mean the building in which is carried on the principal purpose for which the lot is used.

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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 PRODUCTION FACILITY shall mean any lands, building or structure which are used for the growing, production, processing, testing, destroying, storing, packaging, and/or shipping of Cannabis authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR 2018-144, to the Cannabis Act, SC 2018, c16, the Controlled Drugs and Substances Act, SC 1996, c19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.

CELLAR shall mean that portion of a building which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joists of the storey next above, as the case may be, below the average finished grade level adjacent to the exterior walls of the building.

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*.

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 of children separated from their parents or guardian and not including a school.

CHURCH, see **PLACE OF WORSHIP**

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, chiropodists, chiropractors, or drugless practitioners).

CLINIC, VETERINARY means a clinic of a veterinarian where animals are treated and/or kept.

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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.

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.

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 commercial retail establishment, 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 commercially to the general requirements of the residents of an area, provided that the requirements of Section 5.7 are complied with.

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.

CORNER LOT see **LOT, CORNER**

COUNCIL shall mean the Council of the Township of Assiginack.

COURT shall mean an open and uncovered space from ground to sky bounded on two or more sides by the walls of the principal building.

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

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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. The term "development" shall also mean the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*.

DRIVE-IN RESTARUANT 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 break room required for the employees.

DUPLEX DWELLING see **DWELLING, DUPLEX**

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

DWELLING, ADDITIONAL shall mean a separate and complete dwelling unit that is contained within the structure of a single detached, semi-detached, or rowhouse residential dwelling or within a secondary building on the same property as a principal dwelling unit.

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, 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.

DWELLING, MOBILE HOME shall mean any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons, in accordance with Canadian Standards Association (C.S.A.) Standard Z240 or Z241 for mobile homes, but does not include a travel trailer or tent trailer or trailer otherwise designed.

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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 year round 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, TINY HOME shall mean shall mean a small, self-contained dwelling unit with a minimum area that complies with Ontario Building Code. A tiny home shall be considered a single detached dwelling.

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, travel trailer, 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, creating a berm, grading, piling, cribbing, filling or draining or land, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

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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. 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.

EXPANDED shall mean the action of increasing the size or capacity of a building or structure.

EXTERIOR YARD see **YARD, EXTERIOR**

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 farm accessory buildings such as a barn, 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 farm related accessory buildings.

FINANCIAL INSTITUTION means a premises where financial services are offered to the public and may include an automated banking machine.

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 and Forestry.

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

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which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and for the purposes of this clause, the walls of an inner court shall be deemed to be exterior walls.

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

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 principal 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.

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 dwelling and who, by reason of their emotional mental, social, or physical condition or legal status, require a group living arrangement for their well being.

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GUEST CABIN shall mean a seasonal non-commercial building for sleeping accommodation accessory to a seasonal dwelling in the Shoreline Residential Zone only. A Guest Cabin shall not include food preparation facilities. **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 for wholesale or retail.

GREENHOUSE, FARM shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are 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:

- 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 LEVEL shall mean the highest normal or controlled water level on inland lakes and xxxxx Canadian Geodetic Datum (C.G.D.) on Manitowaning Bay.

HIGH WATER MARK shall mean the location where the high water level of a lake or river meets the land, and xxxxx Canadian Geodetic Datum (C.G.D.) on Manitowaning Bay.

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

HEREIN shall mean anywhere in this By-law.

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HOME INDUSTRY shall mean a gainful occupation including an electrical, woodworking, welding, plumbing, machine shop or blacksmith shop, conducted in whole or in part in an accessory building to a single detached dwelling, provided that Section 5.14 requirements are complied with.

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 Section 5.15 requirements are complied with.

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 of 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.

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 pharmaceuticals supplies,
- f) Research laboratories and medical offices for engineers, architects and surveyors, or
- g) 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,

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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.

ISLAND shall mean a land mass completely surrounded by water, which meets the definition of a Lot. This includes any land mass joining the mainland by any causeway or bridge.

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, Conservation and Parks 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, ramps, courts, or areas of egress.

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.

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LONG-TERM CARE HOME shall mean a premises licensed as a long-term care home under 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 less, the lot area of such lot shall be calculated as if the lot lines were projected to their point of intersection.

LOT, CORNER shall mean a lot situated at the intersection of and abutting on two (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 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 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 reserve, the lot so abutting the 0.3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;

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- 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 shore 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 shore 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.

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.

LOT, WATER ACCESS shall mean a lot that has frontage on a waterbody and is not capable of obtaining access from a Provincial highway, road, or private road.

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, boatport boat storage, boat repair facilities, boat rental, pier, dock or jetty facilities or any combination of the foregoing are available for all

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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 lager 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, see **DWELLING, MOBILE HOME**

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 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**

MUNICIPAL OFFICE means an office used by the Corporation of the Township of Assiginack.

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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.

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 wholesome or retail sale.

OBNOXIOUS USE shall mean an offensive use or trade within the meaning of *The Health Protection and Promotion Act* or any use which is included herein or found to be highly offensive; a nuisance by reason of emission, or the creation of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste, or the depositing or leaving of unsightly objects or chattels on land.

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

OPEN SPACE shall mean an 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, and regional 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, arenas, or other specialized recreational uses in a designated public area

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:

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- 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 principal 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) has adequate access to permit ingress and egress of a motor vehicle from the street by way of a driveway system in accordance with the regulations of this By-law.

PERSON shall mean an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under *The Condominium Act*, 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.

PLACE OF ENTERTAINMENT shall mean a premises where entertainment is offered for gain or profit such as a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, exhibition grounds, golf driving range, miniature golf course, batting cage, archery range, shooting gallery, arcade or similar activity for the enjoyment of the general public but shall not include body-rub parlours or an adult entertainment parlour, or any place of entertainment otherwise defined by this By-law.

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.

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 legal 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.

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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 the Province 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 of 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.

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

REAR YARD see **YARD, REAR**

RECONSTRUCTED shall mean to rebuild a building or structure.

RECREATIONAL VEHICLE means a self-propelled vehicle designed to provide temporary living accommodation but does not include mobile home dwellings, travel trailer, or other vehicle defined herein.

RECYCLING CENTRE shall mean a building or an area where used material is separated prior to shipment to others who will re-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

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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 be required.

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.

REPLACED constructing a new building or structure in the same location as a previous building or structure.

RESIDENTIAL USE shall mean the use of any building or structure on a lot for purposes of human habitation.

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 not 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.

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 long-term care home.

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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**

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, Conservation and Parks for 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

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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 ground mounted or rooftop mounted or wall mounted device 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 shall mean ground mounted device =with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun that is used for commercial purposes only

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

STOREY shall mean that portion of a building between the surface of one floor and the ceiling above.

STOREY, ONE HALF shall mean that portion of a building situated above the first storey that is wholly or in part within the roof and when used with reference to a one and one half storey detached garage, means that portion of the detached garage situated between a sloping roof and a floor above the first storey below, of a detached garage.

STOREY, FIRST shall mean the storey with its floor closest to the finished grade and having its ceiling at least 1.5 metres above finished grade, but is not a basement.

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*.

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 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.

TINY HOME see **DWELLING, TINY**

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.

TRAILER, PARK MODEL shall mean a recreational vehicle that is designed to be made mobile, and constructed or manufactured to provide a seasonal residence for one or more persons in accordance with Canadian Standards Association (C.S.A.) Standard Z241, but does not include a travel trailer or tent trailer or trailer otherwise defined in this by-law.

TOURIST TRAILER PARK shall mean an establishment comprising land or premises under single ownership, 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

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self-propelled and includes tent trailers, motor homes, campers, recreational vehicles, or similar transportable accommodation but does not include a mobile home.

TRAVEL TRAILER 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 the fee schedule currently in effect.

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 to this By-law.

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, Conservation and Parks 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 principal 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.

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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 principal 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 principal 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 principal 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 minimum width of a side yard on a lot between a side lot line and the nearest main wall of any principal 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.

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

SECTION 5: GENERAL PROVISIONS

5.1 ACCESSORY BUILDINGS, STRUCTURES, AND USES

5.1.1 Permitted Uses

- a) Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a principal building or structure is already in existence on the lot.
- b) Accessory buildings or structures shall not be used for any occupation for gain or profit conducted within or accessory to a dwelling unit or lot except as specifically permitted in accordance with this By-law.
- c) With the exception of a Guest Cabin or Additional Dwelling Unit, human habitation is not permitted within an accessory building.
- d) 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.
- e) One guest cabin having a gross floor area with a maximum of of 37.2 square metres may be erected and used on the same lot as a dwelling in the Shoreline Residential (SR) Zone.
- f) Travel trailers may only be used in accordance with this section in zones that permit residential use and in accordance with By-Law 20-14 Trailer Licensing, as may be amended from time to time.

5.1.2 Setback and Yard Requirements

Except as otherwise provided by this By-law, any accessory building or structure shall comply with the yard requirement of the zone within which it is located. This provision shall not apply to prevent the construction of land-based and water-based accessory structures in the front yard as may otherwise be permitted in this By-law

5.1.3 Lot Coverage

The total lot coverage of all accessory buildings and structures shall not exceed fifteen percent (15%) of the lot area.

5.1.4 Maximum Floor Area

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The maximum floor area of an accessory building or structure shall be eighty-nine (89) square metres unless otherwise stated in this By-law.

5.1.5 Accessory Building or Structure Height

The maximum height of accessory buildings or structures shall be 6.5 metres unless otherwise stated in this By-law.

5.1.6 Accessory Building or Structure Encroachments

Notwithstanding the yard and setback provisions of this By-law to the contrary, chimneys, overhangs, un-enclosed porches, balconies, steps, patios, drop awnings, clothes poles, flag poles, garden trellises, retaining walls less than 1.0 metres in height, fences 2.0 metres or less in height, signs or similar uses which comply with this By-law may project into any required yard a maximum distance of 1.5 metres. Fences shall not be permitted in the required front yard of lots that abut a waterbody. Abutting a street, the maximum height of a fence shall be 1 metre within the required front yard.

5.1.7 Accessory Building or Structure Yard Requirements

Notwithstanding the yard and setback provisions of this By-law to the contrary, an accessory building or structure may be erected and used in an interior side or rear yard, and in the front yard where specifically permitted below, provided that the following yard requirements are met

a) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 2.0 metres to the side lot line.

b) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 4.0 metres to the rear lot line.

c) Front Yard and Exterior Side Yard

Where such accessory building or structure is located in a front yard or exterior side yard, it shall not be closer than twenty (20) meters to the lot line or behind the front yard setback of the principal building, whichever is less, and shall comply with the other yard requirements of the zone in which it is situated.

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- d) No accessory building shall be built within two (2) metres of the principal building in all zones.

5.1.8 Shoreline Accessory Buildings or Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, a boathouse, boatport or dock 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, boatport or dock is located not closer than six (6) metres to the side lot line or does not encroach on adjacent frontage when the lot boundaries are extended into the water. Where a shore road allowance exists, a boathouse or boatport shall only be permitted where a Letter of Comfort Agreement has been registered on the adjacent land's title.

5.1.9 Guest Cabins

Guest cabins shall be permitted on lands within the Shoreline Residential Zone subject to the following regulations:

- a) One guest cabin shall be permitted on a lot as an accessory use to the residential dwelling.
- b) Guest cabins shall meet all required yards for the residential dwelling.
- c) The maximum floor area of a guest cabin shall be 60 square metres.
- d) The maximum height shall not exceed 4.5 metres.
- e) A guest cabin shall not include food preparation facilities.
- f) A guest cabin shall be limited to 1 storey.

5.2 ADDITIONAL DWELLING UNITS

- a) Where an additional dwelling unit is a permitted use in accordance with Section 6.0 of this By-law, the following provisions apply:
 - i. A maximum of two additional dwelling units shall be permitted per lot including a maximum of one additional dwelling unit in the principal dwelling on the lot and a maximum of one additional dwelling unit as a detached accessory structure (excluding a Bunkie and/or boathouse_ on the lot).

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- ii. An additional dwelling unit shall only be permitted on a lot containing a single detached dwelling unit, semi-detached dwelling unit or a townhouse dwelling unit.
 - iii. Where the principal dwelling unit is a townhouse dwelling, an additional dwelling unit is only permitted provided the lot on which the principal townhouse dwelling unit is located has a minimum frontage of 11 metres.
 - iv. Where municipal water services are available, the principal dwelling unit and the additional dwelling unit(s) must be connected to such services. Confirmation from the Township is required to ensure that there is sufficient capacity in the water system for the additional dwelling unit(s).
 - v. An additional dwelling unit shall not be permitted on a lot with a bed and breakfast, group home, or on a lot with a boarding and rooming house.
 - vi. A garden suite is considered an additional dwelling unit.
 - vii. An additional unit's gross floor area may not exceed 112 square metres.
- b) Where an additional dwelling unit is permitted within the principal dwelling on a residential lot in accordance with Section 5.2 a), the following additional provisions shall apply:
- i. The additional dwelling unit shall be located entirely within the same building as the principal dwelling unit;
 - ii. The maximum gross floor area of the additional dwelling unit may not exceed 45% of the gross floor area of the principal dwelling unit; and,
 - iii. Notwithstanding Section 5.2 b) ii), where the additional dwelling unit occupies the lowest floor of the principal dwelling unit, it may exceed the maximum size standards of this subsection.
- c) Where an additional dwelling unit as a detached accessory building is permitted in accordance with Section 5.2 d) of this By-law, the following additional provisions shall apply:
- i. The accessory building containing the additional dwelling unit shall not be located in the front yard unless in the Agricultural (A), or Rural (RU) Zones;
 - ii. The maximum gross floor area of an additional dwelling unit in an accessory building shall not exceed 45% of the gross floor area of the principal dwelling unit;
 - iii. An additional residential unit within a detached accessory building/structure shall be located no more than 30 metres from the principal dwelling unit unless located in the Agricultural (A), or Rural (RU) Zones where the maximum distance from the principal dwelling shall be 50 metres;

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- d) Additional dwelling units are only permitted in accessory buildings where the following criteria are satisfied:
 - i. The accessory building must be located in the rear yard or side yard of the lot.
 - ii. Additional dwelling units shall only be permitted in accessory buildings that comply with the minimum yard requirements of the zone in which it is located.
- e) An additional dwelling unit is not permitted in the shoreline residential zone.

5.3 AUTOMOBILE SERVICE STATIONS

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

- a) Minimum lot frontage
 - i. Interior Lot: 60 metres.
 - ii. Corner Lot: 60 metres.
- b) Minimum lot depth
 - i. Interior Lot: 45 metres.
 - ii. Corner Lot: 60 metres.
- c) No portion of any pump island on an automobile service station lot shall be located closer than six (6) metres from the street line of any street.
- d) The minimum distance from the intersection of two (2) street lines lot and the nearest ingress or egress ramp shall be not less than nine (9) metres.
- e) The maximum width of a curb ramp at the street line shall be not more than nine (9) metres and the minimum width not less than eight (8) metres.
- f) The minimum distance between ramps shall not be less than nine (9) metres.
- g) The minimum distance between the lot line of the lot at the street line and the nearest ramp shall be three (3) metres.

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- 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.
- i) The following minimum provisions shall apply to buildings and pumps associated with this use:
 - i. Front yard: 18.0 metres.
 - ii. Side yard: 4.5 metres.
 - iii. Rear yard: 7.4 metres.

5.4 BOATHOUSES AND BOATPORTS

- a) A boathouse or boatport shall be subject to the setback requirements of this by-law and zone provisions applicable to accessory buildings and structures, with the exception of the front yard setback.
- b) A boathouse or boatport 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 or boatports shall be one (1) on any shoreline lot.
- d) The height of a boathouse or boatport shall be no more than one and one half (1.5) storeys, as defined in this By-law or six (6) metres 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 measured from the high water level, or three (3) metres measured from the top of an attached deck or dock that is not more than one (1) metre above the water level, whichever is greater.
- f) The maximum width of a boathouse or boatport shall 8.7 metres. Boathouse width shall be measured from the outside of the fascia.

5.5 BUILDING REPAIR AND 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, minimum lot area, or the minimum front, side or rear yards required by this section are not further reduced or its original use altered.

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- 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 shall 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.

5.6 BUILDINGS TO BE MOVED

In all zones, no building or structure 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.

5.7 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.

5.8 CONVENIENCE RETAIL

A convenience retail establishment shall not exceed one hundred and forty (140) square metres of gross floor area.

5.9 CORNER LOTS IN RESIDENTIAL ZONES

Notwithstanding any other provision of this By-law, on a corner lot in a residential zone, 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.

5.10 DAYLIGHTING TRIANGLES

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

5.11 DWELLING UNITS IN A NON-RESIDENTIAL ZONE

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:

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- 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, Conservation and Parks, health unit or other responsible authority.
- 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 Section 5.23 b) hereto.
- d) The dwelling unit shall have a separate building entrance to that of which is provided for non-residential use.
- 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) 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 4.

5.12 FRONTAGE ON A MUNICIPALLY MAINTAINED ROAD, PRIVATE ROAD OR NAVIGABLE WATERWAY

- a) No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon a year-round municipally maintained road. Notwithstanding this provisions, a seasonal dwelling may be permitted on a seasonally maintained road.
- b) The provisions of Section 5.11 a) shall not prevent the erection of a permitted building or structure on a lot in a registered plan of subdivision or plan of condominium where a properly executed Subdivision Agreement or Condominium Agreement has been entered into with the Township, notwithstanding that the subdivision road or roads will not be assumed by the Township until the end of the maintenance period.
- c) The provisions of Section 5.11 a) shall not apply to prevent the expansion, renovation, reconstruction, replacement or other structural alteration of a legally existing building or structure, which is located on a lot which does not have frontage upon a municipally maintained road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located and complies with all other applicable provisions of the By-law.
- d) Notwithstanding Section 5.11 a) and b), where an existing lot of record does not front onto a municipally maintained road, a building permit may be issued for a building or structure

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provided that the lot meets all of the other requirements of this By-law and has access by way of a legal private right-of-way, which may include a condominium.

- e) Notwithstanding 5.11 a), where a lot is accessed only by navigable water, a building permit may be issued provided that the lot in question meets all other requirements of this By-law and is a lot as defined herein.

5.13 GREATER RESTRICTIONS

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

5.14 HEIGHT EXCEPTIONS

Notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the erection, alteration, or use of a silo, a church spire, a belfry, a clock tower, a flag pole, a chimney, a water tank, a windmill, a drive-in theatre screen, a ventilator, a skylight, a solar collector, a radio or television tower or antenna, an air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment, which exceeds the maximum height requirements provided the main or principal use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with.

5.15 HOME INDUSTRY

A Home Industry, as defined in Section 4, shall comply with the following provisions:

- 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 principal 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) The sale of goods produced on site is only permitted if the sales are conducted by telephone, internet, or mail order. The maximum display area for goods is 20 square metres.
- f) not more than two (2) persons, other than the owner, are employed therein on a full-time basis;

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- g) the lot shall be an existing lot with not less than 40 metres of lot frontage and 50 metres of lot depth; and
- h) Where an accessory building or structure is used for a home industry, as defined in this By-law, they shall be located on a lot at a setback from any abutting road or street which is fifteen (15) metres greater than the setback required by this By-law for the principal building on the lot.

5.16 HOME OCCUPATION

A Home Occupation, as defined in Section 4, shall comply with the following provisions:

- 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;
- b) there is no display, other than an unilluminated sign not greater than 1 square metre 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 principal 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) The sale of goods produced on site is only permitted if the sales are conducted by telephone, internet, or mail order. The maximum display area for goods is 20 square metres.
- e) such home occupation does not interfere with television or radio reception;
- f) there is no outside storage of goods or materials;
- g) 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;
- h) 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, and
- i) Only one (1) home occupation is permitted per lot

5.17 LEGAL NON-COMPLYING LOTS, BUILDINGS, AND STRUCTURES

- a) Legally Existing Buildings and Structures

Where a legally existing building or structure is located on a lot having less than the minimum required frontage and/or lot area, and/or having less than the minimum required front yard and/or side yard and/or rear yard required by this By-law, the said legally existing building or structure may be expanded, reconstructed or replaced provided that:

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- i. The expansion, reconstruction or replacement does not further encroach into a required yard as outlined in this Zoning By-law,
- ii. The expansion, reconstruction or replacement does not increase the amount of gross floor area more than 40 square metres or the height more by than one (1) metre.
- iii. The legally existing building or structure is being used for a purpose permitted within the Zone in which it is located; and,
- iv. All other applicable Provisions of this By-law are complied with.

b) Gross Floor Area Less Than Required

Nothing in this By-law shall prevent an alteration being made to a permitted dwelling, provided the dwelling existed at the time of the passing of this By-law but has a gross 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.

c) Minimum Opening Elevations

Notwithstanding the provisions of this section, on the shores of Lake Huron, a reconstructed or expanded legally existing dwelling shall comply with the minimum opening elevation of 179.6 metres Canadian Geodetic Datum. In addition, legally existing buildings destroyed by natural flooding shall not be reconstructed without being flood proofed.

d) Damaged Legally Existing Buildings and Structures

Nothing in this By-law shall apply to prevent the reconstruction of any permitted legally existing building or structure which is damaged by causes beyond the control of the owner, and such permitted legally existing building may be reconstructed as it previously existed, even if such did not comply with one or more of the provisions of this By-law, but the non-compliance may not be further increased. A legally existing building damaged or destroyed as a result of natural flooding shall not be reconstructed without being flood proofed.

e) Existing Vacant Undersized Lots

Where a vacant lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that:

- i. In the case of a lot in the Agricultural (A) Zone, Rural (R) Zone, such lot has not less than 15 metres of frontage and not less than 900 square metres of area;

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- ii. All other applicable provisions of this By-law are complied with; and
- iii. Provided that a septic system can be installed on the lands, or the lands can be serviced by municipal sewage services.

5.18 LEGAL NON-CONFORMING USES

a) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot, building, or structure for any use prohibited by this By-law if such existing lot, building, or structure was legally used for such purposes prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose.

b) Exterior Expansion

The exterior of any building or structure which was legally used prior to the effective date of this By-law for a use not permitted within the Zone in which it is located, shall not be expanded, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone unless these changes are necessary to provide for flood proofing or insulation of the building. This provision shall not prohibit normal or regular maintenance or replacement of exterior cladding.

c) Interior Alteration

The interior of any building or structure which was legally used, prior to the effective date of the By-law, for a purpose not permitted within the Zone in which it is located, may be reconstructed or structurally altered for the existing purpose for which such building or structure was legally used.

d) Restoration and Replacement

Nothing in this By-law shall prevent the strengthening or restoration or replacement to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration or replacement does not increase the building height, size or volume, or change its location, or change the existing, lawful use of such existing building or structure or unless these changes are necessary to provide for flood proofing or insulation of the building.

e) Reconstruction of Existing Buildings

- i. Nothing in this By-law shall apply to prevent the reconstruction of any existing legal non-conforming building which is damaged by causes beyond the control of the owner, other than flooding. The existing building may be reconstructed in the same location

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on which it existed on the date of the passage of this By-law even if such did not comply with one or more of the provisions of this By-law, but the non-compliance may not be further increased and the size of the building shall not be increased.

- ii. Buildings damaged or destroyed as the result of natural flooding shall not be reconstructed, except in accordance with the provisions of this By-law.

f) Building Permit Issued

The provisions of this By-law shall not prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law for which a building permit has been issued under the *Building Code Act*, prior to the day of the passing of this By-law, 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 permit has not been revoked under the *Building Code Act*.

5.19 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.

5.20 LOADING SPACE REGULATIONS

a) Loading Space Requirements

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading, or unloading of persons, animals, goods, wares 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 long, four (4) metres wide and having a vertical clearance of at least four and one half (4.5) metres for each five hundred (500) square metres of floor area of the building or structure.

b) Access

Access to loading or unloading spaces shall be by means of a driveway at least six (6) metres wide.

c) Loading Space Surface

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

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d) 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.

e) Addition of Existing Use

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

5.21 KENNELS

- a) Where a kennel is a permitted use in accordance with Section 6.0 of this By-law, the following provisions apply:
- b) The kennel must employ at least one person who dwells on the property and may employ two additional employees;
- c) A kennel must be appropriate for rural servicing and be compatible with rural uses;
- d) A kennel must comply will all applicable by-laws and regulations such as noise and parking regulations;
- e) Notwithstanding Section 6.2.2 of this By-law, a kennel and all associated structures must be set back 150 metres from all property lines.
- f) The minimum lot size for a kennel shall be 1 hectare.
- g) Any buildings or structures shall not occupy an area exceeding 500 square metres.

5.22 MINIMUM DISTANCE SEPARATION

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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5.23 MINIMUM DWELLING SIZE

The minimum size of a single detached dwelling, semi-detached dwelling or a townhouse shall be 400 square metres.

5.24 MULTIPLE USES ON ONE LOT

Where any land, building or structure is used for more than one permitted use, the applicable Zone Provisions of this By-law which serve to regulate each such use shall be complied with.

5.25 MULTIPLE ZONES ON ONE LOT

Where an existing lot is divided into more than one zone the provisions of the applicable zone, except for those provisions that apply to the required yards, lot area, and lot frontage for the applicable Zone and except for the setback requirement from a Conservation Zone, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 15 metres.

Notwithstanding any other provision of this By-law to the contrary, where a portion of a lot is zoned Conservation, those lands zoned Conservation may be used in calculating the minimum lot area and minimum lot frontage requirements.

5.26 PARKING AREA REGULATIONS

a) Applicability

- i. No person shall use any land, building or structure in any Zone for any purpose permitted by this By-law, unless parking spaces are provided in accordance with the provisions of this Section of the By-law.
- ii. The parking, loading and delivery space requirements of this section of the By-law shall not apply to any building or structure legally in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased and the use or number of dwelling units does not change.
- iii. If an addition is made to the building or structure that increases its gross floor area, then additional parking and loading spaces shall be provided for the addition to the building or structure as required by the regulations of this By-law.
- iv. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of this By-law.

b) Parking Space Requirements

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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 dwelling unit in a non-residential building	1.0 parking spaces per dwelling unit
Apartment dwelling, condominium townhouse and maisonette dwelling	1.5 parking spaces per dwelling unit of which ten percent (10%) shall be designated for guest parking areas
Bed & Breakfast	1.0 parking space per guest room
Additional Unit	1.0 parking space per additional unit
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 9.0m 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 40m 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 9.5m ² of floor area devoted to public use.
Office, Including a Home Occupation	One (1) Parking space per 28m ² of office floor area.
Other Commercial Uses	One (1) parking space for every 19m 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 of total area up to 1858m ² <u>plus</u> 1 additional space for every 450m ² of total floor area over the 1858m ² , including any basement area if used for industrial use.

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Marina	One (1) parking space for each 20m 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 capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet).

c) Parking Area Requirements

- i. Where the minimum number of parking and loading spaces is calculated on the basis of a rate or ratio, the required number of spaces shall be rounded to the next higher whole number.
- ii. 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.
- iii. Each parking space shall be at least three (3) metres by six (6) metres and shall be provided with unobstructed access to a street by a driveway, aisle, lane or private road.
- iv. Any parking area designed to serve water access lots shall have a minimum area of 50m² for each lot to be served and no parking shall be permitted within eight (8) metres of the high water mark or within three (3) metres of any lot line abutting a lot in a Shoreline Residential Zone.
- v. 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.

d) Barrier Free Parking

- i. Off-street parking facilities must provide the following two types of parking spaces for the use of persons with disabilities:
 - a. Type A, a wider parking space which has a minimum width of 3,400 mm and signage that identifies the space as “van accessible”.
 - b. Type B, a standard parking space which has a minimum width of 2,400 mm.

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- ii. Access aisles that is the space between parking spaces that allows persons with disabilities to get in and out of their vehicles, must be provided for all parking spaces for the use of persons with disabilities in off-street parking facilities.
 - a. Access aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facility and must meet the following requirements:
 - 1) They must have a minimum width of 1,500 mm.
 - 2) They must extend the full length of the parking space.
 - 3) They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.
- iii. Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements;
 - 1) One parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer.
 - 2) Four percent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:
 - 3) Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
 - 4) Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.
 - 5) One parking space for the use of persons with disabilities and an additional three per cent of parking spaces for the use of persons with

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disabilities, where there are between 101 and 200 parking spaces must be parking spaces for the use of persons with disabilities, calculated in accordance with ratios set out in subparagraphs b) 1. and 2., rounding up to the nearest whole number.

- 6) Two parking spaces for the use of persons with disabilities and an additional two per cent of parking spaces for the use of persons with disabilities, where there are between 201 and 1,000 parking spaces must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.
- 7) Eleven parking spaces for the use of persons with disabilities and an additional one per cent of parking spaces for the use of persons with disabilities, where more than 1,000 parking spaces are provided must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.

e) Parking Surface Area

Parking spaces, areas and driveways, other than a driveway for a detached dwelling, connecting the parking space or area with a road shall be maintained with a stable surface, which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

f) Ingress and Egress

- i. Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least four (4) metres but not more than nine (9) metres in perpendicular width.
- ii. The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be nine (9) metres.
- iii. The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be eight (8) metres.
- 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:

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- 1) up to the first thirty (30) metres of frontage not more than two (2) driveways; and
- 2) for each additional thirty (30) metres of frontage not more than one (1) additional driveway.

g) 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 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 municipality's Dark Sky Policy.

h) 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.

- i) 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.
- j) One (1) travel trailer may be permitted on a lot were a residential dwelling unit is permitted, provided an approved Travel Trailer License from the Township, is secured annually.

k) 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 building occupied by the separate types of use.

l) Buffer Area

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 (9.8 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.

m) Parking Area Location on Lot

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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 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 maximum width.

5.27 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) The width shall be a minimum of three (3) metres.
- b) A planting strip shall be used for no other purpose than a continuous fence or hedgerow of evergreens or shrubs, not less than one and one-half (1.5) metres high immediately adjoining the lot line, or portion thereof, along which such planting strip is required. Within a required front yard abutting a street, the maximum height of a fence or hedgerow shall be one (1) metre..
- c) 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 of the edge of such driveway or within one and one-half (1.5) metres of the edge of such walk.
- d) A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.
- e) 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.

5.28 PITS AND QUARRIES

The making or establishment of pits or quarries is prohibited within the area covered by this By-law, except in the locations permitted by this By-law, and in accordance with the express provisions of this By-law. No person shall use land or erect any building or structure for the purpose of processing, washing, screening, sorting or crushing rock, sand and/or gravel, except as expressly provided for in this By-law.

5.29 PUBLIC USES

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The provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of a public use provided by the Township or any Public Authority including any Department or Ministry of the Government of Canada or Ontario and, for the purposes of this Section, shall include Hydro One, Ontario Power Generation, any telephone, telegraph, broadband or cellular communications, and any natural gas company, which company possesses all the necessary powers, rights, licenses and franchises, provided that where such land, building, or structure is located in any zone.

a) Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is specifically zoned, such uses shall comply with the Zone provisions of the Zone or Zones in which the public use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision shall not apply to Crown agencies or their agents.

b) Provisions

No goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law.

c) Roads and Utility Installations

Nothing in this By-law shall prevent a public authority from providing or using land as a road or provincial highway, nor prevent the installation of a utility including a water main, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Hydro One or Ontario Power Generation.

d) Privately Owned Lands

Nothing in this Section shall be deemed to permit the Township or any public authority to use privately-owned lands or to use or erect any building or structure on privately-owned land without the consent of the landowner.

5.30 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land, building or structure is used or erect any building or structure, or construct an addition to any existing building or structure, or receive consent to sever any lands, if the effect of such action is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

5.31 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS

Notwithstanding any other provision of this By-law to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes.

5.32 SETBACK FROM NATURAL GAS PIPELINE

No permanent buildings, structures or excavations shall be located closer than 7.0 metres from a gas pipeline right-of-way.

5.33 SETBACK FROM RAILWAYS

No sensitive land uses shall be located closer than 30.0 metres to a railway right-of-way.

5.34 SETBACK FROM WATERBODIES AND WATERCOURSES

The minimum required setback from a waterbody or watercourse shall be 20.0 metres, unless otherwise permitted by this By-law.

5.35 SHORELINES

5.35.1 Shoreline Buildings or Structures

Notwithstanding any other provisions of this By-law, no building other than a marina, boathouse or boatport, where permitted, shall be constructed within thirty (30) metres of a waterbody unless a natural yard extending back from the shore a distance of twenty (20) metres is left in its natural state, in which case the building setback may be reduced to twenty (20) metres.

5.35.2 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.
- b) The building or structure is flood-proofed to 179.6 metres Canadian Geodetic Datum.

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5.36 SIGNS

Unless otherwise specified, 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.

5.37 SHIPPING CONTAINERS

5.37.1 Shipping Containers in a Residential Zone

No person shall place a shipping container in any Residential Zone except in accordance with the following:

- a) Shipping containers shall require a building permit and foundation and will only be permitted as an accessory use on a lot where a principal use already exists.
- b) One (1) shipping container shall be permitted based on lot area at a rate of one (1) shipping container or part thereof per 0.4 hectares (1 acre) to a maximum of three (3) shipping containers.
- c) A shipping container shall be prohibited on a lot comprising of less than 0.4 hectares (1 acre).
- d) The dimensions of the shipping container shall not exceed six (6) metres in length, two and four-tenths (2.4) metres in width or three (3) metres in height.
- e) No stacking of shipping containers shall be permitted.
- f) No shipping container shall be used for human habitation, home industry or any occupation or business.
- g) The shipping container shall be located in the rear yard only and shall not be located any closer than thirty (30) metres to any street line.
- h) The minimum distance from any other building shall be four (4) metres.
- i) The shipping container shall comply with all other yard setbacks in the zone in which the shipping container is located.
- j) A shipping container shall not be used for the purpose of display or advertising or as a component of a fence.

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- k) A shipping container not exceeding the dimensions in the Ontario 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.
- l) A shipping container shall not be used for the storage of fuels or hazardous materials.
- m) No shipping container shall be used for human habitation.

5.37.2 Shipping Containers in a Non-Residential Zone

No person shall place a shipping container in any Non-Residential or Rural Zone except in accordance with the following:

- a) Shipping containers shall require a building permit and foundation and will only be permitted as an accessory use on a lot where a principal use already exists.
- b) Up to three (3) shipping containers shall be permitted in a Non-Residential or Rural Zone.
- c) The dimensions of the shipping container shall not exceed thirteen and seven-tenths (13.7) metres in length, two and four-tenths (2.4) metres in width or three (3) metres in height.
- d) No stacking of shipping containers shall be permitted.
- e) No shipping container shall be used for human habitation.
- f) The shipping container shall be located in an interior side yard or the rear yard only.
- g) No shipping container shall be located on a designated parking space, aisle or access driveway.
- h) The minimum distance from any other building shall be four (4) metres.
- i) The shipping container shall comply with all other yard setbacks in the zone in which the storage container is located.
- j) A shipping container shall not be used for the purpose of display or advertising or as a component of a fence.
- k) A shipping container shall not be used for the storage of fuel or hazardous substances.

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- l) A shipping container shall not be used for the Purpose of a commercial storage facility.

5.38 SPECIAL USES

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.
- b) Where a building permit has been issued 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 and the building permit is active.

5.39 SWIMMING POOLS

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

- a) No part of such pool shall be located closer to any lot line or street line than the minimum distance required for the principal building located on such lot.
- b) The maximum height of a swimming pool shall be 1.5 metres above the average finished grade level of the ground both adjoining and within a distance of 4.5 metres of such pool.
- c) Any building or structure, other than the main building, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the provisions applicable to accessory buildings on such lot.
- d) Any swimming pool having a depth of 0.5 metres or greater shall be enclosed by a fence that measures a minimum of 1.5 metres from the ground, including self-closing gates.

5.40 THROUGH LOTS

Where a lot, which is not a corner lot, has more than one front lot line, the front yard and lot frontage requirements contained herein shall apply on each front lot line separately in accordance with the provisions of the Zone in which such lot is located.

5.41 TRUCK, BUS, AND COACH BODIES

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

5.42 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 [*Technical Standards and Safety Act*](#).

5.43 USES PROHIBITED

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

- a) 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, Conservation and Parks or Council of the Township to be a noxious trade, business or manufacture under the Public Health Act or regulations thereunder.
- b) The use of any land or lot for the purpose of a tourist trailer park or the use of a tourist trailer, or mobile home for human habitation except as specifically provided by this By-law.
- c) The use of any land or lot for the purpose of a scrap or salvage yard except as may be approved by the Township in conformity with the Official Plan.
- d) 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.
- e) 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.
- f) Notwithstanding any other provision contained in this By-law, the following uses are prohibited within six hundred (600) metres of the Manitowaning urban area.
 - i. The manufacture or storage of fertilizers from human or animal wastes.
 - ii. The slaughtering of animals.

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5.44 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.

5.45 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 watercourse 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 principal building or structure on the lot to the edge of said area covered by water or wetland, or to the rim of said watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

5.46 ESTABLISHED BUILDING LINE

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 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.

SECTION 6: SPECIFIC ZONES

6.1 AGRICULTURAL (A) ZONE

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 following provisions.

6.1.1 Permitted Uses

6.1.1.1 Agricultural Uses

- Agricultural Use
- Agriculture-related uses
- Commercial agricultural sales use
- Farm
- Farm produce storage facility
- Nursery or a farm greenhouse
- On-farm diversified uses
- Specialized use farm
- Wayside pits and wayside quarries

6.1.1.2 Residential Uses

- Additional unit as per approved Township License Agreement
- Single detached dwelling
- Bed and breakfast
- Group home
- Home industry
- Home occupation use

6.1.1.3 Recreational Uses

- Hunt camp

6.1.2 Zone Requirements

An agricultural building or lot:

- | | |
|-------------------------------|-----------|
| a) Minimum lot frontage | 90 metres |
| b) Minimum lot area | 40 ha |
| c) Maximum lot coverage | - % |
| d) Minimum front yard | 9 metres |
| e) Minimum interior side yard | 3 metres |
| f) Minimum exterior side yard | 9 metres |

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- g) Minimum rear yard 3 metres

A single detached dwelling permitted under Section 6.1.1

- a) Minimum lot frontage 30.5 metres
 b) Minimum lot area 1858 m²
 c) Maximum lot coverage 30 %
 d) Minimum front yard 9 metres
 e) Minimum interior side yard 3 metres
 f) Minimum exterior side yard 9 metres
 g) Minimum rear yard 3 metres
 h) Maximum gross floor area as % of lot Area -
 i) Maximum building height -
 j) Minimum distance to a lot line 3 metres
 for an accessory building

6.1.3 Wayside Pits And Wayside Quarries

The making or establishment of wayside pits and wayside quarries is permitted in the Agricultural (A) Zone, provided that the edge of the excavation shall be no less than 61 metres 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.

6.1.4 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this section of the By-law to the contrary, within the Exception Zones listed below in Table XX the following special provisions shall apply. All other provisions of the By-law continue to apply unless specifically modified or amended by this section.

Table XX: Agricultural (A) Zone Exceptions

Agricultural (A) Exception Number	Permitted/Prohibited Uses	Zone Requirements
A-1	One non-farm related single detached dwelling and associated accessory buildings are permitted.	
A-2	The following are permitted: <ul style="list-style-type: none"> • Single detached dwelling. • Small engine, snowmobile, and marine repair shop. • Boat storage. 	

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A-3	A seasonal residence is permitted.	
A-4	The following are permitted: <ul style="list-style-type: none">• Stone quarry.• Aggregate pit.• Accessory buildings.• Loading facilities.	
A-5	A sawmill, wood manufacturing production, and retail sale of associated products are permitted.	

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6.2 RURAL (RU) ZONE

No person shall, within any Rural (RU) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.2.1 Permitted Uses

6.2.1.1 Rural Uses

- Agricultural uses
- Agriculture-related uses
- Animal hospital, kennel or riding stable
- Farm
- Farm greenhouse
- Farm produce storage facility
- Forestry uses
- Home industry
- Nursery or commercial greenhouse
- On-farm diversified uses
- Specialized use farm
- Wayside pits and wayside quarries

6.2.1.2 Rural Residential

- Bed and breakfast
- Group home
- Home occupation
- Home industry
- Seasonal dwelling
- Additional unit as per approved Township License Agreement
- Single detached dwelling

6.2.1.3 Institutional Uses

- Cemetery
- Place of Worship
- Community centre
- School

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6.2.1.4 Recreational Uses

- Conservation area
- Cross country ski area
- Golf course
- Hiking trail
- Hunt camp
- Public park
- Public playground
- Racetrack (animal)
- Snow mobile trails

6.2.2 Zone Requirements

A rural use or lot:

- | | |
|--|----------|
| a) Minimum lot frontage | - |
| b) Minimum lot area | - |
| c) Maximum lot coverage | - |
| d) Minimum front yard | 9 metres |
| e) Minimum interior side yard | 3 metres |
| f) Minimum exterior side yard | 9 metres |
| g) Minimum rear yard | 3 metres |
| h) Maximum gross floor area as % of lot Area | - |
| i) Maximum building height | - |
| j) Minimum distance to a lot line
for an accessory building | 3 metres |
| k) Maximum accessory building height | - |

A single detached dwelling

- | | |
|--|--------------------------|
| a) Minimum lot frontage | 30.5 metres |
| b) Minimum lot area | 1,858 m ² (1) |
| c) Maximum lot coverage | 30 % |
| d) Minimum front yard | 9 metres |
| e) Minimum rear yard | 3 metres |
| f) Minimum interior side yard | 3 metres |
| g) Minimum exterior side yard | 9 metres |
| h) Maximum gross floor area as % of lot Area | 25% |
| i) Maximum building height | 9 metres |
| j) Minimum distance to a lot line
for an accessory building | 3 metres |
| k) Maximum accessory building height | 5 metres |

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(1) Notwithstanding any provisions of this by-law, the minimum lot area for a rural residential lot created within 305 metres of a shoreline shall be 0.4 hectares (1 acre).

An institutional use

a) Minimum lot frontage	30.5 metres
b) Minimum lot area	1858 m ²
c) Maximum lot coverage	30 %
d) Minimum front yard	9 metres
e) Minimum rear yard	3 metres
f) Minimum interior side yard	3 metres
g) Minimum exterior side yard	9 metres
h) Maximum gross floor area as % of lot Area	-
i) Maximum building height	9 metres
j) Minimum distance to a lot line for an accessory building	3 metres
k) Maximum accessory building height	5 metres

A recreational use

a) Minimum lot frontage	30.5 metres
b) Minimum lot area	1858 m ²
c) Maximum lot coverage	-%
d) Minimum front yard	9 metres
e) Minimum rear yard	3 metres
f) Minimum interior side yard	3 metres
g) Minimum exterior side yard	9 metres

6.2.3 Wayside Pits and Wayside Quarries

The establishment of wayside pits and wayside quarries is permitted in the Rural (RU) Zone, provided that the edge of the excavation shall be no less than 61metres (200 feet) 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.

6.2.4 Special Exceptions Rural (RU) Zone

Notwithstanding the Permitted Uses and Zone Requirements of this section of the By-law to the contrary, within the Exception Zones listed below in Table XX the following special provisions shall apply. All other provisions of the By-law continue to apply unless specifically modified or amended by this section.

Table XX: Rural (RU) Zone Exceptions

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Rural (R) Exception Number	Permitted/Prohibited Uses	Zone Requirements
RU-1	The raising and retailing of live bait and fishing tackle is permitted.	
RU-2	The following are permitted uses: <ul style="list-style-type: none"> • Raising/selling of live bait. • A retail store including the sale of fishing tackle, gasoline, groceries, craft, and clothing. • Video rental. • Miniature golf. 	
RU-3	A golf driving range, office, and storage building are permitted.	
RU-4	The following are permitted uses: <ul style="list-style-type: none"> • Restaurant. • Raising/selling of live bait. • A retail store including the sale of fishing tackle, gasoline, groceries, craft, and clothing. • Video rental. • Miniature golf. 	
RU-5	Two seasonal dwellings are permitted.	
RU-6	A mobile home as a seasonal dwelling and accessory structures are permitted.	
RU-7	A concrete/fabrication business is permitted.	
RU-8	The following are permitted uses: <ul style="list-style-type: none"> • Machine or welding shop. • Contractor/tradesman shop/yard. 	

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	<ul style="list-style-type: none"> • Dry industry involving the fabrication, processing, or manufacturing of goods or materials. • Custom workshop. • Warehouse, including outside storage. • Retail use accessory to an industrial use with a gross floor area not exceeding ten percent (10%) of the gross floor area of an industrial use. • Airport. • Aviation related commercial and industrial uses. 	
RU-9	<p>The following are permitted uses:</p> <ul style="list-style-type: none"> • Motor vehicle sales area. • Motor vehicle service/repair shop. • Scrap/salvage yard. 	<p>Minimum front yard: 38m Minimum interior side yard: 10m Minimum exterior side yard: 195m</p>
RU-10	A mobile home is permitted as a single dwelling unit.	
RU-11	A year-round residential use and four (4) accessory wood sheds located in the front yard are permitted.	

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6.3 RESIDENTIAL (R1) ZONE

No person shall, within any Residential (R1) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.3.1 Permitted Uses

6.3.1.1 Residential Uses

- Bed and breakfast
- Duplex dwelling
- Group home
- Home occupation
- Additional unit as per approved Township License Agreement
- Semi-detached dwelling
- Single detached dwelling

6.3.1.2 Recreational Uses

- Public park
- Public playground

6.3.2 Zone Requirements

Lands serviced by municipal sewer and/or water services:

a) Minimum lot frontage	15 metres
b) Minimum lot area (*water <u>or</u> sewer)	700 m ²
c) Minimum lot area (*water <u>and</u> sewer)	600 m ²
d) Maximum lot coverage	33 %
e) Minimum front yard	5 metres
f) Minimum rear yard	7.5 metres
g) Minimum interior side yard	1 metres
h) Minimum exterior side yard	5 metres
i) Maximum gross floor area as % of lot Area	-
j) Maximum building height	10 metres
k) Minimum distance to a lot line for an accessory building	1 metres
l) Maximum accessory building height	4.5 metres

Lands for recreational uses:

a) Minimum lot frontage	15 metres
b) Minimum lot area	450 m ²

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- c) Maximum lot coverage -
- d) Minimum front yard 5 metres
- e) Minimum rear yard 7.5 metres
- f) Minimum interior side yard 1 metres
- g) Minimum exterior side yard 5 metres
- h) Maximum building height 10 metres
- i) Minimum distance to a lot line 1 metres
for an accessory building
- j) Maximum accessory building height 4.5 metres

6.3.3 Special Exceptions in Zone (R1)

Notwithstanding the Permitted Uses and Zone Requirements of this section of the By-law to the contrary, within the Exception Zones listed below in Table XX the following special provisions shall apply. All other provisions of the By-law continue to apply unless specifically modified or amended by this section.

Table XX: Residential (R1) Zone Exceptions

Residential (R1) Exception Number	Permitted/Prohibited Uses	Zone Requirements
R1-1	Apartments on the main floor are permitted.	
R1-2	An electronic, automobile electronic repair shop, and welding shop are permitted. No more than three (3) motor vehicles shall be parked/stored on the property at any one time pending service. The storage or parking of motor vehicles (not having a current valid license), boats, and off-road vehicles are prohibited.	
R1-3	The following uses are permitted as a home industry: <ul style="list-style-type: none"> • Welding shop. • Mechanical services (not including cars, small engines, or auto bod repairs) 	

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	<ul style="list-style-type: none"> • Manufacturing of parts and components. • Sales of parts and components, oils, and lubricants for mechanical uses. <p>No more than three (3) pieces of machinery and/or motor vehicles shall be parked/stored on the property at any one time pending service.</p>	
R1-4	<p>The following uses are permitted as a home industry:</p> <ul style="list-style-type: none"> • Small engine repair shop. • Welding activities. • Woodworking. <p>No more than two (2) customer boats shall be parked/stored on the property at any one time pending service.</p>	

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6.4 MULTIPLE RESIDENTIAL (RM) ZONE

No person shall, within any Multiple Residential (RM) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.4.1. Permitted Uses

6.4.1.1 Residential Uses

- Apartment dwelling
- Accessory Apartment
- Group home
- Multiple dwelling
- Additional unit as per approved Township License Agreement
- Townhouse dwelling

6.4.1.2 Commercial Uses

- Convenience retail use located within an apartment dwelling

6.4.2. Zone Requirements (RM)

Lands serviced by municipal sewer and water services:

- | | |
|--|------------|
| a) Maximum lot coverage | 35 % |
| b) Minimum front yard | 5 metres |
| c) Minimum rear yard | 7.5 metres |
| d) Minimum interior side yard | 2 metres |
| e) Minimum exterior side yard | 5 metres |
| f) Minimum distance to a lot line
for an accessory building | 1 metres |
| g) Maximum accessory building height | 4.5 metres |

Lands containing an apartment dwelling:

- | | |
|--|---------------------|
| a) Minimum lot frontage | 20 metres |
| b) Minimum lot area | 1400 m ² |
| c) Maximum gross floor area as % of lot Area | 100% |
| d) Maximum building height | 12 metres |

Lands containing Accessory Apartment:

- | | |
|--|-------------------|
| a) Minimum lot frontage | 30 metres |
| b) Minimum lot area (per unit) | 234m ² |
| c) Maximum gross floor area as % of lot Area | - |

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d) Maximum building height 10 metres

Lands containing a townhouse or row house:

a) Minimum lot frontage per unit 6 metres
b) Minimum lot area per unit 185 m²
c) Maximum gross floor area as % of lot Area -
d) Maximum building height 10 metres

For all other uses:

a) Minimum lot frontage 30 metres
b) Minimum lot area *per unit 242 m²
c) Maximum gross floor area as % of lot Area -
d) Maximum building height 10 metres

6.4.3 Additional Provisions in Zone (RM)

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.

6.4.4 Special Exceptions in Zone (RM)

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6.5 SHORELINE RESIDENTIAL (SR) ZONE

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 following provisions.

6.5.1 Permitted Uses

6.5.1.1 Residential Uses

- Home occupation
- Seasonal dwelling
- Single detached dwelling
- Guest Cabin

6.5.1.2 Recreational Uses

- Public park
- Public playground

6.5.2 Zone Requirements (SR)

A residential use or lot:

a) Minimum lot frontage	45.5 metres ⁽¹⁾
b) Minimum lot area	4046 m ² ⁽¹⁾
c) Maximum lot coverage	15 %
d) Minimum front yard	7.5 metres
e) Minimum rear yard	3 metres
f) Minimum interior side yard	7.5 metres
a) Minimum exterior side yard	9 metres
b) Maximum gross floor area as % of lot Area	25%
g) Maximum building height	9 metres ⁽²⁾
h) Minimum distance to a lot line for an accessory building	3 metres
i) Maximum accessory building height	5 metres

(1) On lots serviced by communal water, minimum lot frontage shall be 30.5 metres and minimum lot area shall be 3,038 square metres.

(2) 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 lot frontage	45.5 metres
-------------------------	-------------

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- | | |
|--|---------------------|
| b) Minimum lot area | 4046 m ² |
| 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 | - |

6.5.3 Additional Provisions

- a) No habitable building or structure or tile field shall be located within 20 metres (65.6 feet) of the high-water mark of a lake or river.
- b) Natural vegetation within the 20 metres setback from the waterbody 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.
- c) The shoreline will not be altered, nor any fill added or removed within 20 metres of the high water mark.

6.5.4 Special Exceptions Shoreline Residential (SR) Zone

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6.6 COMMERCIAL (C) ZONE

No person shall, within any Commercial (C) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.6.1 Permitted Uses

6.6.1.1 Residential Uses

- Bed and breakfast
- Dwelling unit or units
- Group home

6.6.1.2 Commercial Uses

- Automobile service station
- Automobile washing establishment
- Bank or financial institution
- Place of Entertainment
- Business or professional office
- Car wash
- Drive-in restaurant
- Eating establishment
- Farm implement dealer
- Hotel, motel
- Laundromat
- Marina
- Motor vehicle sales area
- Office building
- Park
- Personal service shop
- Post office
- Public garage (auto body)
- Public garage (mechanical)
- Recreational vehicle sales area
- Restaurant
- Restaurant cart
- Retail store
- Service or repair shop
- Take-out restaurant
- Tavern
- Veterinary office

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6.6.1.3 Institutional Uses

- Auditorium
- Community centre
- Place of Worship
- Legion hall
- Public building

6.6.1.4 Recreational Uses

- Community centre
- Public park
- Public playground

6.6.2 Zone Requirements

- | | |
|--|---------------------|
| a) Minimum lot frontage | 30.5 metres |
| b) Minimum lot area | 1858 m ² |
| c) Maximum lot coverage | 50 % |
| d) Minimum front yard | 9 metres |
| e) Minimum rear yard | 4.5 metres |
| f) Minimum interior side yard | 9 metres |
| g) Minimum exterior side yard | 9 metres |
| h) Maximum building height | 9 metres |
| i) Minimum distance to a lot line
for an accessory building | 3 metres |
| j) Maximum accessory building height | 6.5 metres |

6.6.3 Special Exceptions Commercial (C) Zone

Notwithstanding the Permitted Uses and Zone Requirements of this section of the By-law to the contrary, within the Exception Zones listed below in Table XX the following special provisions shall apply. All other provisions of the By-law continue to apply unless specifically modified or amended by this section.

Table XX: Commercial (C) Zone Exceptions

Commercial (C) Exception Number	Permitted/Prohibited Uses	Zone Requirements
C-1	Four (4) portable storage containers are permitted.	

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	A portable storage container shall mean a container, also known as a sea-bin, used for transportation of goods by air, sea, or land. For the purpose of this By-law a portable storage container is not a structure or a building and is to be used for storage only and not for human habitation.	
C-2	Welding and fabrication uses are permitted.	
C-3	A gasoline bar is permitted. A gasoline bar shall mean one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing.	
C-4	A funeral home is permitted.	

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6.7 COMMERCIAL RECREATIONAL (CR) ZONE

No person shall, within any Commercial Recreational (CR) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.7.1 Permitted Uses

6.7.1.1 Residential Uses

- Dwelling unit or units

6.7.1.2 Commercial Uses

- Commercial campground
- Convenience retail store for the sale of goods and personal services
- Golf course
- Hotel, motel
- Marina
- Miniature golf
- Restaurant
- Restaurant cart
- Tourist cabin establishment
- Tourist trailer park

6.7.2 Zone Requirements

a) Minimum lot frontage	60 metres ⁽¹⁾
b) Minimum lot area	2,325 m ²
c) Maximum lot coverage	30 %
d) Minimum front yard	9 metres
e) Minimum rear yard	4.5 metres
f) Minimum interior side yard	4.5 metres
g) Minimum exterior side yard	9 metres
h) Maximum building height	-
i) Minimum distance to a lot line for an accessory building	-
j) Maximum accessory building height	-

⁽¹⁾ Where a Commercial Recreational (CR) use is on a waterfront, minimum lot frontage shall be 76 metres.

6.7.3 Additional Provisions

Where a lot zoned Commercial Recreational (CR) has frontage onto a waterbody, the following additional provisions shall apply:

- a) No primary building or structure or tile field shall be located within 20 metres of the high-water mark of a lake or river.
- b) Natural vegetation within the 20 metres 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.
- c) The shoreline will not be altered, nor any fill added or removed within 20 metres of the high water mark.
- d) Site Plan Control may be required.

6.7.4 Special Exceptions Commercial Recreational (Cr) Zone

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6.8 PIT AND QUARRY (PQ) ZONE

No person shall, within any Pit and Quarry (PQ) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.8.1 Permitted Uses

- Asphalt plant
- Concrete batching plant
- Quarrying, and sand and gravel pit operations
- Washing, screening, crushing and storage of sand, gravel, ballast, stone, aggregates, clays, brick, peat, and other surface and subsurface resource materials
- Accessory and associated operations to the above uses

6.8.2 Zone Requirements (PQ)

- | | |
|-------------------------------|-----------|
| a) Minimum front yard | 30 metres |
| b) Minimum rear yard | 30 metres |
| c) Minimum interior side yard | 30 metres |
| d) Minimum exterior side yard | 30 metres |

6.8.3 Additional Provisions

- a) No pit or quarry shall be excavated so that its edge is at a point less than thirty (30) metres from the limit of any road right-of-way and thirty (30) metres 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.
- b) No use shall be permitted within sixty-five (65) metres of any residential use on another lot and fifty (50) metres of any street or road.
- c) 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.

6.8.4 Special Exceptions Pit and Quarry (PQ) Zone

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6.9 INSTITUTIONAL (I) ZONE

No person shall, within any Institutional (I) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.9.1 Permitted Uses

6.9.1.1 Residential Uses

- Dwelling unit
- Group home

6.9.1.2 Institutional Uses

- Auditorium
- Fire hall
- Hospital
- Medical clinic
- Municipal office
- Long Term Care Home
- Place of worship
- Police station
- Post office
- Public building
- School

6.9.1.3 Recreational Uses

- Public park
- Public playground

6.9.2 Zone Requirements

Institutional uses:

a) Minimum lot frontage	60 metres
b) Minimum lot area	4,046 m ²
c) Maximum lot coverage	50 % ⁽¹⁾
d) Minimum front yard	15 metres
e) Minimum rear yard	10 metres
f) Minimum interior side yard	10 metres
g) Minimum exterior side yard	15 metres
h) Maximum gross floor area as % of lot Area	50%

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- | | |
|--|-----------|
| i) Maximum building height | 12 metres |
| j) Minimum distance to a lot line
for an accessory building | 6 metres |
| k) Maximum accessory building height | 6 metres |

⁽¹⁾ This coverage factor does not restrict open storage areas.

Residential uses within the Township limits serviced by water and sewer:

- | | |
|--|-----------|
| a) Minimum lot frontage | - |
| b) Minimum lot area | - |
| c) Maximum lot coverage | - |
| d) Minimum front yard | - |
| e) Minimum rear yard | - |
| f) Minimum interior side yard | - |
| g) Minimum exterior side yard | - |
| h) | |
| i) Maximum gross floor area as % of lot Area | - |
| j) Maximum building height | 10 metres |
| k) Minimum distance to a lot line
for an accessory building | 1 metre |
| l) Maximum accessory building height | 9 metres |

6.9.3 Special Exceptions Institutional (I) Zone

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6.10 RECREATIONAL (RE) ZONE

No person shall, within any Recreational (RE) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.10.1 Permitted Uses

6.10.1.2 Institutional Uses

- Place of Worship
- Fire hall
- Municipal office
- Post office
- School

6.10.1.3 Open Space and Recreational Uses

- Bowling green
- Community centre
- Curling club
- Golf course
- Hiking trail
- Playing field
- Public or private recreation
- Public park / playground
- Skating rink or arena
- Ski hill
- Tennis court

6.10.2 Zone Requirements

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

6.10.3 Special Exceptions Recreational (RE) Zone

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6.11 CONSERVATION (CO) ZONE

No person shall, within any Conservation (CO) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.11.1 Permitted Uses

6.11.1.1 Rural Uses

- Existing Agricultural Use
- Nursery garden

6.11.1.2 Open Space Uses

- 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

6.11.2 Zone Requirements

A rural use or lot:

a) Minimum lot frontage	-
b) Minimum lot area	-
c) Maximum lot coverage	-
d) Minimum front yard	9 m
e) Minimum interior side yard	3 m
k) Minimum exterior side yard	9 m
l) Minimum rear yard	3 m
f) Maximum building height	9 m
g) Minimum distance to a lot line for an accessory building	3 m
h) Maximum accessory building height	5 m

An open space use or lot:

a) Minimum front yard	20 m
b) Minimum rear yard	20 m
c) Minimum interior side yard	20 m
d) Minimum exterior side yard	20 m

6.11.3 Special Exceptions Conservation (CO) Zone

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6.12 LAKESIDE ZONE (LS)

No person shall, within any Lakeside (LS) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.12.1 Permitted Uses

- Accessory marine structures to principal use on an abutting lot

6.12.1.1 Open Space Uses

- A conservation use

6.12.2 Zone Requirements

An open space use or lot:

- | | |
|-----------------------------------|------|
| a) Minimum lot frontage | -N/A |
| b) Minimum lot area | -N/A |
| c) Maximum lot coverage (maximum) | -N/A |
| d) Minimum front yard | -N/A |
| e) Minimum interior side yard | -N/A |
| f) Minimum exterior side yard | -N/A |
| g) Minimum rear yard | -N/A |
| h) Maximum building height | -N/A |

6.12.3 Special Exceptions Lakeside (LS) Zone

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6.13 WASTE DISPOSAL SITE (WD) ZONE

No person shall, within any Waste Disposal Site (WD) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.13.1 Permitted Uses

- Composting facility
- Dumpsite for used building material
- Land fill site for garbage including organic waste but excluding chemical wastes

6.13.2 Zone Requirements (WD)

- | | |
|--------------------------------------|------------------------|
| a) Minimum lot frontage | - |
| b) Minimum lot area | 100,000 m ² |
| c) Maximum lot coverage | - |
| d) Minimum front yard | 30 m |
| e) Minimum rear yard | 30 m |
| f) Minimum interior side yard | 30 m |
| g) Minimum exterior side yard | 30 m |
| h) Maximum building height | - |
| i) Minimum distance to a lot line | - |
| j) for an accessory building | - |
| k) maximum accessory building height | - |

6.13.3 Additional Provisions

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

6.13.4 Special Exceptions Waste Disposal Site (WD) Zone

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6.14 FUTURE DEVELOPMENT (FD) ZONE

No person shall, within any Future Development (FD) Zone, use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions.

6.14.1 Permitted Uses

6.14.1.1 Residential Uses

- An existing single detached dwelling

6.14.1.2 Other Uses

- Existing non-residential uses

6.14.3 Official Plan Conformity

Lands within a Future Development (FD) Zone 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 compliance with the provisions of this By-law.

6.14.4 New Development

New development within the Future Development (FD) Zone shall be subject to Site Plan Control.

6.14.5 Special Exceptions Future Development (FD) Zone

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SECTION 7: ENACTMENT

7.1 FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Township of Assiginack subject to the applicable provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended.

7.2 READINGS BY COUNCIL

Read a first time this _____ day of _____, 20__.

Signed:

Reeve/Mayor: (insert Name)

Signed:

Clerk: (insert Name)

Corporate
Seal

Read a second and third time and

finally passed, this _____ day of _____, 20__.

Signed:

Reeve/Mayor: (insert Name)

Signed:

Clerk: (insert Name)

Corporate
Seal

7.3 CERTIFICATION

I hereby certify that the foregoing is a true copy of Zoning By-law No. 20__ as enacted by the Council of the Corporation of the Township of Assiginack, on the _____ day of _____, 20__.

CLERK: _____

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

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