

**THE CORPORATION OF
THE TOWNSHIP OF
TEHKUMMAH
ZONING**

BYLAW NO. 80-02

Passed in Open Council

June 3, 1980

This is a true copy of the original.

September 4, 2013
Date

P. Gilchrist

P. Gilchrist, Commissioner, etc.
Municipal Clerk
Township of Tehkummah
Province of Ontario

EXPLANATORY NOTE

The purpose of this Zoning By-law is to implement the Official Plan of the Manitoulin Planning Area. The Official Plan states, in several sections, that it is intended that an implementing Restricted Area (Zoning) By-law will be adopted which would reflect the principles, policies and land use descriptions contained in this Plan.

The Official Plan is a general document which establishes overall policy for control of development to insure that the type, location and timing of development is consistent with good planning and the local municipality's ability to provide the necessary services. This document generally indicates or designates lands in different general categories of use such as Residential, Commercial, Industrial etc., for the life of the Plan.

The Zoning By-law implements the Official Plan and all zoning must be in conformity with the Official Plan. This does not mean that the zoning map must be identical with the land use map in the Official Plan; but it does mean that the Zoning By-law must ensure the implementation of the Official Plan.

If the Official Plan is the document which establishes What will be developed the Zoning By-law provides the How of specific provisions governing the use and the When by requiring the change be approved by Council to ensure that the development is not premature.

A Zoning By-law does not freeze land but provides the conditions for changing land use in an orderly and rational manner in accordance with the land use designation and the policies of the Official Plan.

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Plates 1, 2, 3 and 4 are for the purposes of clarification and convenience only and do not form part of this By-law.

THE CORPORATION OF THE
TOWNSHIP OF TEHKUMMAH

BY-LAW NO. 80 - 02

A Bylaw to regulate the use of land and the character, location and use of buildings and structures in the Township of Tehkummah.

WHEREAS it is considered desirable to regulate the use of land, the character, location and use of buildings and structures within the Township of Tehkummah.

AND WHEREAS authority is granted under Section 35 of The Planning Act R.S.O. 1970 to the Council of the Township of Tehkummah to exercise such powers subject to the approval of the Ontario Municipal Board;

NOW THEREFORE the Council of the Corporation of the Township of Tehkummah enacts as follows:

SECTION 1 - TITLE

This By-law shall be know as the "Zoning By-law for the Township of Tehkummah.

SECTION 2 - DEFINED AREA

This By-law applies to all land included within the boundaries of the Township of Tehkummah.

SECTION 3 - INTERPRETATION

3.1 GENERAL

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

3.2 ZONING AND SITE PLAN SCHEDULES

Schedules "A" and "B" attached hereto, together with notations and references shown thereon, are hereby declared to form part of this By-law.

3.3 ZONE BOUNDARIES

When determining the boundary of any Zone as shown on Schedule "B" 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 shall follow such shoreline, 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 in clauses a), b) or c) of this subsection, and the distance from such street line or other feature is not indicated, and clause d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on Schedule "B"; and,
- f) a boundary indicated as following the limits of the Township shall follow such limits.

3.4 CLOSINGS

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

3.5 CERTAIN WORDS

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

SECTION 4 - ADMINISTRATION

4.1 SCOPE

No building, structure or land shall be used, and no building or structure shall be hereafter erected within the corporate limits of the Township of Tehkummah as now or henceforth legally constituted except in conformity with the provisions of this By-law.

4.2 ADMINISTRATION AND ENFORCEMENT

This By-law shall be administered by the Building Inspector or such other person as Council shall designate, and no permit for the use of land or for the erection of any building or structure or approval of any municipal licence within the jurisdiction of Council, shall be issued where the proposed use, building or structure would be in violation of any provision of this By-law.

4.3 APPLICATION AND PLANS

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

- a) the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
- b) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied for;

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- c) the location of every building or structure already erected on or partly erected on such lot, and the location of every use, building or structure upon adjacent lots;
 - d) the proposed location of parking spaces, loading spaces, driveways, landscaping areas or planting strips as may be required; and,
 - e) other such information as may be necessary to determine whether or not every such building, structure and work conforms to the requirements of this By-law.

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

4.4

INSPECTION

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

4.5

VIOLATION AND PENALTY

Any person who uses any land or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who

violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction therefore, shall be liable to a fine not exceeding one thousand (1,000) dollars, exclusive of costs, which shall be recoverable under the Provincial Offences Act, S.O. 1979.

4.6 REPETITION OF OFFENCE

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

4.7 REMEDIES

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

4.8 VALIDITY

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

SECTION 5 - DEFINITIONS

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

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

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

AGRICULTURAL USE shall mean the cultivation of land, the production of field crops and the selling of such crops produced on the premises and the breeding and care of livestock and the selling of such livestock or the products of such livestock raised on the premises, and includes a farm dwelling and accessory buildings.

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.

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

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

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

BASEMENT shall mean that portion of a building which is partly underground but which has more than one-half of its height, from finished floor to underside of floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to underside of the floor joists of the next above storey is less than one and eight-tenths (1.8) metres. (See plate 1).

BASEMENT, WALKOUT shall mean that portion of a building which is partly underground, but which has more than fifty per cent (50%) of the floor area not greater than one-half (.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. (See plate 1).

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 residence, and supplies for hire or gain to other 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 hotel or apartment house.

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

BUILDING INSPECTOR shall mean the officer or employee of the Corporation from time to time charged by the Corporation with the duty of administering the provisions of the Building By-law.

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

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

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

CAMP shall mean one or more non-commercial buildings used for sleeping accommodation and the preparation and serving of food to individuals or groups engaged in sports or recreation activities and is intended for recreation purposes on a temporary or seasonal basis.

CAMPGROUND shall mean any parcel of land used or maintained for campers who provide their own sleeping facilities such as tents or travel trailers but such campers are provided with sanitary and cooking facilities by the campground management.

CELLAR shall mean that portion of a building which is partly or entirely underground but has more than one-half of its height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building. (See plate 1).

CEMETERY shall mean a cemetery or columbarium within the meaning of The Cemeteries Act of Ontario.

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

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

CLUB shall mean a building or part of a building used as a meeting place for members of an organization and includes a lodge, fraternity, a sorority house and a labour union hall.

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 Corporation, 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.

CONVENIENCE RETAIL shall mean a retail establishment which deals primarily in goods required by the inhabitants of a residential district to meet their day-to-day needs, but shall not include a store catering primarily to the requirements of a commercial district.

CORPORATION shall mean the Corporation of the Township of Tehkummah.

COUNCIL shall mean the Council of the Corporation of the Township of Tehkummah.

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

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

DAY NURSERY shall mean a day nursery within the meaning of The Day Nurseries Act of Ontario.

DEVELOPMENT shall mean the construction, erection or placing of one or more buildings or structures on land or 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.

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 or discharge effluent from the

limits of said lot and from which the only sewage effluent to be dispersed of within the limits of the said lot will be that produced from normal sanitary and eating facilities required for the employees.

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

DWELLING, CONVERTED shall mean a single family detached dwelling altered to contain two or more self contained dwelling units.

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

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

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

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

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

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

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 lodging house.

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

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

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

a street, road or highway means the elevation of the street, road or highway established by the Corporation or other designated authority.

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

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

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

FLOODPLAIN shall mean the horizontal area below the high water mark of a watercourse (including a drainage canal) or lake or as defined by The Ministry of Natural Resources or the area within thirty (30) metres of the centre line of a watercourse whichever distance is the greater.

FLOOR AREA, DWELLING shall mean with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch or verandah, balcony, sun room, attic, basement or cellar, except that where the natural terrain permits a walkout basement, twenty five per cent (25%) of the floor area of the walkout basement may 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 the floor area of any basement but not of any cellar, and which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and for the purposes of this clause, the walls of an inner court shall be deemed to be exterior walls.

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

- (a) excludes car parking areas within the building, and
- (b) for the purpose of this paragraph the walls of an inner court shall be deemed to be exterior walls.

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

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

GARAGE, PRIVATE 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, PUBLIC (AUTO BODY) shall mean a building or place used as a motor vehicle repair shop including auto body repairs and spray painting and where automobile fuels or lubricants may be stored or kept for sale and where mechanical repairs, washing or cleaning of motor vehicles may be carried on but does not include an automobile washing establishment.

GARAGE, PUBLIC, (MECHANICAL) shall mean a building or place used for the mechanical repair or equipping of motor vehicles and where any sale of automobile fuels or lubricants is incidental to the main use and where the washing and cleaning of motor vehicles may be carried on but does not include a public garage (auto body), an automobile washing establishment or an automobile service station.

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 wash-rooms, 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.

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.

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

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

GUEST CABIN shall mean a dwelling unit for guest accommodation accessory to a seasonal dwelling and which contains no provisions for cooking.

GUEST ROOM shall mean a room or suite of rooms used or maintained for the accommodation of the public and which contains no provisions for cooking.

HABITABLE ROOM shall mean a room in a dwelling used or intended to be used primarily for human occupancy.

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 deckline of a mansard roof.
- (c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof.

In calculating the height of a building, any construction used as an ornament or for the mechanical operation of the building such as a chimney, tower, cupola or steeple shall not be included. (See plate 2).

HOME INDUSTRY shall mean a gainful occupation including an animal hospital, electrical, woodworking, window frame, welding, plumbing, machine or auto repair shop, or blacksmith, conducted in whole or in part in an accessory building to a single family detached dwelling by the residents, provided that:

- (a) there is no external advertising other than a sign erected in accordance with any by-laws of the Corporation regulating signs;
- (b) there is no external storage of goods, materials or equipment;
- (c) such home industry is not an obnoxious trade, business or manufacture;
- (d) such home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling;
- (e) not more than 2 persons, other than the owner, are employed therein on a full-time basis; and,
- (f) the lot shall be an existing lot with not less than 60 metres of frontage and 120 metres of depth.

HOME OCCUPATION shall mean any occupation which is carried on as an accessory use and only by members of the one family residing in a dwelling or dwelling unit provided that:

- (a) no person, other than a member of the family 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 unit or lot is being used for a purpose other than residential;
- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling or dwelling unit nor create or become a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
- (d) such home occupation does not interfere with television or radio reception;
- (e) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit is used for the purposes of home occupation uses; and,
- (f) such home occupation uses may include a service or repair shop, a personal service shop, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations.

HOSPITAL, PUBLIC shall mean an institution as defined by The Public Hospitals Act of Ontario, as amended from time to time.

HOTEL shall mean a building or part of a building that contains a general kitchen and dining and other public rooms, the remaining rooms of which contain no provision for cooking and are usually hired by transients as places of abode and includes a hostel for men and women.

HOUSING PROJECT shall mean a group of dwellings erected during a period of not more than three (3) years in accordance with a development programme or plan.

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.

KENNEL shall mean a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded and the operation is registered by the Canadian Kennel Club.

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 is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use.
- (b) does not include parking areas, patios, walkways, driveways or ramps.

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

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

LOADING SPACE shall mean an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the 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 drive-ways, 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.

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 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 any other distinct and separate holding, the deed to which is registered in the Land Registry office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, 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 29 (2) of the Planning Act R.S.O. 1970.

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 or more streets provided that the angle of intersection of such streets is not more than 135 degrees. (See plate 3).

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

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid points of the front and rear lot lines. (See plate 3).

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). (See plate 3).

LOT, INTERIOR shall mean a lot situated between adjacent lots and having access to one street. (See plate 3).

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 Municipality may designate either street line as the front lot line.
- (b) in the case of a corner lot abutting a .3 metre reserve the lot so abutting the .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.
- (c) in the case of a through lot the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length the Municipality may designate either street line as the front lot line.
- (d) in the case of a lot with water frontage on a navigable stream, river or lake, 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 road allowance along the shore of such stream, river or lake, whichever provides for the greater lot frontage as defined in this By-law.

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, 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. (See plate 3).

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

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

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

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

MOBILE HOME PARK shall mean an area set aside for the use of mobile homes in which communal sewer, 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 Municipality.

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

MOTEL, MOTOR HOTEL shall mean a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

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; but does not include an automobile wrecking or salvage yard or scrap yard.

MUNICIPALITY shall mean the Corporation of the Township of Tehkummah.

NON-CONFORMING OR NON-COMPLYING shall mean that which does not conform or comply with the provisions of this By-law as of the date of final passing thereof.

NURSING HOME shall mean a nursing home within the meaning of The Nursing Home Act of Ontario.

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

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

OPEN SPACE, USABLE shall mean an area of land on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area, or loading space.

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

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

- (a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to and egress from the said parking spaces, and

(b) is provided and maintained in accordance with all applicable provisions of this By-law.

PARKING SPACE shall mean an area of not less than 19 square metres exclusive of any aisles or ingress or egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a private garage.

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.

PIT shall mean an opening or excavation or working of the ground for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand or gravel, and any roast-yard, smelting furnace, mill, work or place, used in connection with crushing, reducing, smelting, refining, or treating any of the substances listed in this definition and all ways, works, plant, building and premises either below or above the ground and belonging to or used in connection with all activities listed in this definition, and also includes a quarry.

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

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

PUBLIC UTILITY shall mean a waterworks, a water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

RECREATIONAL 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 recreational vehicles.

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 but does not include a drive-in restaurant.

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

RESTAURANT, TAKE-OUT shall mean a building or facility, designed, intended or used for the sale of food or refreshments to the general public and from which food or refreshment is made available to the customer from within the building. In addition no provision is made for consumption of the food or refreshment by the customer while in his car, within the building or elsewhere on the site.

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.

RIGHT-OF-WAY shall mean a private road which affords access to abutting lots and does not include a lane, road or street.

SCHOOL shall mean a public or separate school, a high school, a continuation school, a technical school, a college or university or any other school established and maintained at public expense.

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

SERVICE INDUSTRIES shall mean a public garage including engine and 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 replating, painting and refinishing furniture and other household goods and includes a key shop, hat cleaner's 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.

SERVICE SHOP, PERSONAL 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 ladies hairdressing establishment, a shoe repair shop, depots for collecting dry cleaning and/or laundry and other similar services.

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

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.

STOREY shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least one and eight-tenths (1.8) metres above average grade and provided also that any portion

of a storey exceeding four (4.0) metres in height shall be deemed an additional storey for each four (4.0) metres or fraction thereof of such excess.

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

STREET OR ROAD, shall mean a public highway as defined by The Municipal Act and The Highway Traffic Act and shall exclude a lane or any private right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 29 of The Planning Act, 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 one-half (1.5) metres shall not be deemed to be a structure.

SWIMMING POOL shall mean an artificial body of water 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.

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.

TOURIST OR TRAVEL TRAILER shall mean a tent trailer, truck camper or house trailer that is used or intended to be used for a short term and is located or parked on a site for a temporary or seasonal period.

TOURIST TRAILER PARK shall mean an establishment comprising land or premises under single ownership, licensed by the Municipality and used for the parking of tourist or travel trailers on a temporary or seasonal basis and operating under The Tourist Information Act and The Act Respecting the Regulations of Tourist Camps and where community laundry, social, local commercial and recreational facilities may be located.

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

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.

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

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 shown on Schedule "B".

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

YARD, 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. (See plate 4).

YARD, FRONT shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot and the "Minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot. (See plate 4).

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

YARD, REAR shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot and the "Minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot. (See plate 4).

YARD, SIDE shall mean a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot and the "Minimum" side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot. (See plate 4).

SECTION 6 - GENERAL PROVISIONS - ALL ZONES

6.1 ZONES

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

<u>Zone</u>	<u>Symbol</u>
Agricultural (A) Zone	(A)
Rural (R) Zone	(R)
Hamlet (H) Zone	(H)
Settlement (S) Zone	(S)
Shoreline Residential (SR) Zone	(SR)
Mobile Home Park (RMH) Zone	(RMH)
Restricted Commercial (C) Zone	(C)
Commercial Recreational (CR) Zone	(CR)
Restricted Industrial (M) Zone	(M)
Pit and Quarry (Q) Zone	(Q)
Recreation (OI) Zone	(OI)
Hazard Land (O2) Zone	(O2)
Waste Disposal Site (WD) Zone	(WD)
Planned Development (PD) Zone	(PD)

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

6.2 APPLICATION OF BY-LAW

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

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

6.3 ACCESSORY USES

- a) Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or accessory use incidental thereto.
- b) An accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage.
- c) Except as may be provided herein any accessory building which is not part of the main building shall be erected to the rear of the front line of the main building and shall comply with the yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than ten per cent (10%) of the lot area.
- d) Notwithstanding Sub-paragraph (b) above, a boathouse, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any other governmental authority having jurisdiction has been obtained and provided that the boathouse, dock or wharf 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.

- e) Where an accessory building is used for a Home Industry, — as defined in this By-law, such building or buildings shall be located on a lot at a setback from any abutting road or street which is fifteen (15) metres greater than the setback required by this By-law for the main building on the lot.
- f) The use of any accessory building or structure other than a Guest Cabin for human habitation is not permitted except where a dwelling is a permitted accessory use. The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in a Hamlet or Settlement Zone.
- g) No accessory building shall exceed four and one-half (4.5) metres in height in a residential zone, nor be built within two (2) metres of the main building in all zones.
- h) No accessory building shall exceed an area of sixty (60) square metres in any Hamlet or Settlement zone.

6.4 AUTOMOBILE SERVICE STATIONS AND GAS BARS

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

	<u>Interior Lot</u>	<u>Corner Lot</u>
a) Minimum Lot Frontage	60 metres	60 metres
b) Minimum Lot Depth	45 metres	60 metres
c) No portion of any pump island on an automobile service station or gasoline bar lot shall be located closer than six (6) metres from the street line of any street;		

- d) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than nine (9) metres;
- e) The maximum width of a curb ramp at the street line shall be not more than nine (9) metres and the minimum width not less than eight (8) metres.
- f) The minimum distance between ramps shall not be less than nine (9) metres;
- g) The minimum distance between the property line of the lot at the street line and the nearest ramp shall be three (3) metres;
- h) The area included between ramps or between ramps and a street line or property line as required by this By-law shall not be used for any purpose other than landscaping; and
- i) The following minimum provisions shall apply to buildings and pumps associated with this use:
 - (a) Front Yard 18.0 metres
 - (b) Side Yard 4.5 metres
 - (c) Rear Yard 7.5 metres

6.5

BUILDING REPAIR AND RECONSTRUCTION

Nothing in this By-law shall prevent the strengthening to a safe condition or the reconstruction of a building or structure that is a non-complying use, and/or a non-conforming use, provided that:

- a) Such repair or reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure; and
- b) If the building is a dwelling house in other than a Hamlet or Settlement Zone, it shall comply with all of the requirements set out in Schedule "A" for a Residential use in a Rural (R) Zone.

6.6 BUILDINGS TO BE MOVED

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

6.7 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.

6.8 CONTINUATION OF FARMING USE

Nothing contained within this By-law shall prevent the continued use of any land, building or structure for farming purposes as defined under the term Farm in Section 5, or any addition or extension of such use provided that any additions or extensions of such use shall comply with the requirements of Schedule "A" for an agricultural use in an Agricultural (A) Zone or a Rural (R) Zone as to coverage, yard and height provisions.

6.9 CORNER LOTS IN RESIDENTIAL ZONES

Notwithstanding any other provision of this By-law, on a corner lot in a Hamlet or Settlement 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.

6.10 DWELLING UNIT BELOW GRADE

No dwelling unit shall in its entirety be located in a cellar. A dwelling unit in its entirety may be located in a walkout basement or a basement which has at least one exterior wall completely above the grade adjacent to that wall.

6.11 DWELLING UNIT IN NON-RESIDENTIAL BUILDING OR LOT

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

- a) One single family dwelling unit 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;
- b) The dwelling unit shall have a minimum floor area of forty four (44) square metres;
- c) The dwelling unit shall have a separate washroom or bathroom and kitchen facilities from those of the non-residential use;

- d) The dwelling unit shall have a separate parking space as provided by sub-Section 6.19 hereto;
- e) The dwelling unit shall have a separate building entrance to that provided for non-residential use; and
- f) The gross floor area of the residential portion of a non-residential building in a Commercial Zone shall not exceed fifty per cent (50%) of the lot area.

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 or a Public Garage as defined within Section 5.

6.12 EXCEPTED LANDS, BUILDINGS AND NON-CONFORMING USES

a) Continuation of Existing Uses

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

b) Existing Buildings

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

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

c) Existing Lots

A lot held as a single lot prior to the passing of this By-law may be built upon, even though said lot is of such size that it cannot comply with the minimum frontage and/or depth and/or area required by this By-law, provided that in the case of a lot in an Agricultural (A) Zone, Rural (R) Zone, Hamlet (H) Zone or Settlement (S) Zone, such lot has not less than 15 metres of frontage and not less than 810 sq. metres of area. Such lot shall require the approval of the Ministry of the Environment or its designated agent prior to the issuance of a building permit and the proposed use must comply with all other applicable provisions of this By-law.

d) Residential Use in a Commercial Zone

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

6.13 FRONTAGE ON PUBLIC ROAD OR STREET

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an open public street or road or has access by a legal right-of-way which is registered on title. Notwithstanding the foregoing, a seasonal dwelling may be erected on any lot created on an island in a Shoreline Residential (SR) Zone.

6.14 GREATER RESTRICTIONS

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

6.15 HEIGHT EXCEPTIONS

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

6.16 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 Tehkummah or by any other law in force from time to time.

6.17 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 nine (9) metres long, three and seven-tenths (3.7) 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.

d) Location

The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of twenty-five (25) 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.

6.18 NUMBER OF DWELLING UNITS ON ONE LOT

Not more than one (1) single family detached dwelling shall be erected on one lot except in the Agricultural (A) Zone or the Rural (R) Zone where a second residence may be erected to provide accommodation for a farm labourer and his or her family.

PARKING AREA REGULATIONS

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

a) Parking Space Requirements

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

Type of Building

Minimum Parking Required

Residential units

2.0 parking spaces per dwelling unit

Medical, Dental or Drugless Practitioner's 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 5 seats or 3 metres of bench space, where there are no fixed seats, 1 parking space for each 9.5 sq. metres of floor area devoted to public use.

Hospitals or Institution

1.0 parking space for each 2 beds or 40 square metres of floor area whichever is greater plus 1 additional space for each resident doctor or resident employee.

Hotel, Motel and Tourist Cabins	1.0 parking space per suite or guestroom, and 1 additional parking space for each 9.5 sq.metres of floor area devoted to public use.
Office, including a Home Occupation	1.0 parking space per 28 square metres of office floor area.
Variety or Grocery Shop	1.0 parking space for every 9.5 sq. metres of total floor area.
Other Commercial Uses	1.0 parking space for each 19 square metres of total floor area.
Schools	1.5 parking spaces for each teaching area, plus 1 separate bus loading area per 2 teaching areas.
Industrial including Home Industry	At least 1 parking space for every 100 sq. metres of total floor area up to 1850 square metres, plus 1 additional space for every 450 square metres of total floor area over 1850 square metres including any basement area if used for industrial use.
Marina	One (1) parking space for each twenty (20) sq. metres of total retail floor area, plus one (1) parking space for each boat slip provided.
Bowling Alleys, Curling Rinks and Arenas	One (1) parking space for 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).

b) Parking Area Requirements

Parking areas shall conform to the following requirements:

- (i) the parking area shall be located on the same lot as the use it is intended to serve except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law;
- (ii) each parking space shall be at least three (3) metres by six (6) metres and shall be provided with unobstructed access to a street by a driveway, aisle, lane or private road;
- (iii) any parking area designed to serve water access lots shall have a minimum area of fifty (50) square metres 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 Residential Zone;
- (iv) for any parking area in a Commercial or Industrial Zone which is required to be used in winter, an additional area equal to twenty per cent (20%) of the required area shall be provided for snow storage.

c) Parking Area Surface

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

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

d) Ingress and Egress

- (i) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least four (4) 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:
 - (1) up to the first thirty (30) metres of frontage not more than 2 driveways; and
 - (2) for each additional thirty (30) metres of frontage not more than 1 additional driveway.

e) Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than nine (9) metres above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

f) Addition to Building or Structure

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

g) Use of Parking Spaces and Areas

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

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

Notwithstanding the foregoing, no person shall within any Hamlet or Settlement 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 Hamlet or Residential Zone for the parking or storage of a house trailer.

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

h) 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.

(i) Buffer Area

Where a parking area is situated in a Hamlet or Settlement Zone and is designed to accommodate more than six (6) automobiles, a strip of land not less than three (3) metres wide, around the periphery of the said parking area and within the lot in which said parking area is located shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances nor exits to said parking area across the strip.

j) Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary uncovered surface parking areas, in other than residential use areas, shall be permitted in any required yard or in the area between the road or street line and the required setback provided no part of any parking area, other than a driveway, is located closer than one (1) metre 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.

6.20

PLANTING STRIPS

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

a) Width of Planting Strip

Minimum three (3) metres.

b) Use

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

c) Driveways or Walks

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

d) Landscaped Open Space

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

6.21 PUBLIC USES PERMITTED

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

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

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

6.22 REDUCTION OF REQUIREMENTS

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

6.23 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 their point of intersection.

6.24 SPECIAL USES PERMITTED

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

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed, or abandoned, or

- b) A tool shed, scaffold or other building or structure incidental to construction on the premises where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

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

6.25 SWIMMING POOLS

a) Permitted in Side Yard

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

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

b) Permitted in Rear Yard

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

6.26 THROUGH LOT

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

6.27 TRUCK, BUS AND COACH BODIES

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

6.28 USE FOR HAZARDOUS PURPOSE

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

6.29 USES PROHIBITED

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

- (i) No use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Corporation to be a noxious trade, business or manufacture under The Public Health Act or regulations thereunder, Chapter 377, R.S.O. 1970, as amended.
- (ii) 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.
- (iii) 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 Municipality for such uses.
- (iv) The use of any land or lot for the purpose of a scrap or salvage yard except as specifically provided by this By-law.
- (v) 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 Municipality of the Township of Tehkummah.

6.30 VACANT LOT - STORAGE

Notwithstanding any other provision of this By-law a vacant lot in a Hamlet or Settlement Zone may be used for the storage or parking of a motor vehicle, boat, tourist trailer or other similar vehicle provided that the said motor vehicle, boat, tourist trailer or other similar vehicle is located on the rear one half of the vacant lot.

6.31 YARD EXCEPTION, TERRAIN UNSUITABILITY

Where in this By-law, a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or swale or is beyond the rim of a river bank or 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 main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

6.32 YARD AND SETBACK ENCROACHMENTS PERMITTED

a) Building in Built-up Area

Notwithstanding the provisions of this By-law to the contrary, where a detached single-family 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.

SECTION 7 - SPECIFIC ZONES

SECTION 7.1 - AGRICULTURAL (A) ZONE

7.1.1 PERMITTED USES

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

- a farm
- a specialized use farm
- a farm produce storage facility
- a nursery or a farm greenhouse
- any other agricultural use
- a private airfield
- a home industry
- home occupation use
- a single family detached dwelling on a lot created prior to the passing of this By-law
- removal of peat moss

7.1.2 ZONE REQUIREMENTS

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 Schedule "A" - Zone Requirements Table, as applicable to an Agricultural "A" Zone, and the applicable provisions of Section 6 - General Provisions - All Zones and Section 8 - Special Provisions.

7.1.3 PRIVATE AIRFIELD

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

- a) No lot having less than ten (10) hectares shall be used for a private airfield.
- b) No person shall maintain or store more than three (3) aircraft at any private airfield.
- c) One accessory building for the purpose of parking or storing an aircraft shall be permitted on a lot, but shall be separate from, and located not less than fifteen (15) metres from, any non-residential building, and thirty (30) metres from any building used for residential purposes.
- d) No land used for the purpose of a private airfield shall be located closer than two hundred (200) metres of a residential dwelling unit located on an adjacent property held in separate ownership.

SECTION 7.2 - RURAL (R) ZONE

7.2.1 PERMITTED USES

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

7.2.1.1 Rural Uses

- a farm
- a specialized use farm
- a farm produce storage facility
- an animal hospital, kennel or riding stable
- a nursery or commercial greenhouse
- a farm greenhouse
- any other agricultural use or enterprise carried on in the field of general agriculture
- a private airfield (subject to the provisions of 7.1.3)
- a home industry
- the parking and servicing of school buses but not including a Public Garage (Mechanical) or a Public Garage (Auto Body).
- a wayside or borrow pit
- removal of peat moss

7.2.1.2 Rural Residential Uses

- a single family detached dwelling
- a home occupation use
- a seasonal residence

7.2.1.3 Institutional Uses

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

7.2.1.4 Recreational Uses

- a golf course
- a public park
- a playground
- a hunt camp
- a cross country ski area

7.2.2 ZONE REQUIREMENTS

No person shall, within any Rural (R) Zone use any lot, or erect, alter or use any building or structure for any purpose except in accordance with Schedule "A" - Zone Requirements Table, as applicable to an (R) Zone, and the applicable provisions of Section 6 -General Provisions - All Zones and Section 8 Special Provisions.

SECTION 7.3 - HAMLET (H) ZONE

7.3.1 PERMITTED USES

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

7.3.1.1 Residential Uses

- a single family detached dwelling
- a seasonal residential dwelling
- a semi-detached dwelling
- a duplex dwelling
- a boarding house
- a converted dwelling
- a home occupation use

7.3.1.2 Institutional and Public Uses

- a school
- a church
- a library
- a pump house
- a post office
- a cemetery
- a municipal office
- a fire station
- a hospital
- a museum
- a community centre
- a nursing home

7.3.1.3 Recreational Uses

- a public park
- a playground
- an arena

7.3.1.4 Commercial Uses

- a club, lodge or fraternal organization (eg., Legion Hall)
- a personal service shop
- an eating establishment
- a farm implement dealer
- an automotile service station
- a bank or financial institution
- a tavern or pub
- a motor vehicle sales area
- a recreational vehicle sales area
- a business or professional office
- a clinic
- a motel or hotel
- a retail store

7.3.1.5 Industrial Uses

- a boat storage
- a public garage (auto body)
- a public garage (mechanical)
- a wood-working establishment
- a lumber yard and retail outlet
- a buildings supplies outlet

7.3.2 ZONE REQUIREMENTS

No person shall within any Hamlet (H) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table, as applicable to an (H) Zone, and the applicable provisions of Section 6, General Provisions -All Zones, and Section 8 - Special Provisions.

SECTION 7.4 - SETTLEMENT (S) ZONE

7.4.1 PERMITTED USES

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

7.4.1.1 Residential Uses

- a single family detached dwelling
- a seasonal residential dwelling
- a semi-detached dwelling
- a duplex dwelling
- a boarding house
- a converted dwelling
- a home occupation use

7.4.1.2 Institutional and Public Uses

- a school
- a church
- a library
- a pump house
- a post office
- a cemetery
- a municipal office
- a fire station
- a hospital
- a museum
- a community centre
- a nursing home

7.4.1.3 Recreational Uses

- a public park
- a playground
- an arena

7.4.1.4 Commercial Uses

- a personal service shop
- a convenience retail store
- an automobile service station
- a bank or financial institution
- an eating establishment
- an office
- a farm implement dealer

7.4.2 ZONE REQUIREMENTS

No person shall within any Settlement (S) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table, as applicable to an (S) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.5 - SHORELINE RESIDENTIAL (SR) ZONE

7.5.1 PERMITTED USES

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

7.5.1.1 Residential Uses

- a seasonal dwelling
- an existing single family detached dwelling
- a home occupation use

7.5.1.2 Recreational Uses

- a public beach
- a public boat launching area
- a public park
- a tennis court
- a public dock facility
- a playground

7.5.2 ZONE REQUIREMENTS

No person shall within any Shoreline Residential (SR) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table, as applicable to an (SR) Zone, and the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions. .

SECTION 7.6 - MOBILE HOME PARK (RMH) ZONE

7.6.1 PERMITTED USES

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

7.6.1.1 Residential Uses

- a mobile home
- a modular home

7.6.1.2 Commercial Uses

- a convenience retail store
- a laundromat
- a personal service shop

7.6.1.3 Recreational Uses

- a community centre
- a park
- a playground

7.6.2 ZONE REQUIREMENTS

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

a) Density

The maximum permissible density for a Mobile Home Park shall be ten (10) units per gross hectare.

b) Separation

Mobile or modular homes and any part thereof shall be separated from each other or from any other building by not less than six (6) metres. Any porch, carport or addition to a mobile or modular home shall be regarded as part of the mobile or modular home for the purpose of separation.

c) Storage

There shall be no outside storage of any furniture, domestic equipment or seasonally used equipment. Adequate covered storage shall be provided and located either at the individual mobile or modular home site or within a special storage area provided within the Mobile Home Park where it can be used communally.

d) Accessory Structure

All mobile or modular homes shall be provided with durable skirtings to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the mobile or modular home.

e) Recreation Space

Not less than ten per cent (10%) of the gross area of a Mobile Home Park shall be used as recreation space, placed in locations convenient to all residents. Such space shall

be free of traffic hazards and shall not include areas designated as planting strips. Where required recreation space exceeds five hundred (500) square metres, two (2) or more such areas shall be provided.

f) Parking

Notwithstanding the provisions of Section 6.19, each mobile or modular home site shall be provided with at least one (1) car parking space and in addition, visitor parking shall be provided in the amount of one (1) space for each mobile or modular home site, and shall be dispersed throughout the Mobile Home Park at locations convenient to the site it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

g) Access

Each mobile or modular home site shall be accessible by means of an internal, hard surface roadway in accordance with the following:

- (i) a minimum of four (4) metres in width where the traffic flow is one way; or
- (ii) a minimum of seven and one-half (7.5) metres in width where the traffic flow is two way.

h) Services

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

i) Site Plan

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

SECTION 7.7 - RESTRICTED COMMERCIAL (C) ZONE

7.7.1 PERMITTED USES

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

7.7.1.1 Residential Uses

a dwelling unit or units in accordance with the provisions of Section 6.11 of this By-law.

7.7.1.2 Commercial Uses

- an office
- a retail store
- a personal service shop
- a hotel or motel
- a restaurant
- a tavern
- an eating establishment
- a farm implement dealer
- an automobile service station
- a recreational vehicle sales area
- an automobile washing establishment
- a service shop
- a public garage (auto body)
- a public garage (mechanical)
- a take-out restaurant
- a drive-in restaurant

7.7.2 ZONE REQUIREMENTS

No person shall within any Restricted Commercial (C) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to a (C) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.8 - COMMERCIAL RECREATION (CR) ZONE

7.8.1 PERMITTED USES

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

7.8.1.1 Residential Uses

a dwelling unit or units in accordance with the provisions of Section 6.11 of this By-law.

7.8.2 COMMERCIAL USES

- a motel or hotel
- a marina
- a commercial camp ground
- a commercial trailer park
- a tourist cabin establishment
- a restaurant

7.8.3 ZONE REQUIREMENTS

No person shall within any Commercial Recreation (CR) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to a (CR) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.9 - RESTRICTED INDUSTRIAL (M) ZONE

7.9.1 PERMITTED USES

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

7.9.1.1 Residential Uses

a dwelling unit or units in accordance with the provisions of Section 6.11 of this By-law.

7.9.1.2 Industrial Uses

- a saw mill
- a service shop
- a service shop (heavy)
- a service industry
- a machine or welding shop
- a warehouse
- a truck or bus storage terminal
- a feed mill
- an abattoir
- a farm produce storage area
- a contractor or tradesman shop or yard
- a dry industry involved in the fabricating processing or manufacturing of goods or materials
- a municipal works building
- a custom workshop

7.9.2 ZONE REQUIREMENTS

No person shall within any Restricted Industrial (M) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to an (M) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.10 - PIT AND QUARRY (Q) ZONE

7.10.1 PERMITTED USES

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

- a) Asphalt plant;
- b) Concrete batching plant;
- c) Quarrying and sand and gravel pit operations;
- d) Washing, screening, crushing and storage of sand, gravel, ballast, stone, aggregates, clays, brick, peat, and other surface and sub-surface resource materials;
- e) Accessory and associated operations.

7.10.1.1 Restrictions

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

7.10.2 ZONE REQUIREMENTS

No person shall within any Pit and Quarry (Q) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to a (Q) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.11 - RECREATIONAL (OI) ZONE

7.11.1 PERMITTED USES

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

7.11.1.1 Residential Uses

a dwelling unit or units in accordance with the provisions of Section 6.11 of this By-law.

7.11.1.2 Institutional Uses

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

7.11.1.3 Open Space and Recreation Uses

an area where the primary land use is for public or private recreation

- a bowling green
- a campground
- a club
- a community centre
- a playground
- a playing field
- a tennis court
- a skating rink or arena
- a golf course
- a ski hill

7.11.2 ZONE REQUIREMENTS

No person shall with any Recreational (OI) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to a Recreational (OI) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.12 - HAZARD LAND (O2) ZONE

7.12.1 PERMITTED USES

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

7.12.1.1 Rural Uses

- a) A farm but not a specialized use farm as defined in Section 5 of this By-law.
- b) A nursery garden
- c) A forestry operation
- d) A hunting and/or fishing camp

7.12.1.2 Open Space Uses

- a) A golf course
- b) An area for the protection of an environmental hazard such as swamps or marshes, floodplains or land liable to flood or land subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion.
- c) A conservation area primarily for the location of flood control, bank stabilization or erosion protection structures or projects.
- d) Except that no accessory dwelling unit or units shall be permitted in any Hazard Land (O2) Zone.
- e) Private snowmobile trails

7.12.2 ZONE REQUIREMENTS

No person shall within any Hazard Land (02) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to a Hazard Land (02) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.13 - WASTE DISPOSAL SITE (WD) ZONE

7.13.1 PERMITTED USES

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 one or more of the following uses:

- a) a dump site for used building material
- b) a land fill site for garbage including organic waste but excluding chemical wastes

7.13.1.1 Restrictions

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 road right-of-way and thirty (30) metres from any adjoining property line.

7.13.2 ZONE REQUIREMENTS

No person shall within any Waste Disposal Site (WD) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "A" - Zone Requirements Table as applicable to a Waste Disposal Site (WD) Zone, and the applicable provisions of Section 6, General Provisions - All Zones and Section 8, Special Provisions.

SECTION 7.14 - PLANNED DEVELOPMENT (PD) ZONE

7.14.1 PERMITTED USES

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

a) Residential Uses

An existing single family detached dwelling

b) Other Uses

An existing non-residential use
A public utility

7.14.2 NEW DEVELOPMENTS

No person shall within any Planned Development (PD) Zone use any land or erect, alter or use any building or structure except in accordance with the requirements of Schedule "A" - Zone Requirements Table as applicable to a Planned Development Zone, the applicable provisions of Section 6 - General Provisions - All Zones and Section 8 - Special Provisions.

7.14.3 OFFICIAL PLAN CONFORMITY

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

7.14.4 NEW DEVELOPMENT

New development within the Planned Development Zone shall be subject to a site plan by-law approved by the municipality.

SECTION 8 - SPECIAL PROVISIONS

8.1 SETBACK FROM LAKES

Notwithstanding the provisions of Schedule "A" - Zone Requirements, no building other than a marina or boathouse shall be constructed within thirty (30) metres of a lake 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.

8.2 SETBACK FROM LAKE HURON

Notwithstanding the provisions of Schedule "A" - Zone Requirements, no new habitable structures shall be constructed below the 178.3 metre contour adjacent to Lake Huron unless the setback from the shoreline is a minimum of sixty-one (61) metres and the structure is flood proofed to the 179.6 metre contour. For the purpose of this By-law, a flood proofed structure is that which has no opening below the minimum elevation of 179.6 metres, Canadian Geodetic Datum.

