TOWNSHIP OF O'CONNOR

Zoning By-law

FOTENN
Planning + Design

Zoning By-law - April 2022

PREPARED FOR:

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SCHEDULE A – Zoning Map

1 INTERPRETATION & ADMINISTRATION

1.1 TITLE

1) This By-Law shall be known as the Zoning By-Law of The Corporation of the Township of O'Connor.

1.2 APPLICATION

1) The provisions of this By-Law shall apply to all lands within the boundaries of the Township, as legally constituted now or hereafter.

1.3 SCOPE

1) No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Township of O'Connor, except in conformity with the provisions of this By-Law.
2) Despite provision (1), nothing in this By-Law prevents the use of any land, buildings or structures for any purpose prohibited by this By-Law if such land, buildings or structures were lawfully used for such purpose on the day this By-Law came into force.

1.4 MINIMUM REGULATIONS

1) In interpreting and applying the provisions of this By-Law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Township.

1.5 MEANING OF USE

1) Unless the context otherwise requires, the expressions "use" or "to use" in this By-Law include anything done or permitted by the owner or occupant of any land or building, directly, indirectly, by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land or building.

1.6 MEANING OF SHALL

1) In this By-Law, the word "shall" shall always be construed as mandatory.

1.7 NUMBERS

1) In this By-Law, unless the contrary intention appears, words imparting the singular number shall include more persons, parties, or things of the same kind than one, and the converse.

1.8 ADMINISTRATION

1) This By-Law shall be administered by the Clerk and/or such other person or persons as the Council of the Township of O'Connor designates.

1.9 LICENSES AND PERMITS

1) No Township permit, certificate, or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-Law, except where expressly permitted.

1.10 APPLICATION OF OTHER BY-LAWS

1) Nothing in this By-Law shall serve to relieve any person from the obligation to comply with the requirements of any By-Law of the Township in force from time to time, or the obligation to obtain any licence, permit, authority or approval required under any By-Law of the Township.

1.11 VALIDITY

1) Should any section, clause or provision of this By-Law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-Law shall not be affected.

1.12 REPEAL OF EXISTING BY-LAWS

1) By-Law 95-19 and all By-Laws amending By-Law 95-19 are hereby repealed.

1.13 CONTINUATION OF PROSECUTION FOLLOWING REPEAL

1) The passage of this By-Law does not affect the right of the Corporation of the Township of O'Connor to prosecute any violation of the previous By-Law, if the violation occurred while the By-Law was in effect.

1.14 APPLICATION OF OTHER LEGISLATION/REGULATIONS

1) Where the regulations or requirements of any federal or provincial government impose greater restrictions than the restrictions imposed by this By-Law, then such greater restrictions shall apply.

2 DEFINITIONS

1) For the purpose of this By-law, the definitions and interpretations given herein shall govern.

Accessory
shall mean a use, a building or a structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and that is located on the same lot therewith and includes a private garage.

Aggregate
shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed material under the appropriate statute.

Agricultural Use
shall mean the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm buildings and structures.

Alter
when used in reference to a building or structure or part thereof, shall mean to change the use or the external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" shall mean to change the area frontage, or depth thereof, to change the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a road or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" or "alteration" shall have corresponding meanings.

Animal Hospital or Veterinary Clinic
shall mean a building wherein animals, birds, and other livestock are examined and/or surgically or medically treated or kept under the care of a licensed veterinary surgeon.

Areas of Natural and Scientific Interest (ANSI)
shall mean areas of land and water containing natural landscapes or features which have been identified as having values related to natural heritage protection, scientific study, or education. Depending upon the features of particular areas, they may be referred to as life science or earth science sites. These areas vary in their level of significance and their vulnerability to environmental impacts.

Assembly Hall
shall mean a building or part thereof in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious or social purposes, and with limiting the generality of the foregoing may include such facilities as an auditorium, a banquet hall or private club.

Attached
shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Automobile Body Repair Shop
shall mean a building or structure used primarily for making repairs or alterations to the body or paint work of any vehicle.

Automobile Service Station
shall mean a building or part of a building or a clearly-defined space on a lot used primarily for the retail sale of lubricating oils, gasoline, diesel fuel and propane for motor vehicles and may include the sale of automobile accessories, and the servicing, repairing and storage essential to the operation of motor vehicles.

Automotive Gas Bar
shall mean the use of land, or building, or structure where vehicle fuel (not including propane), or lubricants, are offered for sale but where no provision is made for the repair or maintenance of vehicles. For the purpose of this definition, the sale of associated sundry items and the sale of prepared foods for consumption off the premises may be allowed in conjunction therewith, provided the gross floor area devoted to the sale of such sundry items and prepared foods does not exceed 10.0 square metres.

Basement
shall mean that portion of a building between two floor levels which is more than 50 percent below the ground level at the exterior walls.

Batching Plant, Asphalt or Concrete
shall mean an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the productions process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Bed and Breakfast
shall mean a dwelling unit, situated in a single-detached, semi-detached or duplex dwelling, in which not more than three bedrooms, or one less than the total number of bedrooms in the dwelling unit, whichever is the lesser, are used to provide overnight accommodation, for profit or gain, with or without meals, to the travelling or vacationing public.

Boarding and Rooming House
shall mean any building or portion thereof in which the proprietor resides and supplies for hire or gain to more than two persons, exclusive of the lessee or owner thereof or members of his family, lodging, and/or meals, and excluding a hotel, motel, hospital, home for the young or the aged, institution, or restaurant accommodating the general public.

Building
shall mean any structure, consisting of walls and a roof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods and/or materials.

Building Area
shall mean the area of the lot within which permitted buildings or other structures may be erected, used and maintained and shall be calculated by deducting all appropriate yard areas and setbacks from the gross lot area.

Building, Main
means the building which contains the principal use of the lot on which such building is located. In any residential zone a dwelling shall be deemed to be a main building on the lot on which it is located.

Bulk Sales Establishment
shall mean the use of land, structure or building for the purpose of storing, buying and selling coal, fuel, oil, propane, wood, lumber, building materials, ice, and allied commodities but does not include any manufacturing, assembling, or processing uses.

Campground
shall mean an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Cannabis Production Facility
shall mean a facility used for the cultivation, production, processing, testing, destruction, packaging, and/or shipping of cannabis and cannabis-based products.

Carport
shall mean a portion of a dwelling which is a roofed enclosure designed for the storage of a motor vehicle with at least 40 percent of the total perimeter open and unobstructed. For the purposes of this definition, perimeter includes the main wall of the dwelling to which such carport is attached.

Cemetery
shall mean land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Church
means a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, parish hall and church day nursery.

Clinic
shall mean a building or structure or part thereof that is used or intended for use by physicians, dentists, chiropractors and/or drugless practitioners, or any one or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment.

Commercial Use
shall mean the use of land, structure or building for the purposes of buying and/or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

Commercial Entertainment and Recreation Establishment
means an entertainment facility such as a theatre, bowling alley, billiard room or similar facility where entertainment is provided for a fee.

Commercial Floor Space
shall mean the sum of the areas of all floors of a building or part thereof used for commercial purposes, measured between the internal faces of the exterior walls, excluding the furnace room, laundry room or washroom, stairwell or elevator shaft or any area designated or used permanently for storage space.

Community Centre
means any tract of land, building or structure used for community activities, and not for

commercial purposes, the control of which is vested with the Township or a local board or agent thereof.

Condominium
shall mean a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

Cottage
shall have the meaning attributed to it in the definition Dwelling, Seasonal.

Conservation
shall mean the preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered for individual or public use.

Conservation and Wildlife Sanctuary
shall mean land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant life and includes a forest reserve.

Contractors' Yard
shall mean a yard of any general contractor or builder where equipment and materials are stored, or where a contractor performs shop or assembly work, but does not include any other yard or establishment otherwise defined or classified herein.

Council
shall mean the Council of the Corporation of the Township of O'Connor.

Coverage
shall mean the combined area of all buildings or structures on the lot measured at the level of the lowest storey above grade, including all porches and verandahs open or covered, but not including an outdoor swimming pool, open or unenclosed terraces and patios at grade, steps, cornices, eaves, bay windows and similar projections and open parking areas.

Craft Shop
shall mean a building or part thereof in which a handicraft is conducted for gain or profit, and may include sales of such handicraft.

Crisis Care Facility/Residence Centre
shall mean a residence that is licensed or funded by the government for the short term

(averaging one month or less) accommodation of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

Day Care Centre
shall mean an agency or institution offering or supplying group care to children who have not the same parentage, for a portion or all of a day and on a regular schedule more often than once a week, and shall not include a licensed or unlicensed home child care service.

Development
shall mean the subdivision and severance of land, the erection or alteration of buildings and structures, and includes any improvement that can be made on, and any addition or alteration to, a building or structure that has the effect of increasing the size or usability thereof. The use of the term shall be taken to include redevelopment in all cases.

Dormitory or Student Residence
shall mean a building occupied or designed to be occupied exclusively as a residence or sleeping place by one or more persons attending a school, educational or training centre, and recognized officially by that school, educational or training centre.

Dwelling
shall mean a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions or mobile dwellings, unless otherwise specified.

Dwelling, Accessory
shall mean a use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to, and located on the same lot as, the principal use, building or structure, but not including a building or structure which is used as a dwelling, unless specifically permitted.

Dwelling, Apartment
shall mean a building that contains four or more dwelling units, which have one or more common entrances from ground level and are served by a common corridor, and the occupants of which units have the right to use in common the corridors, stairs, elevators, or yards.

Dwelling, Modular
shall mean a dwelling unit prefabricated in one location in accordance with CSA A277 and

moved onto a lot to be used as a dwelling unit, and shall include dwellings constructed with shipping containers that are compliant with Ontario Building Code, but shall not include a mobile dwelling.

Dwelling, Mobile
shall mean a factory-built dwelling unit designed as one dwelling unit, transported or designed to be transported on its own chassis, notwithstanding that its running gear is, nor may be, removed, placed, or designed to be placed on a permanent foundation, and connected or designed to be connected to public or private services, constructed in accordance with CSA Z240 or Z241, but shall not include a modular dwelling or travel trailer.

Dwelling, Multi-Unit
shall mean a dwelling designed, intended or used for occupancy by two to three households, living independently of each other in individual dwelling units, but excludes any other dwelling as may be defined herein.

Dwelling, Seasonal
shall mean a single-detached dwelling used exclusively for recreation, rest or relaxation from time-to-time, throughout any season of the year, by any person or persons, but not used or intended to be used continuously in excess of five months or as a permanent residence.

Dwelling, Semi-Detached
shall mean a building that is divided vertically into two dwelling units, each of which has an independent entrance, whether direct or through a common vestibule, and which has no direct access between the units.

Dwelling, Single-Detached
shall mean one dwelling unit which is freestanding and detached from other main buildings or structures on a lot and shall include a modular dwelling but shall not include a mobile dwelling.

Dwelling Unit
shall mean one or more habitable rooms occupied or designated to be occupied by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or individuals with a private entrance from outside the building or from a common hallway or stairway inside the building.

Easement
shall have the meaning attributed to it in the definition of Right-of-Way.

Environmental Protection Areas
shall include significant river valley corridors, shorelines, wildlife and fish habitat as classified by the Ministry of Northern Development, Mines, Natural Resources and Forestry. Such areas are sensitive natural areas which serve as important habitat and migration routes for fish and wildlife.

Erect
includes build, construct, reconstruct, place, alter, enlarge and relocate and without limiting the generality of the foregoing, is taken to include any associated physical operation such as excavating, grading, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Existing
shall mean existing as of the date of the final passing of this By-Law.

Family
shall mean an individual or group of persons, who occupy a dwelling unit and who live together as a single non-profit housekeeping unit and which may include not more than two persons who receive their lodging or board, or both, or other domestic services for compensation.

Fence
shall mean a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal or combination thereof, which may be continuous throughout its entire length, save and except where access areas and lines of sight are required for safety purposes.

Fill
shall mean sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

Floodproofing
shall mean a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

Floor Area
means, with reference to a building, the total habitable area within a building measured between the interior faces of the exterior walls or from the interior faces of common or party walls, but excluding any garage, breezeway, porch, verandah, balcony, sun room, attic, cellar or basement, unless such sunroom or enclosed porch is an integral part of the

building and habitable in all seasons.

Forestry Use
means the general raising, harvesting and storage of wood and wood products and without limiting the generality of the foregoing shall include the raising, harvesting and storage of fuelwood, pulpwood, lumber, Christmas trees and other forest products, but does not include the processing of forest products.

Garage, Private
shall mean a building or portion of a building designed for the storage of private passenger motor vehicles wherein no service for profit is rendered; and where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.

Garage, Public or Service Station
shall mean a building or structure which is used for the repair or storage of motor vehicles for remuneration, and includes an automobile body repair shop and a gas bar.

Garden Suite (or "Granny Flat")
shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Government Offices
shall mean a municipal office, court house, registry office, health and welfare centre, employment office, post office, or other office uses for the purpose of local or other government administration.

Grade
shall mean the average level of finished surface of the ground adjacent to the exterior walls of the building or structure.

Gravel Pit
shall mean an open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.

Ground Floor Area
shall mean the total habitable area of the lowest storey of a building or structure, measured between the interior faces of the exterior walls or from the interior faces of common or party walls, but excluding any garage, breezeway, porch, verandah, balcony, sun room, attic, cellar or basement, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

Group Home
shall mean a dwelling licensed or funded under a federal or provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, legal, or physical condition, require a group living arrangement for their wellbeing.

Guest Cabin
shall mean a building without cooking facilities that is accessory to a seasonal residential dwelling and used only for purposes of sleeping accommodation.

Habitable
shall mean designed for living, sleeping, eating or food preparation.

Hazard Lands
shall mean lands within the Regulated Area (LRCA) overlay which are or may be inappropriate for development by reason of having inherent or natural environmental hazards such as susceptibility to flood or erosion, poor drainage, organic soils, steep slopes, mine tailings, hazardous sites or any physical condition or limitation and which, if developed, may lead to the deterioration or degradation of the environment or cause property damage, social disruption or loss of life.

Height
shall mean, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and the highest point of the roof, exclusive of any roof construction used only as ornament or for the mechanical operation of the building, including a penthouse, chimney, tower, cupola or steeple.

Highway Commercial Use
shall mean commercial uses which rely on automobile or truck traffic, and the tourist population.

Highway
shall have the same meaning as "road."

Home Industry
shall mean an occupation which is carried on within an accessory building or private garage that results in a product or service, which is characterized by a light industrial use, and which is clearly secondary to the principal residential use of the lot on which the home industry is located.

Home Occupation
shall mean the accessory use of part of a dwelling or accessory building for an occupation, business, or professional activity that results in a product or service and which is clearly secondary to the main use of the dwelling unit, and includes a licensed or unlicensed home child care service, but does not include a home industry.

Hotel
shall mean lands, buildings or structures used or intended to be used for the purposes of supplying temporary living accommodation, or no less than 6 bedrooms, to the public, for a fee, and may include a restaurant, convention and banquet facilities and one accessory dwelling unit for the owner or operator of the hotel and includes all such establishments as defined by the Hotel Registration of Guests Act.

Industrial Use
shall mean the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing, or bulk storage of goods and related accessory uses, but excluding retail sale on the premises.

Industrial, Extractive
shall mean land including accessory buildings and structures used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources and includes an asphalt plant, a borrow pit, a concrete plant, a gravel pit and a stone quarry.

Industrial, Light
shall mean any industrial use that manufactures, processes, assembles, packages, or repairs products from previously prepared materials, finished parts or finished products.

Industrial, Heavy
shall mean an industrial use which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced, or stored is likely to cause by reason of gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

Institutional Use
shall mean the use of land, buildings, or other structures for some public or social purposes and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar uses.

Kennel
shall mean any lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment, but does not include a veterinary clinic or animal hospital.

Landscaping
shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land and is an area which is not to be built upon.

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.

Loading Space
shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a road or lane.

Lot
shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the Planning Act, as amended or revised from time to time.

Lot Area
means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

Lot, Corner
shall mean a lot situated at the intersection of, or abutting upon, two or more roads, provided that the angle of intersection of such roads is not more than 135 degrees and each of which is at least 10 metres wide.

Lot Coverage
means that percentage of the lot area covered by buildings and structures, including accessory building and structures as measured at the level of the grade.

Lot Depth
shall mean the horizontal distance between the midpoints of the front and rear lot lines.

Where there is no rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line and the apex of the triangle formed by the side lot lines.

Lot Frontage
shall mean the minimum straight line horizontal distance between the intersection of the side lot lines and the front lot line. Where the side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 6 metres back from and parallel to the front lot line. Where the side lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the road lines, drawn through the extremities of the front lot line and exterior side lot line.

Lot, Interior
shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one road.

Lot Line, Front
shall mean the boundary lines of a lot defined as follows:

a. In the case of an interior lot, the lot line dividing the lot from the road;
b. in the case of a corner lot, the shorter lot line abutting a road, unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;
c. in the case of a through lot, the front lot line shall be the lot line where the principal access to the lot is provided;

Lot Line, Rear
shall mean the lot line farthest from and opposite to the front lot line.

Lot Line, Side
shall mean a lot line other than a front or rear lot line.

Lot, Mobile Dwelling
shall have the same meaning attributed to it in the definition for Mobile Dwelling Site.

Lot, Through
shall mean a lot bounded on two opposite sides by roads each of which is at least 10 metres wide, provided, however, that if any lot qualifies as being both a corner lot and through lot, such lot shall be conclusively deemed to be a corner lot.

Lot Width
shall mean the distance between the side lot lines measured perpendicular to the mid-

point of a line joining the mid-point of the front lot line and the mid-point of the rear lot line. When no rear lot line exists, "lot width" means the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the apex of the triangle formed by the side lot lines. Where the side lot lines are not parallel, the lot width shall be measured at that point from the front lot line which is equal to the required front yard depth of the zone in which the lot is situated.

Main Building
shall mean the building or structure in which is conducted the principal use for which the lot is used.

Merchandise Repair Establishment
shall mean a building or part thereof, wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.

Mineral Mining Operation
Shall mean a mining operation and associated facilities, or, a formerly producing mine with remaining mineral development potential that has not been permanently rehabilitated to another use.

Mobile Dwelling Site
shall mean a parcel of land within a mobile dwelling park which is serviced and intended for the placement of one mobile dwelling.

Natural Buffer Area
shall mean an area of land left in its natural state without the cutting of trees or vegetation, and without disturbances of any kind.

Non-Complying
shall mean a permitted use, building or structure which is existing but does not meet, comply or agree with the regulations of this By-Law, in which such building, structure, or use is located.

Non-Conforming
shall mean a use, building or structure which is existing at the time this By-Law is passed by Council, but which is not permitted in the zone in which it is located.

Nursing Home
means a building wherein lodgings with or without meals are provided for profit or gain and wherein medical treatment or nursing care may be provided for the occupants.

Office
means a building or part thereof designed, intended, or used for the practice of a profession, the conduct of business or public administration or, where not conducted on the same lot therewith, administration or accounting in connection with an industry.

Open Space
shall mean a park or recreation area controlled or owned by a public authority and normally open for public use.

Open Storage
shall mean the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on one or more sides.

Park
shall mean an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features and used for both passive and active forms of recreation designed to serve the resident of a neighbourhood or community, and may be owned or operated by a public entity.

Parking Lot, or Parking Area
shall mean an area for the temporary parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

Parking Space
shall mean an area of a size established through this By-law, enclosed in a building, or unenclosed, and set aside for the temporary storage of a vehicle, but shall not include driveways or aisles.

Person
shall mean any human being, any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

Personal Service Shop
shall mean a building or part thereof, wherein a personal service is performed, including, but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair, a dry cleaning depot, a laundromat, a tailor's or dressmaking shop and photographic studio, but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in the Municipal Act, as amended from time to time.

Pit
shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or

other material is being or has been removed by means of an open excavation, and includes the processing thereof for commercial purposes, including screening, sorting, washing, crushing, and other similar operations, together with required buildings and structures.

Portable Asphalt Plant
shall mean a facility:

1) with equipment to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
2) which is not permanent construction, but is designed to be dismantled and moved to another location as required.

Private Club
shall mean a building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Public Authority
shall mean any Federal or Provincial agency, school board, public utility commission, transportation commission, public library board, board or parks management, board of health, board of commissioners of police, planning board or other board or commission or committee or local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the Township or any portion thereof, and includes any committee or local authority established by By-Law of the Township.

Public Use or Facility
means a building, structure, or equipment owned and/or operated by the Township, any Ministry or Commission of Her Majesty in right of Ontario or Canada, any telecommunications company, or natural gas company or any railway company authorized under the Railway Act for any essential physical service within the community, and includes telephone, hydro, gas, water, sanitary sewer or storm sewers any and all equipment and appurtenances normally associated therewith, but shall not include offices, storage yards, maintenance facilities or warehouses.

Public Services
shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.

Quarry
shall mean a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof for commercial purposes, including screening, sorting, washing, crushing, and other similar operation, required buildings and structures.

Recreational Use
shall mean the use of land, building and/or structure for outdoor leisure and sporting purposes and for purposes of enjoyment of the natural environment and activities relating thereto, which may include uses such as boating, camping, canoeing, hunting, fishing, snowmobiling and swimming.

Recreational Facilities
shall mean land, structures and equipment for outdoor and indoor sports and games, but does not include a shooting gallery or rifle, pistol, skeet or trap club, an automobile race track or commercial amusement park or theatre.

Redevelopment
shall mean the removal of buildings or structures from land and the construction or erection of other buildings or structures therein.

Renovation
shall mean the repair, strengthening or restoration of a building to a safe condition, but does not include its replacement.

Residential Use
shall mean the use of a building or structure or parts thereof as a dwelling.

Resort
shall mean a tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes.

Resource Management Use
shall mean the preservation, protection, and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's uses, both in the present and the future. Resource Management Use also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

Restaurant
shall mean a building or part thereof where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.

Retail or Service Store
shall mean a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for sale at retail or rental and includes a bank or financial institution.

Right-of-Way, or Easement
shall mean any right, liberty or privilege in, over, along or under land which a person, the public or a corporation or another entity may have with respect to any land in the Township.

Road
shall mean public highway or public road under the jurisdiction of either the Township or the Province of Ontario, used for vehicular and pedestrian travel, including the entire area within the right-or-way, with or without provision made for curbs, sidewalks and paved gutters, but shall not include a lane or private right-of-way.

Salvage Yard
shall mean a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or material, including, but not limited to, rags, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.

Sawmill Complex
shall mean buildings, kilns, studmills, planermills, and other manufacturing facilities, indoor and outdoor storage facilities or area for raw materials, logs, chips, and finished lumber or other manufactured products, outdoor storage facilities or areas of waste products such as bark, steam or other power plants, parking, repair and storage facilities for trucks and other necessary vehicles and equipment, and any structures appurtenant to the foregoing.

School
shall mean any school established and maintained by the local educational authority or any other authority recognized under Provincial legislation.

Seasonal Residential
shall mean the same as defined in Dwelling, Seasonal herein.

Senior Citizen's Home
shall mean any building or structure containing dwelling units exclusively for senior citizens

sponsored and administered by any public agency or any service club, church, or other non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and may include accessory uses such as club and lounge facilities.

Sensitive Land Uses
shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples include: residences, day care centres, and educational and health facilities.

Service Shop
means any building or part thereof where appliances, equipment and machinery are sold, service or repaired and includes building trades establishments but excludes any manufacturing processing or wholesaling.

Setback
shall mean the horizontal distance between the nearest part of any main wall of any building or structure and the centre line of a street allowance measured at right angles to such centre line.

Shooting Range
shall mean any place, establishment or area where rifles, pistols or guns are used for recreational purposes.

Shopping Centre
shall mean a building or group of buildings planned, designed, developed or managed as a unit, having off-road parking provided on the same lot, and which building or buildings contain one or more retail stores, services, and offices.

Sign
shall mean any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

a. Signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotation;
b. Flags and insignia of any government except when displayed in commercial promotion;

c. Legal notices;
d. Identification, informational, or directional signs erected or required by government bodies;
e. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
f. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Stable or Riding Academy
shall mean a commercial or educational establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

Storey
shall mean that portion of a building:

a. which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and
b. which is more than 50 percent above the average finished grade, and
c. which has a height of not less than 2 metres and includes an attic having not less than 2 metres headroom for at least 50 percent of the attic floor area.

Structure
shall mean anything that is erected, built or constructed of parts joined together and which is fixed to, or supported by, the soil but not a terrace, patio, sign, boundary wall, light standard, fence, deck or vehicle.

Top of Bank
shall mean the points closest to the natural boundary of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 for a minimum of 15 metres measured perpendicularly from the watercourse.

Tourist Commercial Establishment
shall mean any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided.

Tourist Outfitter's Establishment
shall mean an establishment which operates throughout all or part of a year which may or may not furnish accommodation and facilities for serving meals and furnishes equipment,

supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Tower
shall mean a structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Township
means the Corporation of the Township of O'Connor.

Toxic or Noxious Substance
shall mean any solid, liquid, or gaseous matter, including but not limited to gases, vapours, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health, or capable of causing injury to the well-being of persons or damage to property.

Trail System
shall mean an area used for hiking, horseback riding, cross-country skiing or other similar forms of non-motorized recreational travel.

Trailer
shall mean any vehicle so constructed that it is suitable for being attached to or carried on a motor vehicle for the purpose of being drawn or propelled by its own motive power, and capable of being used for living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or in a state not ready for travel. A trailer, by this definition is intended for recreational or seasonal use, not for permanent year-round residence and shall not include a mobile dwelling.

Transmission Tower
shall mean a structure, over 20 metres in height, designed and erected for the purpose of transporting or carrying hydro electric power in quantities equal to, or greater than, 100,000 volts.

Trucking or Transport Depot
shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded or sufferance warehouse.

Use
when used as a noun, shall mean the purpose for which a lot or building or structure or any combination thereof is designed, arranged, occupied or maintained. When used as a verb, "use" shall mean to put to such purpose. For the purposes of this By-law, a use shall not include electricity transmission and distribution systems, pipelines, and other corridor infrastructure.

Vehicle
includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.

Vehicle Repair Shop
shall mean an establishment, or part thereof, which contains facilities for the repair and maintenance of vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include an automobile body repair shop wherein the repairing or painting of vehicle bodies constitute the primary activity.

Waste Disposal Facility
means a facility providing for the long-term storage or destruction of Township solid waste.

Watercourse
shall mean any natural or manmade depression with well-defined banks and a bed below the surrounding land serving to give direction to a current of water either continuously or intermittently and having a drainage area of at least 2 square kilometres.

Wayside Pit or Quarry
means a temporary open excavation made for the removal of soil, earth, clay, marl, sand, gravel, rock or mineral, opened and used by a public road authority or a forest products company operating under the authority of a Ministry of Northern Development, Mines, Natural Resources and Forestry permit solely for the purpose of a particular project or contract of road construction.

Yard
means an open area of land on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required by this By-Law and located between the main wall of the main building and one of the lot lines of the said lot.

a. "Yard, Front" means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on such lot.

b. "Yard, Rear" means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.
c. "Yard, Exterior Side" means a yard extending from the front yard to the rear yard and from a side lot line abutting a road on a corner lot to the nearest point of any building or structure on the lot or the nearest open storage use on the line.
d. "Yard, Interior Side" means a yard extending from the front yard to the rear yard and from a side lot line which does not abut a road to the nearest point of any building or structure on the lot or the nearest open storage use on the lot.
e. "Yard, Required" shall mean the minimum yard required by the regulations of this By-Law, irrespective of the location of any main wall.

Zone
shall mean a portion of the Township within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, or within which certain yards and other spaces are required or within which certain lot areas are established, or within which certain height limits are prescribed for buildings, or within which a combination of such aforesaid regulations shall apply, all as set forth and specified in this By-Law. Zone shall also mean a designated area of land use shown on a Schedule to this By-Law.

3 ZONES AND ZONING MAP

3.1 ESTABLISHMENT OF ZONES

1) For the purposes of this By-Law, the maps hereto annexed as Schedules "A" and "B" shall be referred to as the "Zoning Maps of the Township of O'Connor" and the said zoning maps shall be divided into the following zones:

Zone	Symbol
Rural Zone	RU
General Industrial	M1
Disposal Industrial	D
Extractive Industrial	E
Institutional	I
Open Space	OS

3.2 USE OF ZONE SYMBOLS

1) The symbols listed in Section 3.1 shall be used to refer to land, buildings, and structures and the uses thereof permitted by this By-Law in the said zones.
2) Wherever in this By-Law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Township of O'Connor delineated on the zoning maps and designated therein by the said symbol.
3) Where the zone symbol designating certain lands as shown on the zoning maps is followed by a dash and a number (M1-1 for example), the special provisions may be found in reference to that part of the By-Law which deals with the particular zone.
4) Lands zoned as such shall be subject to all regulations of the zone, except as otherwise provided by the special provisions.

3.3 INTERPRETATION OF ZONE BOUNDARIES

1) Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on the zoning maps, the following shall apply:
    a. Unless otherwise shown, the boundary of the zones as shown on the zoning maps are the centre lines of the road allowance, or lot lines and the projection thereof.
    b. Where zone boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary.
    c. Where zone boundaries are indicted approximately parallel to the line of

any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance there from shall be determined by the use of the scale shown on the zoning maps.

d. Unless otherwise indicated, a road, lane, right-of-way, or watercourse included on the zoning map is included within the zone of the adjoining property on either side thereof; and where such road, lane, right-of-way, or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise.
e. In the event a dedicated road, lane, or right-of-way shown on the map is closed, the property formerly in said road, lane, or right-of-way shall be included within the zone of the adjoining property on either side of the said closed road, lane, or right-of-way, and the zoning boundary shall be the former centre line of said closed road, lane, or right-of-way.
f. Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined to the scale on the zoning maps in the office of the Clerk.
g. Wherever it occurs, the municipal limit of the Township of O'Connor is the boundary of the zone adjacent to it.
h. The boundaries of the Regulated Area (LRCA) are to be considered approximate and subject to confirmation from the Lakehead Region Conservation Authority.

4 GENERAL

4.1 APPLICATION

1) The provisions of this section apply in all zones, except as may be indicated otherwise.

4.2 ACCESSORY USES

1) Accessory uses, building or structures, are permitted in any yard, in any zone, subject to the provisions of this By-Law for the particular zone in which said building, structure, or use is located.
2) Accessory uses, buildings or structure shall:
    a. Not be used for human habitation, except where a residential use is a permitted accessory use;
    b. Not be considered as an accessory building or structure if attached to the main building in any way;
    c. Not be considered an accessory building or structure if located completely underground;
    d. Not exceed the following height limits:
        i. For industrial or agricultural uses: height limit requirements for the main building
        ii. For all other uses: 4.5 metres in height, or the height of the main building, whichever is the lesser
    e. Not exceed the following setbacks from property lines:
        i. For industrial or agricultural uses: setback requirements for the main building
        ii. For accessory uses, buildings, or structures 3 metres in height or less: 6 metres
        iii. For all other accessory uses, buildings or structures: 10 metres
    f. Not exceed the following lot coverage limits, which shall be included in the maximum lot coverage in the zone:
        i. In the case of lots with an area of 2.0 hectares or less: 10 percent.
        ii. In the case of lots with an area of 2.0 hectares or greater: 15 percent.

4.3 ACCESSORY / SECONDARY DWELLING UNITS

1) An accessory dwelling unit shall be permitted in a single-detached dwelling or an accessory building in the RU Zone, and shall comply with the following:
    a. An accessory dwelling shall not be erected on a lot that is occupied by a

garden suite, bed and breakfast establishment, a group home, or a boarding house.

b. An accessory dwelling unit must comply with the applicable provisions of the Ontario Building Code.
c. A maximum of one accessory dwelling unit shall be permitted per lot.

2) Accessory dwelling units in commercial buildings shall be subject to the following provisions:
   a. No commercial building wherein gasoline, petroleum products or any other highly flammable, toxic or explosive products are handled in quantity shall have attached dwelling units.
   b. Where such dwelling units exist and the use of the commercial establishment changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

4.4 AUTOMOBILE SERVICE STATIONS

1) Notwithstanding any other provisions of this By-Law, where a lot is used for an automobile service station or gas bar, the following regulations shall apply:
   a. The automobile service station or gas bar shall comply with the provisions established in Table 1 below.
   b. No portion of any pump island shall be located closer than 6 metres from the road line of any road.
   c. The minimum distance from the intersection of two road lines to the nearest driveway shall not be less than 9 metres;
   d. The maximum width of a driveway at the road line shall not be more than 9 metres.
   e. The minimum distance between driveways shall not be less than 9 metres.

Table 1

	Interior Lot	**Corner Lot**
Minimum lot frontage	30 metres	45 metres
Minimum lot depth	38 metres	38 metres

2) Notwithstanding any other provisions of this By-Law, where a lot is used for a fuel supply station, the regulations of the Technical Standards and Safety Act shall apply.

4.5 BED AND BREAKFAST

1) A bed and breakfast is permitted in a single-detached dwelling in any zone in which a single-detached dwelling is permitted as a primary use, in accordance with the following regulations:
    a. The operation of a bed and breakfast shall be incidental and secondary to the main use as a dwelling unit;
    b. The lot on which the bed and breakfast is proposed has frontage upon a road which is open and maintained by the Township, the Province of Ontario or another road authority;
    c. The operation of a bed and breakfast shall not change the character or in any way alter the exterior appearance of the dwelling;
    d. The bed and breakfast shall be operated only by a person or persons whose principal residence is the dwelling unit containing the bed and breakfast;
    e. One parking space shall be provided for every two bedrooms used to provide accommodation to the travelling or vacationing public, in addition to the parking spaces required for the single-detached dwelling, in accordance with the following regulations:
        i. Such parking space(s) shall have minimum rectangular dimensions of 2.4 metres by 6.0 metres;
        ii. Such parking space(s) shall be located on the same lot as the bed and breakfast; and
        iii. Such parking space(s) may be located in tandem with the parking spaces required for the single-detached dwelling; and
    f. One non-illuminated identification sign with a maximum size of 1 square metre is permitted.

4.6 COMMERCIAL ACCESSORY USES

1) Notwithstanding any other provision of this By-Law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building, shall not exceed 40 percent of the total floor area of the main building, and shall not exceed a maximum floor area of 278 square metres.

4.7 DANGEROUS USES

1) No land, building or structure shall be used in the Township of O'Connor for the industrial manufacture or distribution of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitro-glycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is

likely to create danger to health, or danger from fire or explosion, except as otherwise specifically provided for in this By-Law.

4.8 DWELLING UNIT PROVISIONS

1) Where a dwelling unit is provided accessory to a non-residential use, a minimum of 18.5 square metres of open space shall be provided for the exclusive use of the occupant of the dwelling unit.
2) An open space provided under provision (1) shall not form part of any required parking area or loading space.
3) The floor area of all dwelling units shall be compliant with the Ontario Building Code, as amended.

4.9 EXISTING VACANT LOTS

1) An existing vacant lot having less than the minimum frontage, depth or area required by this By-Law may be developed for all uses in the appropriate zone, provided:
    a. All other regulations of this By-Law are satisfied;
    b. Such lots are serviced by private well and septic systems that meet the requirements of the authority having jurisdiction; and
    c. Such lots have a minimum frontage of 12.0 metres on a road.

4.10 GROUP HOMES AND CRISIS CARE FACILITY

1) Group homes shall be permitted in all zones permitting residential uses, provided that they are provincially licensed.
2) The minimum floor area of a group home shall be 23.0 square metres, plus an additional 7.0 square metres for each resident, exclusive of staff or receiving family.

4.11 HEIGHT

1) The height regulations shall not apply to any ornamental dome, chimney, hydro towers, communications tower, storage silo, barn, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, television or radio antenna, ventilators, sky lights, windmills or solar collectors, and fire lookout towers.

4.12 HOME INDUSTRIES AND HOME OCCUPATIONS

1) Where residential uses are permitted, a home occupation is permitted, and a home industry is permitted subject to a Zoning By-law Amendment, provided that:
    a. The home occupation or home industry has at least one permanent resident of the dwelling unit engaged in the business;
    b. In the case of a home occupation, a maximum of one staff person in addition

to the permanent resident is employed therein;

c. In the case of a home industry, a maximum of three staff persons in addition to the permanent resident are employed therein;
d. Any signage shall have no impact on vehicular safety, including visibility or light pollution;
e. The home occupation or home industry shall not change the character of the dwelling as a private residence or create or become a nuisance due to such matters as noise, smell, hours of operation or traffic generation;
f. In the case of a home occupation, such operation shall not occupy more than 25 percent of the floor area of the dwelling unit;
g. In the case of a home industry, the business operation shall be conducted in whole or in part in an accessory building, except for the clerical and office functions of the home industry, which may be conducted in the dwelling unit; and
h. Adequate off-road parking is provided with the provisions of this By-law.

4.13 LAND WITHOUT BUILDINGS

1) Where land is used for, or in connection with, any use but without any buildings or structures thereon, all yards required by the By-Law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply.
2) Notwithstanding provision (1), gardening or open space uses permitted by this By-Law are permitted in required yards.

4.14 LOADING SPACES

1) No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise, or materials unless loading spaces are provided and maintained on the site in accordance with the following provisions:
    a. One loading space shall be provided for every 278.0 square metres or fraction thereof of the total floor area;
    b. Loading spaces shall have dimensions not less than 3.0 metres wide by 7.5 metres long; and
    c. Loading spaces shall not have less than 4.5 metres of vertical clearance.

2) Where loading spaces are required or permitted in this By-law, the following standards shall apply:
    a. The loading space shall be accessed by adequate driveway space to permit the safe manoeuvring, loading, and unloading of vehicles on the lot, such

that they do not cause an obstruction or a hazardous condition on adjacent road or sidewalks;

b. The loading space features adequate drainage facilities, in accordance with requirements of the Township; and
c. Loading spaces are illuminated by lighting arranged as to be diverted away from any adjacent residential, institutional, or open space zone.

4.15 MAIN BUILDING ON A LOT

1) No person shall erect more than one dwelling unit on a lot unless specifically allowed in that Zone.
2) No person shall erect more than one main building on a lot except for:
    a. Commercial and industrial buildings located in commercial and industrial zones; or
    b. Farm related buildings located on an active farm.

4.16 MINIMUM DISTANCE SEPARATION

1) Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no residential, institutional, commercial, industrial, or recreational use located on a separate lot and otherwise permitted by this By-Law shall be established, and no building or structure for such use shall be erected or altered, unless it complies with the Minimum Distance Separation (MDS I) Formula established by the Province, as amended, and implemented under the guidelines established by the Province, as amended.

2) Notwithstanding any other yard or setback provision of this By-Law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) Formula established by the Province, as amended, and implemented under the guidelines established by the Province, as amended.

3) Application of the Minimum Distance Separation (MDS I and MDS II) Formulae shall not be required between a livestock facility and a:
    a. Dwelling or accessory building on the same lot;
    b. Public utility;
    c. Sewage treatment facility;
    d. Waste disposal facility; or
    e. Pit.

4.17 MOBILE DWELLING

1) A mobile dwelling shall only be permitted where specifically listed as permitted within a particular zone, provided:
    a. The mobile dwelling conforms to CSAb Z240 or Z421, and the Ontario Building Code;
    b. A building permit has been obtained for placement at the proposed location.
2) New mobile dwelling parks shall not be permitted.

4.18 NON-COMPLYING USES

1) Where an existing building is located on a lot having less than the minimum frontage or area required by this By-Law, or having less than the minimum setback, front yard, or rear yard required by this By-Law, the building may be enlarged, reconstructed, repaired or renovated, provided that the development or work does not further expand the degree of non-compliance.
2) Where any lot existing on the date of the passing of this By-Law is rendered non-complying due to expropriation or dedication for public use:
    a. The lot shall be deemed to conform with this By-Law with respect to those provisions made non-complying by metric conversion, expropriation or dedication for public use
    b. The non-complying provisions shall not prevent the use of such lot, or the erection, alteration or use of a permanent building or structure thereupon, provided that:
        i. The use of land remains the same, in accordance with all other provisions of this By-Law; and
        ii. The degree of non-conformity is not increased.
3) No part of any existing lot shall be reduced in area or frontage by the conveyance or alienation of any portion of the lot, so as to create a situation of non-conformity or increase the degree of non-conformity with this By-Law.
4) Notwithstanding provision (3), where a lot is reduced in area or frontage through the conveyance or acquisition of part of the lot by the Public Authority, any building or structure located upon the lot shall be deemed to remain in conformity with this By-Law.

4.19 NON-CONFORMING USES

1) The provisions of this By-Law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-Law if such lot, building or structure was lawfully used for such purpose on the date of final passing of this By-Law.

2) The provisions of this By-law shall not apply to prevent the erection or use for the purpose prohibited by this By-Law of any building or structure, the plans for which have, prior to the date of the passing of the By-Law, been approved by the Township, provided:
    a. The building or structure, when erected, is used and continues to be used for the purpose for which it was erected; and
    b. The permit has not been revoked under the Building Code Act.

4.20 NON-COMPLYING / NON-CONFORMING USES: STRENGTHENING AND RESTORATION

1) Nothing in this By-Law shall prevent the strengthening or restoration to a safe condition of any use, provided, in the case of a non-complying use:
    a. In the case of a building that is non-complying with provisions of this By-law, the strengthening or restoration activities do not further reduce a setback or yard not in compliance with the By-Law; and
    b. In the case of a use that is non-conforming with the provisions of this By-law, the strengthening or restoration activities do not enlarge a use not permitted by this By-Law.

4.21 NOXIOUS USES

1) Nothing in this By-Law shall be construed to permit the use of land or the erection or use of a building or structure for any purpose:
    a. That is or is likely to become a nuisance or offensive:
        i. By the creation of noise or vibrations; or
        ii. By reason of the emission of gas, fumes, dust or objectionable odour; or
        iii. By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material.
    b. Which, by its nature or by the materials used therein, is declared under the Public Health Act, as amended or revised, or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

4.22 OCCUPANCY OF PARTIALLY COMPLETED BUILDINGS

1) No building, except in the case of an apartment building, shall be occupied before an occupancy permit has been issued by the Township.
2) Where an occupancy permit has been issued for a multi-unit building, a unit may be occupied if construction of other units in the building have not yet been completed.

4.23 PARKING REQUIREMENTS

1) For every type of building listed below which is erected, altered, or enlarged in any zone after the passing of this By-Law, off-road parking shall be provided and maintained in that zone in accordance with the following provisions:

TYPE OF USE	MINIMUM PARKING REQUIRED
Senior Citizen Dwelling	0.5 spaces per unit.
All Other Dwellings	1.5 spaces per unit.
Boarding house, rooming house and tourist home	1 space for every room which may be offered for rent.
Auditoriums, theatres, arenas, community centres, or private clubs	Where there are fixed seats, 1 parking space for every 5 seats or for 3.0 metres of benchspace; Where there are no fixed seats, 1 parking space for each 9.0 square metres of floor area devoted to public use.
Schools	1 parking space for each teaching staff member, plus 1 additional parking space for each 20.0 square metres of auditorium space.
Churches	1 parking space for every 5 seats or 6.0 metres of benchspace to its maximum seating capacity.
Hotels, Motels and Taverns	1 parking space per rental unit, plus 1 additional parking space for each 9.0 square metres of floor area devoted to public uses such as restaurants.
Medical Clinics and Offices	3 parking spaces each or 1 parking space for each 28.0 square metres of floor area, whichever is greater.
Industrial Uses	1 parking space for each 93.0 square

TYPE OF USE	MINIMUM PARKING REQUIRED
	metres of floor area, or for each 5 employees, whichever is greater.
Retail or Service Stores or Offices	1 parking space for each 28.0 square metres of floor area.
Home Industry, Home Occupation or Home Profession	1 off-road parking space for each 28.0 square metres of floor area devoted to said use in addition to that required for the dwelling.
Group Homes/Crises Residences	1.25 parking spaces per receiving family and 1 parking space for each staff person on duty at any time, plus 1 parking space for each 2 beds or each 37.0 square metres or part thereof, whichever is the greater.
All Other Uses Not Specified Above	1 parking space for each 28.0 square metres of floor area.

2) Each parking space and driveway connecting the parking area with a road shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
3) A parking space shall be an area of land suitable for the parking of a vehicle being not less than 18.5 square metres in area and 3.0 metres in width and shall include adequate access to a public road.
4) Access to all required parking spaces shall be subject to the following provisions:
    a. For institutional, commercial and industrial uses shall be provided by means of unobstructed driveways and aisles at least 7 metres in width.
    b. Access to parking spaces for all other uses shall be provided by means of unobstructed driveways at least 3 metres in width.
5) When a building or structure, other than a single-detached dwelling, has insufficient parking spaces on the date of passing of this By-Law to comply with the requirement herein, no addition may be built and no change of use may occur, unless the parking requirements are met for the entire use.

4.24 PERMITTED ENCROACHMENTS IN YARDS

1) Every part of any yard required by this By-Law shall be open and unobstructed by any structure, other than a fence, from the ground to the sky.
2) Despite provision (1), accessory buildings shall be permitted in accordance with subsection 4.2.
3) Despite provision (1), the structures listed in Table 2 shall be permitted to project into the yards indicated for the distances specified:

Table 2

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAX PROJECTION FROM MAIN WALL PERMITTED
Sills, belt courses, cornices, eaves, gutters chimneys or pilasters	Any yard	0.5 metres
Window bays	Any yard	1.0 metres
Balconies	Front and rear yards only for all types of dwellings except apartment buildings	2.0 metres
Open, roofed porches not exceeding one storey in height; covered terraces	Any yard	2.5 metres including eaves and cornices
Decks	Any yard	2.5 metres into the side yard and front yard, but must maintain a 1 metre setback from any lot line

4.25 PERMITTED PUBLIC USES

1) Notwithstanding anything else in this By-Law, 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 Government of Canada, Province of Ontario, Corporation of the Township of O'Connor, Hydro One, Tbaytel, utility companies, or by any local Board thereof as defined by the Municipal Act, or as revised or amended from time to time.

4.26 PROHIBITED USES

1) It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purposes of salvage yards, a waste disposal facility, a pit or quarry, the collection of rags, junk, refuse, or scrap metal, unless such uses are specifically listed as permitted uses within a particular zone.

4.27 REDUCTION OF LOT AREA

1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, or otherwise, so that any building or structure on such lot shall have a lot coverage or a ground floor area that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than, that permitted by this By-Law for the zone in which such lot is located; and
2) If any such reduction in the area of a lot occurs, no structure located on the lot shall be used until the requirements of this By-Law applicable thereto are complied with.

4.28 REGULATED AREA (LRCA)

1) Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-law, all development on lands that are subject to the Regulated Area (LRCA) overlay is prohibited unless a permit or other form of authorization from the Lakehead Region Conservation Authority is issued. Development that may require a permit includes:
    a. The construction, reconstruction, erection or placing of a building or structure of any kind;
    b. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure;
    c. Site grading;
    d. The temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere; or
    e. The straightening, changing, diverting or interfering of an existing channel of a river, creek, stream, or watercourse, or for changing or interfering in any way with a wetland.

4.29 SERVICES REQUIRED

1) No person shall erect or use any dwelling or occupied building unless the requirements of the Thunder Bay District Health Unit and the Ministry of the Environment, Conservation and Parks are met for the supply of potable water and the collection and treatment of sanitary sewage and other wastes.

4.30 SETBACKS ON ALL ROADS

1) Notwithstanding any other provisions of this By-Law, a building or structure in any zone on a public road allowance which is less than 20 metres wide, shall be set back 10 metres plus the required minimum front yard for that zone measured from the centre line of the road allowance.
2) In addition to Township requirements, all development adjacent to Provincial highways is also subject to the Ministry of Transportation of Ontario's requirements and permits.

4.31 SETBACKS FROM NON-NAVIGABLE WATERCOURSES, HAZARD LANDS AND STORMWATER MANAGEMENT INFRASTRUCTURE

1) Notwithstanding any other provisions of this By-Law, a building in any zone is required to be no closer than 7.5 metres from the top of the bank of any watercourse, or Township drainage ditch, permanent or intermittent, which is not navigable.
2) In the case of hazard lands, no part of any building shall be constructed closer than 7.5 metres to the nearest point of the area to which the hazardous condition is deemed to exist, as determined by the Township of O'Connor in consultation with the Lakehead Region Conservation Authority.

4.32 SPECIAL TEMPORARY USES

1) Nothing in this By-Law shall prevent the use of land or the use or erection of a building or structure for:
    a. A scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
    b. A sign having an area of not more than 4.5 square metres incidental to construction in progress on premises for which a building permit has been granted, until such time as work has been finished or abandoned;
    c. A carnival, circus or festival or other public gathering, each of which is held not more than twice per year, in the commercial, institutional or open space zones; or
    d. A farmer's market held not more than two days per week in any zone.

4.33 ROAD FRONTAGE REQUIRED

1) No person shall erect any building or structure unless:
    a. The lot upon which such building or structure is to be erected, except as otherwise specifically permitted in this By-Law,

b. The lot has frontage upon a road which is open and maintained by the Township, the Province of Ontario or some other road authority, in such a manner so as to permit its use by vehicular traffic
c. Notwithstanding provision (b), a building or structure may be erected upon a lot within a registered plan of subdivision in accordance with the provisions of a subdivision agreement, if the roads within such plan of subdivision have not been assumed and are not being maintained by the Township.

4.34 TEMPORARY CONSTRUCTION USES

1) The temporary use of buildings and structures incidental and necessary for lawful construction work will be permitted in all zones, but only for so long as the same are necessary for construction work.

4.35 TRUCK, BUS AND COACH BODIES OR TRAILERS OR TENTS USED FOR HUMAN HABITATION

1) The use of any trailer for the living, sleeping, or eating accommodations of persons shall be permitted for a maximum of eight consecutive months.
2) Except as expressly permitted by this By-Law, no truck, bus, railroad car, caboose, coach or streetcar body shall be used for human habitation whether the same is mounted on wheels or not.
3) Except as expressly permitted by this By-Law, the use of tents for human habitation is prohibited.

4.36 WATERCOURSE MANAGEMENT AND CONSERVATION AREA

1) Works related to watercourse management and conservation shall be permitted in any zone, subject to the Regulated Area (LRCA) provisions of this By-law.

4.37 WAYSIDE PITS AND WAYSIDE QUARRIES

1) A wayside pit or a wayside quarry shall be permitted in any Zone, except the Regulated Area (LRCA).

5 RURAL ZONE (RU) REGULATIONS

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

5.1 PERMITTED USES, BUILDINGS AND STRUCTURES

- agricultural use
- forestry use
- dwelling unit
- conservation uses
- single-detached dwelling
- seasonal dwelling
- modular dwelling
- mobile dwelling
- environmental protection area
- stable or riding academy

5.2 ZONE PROVISIONS

	Provisions
MINIMUM LOT AREA	2.0 ha
MINIMUM LOT FRONTAGE	90 m
MINIMUM FRONT YARD	30.0 m
MINIMUM REAR YARD	30.0 m
MINIMUM SIDE YARD	10.0 m
MAXIMUM LOT COVERAGE	25 percent (for the sum of all buildings)
MINIMUM FLOOR AREA	in accordance with Section 4.8

5.3 REQUIRED SIDE YARD FOR SHELTERING ANIMALS

1) Notwithstanding Section 5.2 above, the required side yard for any building used to shelter animals shall be 30 metres, and the provisions of this By-law shall apply in all other respects.

5.4 REQUIRED SETBACKS ABUTTING A DISPOSAL INDUSTRIAL ZONE (D)

1) Where a Rural Zone abuts a Disposal Industrial (D) Zone, notwithstanding Section 5.2 above, no dwelling shall be erected, altered or used within 300 metres of the lot line abutting the Disposal Industrial (D) Zone.
2) Where a Rural Zone is separated from a Disposal Industrial (D) Zone by a public road, no dwelling shall be erected, altered or used within 100 metres of the lot line

abutting the public road.

5.5 REQUIRED YARDS ABUTTING AN EXTRACTIVE INDUSTRIAL ZONE (E)

1) Where a Rural Zone abuts an extractive industrial (E) Zone, notwithstanding Section 5.2 above, the required side and rear yards shall be 90 metres.

5.6 FORESTRY USES

1) Processing of forest products are permitted in the Rural Zone provided that:
    a. The maximum building size associated with the forestry use is 200 square metres;
    b. No equipment or machinery is stored within 30 metres of a lot line, a road, or a road allowance;
    c. No equipment or machinery is stored within 120 metres of a building on an adjacent lot used for residential, recreational, institutional or commercial uses.

6 GENERAL INDUSTRIAL ZONE (M1) REGULATIONS

No person shall within any General Industrial Zone (M1) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section:

6.1 PERMITTED USES, BUILDINGS AND STRUCTURES

- automobile service station
- automobile body repair shop
- automotive gas bar
- batching plant, asphalt or concrete
- bulk sales establishment
- contractor's yard
- public garage or service station
- industrial use
- light industrial use
- heavy industrial use
- merchandise repair establishment
- salvage yard
- sawmill complex
- service shop
- vehicle repair shop

6.2 ZONE PROVISIONS

	Provisions
MINIMUM LOT AREA	2 hectares
MINIMUM LOT FRONTAGE	90 metres
MINIMUM FRONT YARD	30 metres
MINIMUM REAR YARD	15 metres
MINIMUM SIDE YARD	20 metres
MAXIMUM HEIGHT	11 m
MAXIMUM LOT COVERAGE	30 percent

6.3 ABUTTING COMMERCIAL OR INDUSTRIAL USE

1) Where an M1 Zone abuts any other commercial or industrial use, the required side yard shall be 15 metres.

7 DISPOSAL INDUSTRIAL ZONE (D) REGULATIONS

No person shall within any Disposal Industrial Zone (D) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section:

7.1 PERMITTED USES, BUILDINGS AND STRUCTURES

- waste disposal facility

7.2 ZONE PROVISIONS

1) No waste disposal facility shall be located within 500 metres of a building used for residential, recreational, institutional, or commercial purposes.
2) No waste disposal facility shall be located within 60 metres of any road or road allowance, except a road serving the disposal site, or within 100 metres of an adjoining property, except a property zoned Disposal Industrial (D).

8 EXTRACTIVE INDUSTRIAL ZONE (E) REGULATIONS

No person shall within any Extractive Industrial (E) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section:

8.1 PERMITTED USES, BUILDINGS AND STRUCTURES

- gravel pit
- extractive industrial use
- mineral mining operation
- pit
- quarry
- open storage

8.2 ZONE PROVISIONS

1) No excavation, building, equipment or stockpile shall be located within 120 metres of a building used for residential, recreational, institutional or commercial purposes.
2) No excavation, building, equipment or stockpile shall be allowed within 30 metres of any road or road allowance or adjoining property except a property currently zoned as Extractive Industrial.

9 INSTITUTIONAL ZONE (I) REGULATIONS

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

9.1 PERMITTED USES, BUILDINGS AND STRUCTURES

- assembly hall
- cemetery
- church
- community centre
- government office
- institutional use
- recreational facility
- school

9.2 ZONE PROVISIONS

	Provisions
MINIMUM LOT AREA	1 hectare
MINIMUM LOT FRONTAGE	60 metres
MINIMUM LOT DEPTH	100 metres
MINIMUM FRONT YARD	30 metres
MINIMUM REAR YARD	15 metres
MINIMUM SIDE YARD	20 metres
MAXIMUM HEIGHT	11 metres
MAXIMUM LOT COVERAGE	No maximum
MINIMUM DISTANCE BETWEEN DETACHED BUILDINGS	6 metres

9.3 MANSE WITH A CHURCH

1) Notwithstanding Section 9.1, a manse is permitted with a church provided that the minimum lot area is 2 hectares and the minimum lot frontage is 90 metres. In all other respects, the provisions of this By-law shall apply.

9.4 REQUIRED YARDS ABUTTING AN INSTITUTIONAL ZONE (I)

1) Notwithstanding Section 9.2, where an Institutional Zone abuts a Rural Zone, the required side and rear yard setbacks shall be 90 metres.

10 OPEN SPACE ZONE (OS) REGULATIONS

No person shall within any Open Space (OS) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

10.1 PERMITTED USES, BUILDINGS AND STRUCTURES

- conservation uses
- environmental protection area
- open space
- park
- trail system

10.2 OTHER PROVISIONS

1) Buildings, structures and parking lots are prohibited within 30 metres of a lot line or public road.

O'Connor Township

Zoning By-Law

Draft
(June 24, 2016)

Legend

Zoning

- D - Disposal Industrial
- E - Extractive Industrial
- I - Institutional
- MI - General Industrial
- OS - Publick Open Space
- RU - Rural
- Regulated Area (LRCA)

Administrative Boundary

- Township
- Lot & Concession
- Assessment Parcel

Utilities

- Transmission Line
- Pipeline
- Railway

Roads

- Highway
- Road
- Other

Drainage

- Water Body
- Wetland
- Stream
- Ditch

N

Scale: 1:18,000

0 250 500 1,000 m

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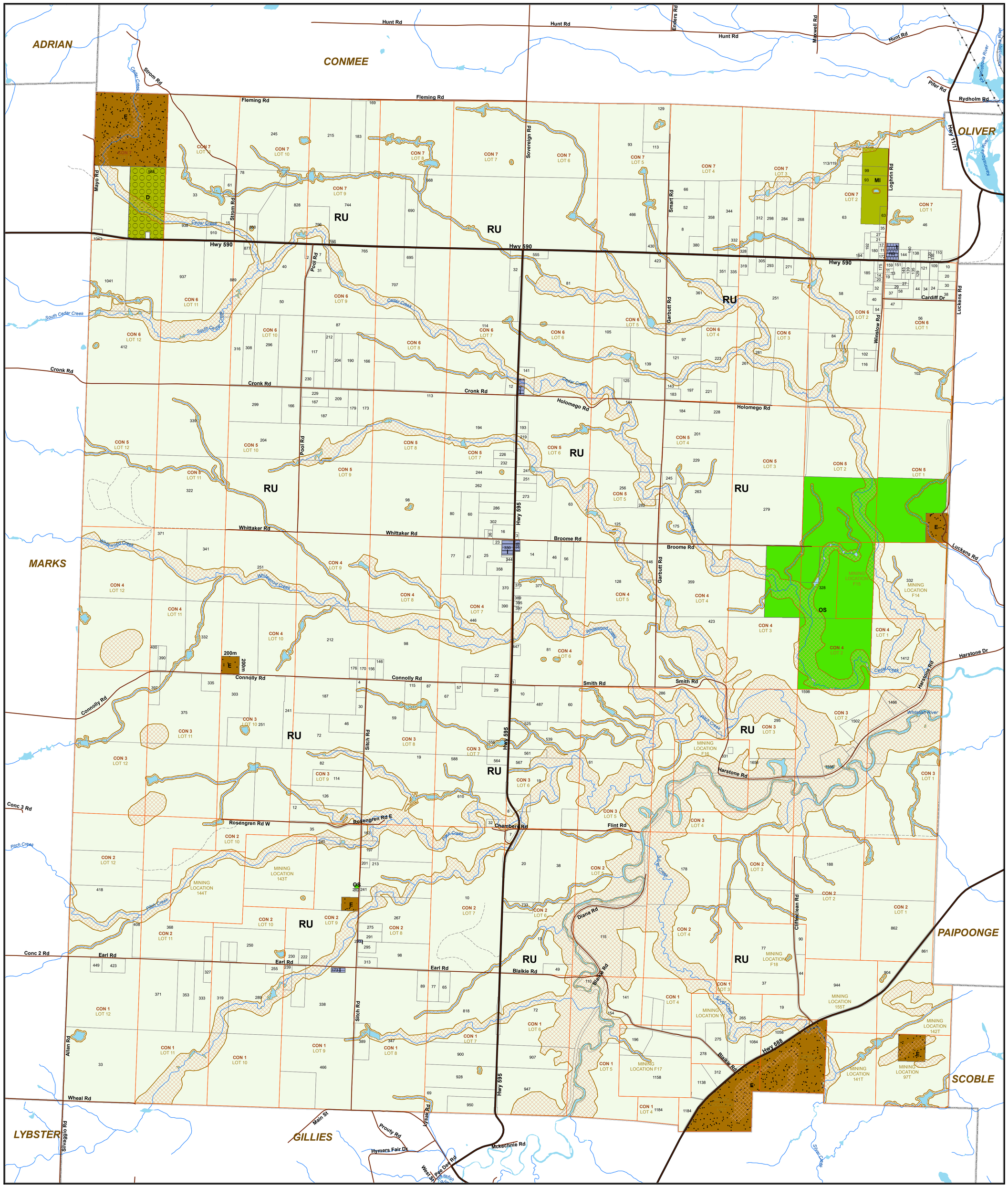

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