

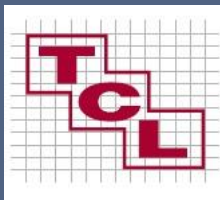
Kapuskasing
ONTARIO

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Town of Kapuskasing Zoning By-law

By-Law No. 4198



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Office Consolidation

December 2022

Administrative Notes

Since the Adoption of the By-law the following By-laws have been adopted to amend the original By-law: 1737, 23457, 2352, 2384, 2523, 2541, 2648, 2691, 3032, 3074, 3762, 4100, 4356.

4430 – August 2021 – general housekeeping and replacement of both Schedules A and B

Consolidation date reflects the date to which amending by-laws that were in full force and effect on that date have been incorporated into this version of the text.

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THE CORPORATION OF THE TOWN OF KAPUSKASING ZONING BY-LAW

Explanatory Note

The purpose of this By-law is to implement the Official Plan of the Kapuskasing and District Planning Area and to regulate the use of land and the character, location and use of buildings and structures in the Town of Kapuskasing and surrounding rural area. This By-law applies to all lands within the Town of Kapuskasing and the unincorporated territory of the Kapuskasing and District Planning Area.

The By-law is passed by the authority of Section 34 of the *Planning Act*. The By-law conforms to the Official Plan for the Kapuskasing and District Planning Area. This Office Consolidation includes all amendments up to September 2021.

After the date of adoption of this By-law, any new development, **redevelopment** or alteration to an **existing** use or building must comply with the regulations of this By-law before a building permit can be issued. Applicants are encouraged to pre-consult with the **Planning Board** or **Municipality** on how the zoning regulations apply.

Changes to the regulations contained in this By-law may be made with prior approval from the Town as provided for under the *Planning Act*. Significant changes may require an amendment to the Zoning By-law. Minor variances to the By-law may be granted by the Town's Committee of Adjustment.

The proposed Zoning By-law Amendment would introduce new provisions related to well-head protection and cannabis cultivation/processing/retail. The proposed Zoning By-law Amendment would also update existing provisions waste management facility setbacks, home-based businesses, permitted projections, accessory structures, hobby farms, kennels, recreational vehicles, sightlines, landscape buffers and planting strips, existing dwellings in the C1 and C2 Zone, driveways, and garbage enclosures. The proposed Zoning By-law Amendment would also propose various clarifications to aide in the interpretation of the Zoning By-law.

Minor Variances

Criteria for evaluating Minor Variances (section 45(1)) of the *Planning Act*):

The general intent and purpose of the **Official Plan** are maintained;

The general intent and purpose of the Zoning By-law are maintained;

The variance is minor; and

The proposed use of land, building or structure is desirable for appropriate development.

An application for a minor variance must meet all of the above four tests to be approved. Where a proposed variance is not minor or cannot satisfy the criteria for a minor variance, an amendment to this Zoning By-law may be required. Applications are available from the Town office or on the website www.townofKapusksasing.com

How long does a minor variance application take to be approved?

Upon the receipt of a complete application a minor variance application usually takes 1-2 months to complete. The level of complexity and issues related to the proposal will affect the timeline.

Zoning By-law Amendments

The Zoning By-law may be amended where the proposed amendment complies with the Town's *Official Plan*. In accordance with the requirements of Section 34 of the *Planning Act*, the usual procedure for amendments involves the following steps:

The person or public body wishing to amend the Zoning By-law must consult with the municipality before making an application. The application may then be made to the Clerk/Administrator of the Corporation of the Town of Kapuskasing to amend the By-law under (subsection 34(10.0.1) of the *Planning Act*). Applications are available from the Town office (88 Riverside Drive, Kapuskasing) or on the Town's website www.kapusksasing.ca

Designated staff will determine whether the application is a 'complete' application. Additional information, reports or studies may be required to support the proposed amendment before the application is considered complete. Applicants are required to submit a public consultation strategy with their application. The strategy must indicate how people who might be affected by the application are to be informed of the proposed rezoning (i.e. neighbouring property owners). The strategy is separate from the Town's requirement to hold a public meeting under the *Planning Act*. Council has 30 days from the date of application to determine whether the application is complete (s. 34(10.1-10.3)). A complete application also requires that the Town's application fee is paid.

Once the application is considered complete, staff circulates to the applicant and prescribed agencies and bodies a Notice of Complete Application (s. 34(10.4)). If Council deems an application incomplete or does not make a decision within 30 days from the

date of application, the person or public body may appeal to the Ontario Municipal Board (OMB) to determine whether the application is complete (s. 34(10.5)).

If an application is considered complete, staff advertises that a Public Meeting will be held in order to consider an amendment to the Zoning By-law. Advertisement is given 20 days in advance of the public meeting (s. 34(12-13, 14.1)). The advertisement may be placed in the local newspaper, or may be mailed, faxed, or emailed to all property owners within 120 m of the property affected by the application. Where the notice is mailed, the applicant must also post a notice in a location on the property to be zoned that is visible from the adjacent **street**.

Council holds a Public Meeting and evaluates the appropriateness of the proposed amendment. Council considers the proposal's conformity with the **Official Plan**, adequacy of services, conformity with the provisions of the requested zone, suitability of the proposed use in the proposed location, public input, etc. The application must also be consistent with the Provincial Policy Statement and must also comply with the Growth Plan for Northern Ontario. If the application is considered satisfactory, the amending By-law is passed by Council.

Within 15 days of the passing of the by-law, the Clerk/Administrator will give written notice of the decision of Council through a notice in the local newspaper or by mail, fax, or email to the applicant, to all property owners within 120 m of the rezoned property and to anyone who made a written request to receive notice of the decision (s. 34(10.9, 18)).

If Council refuses the application and does not amend the zoning by-law, the Clerk must give written notice with reasons to the applicant as to why the application was refused. The notice must be given within 15 days of Council's decision.

Any person who gave their opinion at a public meeting or who submitted their concerns in writing to the Clerk before the by-law was passed may appeal the decision of Council to the Ontario Municipal Board. The appeal must be filed with the clerk within the 20 day appeal period set out in the notice of the passing of the Zoning By-law amendment (s. 34(19)) and must include a cheque for \$300 payable to the Minister of Finance. If a person does not make an oral or written submission prior to council passing the by-law, they may not appeal Council's decision.

If Council refuses to approve the application or Council does not make a decision within 120 days from the date the application the person or public body may appeal to the OMB (s. 34(11)). An appeal of a refusal must be made within 20 days of the date of the decision.

Where an appeal is made, Council may opt for mediation or dispute resolution to resolve the objection by giving notice to the appellant(s) (s. 34 (20.2)). Participation by the appellant(s) is voluntary but where agreed to, the period for mediation is 75 days.

An amendment to the Zoning By-law takes effect on the day the by-law was passed where no appeal is filed.

If a decision or lack of a decision is appealed to the OMB, the Board can make any decision the Council of the Town had in regard to the specific application (s. 34(26)). In other words, the OMB can approve, or refuse the application or approve the application in part.

How long does a zoning By-law amendment take to be approved?

Upon the receipt of a complete application (including any required supporting studies), a zoning By-law amendment usually takes 2-3 months to complete. The level of complexity and issues related to the proposal will affect the timeline.

How to Use this By-law

Step 1 – Locate Your Property and Determine the Zone

Use the zoning schedules (maps) at the end of this document to locate the property you are interested in. Identify the zone symbol that applies to that property. Zone examples include R1, RR, M1, and C1.

Step 2 – Determine What Uses are Permitted in the Zone

Use the Permitted Uses section of your Zone to determine what use(s) is/are *permitted* in the Zone you have identified. Run your finger down the list to find the use you are interested in. If you find the use you are interested in, it is *permitted* in the Zone. Otherwise, it is not *permitted* in that Zone.

Step 3 – Determine What Zone Regulations Apply

Once the use is determined to be *permitted*, move down to the Zone Regulations section. In this section the regulations will indicate what the minimum regulations will be, i.e. minimum lot area, lot frontage, building setbacks etc. These standards will help you determine where you can locate a building or structure on your lot and what the setbacks are from any lot line.

Step 4 – Determine if any General Provisions Apply

Development of the property may be affected by Section 3 (General Provisions). General Provisions can apply to any zone anywhere in the municipality. This section contains provisions that apply to such matters as Accessory Uses, Height Exceptions, Home Based Businesses, etc. Use this section to determine how a particular land use might be affected. Please note that there may be other setbacks or separation distances that might apply such as from a flood plain or from a gravel pit or industry.

Step 5 – Clarify the Meaning of a Use

Throughout the By-law some words are shown in *black italicized script*. These words are defined in Section 2 (Definitions). If you are unsure as to what a particular word means or what the scope of a *permitted use* includes, then refer to the alphabetical list of definitions to assist you. This section also contains illustrations which are intended to help with understanding the definition.

By-Law No. 4198

Being a By-law to adopt a comprehensive Zoning By-law for the Corporation of the Town of Kapuskasing in accordance with the provisions of Section 34 of the Planning Act.

The Council of the Corporation of the Town of Kapuskasing in accordance with the enabling authority and provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, hereby enact as follows:

That the attached comprehensive zoning by-law for the Corporation of the Town of Kapuskasing, including the text and attached Schedules A, and B, is hereby adopted;

That any predecessor by-laws and amendments adopted under Section 34 of the *Planning Act* are hereby repealed; and

That this By-Law shall come into force and take effect on the day of the final passing thereof subject to the requirements of the *Planning Act*.

READ a first time this 25th day of September, 2017.

READ a second time this 25th day of September, 2017.

READ a third time and finally passed on the 25th day of September, 2017.

Original signed by

MAYOR

Original signed by

CLERK

.....

1. Administration and Conformity Requirements

Explanatory Note

Section 1 identifies the administrative controls and requirements of the By-law. It names the By-law, states the relationship of the zoning by-law with other By-laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law operates.

1.1 Title and Scope

1.2 Title

This By-law shall be known as the "Zoning By-law" of the Corporation of the Town of Kapuskasing and shall consist of the text and one or more schedules attached hereto.

1.3 Application and Building Permits

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Town of Kapuskasing and upon appointment of the Ministry of Municipal Affairs and Housing of all lands outside of the Town of Kapuskasing, but which are within the Kapuskasing and District Planning Area.

Every planning application or application for a building permit shall be accompanied by information required to determine compliance with this By-law. The regulations of this By-law must be met before a building permit is issued by for the erection of any ***building or structure***.

1.4 Interpretation

The interpretation and application of the provisions of this By-law shall be held to be the minimum requirements for the promotion of health, safety, comfort, convenience and general welfare for the inhabitants of the Town of Kapuskasing, and for the inhabitants of the Kapuskasing and District Planning Area.

1.5 Conformity Requirements

No land, building or structure shall be used and no building or structure shall be erected or enlarged or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.

Subject to the granting of such minor variances as may be necessary, no lands shall be severed from any **existing** lot if the effect of such action is to cause the original, adjoining, remaining or new use, building, structure or lot to be in contravention of any provision of this By-law.

1.6 Zone Schedules

The zones set out in Section 4.1 and the boundaries of such zones are shown upon the maps attached hereto, marked Schedule 'A' and Schedule 'B' and designated as the 'Zoning Schedules', which zone boundaries and maps are hereby declared to form part of this By-law.

1.7 Zone Requirements

The zone requirements for each of the zones set out in Section 4.1 are shown in Table 29 – Zoning Provisions ' which is declared to form part of this By-law. *(As amended by By-law 4430)*

1.8 Administration

This By-Law shall be administered by the person appointed by the Council of the Town of Kapuskasing as the "**Chief Building/Zoning Official**" or such other person as Council shall designate, for lands within the Town of Kapuskasing and for all other lands within the Kapuskasing and District Planning Area.

1.9 Effective Date

Subject to the provisions of the Planning Act, this By-law or any amendment thereto shall come into full force and effect as of the date of passing hereof by **Council** and **Planning Board** respectively subject to the requirements of the Planning Act.

1.10 Penalty

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

1.11 Inspection of Premises

Subject to Section 49 of the Planning Act, R.S.O., 1990, as amended, an officer or any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.

Except under the authority of a search warrant issued under Section 49.1 of the Planning Act, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, and entry made only under the authority of a search warrant.

No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power under this Section of the Planning Act.

1.12 Licenses and Permits

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority, or approval required by this or any other By-law, regulation or by any other law in force from time to time.

1.13 Application and Plans

In addition to the requirements of the Building By-law, every application for a building permit shall be accompanied by plans drawn to an appropriate scale based upon an actual survey with proper survey markers placed on site, showing the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure. The plans shall indicate the proposed location, height and dimensions of the building or structure or work in respect of which the permit is applied for, and the location and dimensions of **existing** building or structure on the lot, together with a **block** plan and a statement signed by the owner or his agent duly authorized there unto in writing filed with **the Chief Building/Zoning Official** or any other officer or any person acting under his or her instructions. The statement shall indicate in detail, the current and proposed use of each building or structure, or parts thereof, and all information necessary to determine whether or not every such building and structure conforms with the requirements of the By-law.

1.14 Validity

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

1.15 Conflict

In the event of a conflict between this By-law and amendments thereto, and any general or special By-law, the most restrictive By-law shall prevail.

1.16 Metric and Imperial Terms

The imperial measurements contained in this By-law are included for convenience and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

1.17 Level of Accuracy

All calculations of the regulations of this By-law shall be to one decimal place, and in no case shall there be a rounding to such decimal place.

1.18 Defined Terms

All defined terms are shown in ***bold italicised script*** throughout this By-law.

1.19 Diagrams and Figures

This By-law contains a number of diagrams and figures which are intended to assist with the interpretation of the By-law; however, they do not form part of this by-law.

1.20 Reference to Legislation

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean the statute currently in force and any amendments thereto and all applicable regulations thereunder.

1.21 Technical Revisions to the Zoning By-law

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of the By-law.

Adding or revising technical information on the zoning maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends, or title blocks.

Changes to appendices, headings indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers or headers, which do not form part of this By-law and are editorially inserted for convenience or reference only.

1.22 Repeal

By-law No. 4150 and all amendments thereto are hereby repealed and replaced with this By-law.

2. Definitions

For the purposes of this By-law, the definitions given herein shall govern.

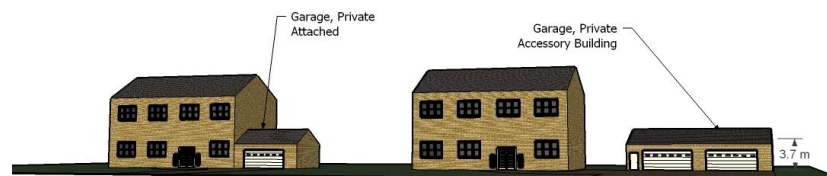
Words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number. The word "shall" is mandatory. The words "used" and "occupied" shall include the words "intended or arranged" and designed to be used or occupied.

In this By-law:

2.1 "ACCESSORY" when used to describe a use, *building* or *structure*, means a use, or a *building* or *structure*, that is naturally and normally incidental, subordinate and exclusively devoted to a *principle use, building* or *structure* and located on the same lot therewith (see **Figures 2.1** and **2.4**).

1. Accessory Dwelling means a fully-detached *dwelling* which is accessory to a *permitted* non-residential use and is occupied either by the owner of such non-residential use or by a person employed on the lot where such *dwelling* is located.
2. Accessory Dwelling unit means a dwelling unit which is part of and accessory to a *permitted* non-residential building. Such dwelling unit shall be occupied either by the owner of such non-residential building or by a person employed on the lot where such dwelling unit is located.

Figure 2.1: Accessory Building and Attached Building



2.2 "ACT" means The Planning Act, R.S.O. 1990, as amended from time to time.

2.3 "ADULT ENTERTAINMENT PARLOUR" means any *premise* or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations and for the purposes of this definition, the following terms shall be interpreted as follows:

1. "To provide" when *used* in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
2. "Services" includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include "goods" including books, clothing, magazines, pictures, slides and audio and/or video recordings;
3. "Services designed to appeal to erotic or sexual appetites or inclinations" includes:
 - a) Services of which a principal feature or characteristic is the nudity or partial nudity of any person; or
 - b) Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.

2.4 "ADVENTURE GAME" means an outdoor sport or *recreation commercial establishment* operated commercially in which participants engage in games mimicking combat-type roles and which may include the use of paint ball or similar equipment.

2.5 "ADVERSE EFFECTS"

As defined in the *Environmental Protection Act*, means one or more of:

1. Impairment of the quality of the natural environment for any use that can be made of it;
2. Injury or damage to property or plant or animal life;
3. Harm or material discomfort to any person;
4. An adverse effect on the health of any person;
5. Impairment of the safety of any person;
6. Rendering any property or plant or animal life unfit for human use;

7. Loss of enjoyment of normal use of property; and
8. Interference with normal conduct of business.

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

2.7 "AGGREGATE PROCESSING SITE" means land, *buildings* or *structures* used for the storage and processing of sand, gravel, rock and other *aggregate* for commercial or industrial purposes and in the production of goods for commercial or *industrial uses* from such *aggregate*.

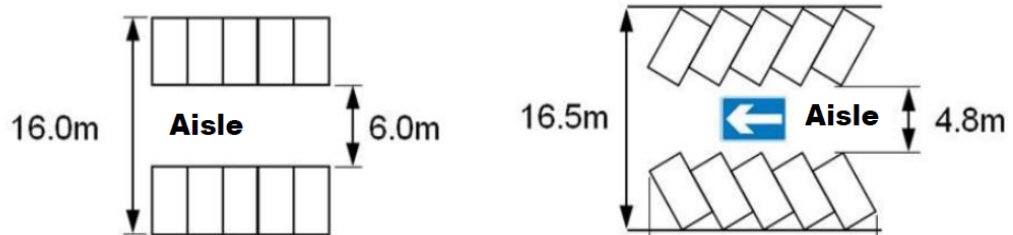
2.8 "AGRICULTURAL USE and cannabis use" means a use of land, *building* or *structure* for: [*\(As amended by By-law 4430\)*](#)

1. The growing of crops, including but not limited to nursery and horticultural crops and cannabis and all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops produced on the land; *(As amended by By-law 4430)*
2. Animal husbandry including the raising, boarding, and keeping of all forms of livestock, including poultry and fish, aquaculture, apiaries and all related activities such as breeding, training, feeding and grazing;
3. Agro-forestry, maple syrup production;
4. The production of animal products but not limited to milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products produced on the lands;
5. The use and storage of all forms of on-farm *buildings* and *structures*, equipment or machinery needed to accomplish the foregoing activities.

2.9 "AGRI-TOURISM USE" means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to a farm operation.

2.10 "AISLE" means the traveled way by which *motor vehicles* enter and depart *parking spaces* or *loading/delivery spaces* or a *parking area* (see **Figure 2.2**).

Figure 2.2: Examples of Parking Aisle



2.11 "AIRPORT" means land used for the purpose of landing, storing, taxiing or taking off of aircraft and uses, buildings and structures accessory thereto.

2.12 "ALTER" when used in reference to a *building* or part thereof, means to change any one or more of the external dimensions of such *building* or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "*alter*" means to decrease the width, depth or area of any required *yard, setback, landscaped open space* or *parking area*, or to change the location of any boundary of such *lot* with respect to a *street* or *lane*, whether such alteration is made by conveyance or alienation of any portion of said *lot*, or otherwise. The words "altered", "altering" and "alteration" shall have a corresponding meaning.

2.13 "ALTERNATIVE ENERGY SYSTEM" means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

2.14 "AMBULANCE FACILITY" means a *building* or part thereof where professional paramedics and personnel are stationed and their *motor vehicles* and equipment are kept or stored.

2.15 "ANIMAL DAY CARE ESTABLISHMENT" means a commercial *premise used* for a day care service for domestic pets, but shall not include an *animal shelter* or *kennel*.

2.16 "ARCHAEOLOGICAL RESOURCES" means artifacts, archaeological sites, and marine archaeological sites as defined under the *Ontario Heritage Act*.

2.17 "ASPHALT PLANT" means an industrial facility used for the production of asphalt for immediate use in the paving of *roads* and *driveways* and the damp-proofing of *buildings* or *structures*.

2.18 "ATTACHED" means a building or structure otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings (see **Figure 2.1**).

2.19 "AUCTION HALL" means a *building*, a *structure*, or parts thereof, or any lands or *premises* used for the storage of goods or materials which are to be sold on the *premises* by public auction and for the sale of the said goods and materials by public auction. An auction barn shall be included within this definition.

2.20 "AUTOBODY REPAIR SHOP" means the use of land, *building* or *structure* for the body repair, alteration, servicing and painting of vehicles.

2.21 "AUTOMOTIVE GASOLINE BAR OR CARD-LOCK FACILITY" means the use of land, or *building*, or *structure* where vehicle fuel 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.

2.22 "AUTOMOTIVE SALES ESTABLISHMENT" means a *building* and/or *lot* used for the display and sale of new and/or used *motor vehicles* and may include the servicing, repair, cleaning, body repair and repainting of *motor vehicles*, the sale of automotive accessories and related products and the leasing or renting of *motor vehicles*.

2.23 "AUTOMOTIVE SERVICE STATION" means a *building* or place where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, light bulbs, spark plugs, batteries for *motor vehicles* are stored or kept for sale, or where *motor vehicles* may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of *motor vehicles* are executed or performed, but shall not include an *automotive washing establishment*.

2.24 "AUTOMOTIVE WASHING ESTABLISHMENT" means a *building* or part thereof used for the operation of automotive washing equipment.

2.25 "BAKERY" means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other *bakery* product of which flour or meal is the principal ingredient, but does not include a restaurant or other *premises* where any such product is made for consumption on the *premises* or a bake shop.

2.26 "BALCONY" means an above ground platform projecting above the *established grade* from a *building* and is accessible from inside the *building* and with no steps to provide access to the ground. *(as amended by By-law 4430)*

2.27 "BANK OR FINANCIAL INSTITUTION" means a chartered *bank*, finance company office, co-op, trust company, loan company or similar establishment.

2.28 "BASEMENT" means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent *finished grade* (see **Figure 2.3**, see also CELLAR).

2.29 "BATCHING PLANT, ASPHALT OR CONCRETE" means 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 production process of finished products manufactured on the *premises* and the storage and maintenance or required equipment, but does not include the retail sale of finished asphalt or concrete products.

2.30 "BED AND BREAKFAST ESTABLISHMENT" means a private dwelling designed to be used in part for the accommodation of the travelling or vacationing public, containing suites or guest rooms.

2.31 "BICYCLE PARKING SPACE" means a designated area for the exclusive parking of bicycles equipped with a rack or stand designed for the locking of a bicycle wheel or frame (see photo examples).



2.32 "BINGO HALL" means a building or premise or part thereof used for bingo or a bingo event.

2.33 "BLOCK" means the smallest unit of land, the boundaries of which consist entirely of public *streets*, rivers, railroads, *public parks* or any combination thereof.

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

2.35 "BREWERY OR WINERY" means a *building used* primarily for the manufacturing, processing and distribution of beer, cider and wine and may include an accessory retail sales outlet. *(as amended by By-law 4430)*

2.36 "BUILDING" means any *structure* consisting of walls, roof and floors used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof.

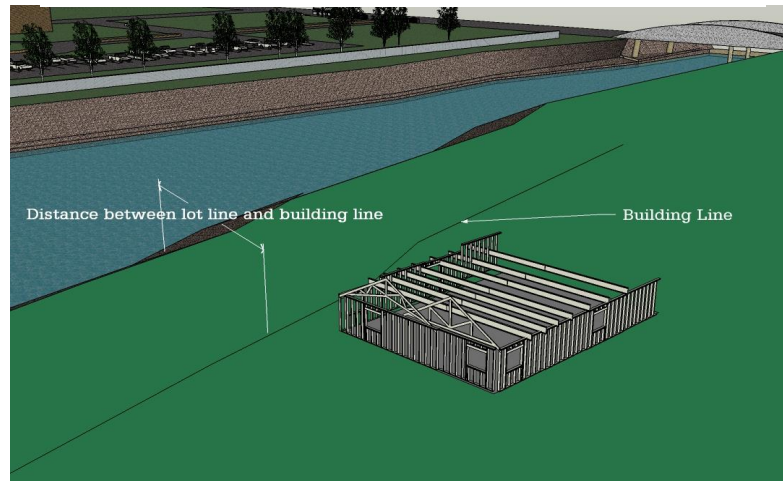
1. **Accessory** shall mean a *building* not used for human habitation customarily incidental, subordinate and exclusively devoted to the *principal use* or *building* and located on the same *lot* with such *principal use* or *building* (see **Figures 2.1** and **2.4**)
2. **Attached** see "attached".
3. **Main** means the *building* in which is carried on the principal purpose for which the building lot is used, and in the residential zone the *dwelling* is the *main building*.
4. **Temporary** shall mean a *building* or *structure* intended for removal or demolition.

Figure 2.4: Main Building and Accessory Building



2.37 "BUILDING LINE" means any line regulating the position of a building or structure on a lot (see **Figure 2.5**).

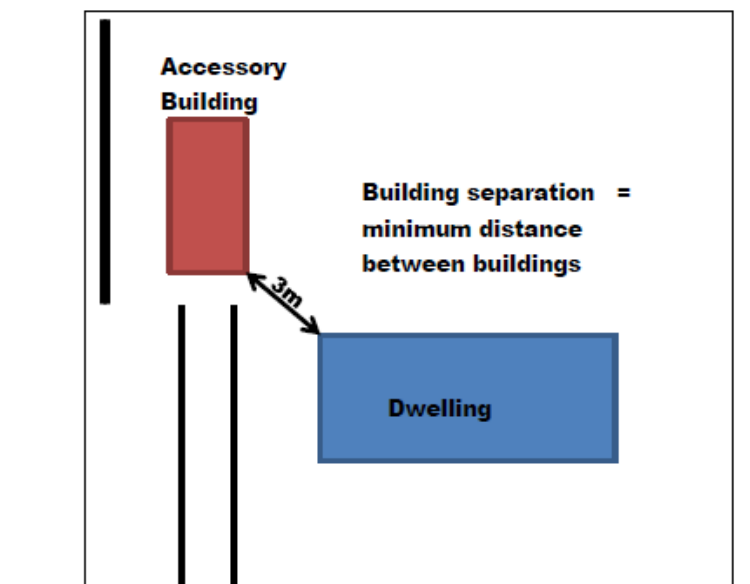
Figure 2.5: Building Line



2.38 "BUILDING, MIXED USE" means a *building* containing more than one land *use* (e.g. retail commercial and residential, *office* and residential, industrial and retail) that are designed and constructed as a single *building*.

2.39 "BUILDING SEPARATION" means the least horizontal distance *permitted* between the nearest portions of the walls of any *buildings* on a *lot* (see **Figure 2.6**).

Figure 2.6: Building Separation



2.40 "BUILDING SUPPLY CENTRE" means a *building* or *structure* including a bulk storage yard in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.

2.41 "BUILT HERITAGE RESOURCES" means *buildings, structures*, monuments, installations or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. *Built heritage resources* are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial or federal registers.

2.42 "BULK FUEL DEPOT" means lands, *buildings* and *structures* for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

2.43 "BUSINESS OR PROFESSIONAL OFFICE" means the business office of a certified or licensed person who belongs to a profession.

Examples of a professional include a physician, lawyer, accountant, architect, engineer, land use planner.

2.44 "CALL CENTRE" means a *business or professional office* where the primary activity is telecommunication between the business and the clients for the purpose of sales and customer support.

2.45 "CAMP, LOGGING" means an area of land including *buildings* and *structures* specifically designed as non-permanent living quarters for persons employed in the removal, cutting, debarking or harvesting of timber for commercial purposes or ancillary services and may include a dormitory, lodging or sleeping facilities, sanitary and eating facilities and accessory uses directly related to meeting the needs of occupants including but not limited to a *laundromat*, recreational facilities, concession selling personal effects and food stuffs and parking.

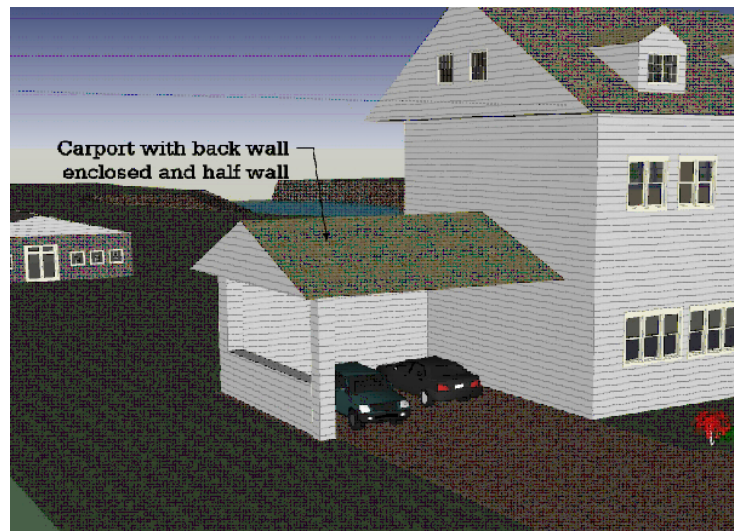
2.46 "CAMP, TEMPORARY WORK" means an area of land including buildings and structures constructed on a temporary basis during the construction or decommissioning of a major building, industrial complex, hydroelectric project or other large scale construction project and such camp may include a field office, storage area, storage buildings, living quarters including sanitary and eating facilities provided that such a camp is removed once the facility it was designed to serve is completed.

2.47 "CAMPGROUND" means an area of land providing short term accommodation for tents, and *recreational vehicles* and may include accessory uses such as a *laundromat*, *convenience store*, sale of propane fuels and recreational uses for persons using the *campground* where a fee is charged or paid for such accommodation.

2.48 "CANOPY" means a roof free of enclosing walls over an entrance to a building, structure, or gasoline pump island.

2.49 "CARPORT" shall mean a covered structure attached to the wall of the *main building* and used for the storage of *motor vehicles* wherein neither servicing for profit is indicated nor storage of *commercial motor vehicles* in excess of 1.5 Tonne capacity is *permitted*. The roof of the said structure shall be supported only by piers or columns so that 60 % of its wall adjacent to the *lot line* is unenclosed (see **Figure 2.7**).

Figure 2.7: Carport



2.50 "CAR RENTAL AGENCY" means the use of land, or building, or structure where *motor vehicles* are kept for lease and where such vehicles may be dropped off or picked up.

"CAR WASHING ESTABLISHMENT" (see **AUTOMOTIVE WASHING ESTABLISHMENT**)

2.51 "CELLAR" means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below the adjacent *finished grade* (see **Figure 2.3**, see also **BASEMENT**).

2.52 "CEMETERY" Means a *cemetery* within the meaning and as regulated by the *Funeral, Burial and Cremation Services Act, 2002* and includes a mausoleum, columbarium or other *building* or *structure* intended for the interment of human remains.

2.53 "CHIEF BUILDING/ZONING OFFICIAL" or his/her delegate means the officer(s) appointed by the Town of Kapuskasing with the duty of enforcing the provisions of the Building Bylaw, Zoning Bylaw.

2.54 "CLINIC" means a *building* or part of a *building* that is used solely by physicians, dentists, and/or drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis, office treatment and laboratories.

2.55 "CLUB" Means *premises* used as a meeting place by an association of dues-paying members which owns, hires or leases the *premises*, the use of such *premises* being restricted to members and their guests for social, recreational or athletic purposes.

2.56 "COMMERCIAL MOTOR VEHICLE" means any *commercial motor vehicle* as defined in the Highway Traffic Act.

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

2.58 "COMMUNICATIONS FACILITY" means an installation which transmits, receives and/or relays communications such as a microwave relay tower, significant antenna, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility.

2.59 "COMMUNITY CENTRE" means any tract of land, or *building(s)* or any part of any *building(s)* used for community activities, including recreational and *institutional uses*, with *commercial uses* incidental thereto, and the control of which is vested in the *municipality*, local board or agent thereof.

2.60 "COMMUNITY GARDEN" means a site operated by community members and/or a community organization where municipally owned lands are *used* for the growing of produce, flowers and native plants for non-profit use through individual or shared plots located on municipally owned lands.

COMPOSTING FACILITY – (see "WASTE MANAGEMENT FACILITY")

2.61 "CONSERVATION USE" means the use of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural heritage features and may include non-commercial recreational uses.

2.62 "CONTINUUM-OF-CARE FACILITY" means a *building* or a group of *buildings* which may include a senior citizens apartments building, a *nursing home*, a long-term care facility, home for the aged, a retirement home and facilities associated with, and designed specifically to serve the senior or disabled population such as *clinics*, recreation centers, cafeterias and *Personal Service Shop*, and may also include independent senior's accommodation in separate structures/living units that share in services such as meals. This definition does not include a *group home*, *boarding house* or chronic care facility. [*\(As amended by By-law 4430\)*](#)

2.63 "CONTRACTOR'S YARD" means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and shall include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable *aggregates* or materials and the wholesale or retail sale of building supplies or home improvement supplies. [*\(As amended by By-law 4430\)*](#)

2.64 "CONVENIENCE STORE" means a *retail store* with a *commercial floor space* of less than 223 m² (2,400.35 ft.²), where convenience goods, such as milk, other foodstuff and cigarettes are sold at retail, and may include a snack bar as an accessory use.

2.65 "CORPORATION" means the Corporation of the Town of Kapuskasing.

2.66 "COUNCIL" means the Municipal Council of the Corporation of the Town of Kapuskasing.

2.67 "COURTYARD" means an open, uncovered, unoccupied space appurtenant to a *building* and bounded on two or more sides thereby.

2.68 "CRISIS CARE FACILITY" means a residential facility that is licensed and funded by the Province of Ontario, Government of Canada or an appointed agency, for the short term, temporary care of persons requiring immediate emergency shelter and aid who are 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 wellbeing.

2.69 "CULTURAL HERITAGE LANDSCAPE" means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as *structures*, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

2.70 "CUSTOM WORKSHOP" means a building or part of a **building** used by a trade, craft or guild for the custom production of goods or articles.

2.71 "DAY NURSERY" means a **building** or part thereto duly licensed by the Province of Ontario for use as a facility for the daytime care of children.

2.72 "DAY SPA" means a **personal service shop** for therapeutic or relaxation purposes are performed by certified aestheticians or registered massage therapists and may include such services as aromatherapy, massage therapy and aesthetics/beauty services.

2.73 "DECK" means a roofless, unenclosed **structure** accessory to a **building** consisting of a platform raised 0.6 metres [1.97 ft.] or more above **established grade** cantilevered from a **building** or supported by the ground. ([As amended by By-law 4430](#))

2.74 "DETACHED" means, when used in reference to a **building**, means a building which is not dependent on any other **building** for structural support or enclosure.

2.75 "DRIVE-THROUGH FACILITY" means a **premise** used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in **motor vehicles** that are in a designated queuing space and may be in combination with other land uses. Kiosks within a parking structure necessary for the operation of the parking facility or kiosks associated with a surface **parking area** are not considered drive through facilities (see **Figure 2.17**).

2.76 "DRIVEWAY" means that portion of land used to provide private vehicular access from a **street** or **lane** to a lot or other parcel of land.

2.77 "DRY CLEANING ESTABLISHMENT" means a **premises used** for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering or dry cleaning at another location and may include facilities for the pressing or ironing of such articles.

2.78 "DWELLING" means a **building**, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons or households, containing one or more **dwelling units** but shall not include a **travel trailer** or **recreational vehicle** (see **Figure 2.8** for dwelling types).

2.79 "BOARDING OR ROOMING HOUSE" (see "BOARDING OR ROOMING HOUSE")

2.80 "DWELLING, ACCESSORY" (see "ACCESSORY DWELLING")

2.81 "DWELLING, APARTMENT" means a separate *dwelling* consisting of five or more *dwelling units*, which units have a common entrance from the street level and the occupants of which have the right to use in common halls and/or stairs and/or elevators and yards, but does not include a *boarding or rooming house*.

2.82 "DWELLING CONVERTED" means a *dwelling* erected prior to the passing of this By-law, including any additions thereto, constructed for permanent use and *altered* or converted so as to provide therein a greater number of *dwelling units*.

2.83 "DWELLING, DOUBLE DUPLEX" means a *dwelling* that consists of two duplexes attached to each other, or a building containing only two storeys exclusive of basement divided vertically into four *dwelling unit*, each one of which has two complete walls in common with adjoining units and an independent entrance with either directly or through a common vestibule, and which *building* is occupied by not more than four households.

2.84 "DWELLING, DUPLEX" means a *dwelling* that is divided horizontally into two *dwelling units* each of which has an independent entrance either directly or through a common vestibule.

2.85 "DWELLING, GROUP" means a *dwelling* which is a part of a group of *dwelling units* on the same lot, which group of *dwelling units* is comprised of multiple dwellings, or *row-house dwellings* or *maisonettes*, or *apartments*, or any combination thereof.

2.86 "DWELLING, MAISONNETTE" means a *dwelling* that is divided into three or more *dwelling units*, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area directly to the said *dwelling unit*. A *maisonette* shall not be considered an *apartment building* for the purposes of this By-law.

2.87 "DWELLING, MOBILE HOME" (see "MOBILE HOME")

2.88 "DWELLING, MODULAR" means a *dwelling unit* other than a *mobile home* constructed to a standard or constant specification, such that a distinct similarity is maintained through a modular home development.

2.89 "DWELLING, MULTIPLE" means a *dwelling* designed, intended and used for occupancy by three or more households living independently of each other but shall exclude an *apartment dwelling, row-house dwelling, maisonette dwelling, triplex, double-duplex*.

2.90 "DWELLING, PARK MODEL TRAILER" (see "PARK MODEL TRAILER")

2.91 "DWELLING, ROW-HOUSE" means a *dwelling* that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each *dwelling unit*.

2.92 "DWELLING, SEASONAL" means a *dwelling* constructed as a secondary place of residence and not the principal place of residence of the owner or occupier thereof.

2.93 "DWELLING UNIT, SECOND" means a separate and self-contained *dwelling unit* (e.g. includes cooking, sanitation and sleeping facilities) within a new or *existing single detached dwelling unit, semi-detached dwelling or row or townhouse dwelling* that is subordinate to the principle *dwelling unit* on the property

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

2.95 "DWELLING, SINGLE DETACHED" means a separate *dwelling* containing only one *dwelling unit*.

2.96 "DWELLING, SPLIT LEVEL" means a *dwelling* in which the first floor above *finished grade* is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-law, a split level *dwelling* shall be considered as a 1-storey *dwelling*.

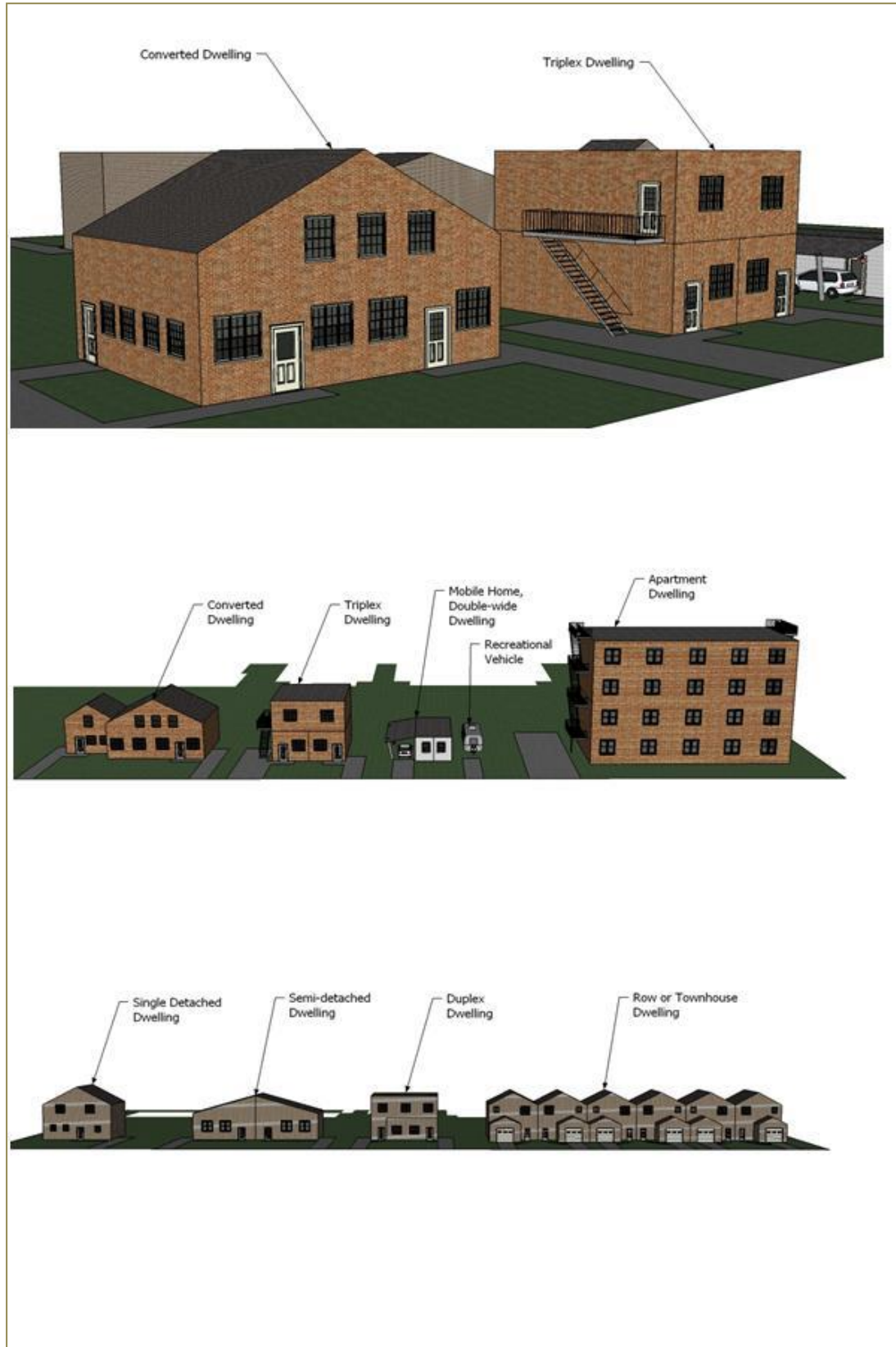
2.97 "DWELLING, TWO-UNIT" means a *dwelling* designed, intended and/or used for occupancy by two households living independently of each other including a *duplex or semi-detached dwelling*.

2.98 "DWELLING, TRIPLEX" means a *dwelling* that is divided horizontally into three *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.

2.99 "DWELLING UNIT" means one or more *habitable rooms* occupied or capable of being occupied by an individual or group of persons as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or group of persons, with a private entrance from outside the *building* or from a common hallway or stairway inside the *building*.

2.100 "DWELLING UNIT AREA" (see "FLOOR AREA, DWELLING UNIT")

Figure 2.8: Dwelling Types



2.101 "EASEMENT" means the legal right acquired by contract to pass over, along, upon or under the lands of another and shall be deemed to include an *easement* for a water, sewer, gas or hydro or communications utility, drainage works, and a *street*.

2.102 "EATING ESTABLISHMENT" means a *building* or part of a *building* where food is offered for sale or sold to the public and includes a restaurant, cafe, tea or lunchroom, dairy bar, coffee shop, or refreshment room or stand; but does not include a boarding, or rooming house.

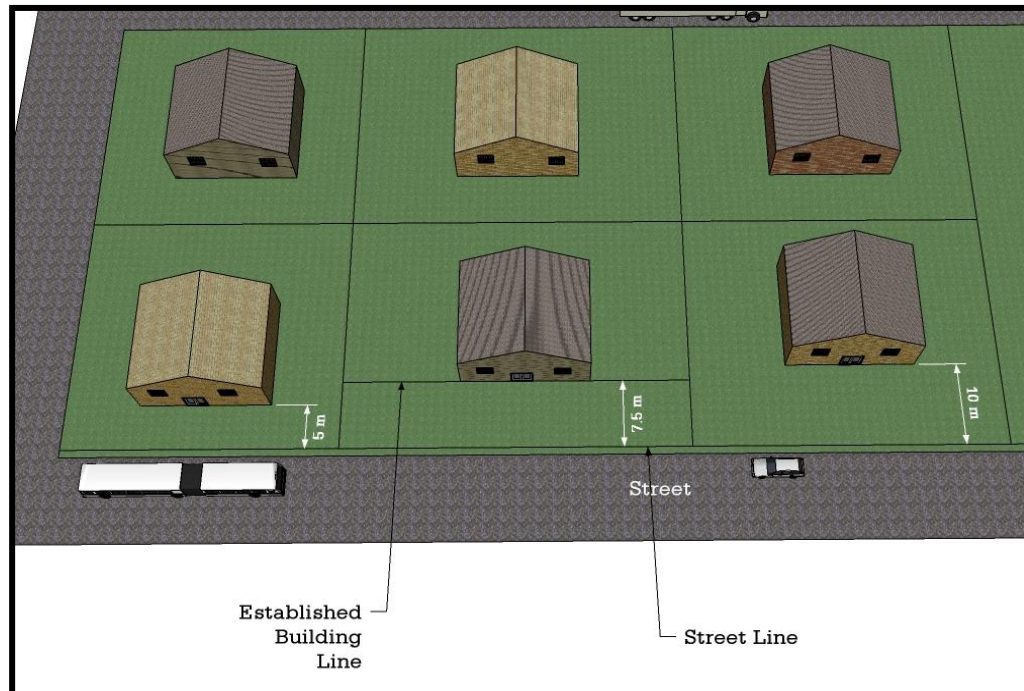
2.103 "ERECT" when used in this By-law includes building, construction, reconstruction and relocation, without limiting the generality of the word, also includes:

1. To build, construct, reconstruct, *alter* and relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally *altering* any *existing building or structure* by an addition, deletion, enlargement, extension and
2. A work for which a building permit is required under the Building By-law of the *Corporation*.

2.104 "ERECTED" and **"ERECTION"** shall have a corresponding meaning.

2.105 "ESTABLISHED BUILDING LINE" means the average distance from the *street line* of *existing buildings* on any one street providing access to 12 or less abutting lots where more than half the frontage has been built upon, at the date of the final passing of this By-law (see **Figure 2.9**).

Figure 2.9 Established Building Line



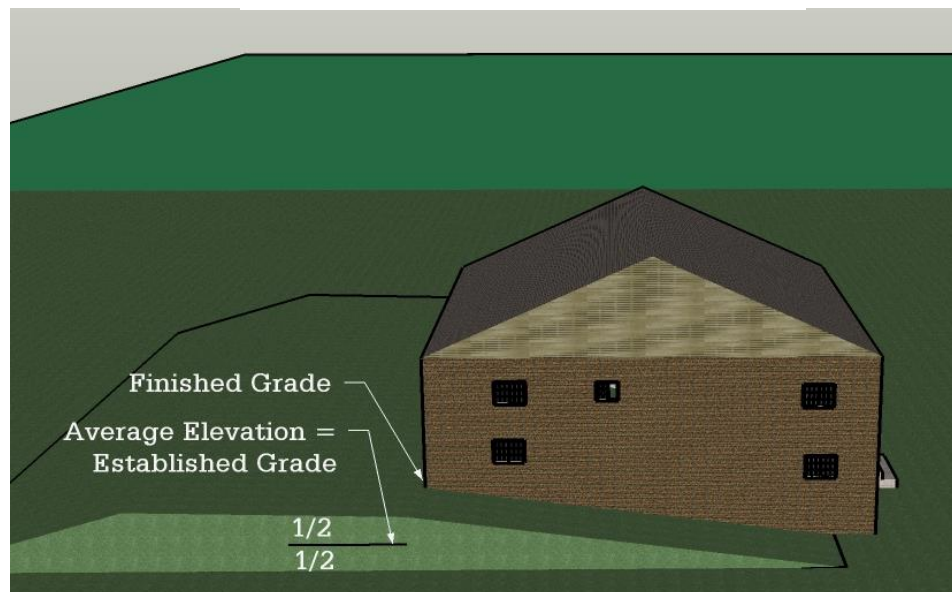
2.106 "ESTABLISHED GRADE" means:

When used with reference to a **building**, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments, planters, berms or steps;

When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;

When used with reference to a **street** or highway, the elevation of the **street** or highway established by a **public authority**. (See **Figure 2.10**)

Figure 2.10 Established Grade



2.107 "EXISTING" means *existing* as of the date of the final passing of this By-law.

2.108 "EXTERIOR SIDE LOT LINE" (see "LOT LINE, EXTERIOR SIDE")

2.109 "EXTERIOR SIDE YARD" (see "YARD, EXTERIOR SIDE")

2.110 "FENCE" means a physical barrier for enclosing, bounding, delineating or protecting land.

2.111 "FLEA MARKET" means an occasional or periodic market held in a building and/or open area where groups of individual sellers offer goods, new and used, for sale to the public.

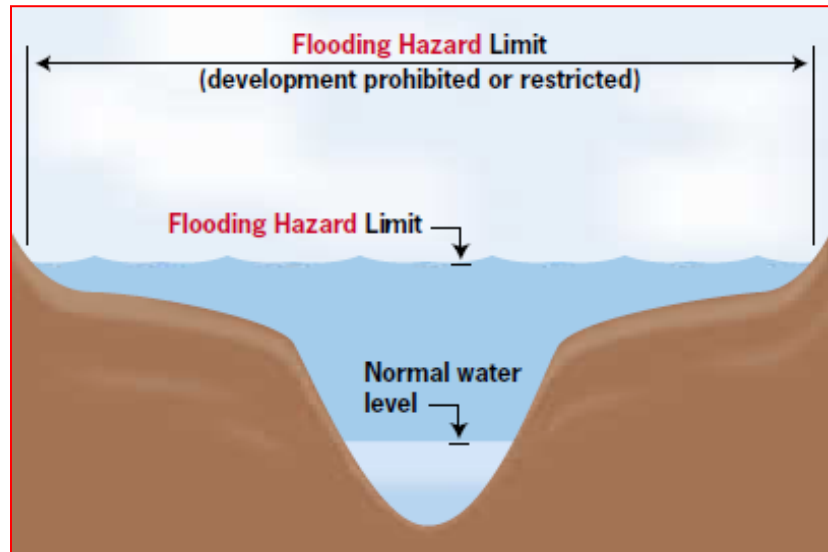
2.112 "FLOOD ELEVATION OR FLOODLINE" means a line established by a one in one hundred year storm as established by flood plain mapping or by an appropriate *public authority*.

2.113 "FLOODING HAZARDS"

Means the inundation of areas adjacent to a *shoreline* or river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed

or portion thereof as a result of ice jams and which has been approved as a standard for that specific area by the Ministry of Natural Resources and Forestry (see **Figure 2.11**).

Figure 2.11 Flooding Hazard



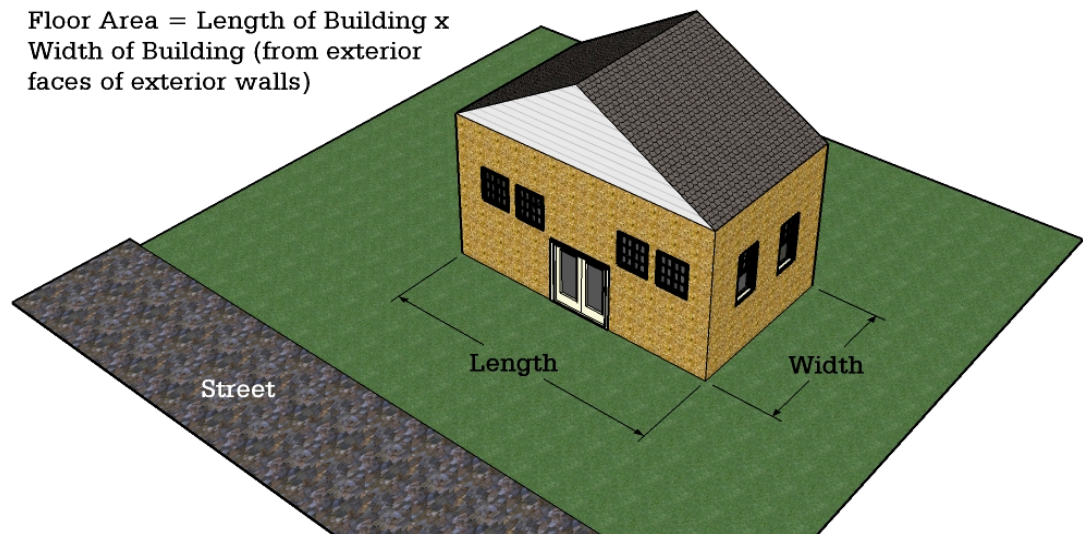
2.114 FLOOD PLAIN

For river, stream and small inland lake systems, means the area, usually low lands adjoining a *watercourse*, which has been or may be subject to *flooding hazards*.

2.115 "FLOOD PROOFING" means 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.

2.116 "FLOOR AREA, GROSS" means the number of square feet of total area bounded by the exterior faces of the *building* (see **Figure 2.12**).

Figure 2.12 Gross Floor Area



2.117 "FLOOR AREA, DWELLING UNIT" means the total area of all floors contained within the outside walls or required fire separations of a building, excluding the floor area of a *private garage, porch, veranda, unfinished attic, cellar,* or except in the case of a *permitted apartment,* the *basement*.

2.118 "FLOOR AREA, NET" means the aggregate of the areas of each floor above grade, except in the case of an apartment building where part of a basement is used for habitable purposes in which case such area shall constitute part of the *gross floor area,* measured between the exterior faces of exterior walls of the building or structure at the level of each floor, including any part of the building or structure above grade used for the storage or parking of *motor vehicles,* locker storage and laundry facilities, but excluding any part of the building or structure used for retail commercial purposes open to the public and any areas used for recreational or mechanical purposes.

2.119 "FLOOR SPACE, COMMERCIAL" means the total floor area of a commercial building including any basement area designed or used for commercial purposes but excluding the exterior walls of the building furnace room, laundry room, or washroom, stairwell or elevator, shaft, or any area the permanent use of which is designated for storage space.

2.120 "FORESTRY USE OR FORESTRY" means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood,

sawlogs, Christmas trees, other forestry products and silviculture or forest management practices.

2.121 "FRONTAGE, LOT" (see "**LOT, FRONTAGE**")

2.122 "FUNERAL PARLOUR" means a *building* or part of a *building used* to prepare, preserve and display human remains for a limited period of time and may include subsidiary activities such as the sale of caskets and funeral accessories provided such activities are clearly secondary and incidental to the foregoing uses and which accommodate mourners and other persons who may visit during funeral and memorial services.

2.123 "GARAGE, PRIVATE" means an *accessory building* or portion of a *building* including a *carport* 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 vehicles or equipment for remuneration or gain.

2.124 "GARAGE, PUBLIC" means a *building* other than a *private garage* which is *used* for the servicing and minor repairing or equipping essential to the actual operation of *motor vehicles* or where such *motor vehicles* are parked or stored for remuneration, hire or sale, and including the repairing of *motor vehicle* bodies.

2.125 "GARDEN SUITE" means a one-unit *detached* residential building containing sanitary and kitchen facilities that is accessory to an *existing* permanent residential building and that is designed to be portable.

2.126 "GASOLINE BAR OR GAS BAR" (see "**AUTOMOTIVE GASOLINE BAR**")

2.127 "GEOTHERMAL POWER FACILITY" means a heating facility such as a heat pump whose energy source is naturally created from the earth's crust.

2.128 "GOLF COURSE" means a public or private area operated for the *principle use* of playing the sport of golf but may also include a driving range, par 3 *golf course*, miniature course and such *accessory buildings* and *structures* as are necessary for the operation and maintenance of the *golf course* including club house facilities, a *restaurant*, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with *golf course* development.

2.129 "GRADE, FINISHED" means

- a) the elevation of the finished surface of the ground at the base of all exterior walls of a **building** or **structure**.
- b) when used with reference to a **street** or highway, the elevation of the **street** or highway established by the Ministry of Transportation or other designated **public authority**.

2.130 "GRANNY FLAT" (see "GARDEN SUITE")

2.131 "GRAVEL PIT OR QUARRY" means any pit or excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand, gravel or rock for commercial purposes but shall not include an excavation incidental to the construction or **alteration** of a building for which a building permit has been granted, or an excavation incidental to the construction of a **street**, right-of-way or **public utility**.

2.132 "GREEN ENERGY INDUSTRIES" means a **building** or **structure** in which products are manufactured for the generation of electricity from non-polluting or renewable source (i.e. wind, sun, geothermal, biomass). Products manufactured by a renewable energy industry may include but are not limited to solar panels, **wind turbines**, geothermal equipment, and parts or components thereof.

2.133 "GROUP HOME" means a single housekeeping unit in a residential dwelling in which three (3) to ten (10) persons (exclusive of supervisory staff or operating staff) live under supervision consistent with the particular needs of its residents and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws.

2.134 "GUEST HOUSE" means living quarters, having no kitchen facilities, located on the same **premises** with a main building and occupied for the sole use of members of the family, temporary guests or persons permanently employed on the **premises**.

2.135 "HABITABLE ROOM" means a room designed for living, sleeping, eating, or food preparation, including a den, library, sewing room or enclosed sunroom that is habitable in all seasons of the year.

2.136 "HAZARDOUS LANDS" means property or lands that could be unsafe for **development** due to naturally occurring process including lands in a **flood plain** or subject to a **flooding hazard** or erosion hazard and shall include unstable soils and unstable bedrock.

2.137 "HAZARDOUS SUBSTANCES" means substances which individually, or in combination with other substances are normally considered to pose a danger to public

health, safety and the environment. These substances generally include a wide variety of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

2.138 "HEIGHT OF BUILDING" means the vertical height from the finished grade at the front of the *building* and,

1. In the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
2. In the case of a mansard roof, the deck roof line; and
3. In the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge exclusive of any accessory roof construction such as a chimney tower, steeple or television antenna (see **Figures 13A** and **13B**).

Figure 2.13 A Building Height

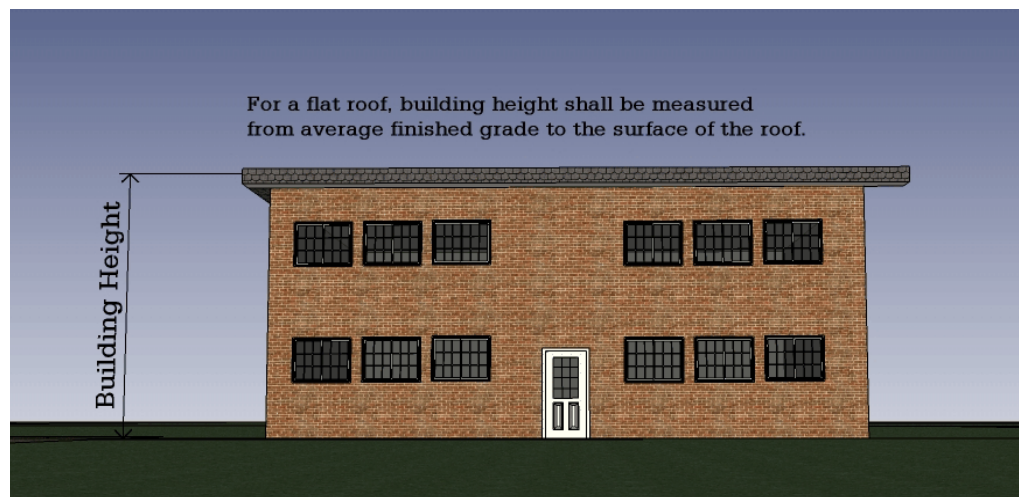
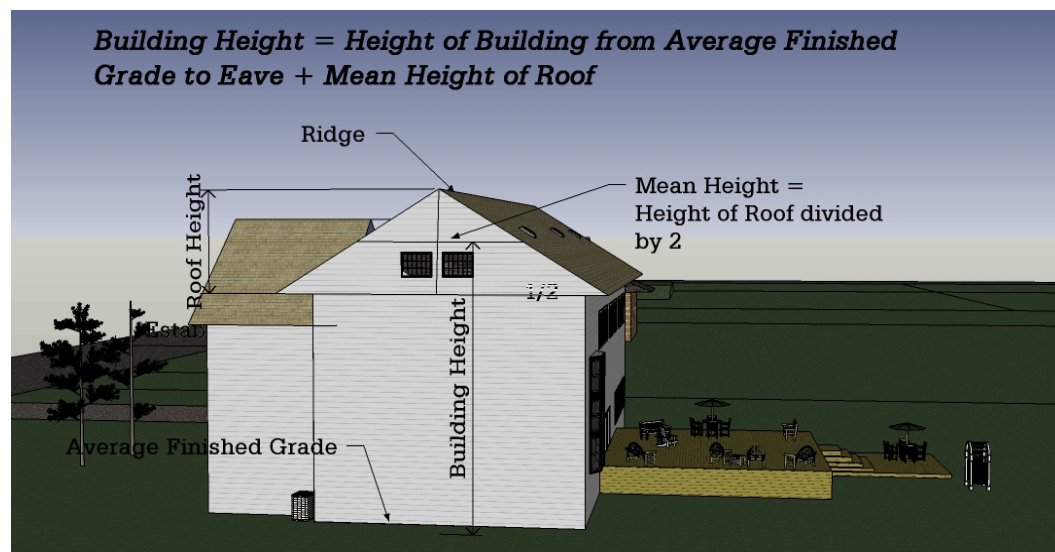


Figure 2.13 B Building Height



2.139 "HIGH WATER MARK" means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation and soil on the other side of the mark. Features shall also include a nature line or mark impressed on the bank or shore or rock, or other distinctive physical characteristics.

2.140 "HIGHWAY SERVICE CENTRE" means a building or place which is used for the servicing and minimum repairs of *motor vehicles* including uses normally associated with an automobile service station and the overnight parking of *commercial motor vehicles* and may include an *eating establishment* and an area for the overnight sleeping accommodation of operations of *commercial motor vehicles*. For the purposes of this By-law, a *highway service centre* includes an *automotive gasoline bar* and an *automotive service station*.

2.141 "HOBBY FARM" means land on which an *agricultural use* shall be permitted which may include a limited number of animals kept primarily for recreational purposes or home consumption by the occupants of the *dwelling* on the same *lot*, and which is clearly *accessory* to the *permitted residential use*. [\(As amended by By-law 4430\)](#)

2.142 "HOME BASED BUSINESS" means an occupation, business, trade or craft conducted for gain or profit as an accessory use to a dwelling unit by one or more persons residing therein. **"HOME INDUSTRY" OR "HOME OCCUPATION"** (see **"HOME BASED BUSINESS"**) [\(As amended by By-law 4430\)](#)

2.143 "HOSPITAL" Means a regulated institution under the *Public Hospitals Act, R.S.O. 1990, c.P.40*, the *Private Hospitals Act, R.S.O 1990, c.P.24*, the *Mental Health Foundation Act, R.S.O. 1990, c.D.26* and the *Community Psychiatric Hospitals Act, R.S.O 1990, c.P.21* established to deliver health care services.

2.144 "HOTEL" means a *building used* for the accommodation of the travelling or vacationing public, with or without *accessory uses* such as a *restaurant*, meeting rooms, *swimming pool*, facilities for the temporary exhibition and sale of goods on an intermittent basis, *premises* licensed under the *Liquor License Act* and includes any establishment containing *guest rooms* which is defined as a "Hotel" in the *Hotel Registration of Guests Act, R.S.O.1990, H.17* and shall also include a *motel* and hostel, but shall not include any *residential use* or *boarding house use*.

2.145 "INDUSTRIAL USE" means the use of land, *building* or *structure* designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for

sale of any goods, substance, article or thing, or any part thereof and the storage of building and construction equipment and materials, or cannabis cultivation and processing facilities, as distinguished from the buying and selling of commodities and the supplying of personal services and shall include printing. *(As amended by By-law 4430)*

2.146 "INSTITUTIONAL USE" means land, *building, structure* or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, benevolent objectives or public service and which is not operated for profit or gain.

2.147 "INTERIOR LOT" (see "LOT, INTERIOR")

2.148 "INTERIOR SIDE LOT LINE" (see "LOT LINE, INTERIOR SIDE")

2.149 "KENNEL" means a commercially operated *building* or indoor or outdoor *structure*, including but not limited to outdoor fenced run areas, where animals, birds or other livestock intended or used as domestic household pets are kept, boarded or bred but does not include an animal hospital or *veterinary establishment*. *(As amended by By-law 4430)*

2.150 "LANDSCAPING" means a 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 lands.

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

2.152 "LAUNDROMAT" means a self-serving clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment, and may include a laundry receiving depot.

2.153 "LAUNDRY AND DRY CLEANING ESTABLISHMENT" for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, dry dyeing or cleaning elsewhere, and for the pressing and distribution of any such articles or goods which have been subjected to any such process and shall include a self-service laundry and/or self-service dry cleaning.

2.154 "LAUNDRY PLANT" a **building** or **structure** in which the business of a laundry is conducted on the ground floor in which only water and detergent is used, and where the drying, ironing and finishing of such goods are conducted.

2.155 "LOT" means a parcel of land;

Described in a deed or other document legally capable of conveying land in accordance with the *Planning Act*, or;

Shown as a **lot** or **block** on a registered plan of subdivision;

Standard waterfront means a **lot** which has water access on one **shoreline** only (see **Figures 2.14** and **2.15**).

- 1. **2.128** "LOT AREA" means the total horizontal area within the **lot lines** of a **lot**. In the case of a **corner lot** having a **street line** rounding at the corner of a radius of 6 m (19.70 ft.) or less, the **lot area** of such **lot** shall be calculated as if the **lot lines** were produced to their **point of intersection** (see **Figure 2.4**). *(As amended by By-law 4430)*

Figure 2.14 Lot Definitions

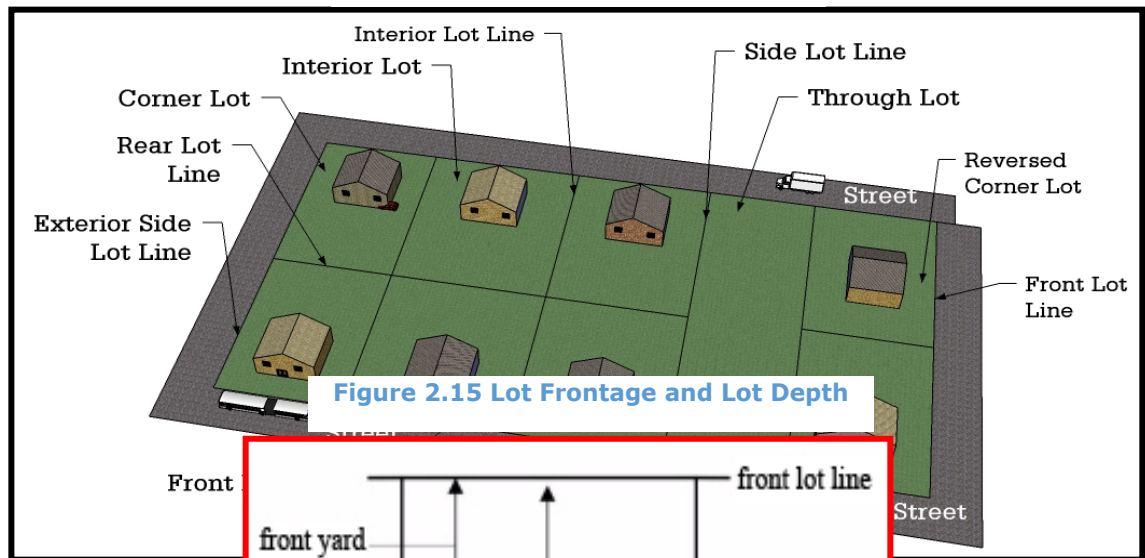
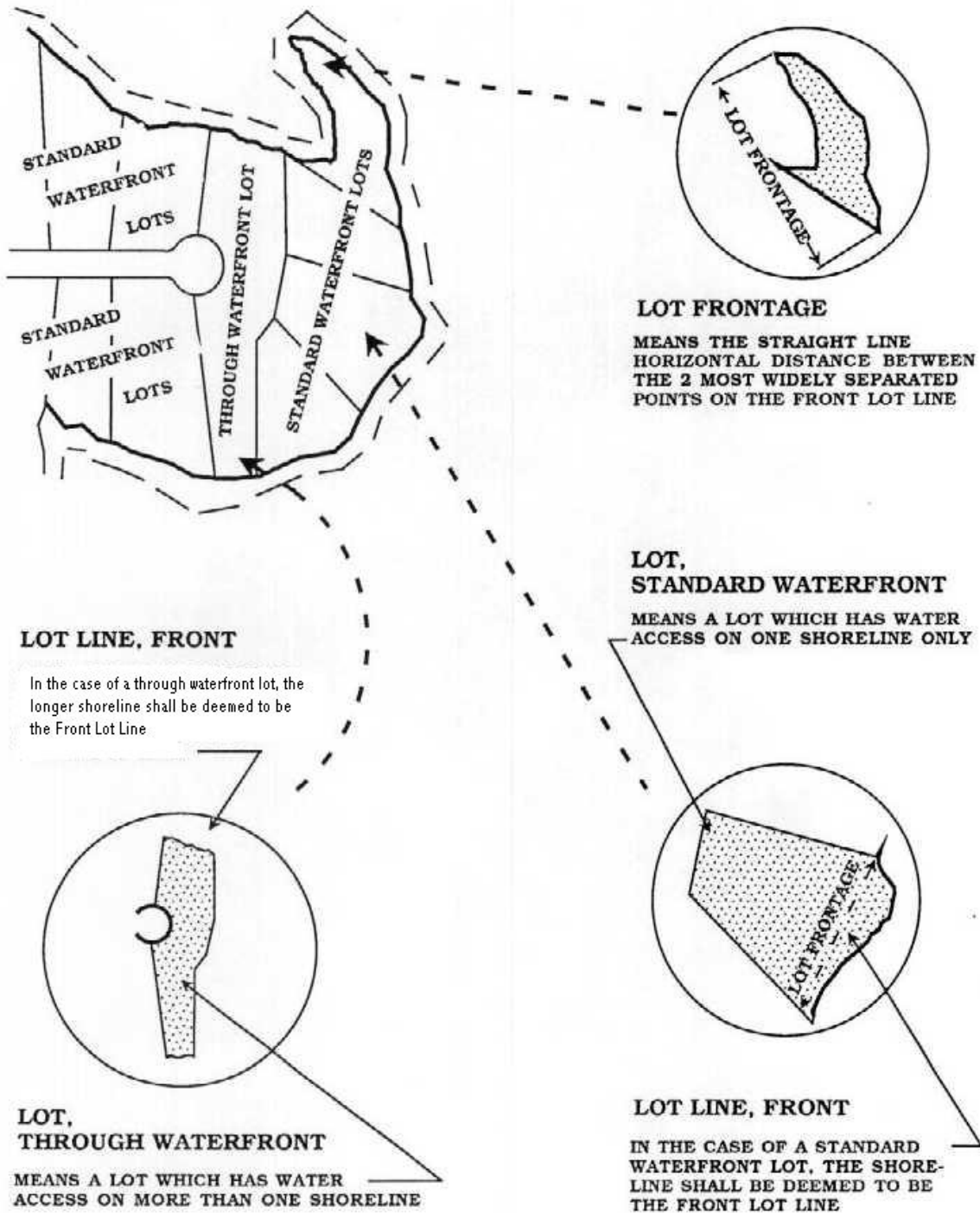


Figure 2.15 Lot Frontage and Lot Depth

Figure 2.16 Waterfront Lots

ILLUSTRATION OF DEFINITIONS RELATED TO WATERFRONT LOTS



2.156 "LOT, CORNER" means a *lot* situated at the intersection of, and abutting upon, two or more *streets*, provided that the interior angle of intersection of such *streets* is not more than 135 degrees (see **Figure 2.14**).

2.157 "LOT COVERAGE" means that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all *buildings*.

2.158 "LOT, DEPTH" means the horizontal distance between the front and rear *lot lines*. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines (see **Figure 2.15**).

2.159 "LOT FRONTAGE" means the horizontal distance between the *side lot lines* of a *lot* measured at right angles, but where such *lot lines* are not parallel, the *lot frontage* shall be the minimum distance between the *side lot lines* measured on a straight line back from, and parallel to a line joining the intersections of the *side lot lines* with the *front lot line* in accordance with the *front yard setback* requirements of the subject zone (see **Figure 2.15**).

2.160 "LOT, INTERIOR" means a lot other than a *corner lot* (see **Figure 2.14**).

2.161 "LOT LINE, EXTERIOR SIDE" means a *side lot line* which abuts the *street* on a corner lot (see **Figure 2.14**).

2.162 "LOT LINE, FRONT" means:

In the case of an *interior lot*, the line dividing the *lot* from the *street, private road, registered right-of-way, Crown shoreline reserve or high water mark*,

In the case of a *corner lot*, the shorter *lot line* abutting a *street, registered right-of-way, Crown shoreline reserve or high water mark* shall be deemed to be the *front lot line*,

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 in the *front lot line*, and in the case of both *streets* being under the same jurisdiction and of the same width, the *lot line* where the principal access to the lot is provided shall be deemed to be the *front lot line*,

In the case of a *private road*, the *lot line* adjacent to the *entrance* shall be deemed to be the *front lot line*,

In the case of a standard waterfront lot, the **shoreline** shall be deemed to be the **front lot line** (see **Figure 2.16**).

In the case of a through waterfront lot, the longest **shoreline** shall be deemed to be the front lot line (see **Figure 2.16**).

2.163 "LOT LINE, INTERIOR SIDE" means a **lot line** other than a **front lot line** or **rear lot line** (see **Figure 2.14**).

2.164 "LOT LINE, REAR" means, in the case of a lot having four (4) or more **lot lines**, the **lot line** farthest from and opposite to the **front lot line**. If a lot has less than four (4) **lot lines**, there shall be deemed to be no **rear lot line** (see **Figure 2.14** and **Figure 2.15**).

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

2.166 "MARINA" means an establishment where boat house, boat storage, pier, dock or jetty facilities are available for any type of marine pleasure crafts and may include fuel pumps and facilities for the sale, servicing, repair and maintenance of marine craft and may include buildings or structures for the supply of marine craft accessories or refreshments and may include an **eating establishment**.

2.167 "MEDICAL CENTRE" (see **"CLINIC"**)

2.170 "MEDICAL MARIJUANA FACILITY" means a **premise** approved and regulated under the *Canada Food and Drugs Act* and associated *Food and Drug Regulations*.

2.171 "MICROBREWERY" means a commercial operation where beer is produced at a small scale. A **microbrewery** may be **permitted** to sell the product that is produced on-site provided that there is no consumption of the purchased product on-site other than sampling. A bar, pub or brewpub shall not be considered a **microbrewery**. A **microbrewery** may also sell retail items directly related to the operation on-site.

2.172 "MINE" means a **mine** as defined in the *Mining Act*. Mining shall have a similar meaning.

2.173 "MINE HAZARD" means any feature on a **mine** as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

2.174 "MINERAL AGGREGATE OPERATION" means:

Lands under license or permit, other than for *wayside pits* and *quarries*, issued in accordance with the *Aggregate Resources Act*, or successors thereto, or a pits and quarries control By-law enacted under the *Municipal Act*, and

Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

2.175 "MINERAL MINING OPERATION" means a mining operation and associated facilities, or, a past producing *mine* with remaining mineral development potential that has not been permanently rehabilitated to another *use*.

2.176 "MINIMUM DISTANCE SEPARATION FORMULAE I AND II" means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from *livestock facilities*.

2.177 "MOBILE HOME" means 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 *recreational vehicle* otherwise designed (see photos).



2.178 "MOBILE HOME PARK" means a parcel of land under single ownership which has been planned and improved for the placement of *mobile homes* for permanent *residential use*.

2.179 "MOBILE HOME SITE" means a parcel of land for the placement of a single *mobile home* and the exclusive use of its occupants.

2.180 "MOTEL" means an establishment catering primarily to the travelling public by supplying overnight sleeping accommodation with or without cooking facilities.

2.181 "MOTOR VEHICLE OR VEHICLE" means an automobile, commercial vehicle, truck,

recreational vehicle, transport tractor, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car. A **motor vehicle** may include a self-propelled **travel trailer**.

2.182 "NON-COMPLYING" means that which does not comply with the regulation of this By-law as of the date of the final passing thereof.

2.183 "NON-CONFORMING" means an established **use** which is not a **permitted use** in the zone in which the said use is situated at the date of final passing of this By-law.

2.184 "NURSING HOME" means a **building** in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition provides nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined or classified herein (see "**CONTINUUM-OF-CARE FACILITY**").

2.185 "OFFICIAL PLAN" means the **Official Plan** of the Kapuskasing and District Planning Area or parts thereof and amendments thereto.

2.186 "OFFICE" (see "**BUSINESS OR PROFESSIONAL OFFICE**")

2.187 "OPEN SPACE USEABLE" means open unobstructed space 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**.

2.188 "OPEN STORAGE" means the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as building materials supply yards but does not include the **outdoor display** of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement or the storage of vehicles or equipment for sale or repair. This definition shall not include the **open storage** of goods or equipment incidental to the residential occupancy of the lot, a **parking area** or a **parking space** or a storage use or area located inside a **building**.

2.189 "ORDER STATION" means an ordering box, service window, display board or any other device, including communication equipment, used by the public and operator to facilitate sales and/or services in a ***drive-through service facility*** (see photo).



2.190 "OUTDOOR DISPLAY" means an area set aside outside of a ***building*** or ***structure***, other than a ***parking area, loading space*** or ***parking space*** which is ***used*** in conjunction with a business located within the ***building*** or ***structure*** on the same property, for the display of goods, merchandise, equipment and seasonal produce and products and may include garden supplies and Christmas trees, new merchandise or the supply of services.

2.191 "PARK MODEL TRAILER" means a trailer as defined under Section 9.39.1.1 of the Ontario Building Code as a manufactured ***building*** used or intended to be used as a seasonal recreational building of residential occupancy and as the principal place of residence of the owner or occupier thereof, despite that the owner or occupant has a secondary place of residence elsewhere which is occupied by such owner or occupant for extended periods of time.

2.192 "PARK, PUBLIC" means a recreational area owned or controlled by the ***Corporation*** or by any Board, Commission or other Authority established under any statute of the Province of Ontario.

2.193 "PARK, PRIVATE" means a recreational area other than a ***public park*** and may include therein one or more ***swimming pools***, wading pools, picnic areas, refreshment rooms, tent camping areas, boating facilities, tennis courts, bowling greens, ***golf courses*** or similar open space uses.

2.194 "PARKING AREA" means an open area, other than a ***street***, used for the temporary parking of two or more ***motor vehicles***, and may include a ***premise*** for paid parking.

2.195 "PARKING LOT" means the same as ***parking area***, as defined in this By-law.

2.196 "PARKING SPACE" means a space, exclusive of ***driveways***, ramps or columns, to park one vehicle for purposes other than the display or offering for sale of commodities.

2.197 "PARKING SPACE, BARRIER FREE" means a *parking space* designated for the exclusive use of the physically challenged or disabled person (see photos).



2.198 "PERMITTED" means *permitted* by this By-law.

2.199 "PERMITTED USE" means a *use* which is *permitted* in the *zone* where such *use* is located.

2.200 "PERSON" means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

2.201 "PERSONAL SERVICE SHOP" means 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 and includes barber shops, beauty parlours, *laundromats*, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery and similar uses.

2.202 "PET GROOMING ESTABLISHMENT" means *premises* wherein cleaning, clipping and grooming services are provided for domestic pets, but shall not include a *kennel*.

2.203 "PIT" means land or land under water from which *aggregate* as defined *herein* is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a *building* or a *structure* for which a building permit has been granted by the *Corporation*, or an excavation incidental to the construction of any public works.

2.204 "PLACE OF ENTERTAINMENT" means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller rink, exhibition

grounds, golf driving range, miniature ***golf course***, archery range, shooting gallery, arcade, dance hall or music hall, but does not include an adult video game establishment for the viewing or sale of erotica or pornography or an ***adult entertainment parlour*** in which is provided services, a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

2.205 "PLACE OF WORSHIP" means a ***building*** dedicated to a religious worship and may include a church hall, church auditorium, Sunday school, nursery school, convent, monastery, or parish hall.

2.206 "PLANNING BOARD" means the Kapuskasing and District ***Planning Board***.

2.207 "PLANT, CONCRETE" means a ***building*** or ***structure*** used for the manufacturing of concrete in a form suitable for the immediate use in the construction of ***buildings, structures, roads*** or ***driveways***.

2.208 "PLAYGROUND" means a ***park*** or part thereof which is equipped with active recreational facilities oriented to children.

2.209 "POINT OF INTERSECTION" means the point at which ***street lines*** abutting a ***corner lot*** intersect, or, the intersection of the projection or tangent of the ***street lines***.

2.210 "PORCH OR VERANDAH" means a ***structure*** with a roof and at least one side that is open and unenclosed that is accessed by stairs from grade and which provides access to a ***building***. *(As amended by By-law 4430)*

2.211 "PORTABLE ASPHALT PLANT" means a facility:

With equipment designed 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;

Which is not of permanent construction but is designed to be dismantled at the completion of the construction process.

2.212 "PORTABLE CONCRETE PLANT" means a ***building*** or a ***structure*** with equipment designed to mix cementing materials, ***aggregate***, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

2.213 "PREMISES" means the area of a *building* and *lot* occupied by a business or enterprise. In a multiple tenancy *building* occupied by more than one business, each business area shall be considered separate *premises*.

2.214 "PRIVATE ROAD" means a private right-of-way over private property which affords access to two or more abutting lots or a road created through the registration of a plan of condominium, but does not include a road established or maintained by a *public authority*.

2.215 "PRIVATE CLUB" (see "**CLUB**")

2.216 "PROFESSIONAL OFFICE" (see "**BUSINESS OR PROFESSIONAL OFFICE**")

2.217 "PROVING GROUND" means the use of land, buildings and structures for the design, development and testing of automotive passenger, commercial and trucking vehicles, earthmoving and allied vehicles and equipment, military vehicles and equipment, self-propelled vehicles and stationary engines, including any necessary research and the construction and development of related instruments and equipment together with the use of test track and related facilities by and for any of the aforementioned vehicles or equipment.

2.218 "PUBLIC ACCESS POINT" means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable *waterbody*.

2.219 "PUBLIC AUTHORITY" means any School Board, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, *Planning Board* or other board or commission or committee of a local authority established or exercising any power of authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by by-law of the Council. [*\(As amended by By-law 4430\)*](#)

2.220 "PUBLIC GARAGE" (see "**GARAGE, PUBLIC**")

2.221 "PUBLIC HALL" (see "**COMMUNITY CENTRE**" or "**INSTITUTIONAL USE**")

2.222 "PUBLIC STREET OR PUBLIC HIGHWAY" (see "**STREET**")

2.223 "PUBLIC SERVICE USE" means any *use* of land, *buildings* or *structures* by or on behalf of the municipality, a *public authority* and a *public utility*. [*\(As amended by By-law 4430\)*](#)

2.224 "PUBLIC UTILITY" means a water works or 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, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

2.225 "QUARRY" means any pit or excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand, gravel or rock for commercial purposes but shall not include an excavation incidental to the construction or *alteration* of a building for which a building permit has been granted, or an excavation incidental to the construction of a *street*, right-of-way or *public utility*.

2.226 "QUONSET HUT" means a semi cylindrical metal shelter made of corrugated steel sheet and end walls, and *used* for storage (see photos).



2.227 "REAR LOT LINE" (see "LOT LINE, REAR")

2.228 "REAR YARD" (see "YARD, REAR")

2.229 "RECREATIONAL EQUIPMENT" means a portable *structure*, vessel or vehicle that is designed and built to be carried by a *motor vehicle*, or a unit designed and built to be transported or operated under its own power or propelled power, for the purposes of providing recreation enjoyment or travel, and may include boats, boat or vehicle trailers, personal water craft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a *lot*.

2.230 "RECREATIONAL VEHICLE" means any vehicle so constructed that is suitable for being *attached* to a *motor vehicle* for the purpose of being drawn or is propelled by the

motor vehicle and is capable of being used for living, sleeping, eating or accommodation of **persons** on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. For the purposes of this definition, a **recreational vehicle** shall be considered a **structure** for the purposes of establishing **setbacks** only. A **recreational vehicle** shall not be deemed to include a **mobile home**. The definition of a **recreational vehicle** shall not be interpreted to include **recreational equipment** (see photos).



2.1231 "RECREATIONAL VEHICLE SALES, STORAGE AND SERVICE ESTABLISHMENT" means a **premise** which is used for the display, storage and/or sale and service of boats, **trailers**, campers, snowmobiles and other **recreational vehicles**.

2.232 "RECYCLING DEPOT OR TRANSFER STATION" means a special **waste management facility** which only serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, white goods, metal, electronics and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

2.233 "REDEVELOPMENT" means the removal or rehabilitation of **buildings** or **structures** and the construction, reconstruction or erection of other **buildings** or structures in their place.

2.234 "REGISTERED RIGHT-OF-WAY" means a right enjoyed by a person of passing over another person's land subject to such condition and restrictions as are specified by grants, sanctioned by custom or by whatever other means, by virtue of which the right exists, and the boundaries of which land are defined in the last registered instrument by which legal or equitable title to the said land was lawfully and effectively conveyed.

2.235 "RENEWABLE ENERGY SYSTEM" means a system that generates electricity, heat and/or cooling from a renewable energy source.

2.1236 "RESIDENTIAL USE" means the use of land, *buildings* or *structures* for human habitation or as a *dwelling*.

2.237 "RESORT COMMERCIAL ESTABLISHMENT" means a *use, buildings* or *structures* designed or used for the accommodation of the travelling or vacationing public and may include self-contained cabins, cottages, a lodge, *campground* as well as ancillary recreational or other uses associated with angling, hunting, snowmobiling, skiing, mountain hiking, hiking, eco-tourism, outfitting and other similar outdoor recreational activities. Ancillary uses may also include a *restaurant*, dining or grocery, rental equipment and supplies.

2.238 "RETAIL SALES OUTLET" means a *building* or part of a *building* in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail but does not include any establishment otherwise defined or classified herein.

2.239 "RETAIL STORE" means a building wherein goods, wares, merchandise, substances (including cannabis), or articles are offered for sale to the general public, and may include the storage of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein. *(As amended by By-law 4430)*

2.240 "ROAD" (see "STREET")

2.241 "SALVAGE YARD (WRECKING YARD)" means a lot and/or building or portion thereof where used goods, wares, merchandise or articles are processed or sold for further use, dismantled or abandoned or for the sale, dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof.

2.242 "SATELLITE DISH/RECEIVER" means a structure designed and used for the reception of television signals from a communication satellite.

2.243 "SAUNA" means an accessory building or structure wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a boat house.

2.244 "SAWMILL OR PLANING MILL" means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

2.245 "SAWMILL, PORTABLE" means equipment which is portable (e.g. may be drawn

by a **motor vehicle**) and is **used** on a temporary basis for the cutting of saw logs

2.246 "SCHOOL" means a Provincially-approved institution for academic instruction and shall include a public, private or separate **school**, a vocational **school**, or a post-secondary **school** such as a college or university.

2.247 "SEMI-DETACHED DWELLING" (see **"DWELLING, SEMI-DETACHED"**)

2.248 "SEATING CAPACITY" means the number of persons which can be accommodated in a **building** or **structure** or part thereof in a seated position on chairs, benches, forms or pews.

2.249 "SECURITY GATE" means a gate which can be locked and only accessible with a key to prevent entry of unwanted person(s).

2.250 "SELF-STORAGE FACILITY" means a commercial **building** or part of a **building** wherein items are stored in separate, secured storage areas or lockers and may include the exterior storage of boats and water-related equipment, **recreational equipment** and **travel trailers** (see photo).



2.251 "SENSITIVE LAND USE" means **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.

2.252 "SEPARATION DISTANCE" means the horizontal distance between **buildings** or **structures** or physical features measured from the closest point of the exterior wall or identifiable boundary of such **building** or **structure**, or of such physical structure.

Examples of sensitive land uses may include, but are not limited to: residences, day care centers, and educational and health facilities.

2.253 "SERVICE OR REPAIR SHOP" means a **building** or part of a **building** not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail shop or not for the servicing or repairing of articles, goods, materials and includes

an appliance store, auto and tire supply, dry cleaners, electrical store, plumber, electronic equipment sales, sign painter and tool sharpener, but does not include the manufacture of articles, goods or materials.

2.254 "SETBACK" means:

With reference to a street, the least horizontal distance between the *front lot line* and the nearest *building line*.

With reference to a *water body*, the least horizontal distance between the *high water mark* and the nearest *building line setback*, whichever is nearest.

With reference to a *building, structure* or land *use* and not applicable under paragraph (a) or (b), shall mean the least horizontal distance from the *building, structure* or land *use* in question; and

With reference to a *private road*, shall mean the least horizontal distance between the edge of the travelled portion of the road or surveyed boundary of any *building* or *structure*, or the limit of the road as shown and measured on a survey.

2.255 "SHOOTING RANGE OR RIFLE CLUB" means the *use* of land, *buildings, structures* or *premises* for commercial or private recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include *accessory* facilities.

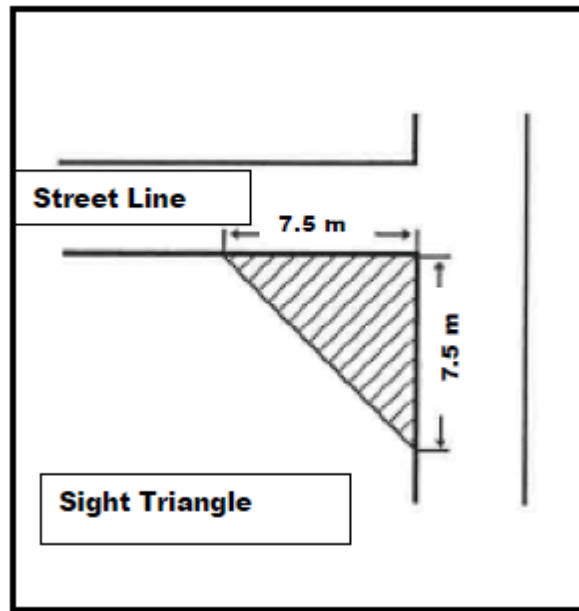
2.256 "SHOPPING CENTRE" means an integrated commercial development having a total enclosed floor space of more than 1,400 m² (15,070 ft.²) which have been designed, and developed to permit a wide range of retail, service and office *commercial uses*.

2.257 "SHORELINE" means those lands extending from the *high water mark* which have potential and direct significant impact on nearshore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

2.258 "SHORELINE BUFFER ZONE" means a natural area, adjacent to a *shoreline*, maintained or re-established in its natural pre-development state, with the exception of minimal pruning of vegetation, the removal of trees for safety reasons, for the purpose of protecting natural habitat and water quality and minimizing the visual impact of *buildings* or *structures* on a lot, and may include the installation of a pathway or trail providing water access.

2.259 "SIGHT TRIANGLE" means a triangle that is formed by the boundaries of two *streets*, and a line joining two points that are 7.5 m (24.6 ft.) back from the intersection (see **Figure 2.17**). *(As amended by By-law 4430)*

Figure 2.17 Sight Triangle



2.260 "SIGN" means a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

2.261 "SOLAR COLLECTOR" means a non-commercial Class 1 or 2 ground mounted or rooftop mounted or wall mounted device under the *Green Energy and Green Economy Act, 2009* with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun (see photos for examples).



2.262 "SOLAR COLLECTOR, COMMERCIAL" means a Class 3 ground mounted device under the *Green Energy and Green Economy Act, 2009* with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun (see photos for examples).

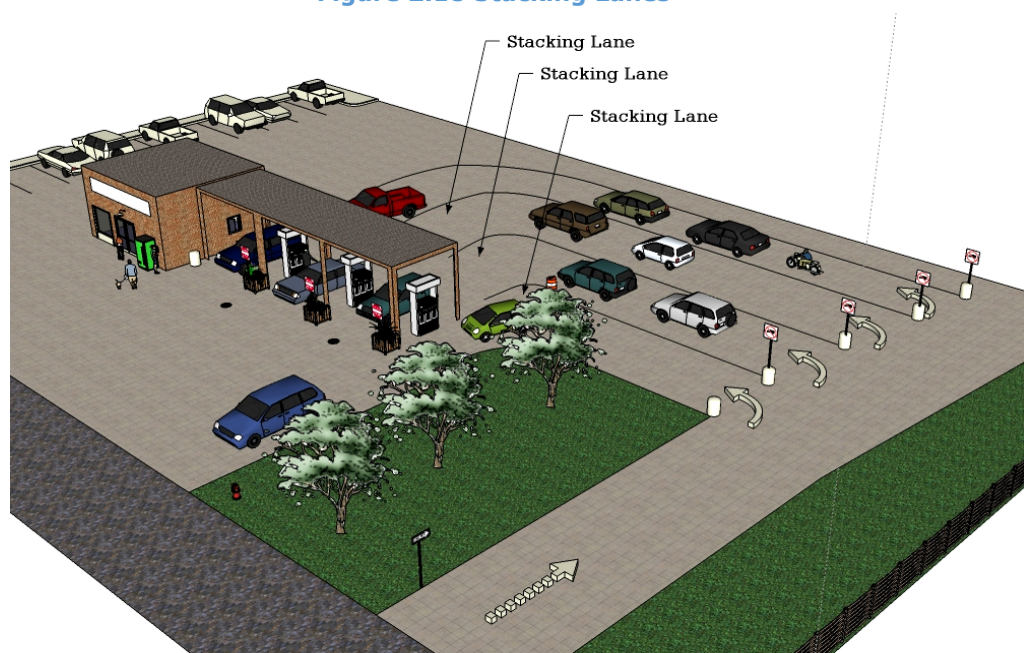


2.263 "SOLARIUM" means a glassed-in *structure* or room projecting from an exterior or *main wall* of a *building* which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

2.264 "SPORTS PLAYING FIELD" means an open space set aside for the playing of sports and may include benches or bleachers for spectators but where there is no provision made for spectators. This definition excludes an area set aside for a similar compatible use which is subsidiary to an *institutional use*.

2.265 "STACKING LANE" means an area of land that is *used* exclusively for *motor vehicles*

Figure 2.18 Stacking Lanes



whose occupants are waiting to be provided with goods, materials or services at a ***drive-through facility*** and is comprised of ***stacking spaces*** and an access ***aisle*** (see **Figure 2.18**).

2.266 "STACKING SPACE" means a portion of a ***stacking lane*** which provides standing room for ***motor vehicles*** in a queue for a ***drive-through facility*** while the occupants are awaiting service.

2.267 "STORAGE CONTAINER" means a prefabricated new or used metal container or cargo box designed for the transportation or shipping of goods or for the storage of goods, merchandise or materials and may include a Sea-Can or shipping container but shall not include a ***motor vehicle***, a dumpster, or recycling receptacle (see photos)



2.268 "STORAGE TRAILER" means any unlicensed trailer, a mobile ***storage trailer***, truck trailer, or tractor-trailer, whether or not same is mounted on wheels that is used or intended to be used for the storage of goods, merchandise or materials (see photos).

2.269 "STORAGE INDUSTRY" means an industry engaged in the activity of storing materials, goods, or produce to preserve them in a condition or form that makes them usable at a later date, and includes whatever treatment or packaging may be necessary for storage.

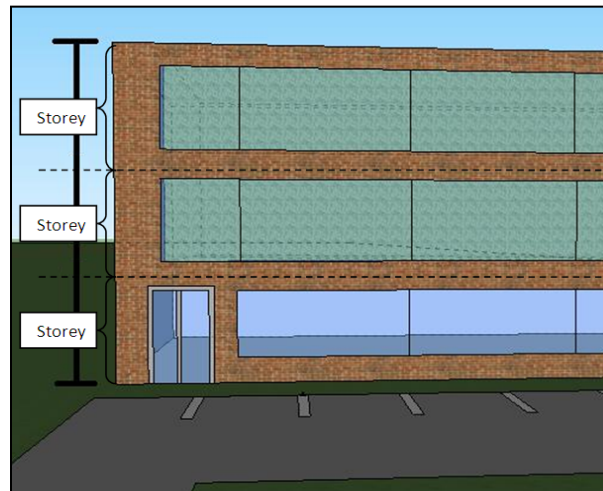
2.270 "STORE, RETAIL" (see **"RETAIL STORE"**)

2.271 "STORE, RETAIL CONVENIENCE" (see **"CONVENIENCE STORE"**)

2.272 "STOREY" means the portion of the ***building*** other than the ***cellar*** which lies between the surface of the floor and the surface of the next floor above it, or if there is

no floor above it, then the space between such floor and the ceiling or roof next above it (see **Figure 2.19**).

Figure 2.19 Storey



2.273 "STOREY, FIRST" means the lowest *storey* of a *building*.

2.274 "STOREY, ONE-HALF" means the portion of *building* situated wholly or in part within the sloping roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7.54 ft.) over a floor area equal to at least 50% of the area of the floor next below. [\(As amended by By-law 4430\)](#)

2.275 "STORM SEWER" means a sewer which carries storm surface waters and drainage.

2.276 "STREET" means a public highway that is a principal means of access to abutting lots, that is under the jurisdiction of the Province of Ontario or "The Corporation of the Town of Kapuskasing or a Local Roads Board.

2.277 "STREET LINE" means the limit of the street allowance and is the dividing line between a *lot* and a *street*.

2.278 "STRUCTURE" means 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 purpose of this By-law, a *fence* not exceeding 2.4 m (7.87ft.) in height shall be deemed not to be a structure. [\(As amended by By-law 4430\)](#)

2.279 "SWIMMING POOL" means a body of water of more than 9.3 m² (100.1 ft.²) in area, used for bathing, swimming or diving. [\(As amended by By-law 4430\)](#)

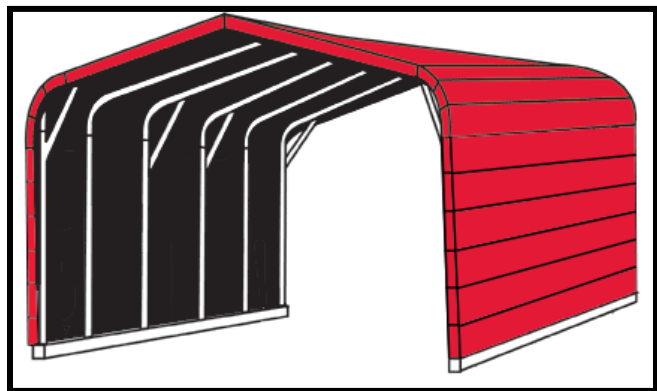
2.280 "TAVERN OR ROADHOUSE" shall mean a "*tavern*" as defined by the Liquor License Act.

2.281 "TAXI STAND OR DISPATCH OFFICE" means lands and/or *premises* where chauffeured passenger automobiles are kept for hire.

2.282 "TEMPORARY BUILDING" means a *building* or *structure* intended for removal or demolition within a prescribed time as set out in a building permit.

2.283 "TEMPORARY CAR SHELTER" means a prefabricated temporary *structure* usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover *used* primarily for the storage of a *motor vehicle* or other equipment and is designed to be dismantled or removed (see **Figure 2.20**).

Figure 2.20 Temporary Car Shelter



2.284 "TOURIST HOME" means a private *dwelling* that is not part of or *used* in conjunction with any other establishment and in which there are at least four rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally, or occasionally.

2.285 "TRAILER" means any *motor vehicle* so constructed that it is suitable for being attached to a *motor vehicle* for the purpose of being drawn or propelled by the said *motor vehicle* to transport goods, wares, merchandise, materials and other *motor vehicles* and not be capable of being used for living, sleeping or eating accommodation, notwithstanding that such vehicle is jacked up or that its running gear is removed (see

2.286 "RECREATIONAL VEHICLE")

2.287 "TRANSFER STATION" (see "**RECYCLING DEPOT OR TRANSFER STATION**")

2.288 "TRAVEL TRAILER" means any *motor vehicle* so constructed that is suitable for being attached to a *motor vehicle* for the purpose of being drawn or propelled by the said *motor vehicle* or a self-propelled *motor vehicle* designed for being temporarily used for living, sleeping or eating accommodation, notwithstanding that such vehicle is jacked up or that its running gear is removed.

2.290 "TRANSPORTATION TERMINAL" pertains to the shipment of goods and means a property and buildings used for the storage, loading, repair, dispatching and administration of transport trucks, and may also include the short-term storage of goods awaiting shipment to further destinations, and the transfer of goods from one vehicle to another.

2.291 "TRUCK STOP" (see "HIGHWAY SERVICE CENTRE")

2.292 "USE" when used as a noun, means the purpose for which a lot or building or structure, of any combination thereof is designed, arranged, intended, occupied or maintained and "USES" shall have a corresponding meaning.

2.293 PRINCIPAL USE means a use which constitutes, by reason of its use, the primary purpose for which the lot is used.

2.294 "USE", when used as a verb or "TO USE" shall have a corresponding meaning.

2.295 "VETERINARY ESTABLISHMENT" means an establishment where one or more licensed veterinarians and any associated staff provide medical, surgical, grooming, boarding or similar services but shall not include a *kennel*.

2.296 "VIDEO RENTAL OUTLET" means a *building* or part of a *building* wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders.

2.297 "WAREHOUSE" means a *premise used* for the storage and distribution of goods, wares, merchandise, articles or things but does not include any storage and/or distribution of goods, connected with a *salvage yard*.

2.298 "WAREHOUSE SALES ESTABLISHMENT" means a *building* or part of a *building used* for the storage and distribution of goods, wares, merchandise, substances or articles that includes facilities for a wholesale or commercial outlet, but shall not include facilities for a truck or *transportation terminal* or yard.

2.299 "WASTE MANAGEMENT FACILITY" means an area of land or site approved or licensed by statute where garbage, refuse, domestic or industrial waste is disposed of or dumped or composted and may include associated buildings, structures or facilities.

2.300 "WATER SUPPLY" (see "PUBLIC UTILITY")

2.301 "WATERBODY OR WATERCOURSE" means any bay, lake, river, natural *watercourse* or canal but excluding a drainage or irrigation channel.

2.302 "WAYSIDE PIT OR QUARRY" means a temporary pit or a *quarry* opened and used by a public road authority or their contractors, for the purpose of a particular project or contract of road construction and is not located on the road right-of-way.

2.303 "WELDING SHOP" means the use of land, *building*, or *structure* where pieces of metal are welded or fabricated.

2.304 "WHOLESALE AND DISTRIBUTION ESTABLISHMENT" means a *building*, or *structure* or part thereof used or intended to be used for the bulk storage, sale and/or distribution of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

2.305 "WHOLESALE SHOP" means a *building* or part of a *building* where goods, wares, merchandise, substances, articles or things of which 80% are new, are stored, offered or kept for sale and where at least 70% of the gross value of such sales are of a non-retail nature and shall include outside storage normally associated with a building supply or storage yard.

2.306 WIND TURBINE

Means a Class 1 wind facility under the *Green Energy and Green Economy Act, 2009* with a name plate capacity less than or equal to 3 kW machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

2.307 WIND TURBINE, COMMERCIAL

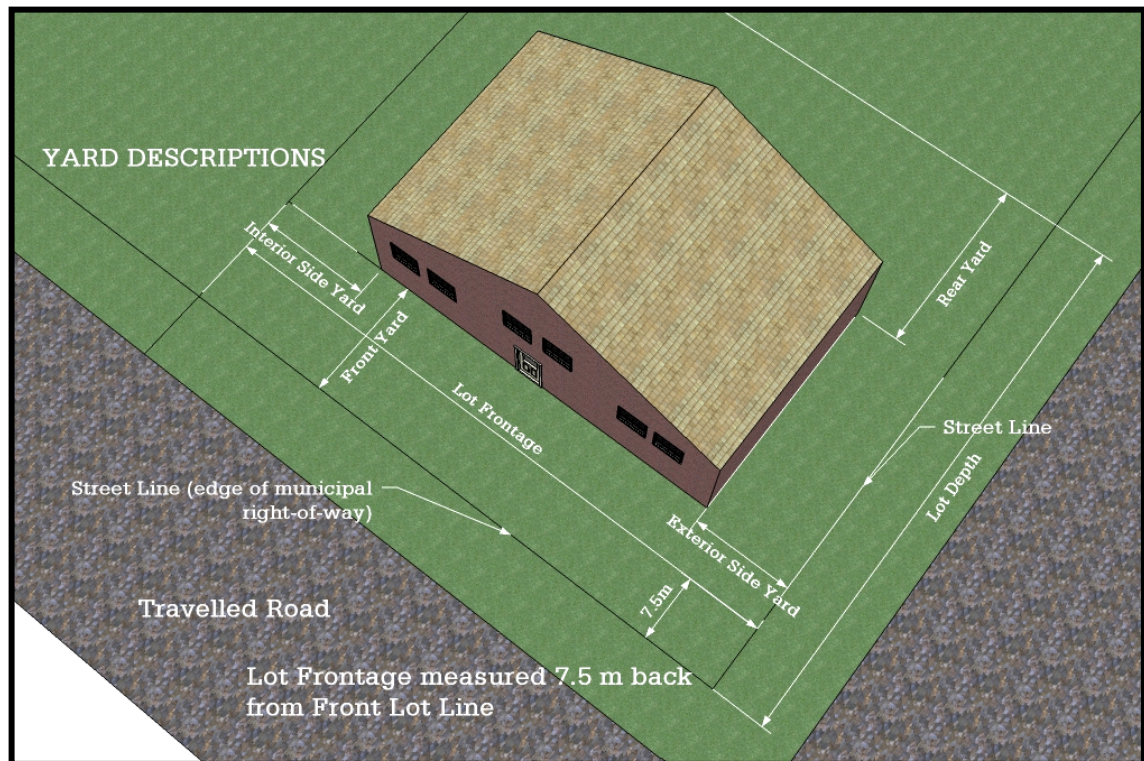
Means a Class 2, 3 or 4 wind facility under the *Green Energy and Green Economy Act, 2009* with a name plate capacity greater than or equal to 3 kW machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy (see photo of example).



2.308 "YARD, BUILDER'S SUPPLY" (see "BUILDING SUPPLY CENTRE")

2.309 "YARD" means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by buildings or structures except as may be expressly *permitted* in this By-law, and in determining yard measurements the minimum horizontal distance from the respective *lot lines* is to be used, but does not include a *courtyard* (see **Figures 2.21A** and **2.21B**).

Figure 2.21A Yard Definitions



2.310 "YARD, EXTERIOR SIDE" means a side yard immediately adjacent to a *street* (see **Figures**).

2.311 "YARD, INTERIOR SIDE" means a *yard* extending from the *front yard* to the *rear yard* of a *lot*, and between a *side lot line* and the nearest wall of any *building* or *structure* on the *lot* (see **Figures**).

2.312 "YARD, FRONT" means a *yard* extending across the full width of a *lot* between the *front lot line* and nearest wall of any *building* or *structure* on the *lot* (see **Figures**).

2.313 "YARD, REAR" means 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*. A *yard* abutting on a 0.3 m (1 ft.) reserve shall be the *side yard* or *rear yard* (see **Figures**).

2.314 "YARD, SIDE" means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and a line drawn parallel or concentric thereto and through the point of the *main wall* of a building closest to the *side lot line* (see **Figures**).

EXAMPLE OF YARD DEFINITIONS

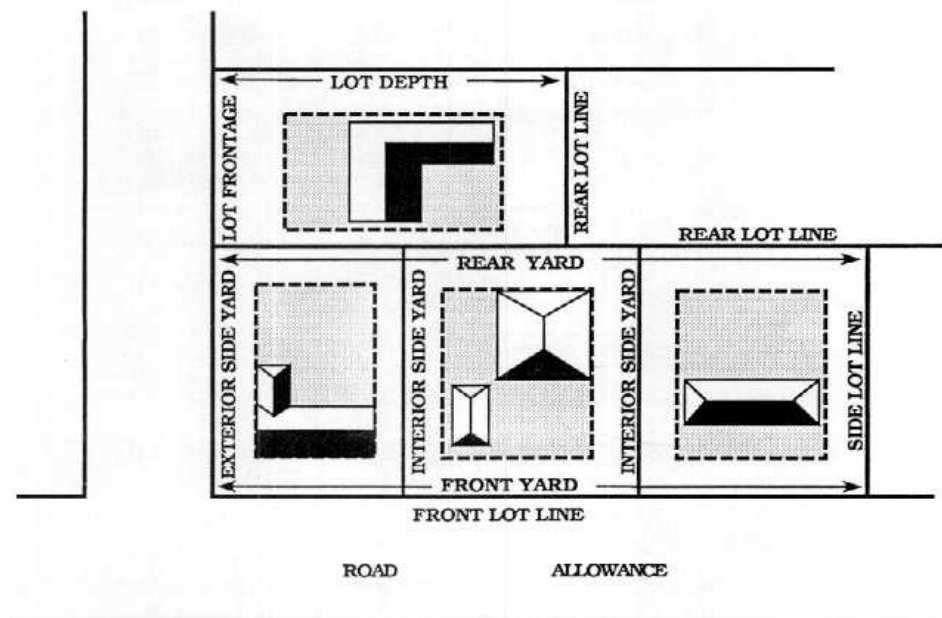
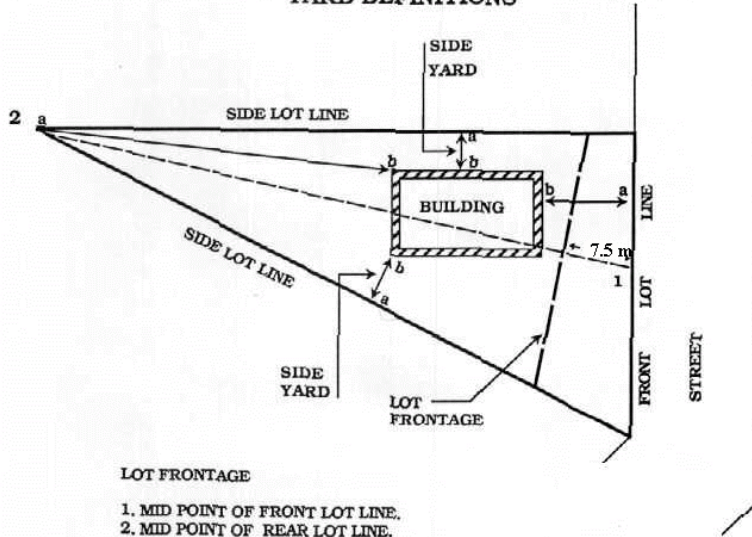


Figure Yard Definitions

**IRREGULAR LOT
NO REAR LOT LINE
YARD DEFINITIONS**



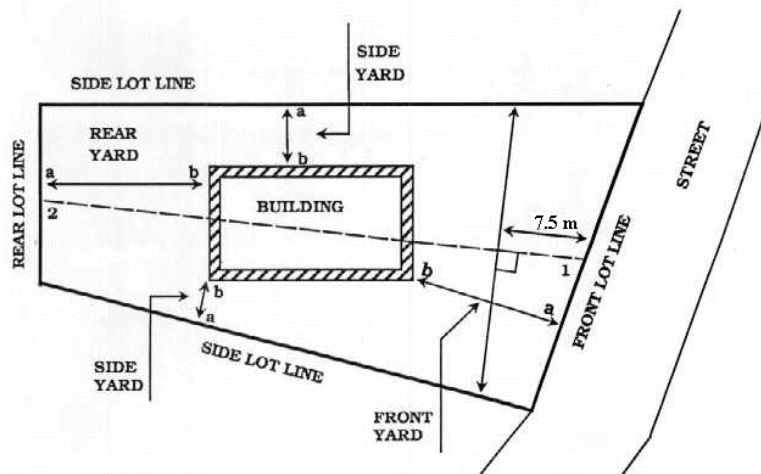
LOT FRONTAGE

- 1. MID POINT OF FRONT LOT LINE.
- 2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 7.5 m FROM THE FRONT LOT LINE.

DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE BY-LAW.

**IRREGULAR LOT
NO PARALLEL LOT LINES
YARD DEFINITIONS**



LOT FRONTAGE

- 1. MID POINT OF FRONT LOT LINE.
- 2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 7.5 m FROM THE FRONT LOT LINE.

DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM DISTANCE SPECIFIED IN BY-LAW.

2.315 "ZONE" means a designated area of land use demarcated on the Schedules attached hereto.

2.316 "ZONE REGULATION" means any provision of this By-law which is listed under the heading "*Zone Regulations*" or referred to as a *zoning regulation* and governs the *erection* of any *building* or *structure* or the *use* of land.

3. General Provisions

Explanatory Note

The General Provisions section of the Zoning By-law sets out regulations which apply regardless of the specific zoning of a property. While the zones provide site specific regulations corresponding to such items as permitted uses and other restrictions, the General Provisions provide regulations more general in nature. Development must comply with all applicable provisions in the General Provisions in addition to the requirements of the specific zone regulations set out in and Zone.

3.1 Accessory Use

3.1.1 Scope Limited

Where this By-law provides that a lot may be used or a **building** or **structure** may be erected or used for a purpose, that purpose shall include any **accessory building** or **structure** or **accessory use**, but shall not include:

- i) any occupation for gain or profit conducted within a **dwelling unit** or on the lot except as in this By-law is specifically **permitted**, or,
- ii) any **building** used for human habitation except for a **guest house** or where a **dwelling** is specifically listed as an **accessory use**.

and, provided that the **accessory use, building** or **structure** is located on the same **lot** as the **permitted principle use**.

3.1.2 Permitted Uses

For the purposes of this By-law, the scope of **permitted accessory uses**, buildings or structures shall be as set out in the respective zones.

3.1.3 Keeping of Animals, Reptiles or Birds

The use of an **accessory building** or **structure** for the keeping of animals, reptiles or birds, other than domestic pets, is not **permitted** in any **Residential Zone**.

Notwithstanding the foregoing, up to three hens may be kept per **lot** in any **Residential Zone** provided that such hens are kept in up to one (1) coop and run per **lot**, any coop or run is located in the **rear yard** only, and that the coop and run is set back at least 3.0 m [9.84 ft] from any abutting **rear lot line** and side lot line, except where the rear or side

lot line abuts a non-residential use, in which case the setback shall be at least 6.0 m [19.69 ft.]. [\(As amended by By-law 4430\)](#)

3.1.4 Zone Requirements for Accessory Uses, Buildings or Structures

The following zone requirements shall apply to **permitted** accessory uses, buildings or structures:

Table 3.1 Zone Requirements for Accessory Uses (As amended by By-law 4430)		
	Requirement	Exceptions/Additional Requirements
Minimum Yard Requirements		
Front Yard		
-All zones except shoreline lots -Lot with shoreline frontage -Other accessory structures as listed	-Same as principle use or main building -5 m [16.4 ft.]	- Boat house (see Section 3.1.6) -No setback shall be required for a pump house, dock or structures for flood or erosion control - 3 m [9.84 ft.] for 1) a shelter for use by children waiting for a school bus, if such use is located in a rural zone , 2) a farm produce outlet if such structure is located in a rural zone , 3) a freestanding satellite dish/receiver or solar collector (but not including a communications facility); and 4) a temporary car shelter
Rear Yard		
-All zones -Lots with shoreline frontage - private garage with access from a lane -Recreational, institutional or public building	-1.0 m [3.28 ft.] -Same as principle use or main building -1.0 m [3.28 ft.] (As amended by By-law 4430) -the greater of 7.6 m [24.9 ft.] or one-half the height of the building where located in a residential zone .	
Interior Side Yard		

Table 3.1 Zone Requirements for Accessory Uses <i>(As amended by By-law 4430)</i>		
	Requirement	Exceptions/Additional Requirements
All zones	1 m [3.84ft.] when structure located in the rear yard 1.5 m [4.92ft.] in all other cases <i>(As amended by By-law 4430)</i>	Exempted in a residential zone for a mutual garage erected on a common flankage property
Exterior Side Yard		
All zones	Same as principle use or main building	- 3 m [9.84 ft.] for 1) a shelter for use by children waiting for a school bus, if such use is located in a rural zone ; 2) a farm produce outlet if such structure is located in a rural zone ; 3) a freestanding satellite dish/receiver or solar collector (but not including a communications facility); and 4) a temporary car shelter
Maximum Building Height		
- Residential Zones	-4.12 m [13.5 ft.] <i>(As amended by By-law 4430)</i>	-Maximum height of exterior walls and doors shall be 3.2 m [10.5 ft.] except for Rural and Rural Residential Zones <i>(As amended by By-law 4430)</i>
-All other zones	-5 m [16.4 ft.]	-Except Rural (RU) Zone
Maximum Lot Coverage		
-All Zones	-see Table 29 <i>(As amended by By-law 4430)</i>	
Minimum Separation Distance Between Main Building and Accessory Building		
Residential Use	0.9 m [2.95 ft.]	
Maximum Number of Accessory Buildings or Structures per Lot		
Residential Use	2 excluding a swimming pool	
Maximum Number of Detached Private Garages per Lot – 1		
Maximum Number of Home Based Businesses – 1 per Dwelling Unit		
Maximum Floor Area		
- Accessory shed in a residential zone - Guest House	-18.6 m ² [200 ft. ²] for a shed in a residential zone not used to store a motor vehicle <i>(As amended by By-law 4430)</i>	-no cooking facilities permitted, and a guest house is only permitted as an accessory use to a seasonal dwelling

Table 3.1 Zone Requirements for Accessory Uses <i>(As amended by By-law 4430)</i>		
	Requirement	Exceptions/Additional Requirements
	-46 m ² [495.14 ft. ²] <i>(As amended by By-law 4430)</i>	
<i>Quonset Hut</i> not permitted in a residential area		

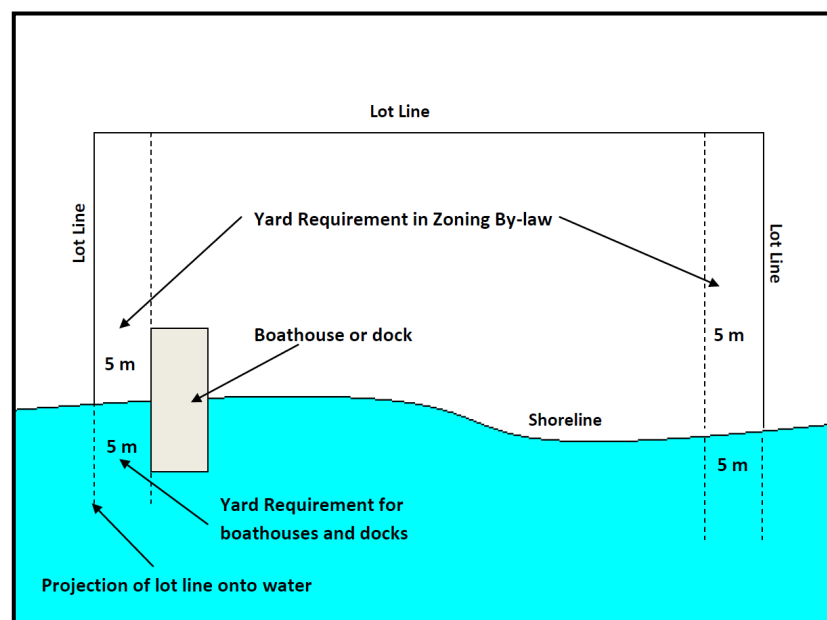
3.1.5 Attached to Main Building

Any **accessory building** may be erected as part of the **main building** provided that all **yard** and area requirements of this By-law are complied with, in respect to **main building** requirements and not **accessory building** requirements.

3.1.6 Boat House, Dock or Wharf

A boat house, 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 governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 5 m [16.4 ft.] to the nearest adjacent lot line or does not encroach on adjacent frontage when the lot boundaries are extended into the water (see **Figure 3.1**).

Figure 3.1 Boat House Setback



3.1.7 Accessory Uses in Environmental Protection Zone

Subject to Section 3.1.6, accessory marine **structures** or **buildings** such as **boat houses**, pump houses, docks which do not contain habitable living space shall be **permitted** within any Environmental Protection Zone adjacent to any lake or **watercourse**.

3.1.8 Prior Erection of Accessory Building

Where an **accessory building** is necessary for the storage of tools or materials for use in connection with the construction of the **main building** on a lot in a **Residential Zone**, the **accessory building** may be erected on the lot one month before the erection of the **main building** and such **building** shall be used only for the purpose of storage.

3.1.9 Fence in Industrial Zone

No **fence** shall be placed closer to the **street line** in the **front yard** of an Industrial Zone than 4.6 m [15 ft.] or closer to the **main wall** of the **main building**, whichever is less.

3.1.10 Garden Suites

Subject to the passing of a site specific temporary use By-law under Section 39 of the *Planning Act*, a **garden suite** shall be **permitted** as an **accessory use** to a **permitted single detached dwelling** provided:

The minimum **lot area** conforms to the **zone** in which the **garden suites** are to be located.

The maximum **gross floor area** of the **garden suite** shall be 74 m² [796.52 ft.²]. ([*As amended by By-law 4430*](#))

The maximum **height** of the **garden suite** shall be one **storey**.

The **garden suite** shall be located in a **rear** or **interior side yard** and shall meet the **zone regulations** for **building separation** and **lot coverage** in the **zone** in which the **garden suite** is located.

The minimum **setback** from a **rear lot line** or **interior side yard lot line** shall be 3 m [9.84 ft.].

A **garden suite** shall not be **permitted** on a **lot** occupied by an **existing guest cabin**.

3.1.11 Second Residential Unit

A **second residential unit** shall be **permitted** as an **accessory use** to a **single detached dwelling** or a **semi-detached dwelling** or a **row** or a **townhouse dwelling** except in an RR, RMH or RU Zone.

3.1.12 Bed & Breakfast Establishment

A **bed and breakfast establishment** shall be **permitted** as an **accessory use** to any **permitted single detached dwelling**.

1. A maximum of three (3) **guest rooms** shall be **permitted** for any one **bed and breakfast establishment**.
2. The **use** of the **dwelling** as a **bed and breakfast** establishment shall not change the residential character of the **dwelling**.
3. **Bed and breakfast establishments** shall not be subject to the **home based business** regulations of **Section 3.9** of this By-law. *(As amended by By-law 4430.*
4. The **bed and breakfast establishment** shall comply with any applicable requirements of the local Health Unit, the *Building Code*, and the *Fire Code*.
5. One (1) **sign** only not exceeding 1 m² [10.76 ft²] in surface area shall be **permitted** to advertise a **bed and breakfast establishment**. The **permitted sign** may be a freestanding **sign** in a **front** or **side yard** or may be **attached** to a wall of a **permitted building** or **structure**.
6. A breakfast service shall be available to guests.
7. A **bed and breakfast establishment** shall comply with the applicable parking regulations of **Section 3.19** of this By-law.
8. A **bed and breakfast establishment** shall require proper licensing from the **municipality**.

3.1.13 Storage Containers and Storage Trailers

Storage containers and **storage trailers** shall be **permitted** in specified zones and in accordance with the **zone regulations** as set out in **Table 3.2** of this by-law.

Item	Residential Zones	Commercial Zones	Industrial & Rural Zones
Number of Storage Containers and Storage Trailers (Units) permitted per lot	-not permitted in R1, R2, R3, RR, RU, RMH -1 storage container per dwelling unit in RM1 & RM2. - Storage trailers are prohibited in any residential zone	-maximum of 3 units whether storage containers or storage trailers or a combination thereof in a C3 zone only - no limit where the C3 permitted use is for the commercial display and sale of storage	- maximum of 3 units whether storage containers or storage trailers or a combination thereof in M1, M2 and M3, and in a Rural Zone for a non-residential use with a minimum 0.4 ha lot area

Table 3.2 – Requirements for Storage Containers and Storage Trailers			
Item	Residential Zones	Commercial Zones	Industrial & Rural Zones
		<i>containers</i> or where the <i>permitted use</i> is a commercial <i>self-storage facility</i>	-one (1) additional unit shall be <i>permitted</i> for each additional 4 ha of land area in a Rural Zone only, up to a maximum of 10 total -not <i>permitted</i> in any source protection, environmental and open space zones
Maximum Container Dimensions	-RM1 & RM2 Zones: 3m (width) by 4.8 m (length) by 2.9 m (height) and a maximum <i>gross floor area</i> of 14.4 m ² per unit -RM1 & RM2: same dimensions up to the permitted <i>lot coverage</i>	-3 m (width) by 12.1 m (length) by 2.9 m (height) and a maximum <i>gross floor area</i> of 36.3 m ² per unit	-3 m (width) by 12.1 m (length) by 2.9 m (height) and a maximum <i>gross floor area</i> of 36.3 m ² per unit
Location	-Rear Yard only except on a temporary basis -all other applicable <i>setbacks</i> shall continue to apply -minimum 1.5 m <i>building separation</i> from any <i>main building</i> , the window or door of a <i>habitable room</i>	-Rear Yard or Interior Side Yard only except on a temporary basis -all other applicable <i>setbacks</i> continue to apply -minimum 1.5 m <i>building separation</i> from any <i>main building</i> , window or door of a <i>habitable room</i>	-No restriction provided unit(s) set back a minimum of 30 m from <i>street line</i> -all other applicable <i>setbacks</i> shall continue to apply -minimum 1.5 m distance separation from any <i>main building</i> , window or door of a <i>habitable room</i>
Maximum Lot Coverage	Shall apply as per the zone affected	Shall apply as per the zone affected	Shall apply as per the zone affected
Location Restriction	Not <i>permitted</i> on any required <i>parking space</i> , parking <i>aisle</i> , <i>driveway</i> , <i>stacking lane</i> or on a required landscape buffer	Not <i>permitted</i> on any required <i>parking space</i> , parking <i>aisle</i> , <i>driveway</i> , <i>stacking lane</i> or on a required landscape buffer	Not <i>permitted</i> on any required <i>parking space</i> , parking <i>aisle</i> , <i>driveway</i> , <i>stacking lane</i> or on a required landscape buffer
Use Restriction	Human habitation is prohibited	Human habitation is prohibited	Human habitation is prohibited
Maximum Height Restriction	No stacking of <i>storage containers</i> shall be <i>permitted</i>	No stacking of <i>storage containers</i> shall be <i>permitted</i>	No stacking of <i>storage containers</i> shall be <i>permitted</i>
Ventilation	Ventilation shall be required	Ventilation shall be required	Ventilation shall be required

Item	Residential Zones	Commercial Zones	Industrial & Rural Zones
Fencing	Use for the purpose of screening or fencing prohibited	Use for the purpose of screening or fencing prohibited	Use for the purpose of screening or fencing prohibited
Advertising on a Storage Container or Storage Trailer	Prohibited	Prohibited	Prohibited
Snow Load, Rain Load, Fire, Occupancy and Foundations	Shall comply with <i>Ontario Building Code</i>	Shall comply with <i>Ontario Building Code</i> . Trailer wheels to be removed	Shall comply with <i>Ontario Building Code</i> . Trailer wheels to be removed

Additional Provisions:

A **storage container** and a **storage trailer** shall be considered as an **accessory use**.

Despite the number of **storage containers** and **storage trailers permitted** in Table 3.2, this section shall not be deemed to prevent the use of a **storage container** or **storage trailer** as a temporary use in any zone where required for the storage of building materials or equipment or use as a field office associated with construction on the same lot provided a valid building permit is in place. Despite the location limitations, any storage unit may be located in any yard except in a **sight triangle** (see also Section 3.26).

Despite the number of **storage containers** and **storage trailers permitted** in Table 3.2, this section shall not be deemed to prevent the use of a **storage container** or **storage trailer** required as part of the operation of a **Contractor’s Yard** as defined in this by-law or as part of a processing or other operation of an **industrial use**.

Despite the requirements on the *Ontario Building Code*, a foundation shall not be required for any **storage container** with a **gross floor area** of less than 55 m².

3.2 Automotive Service Station, Automotive Gasoline Bar, Automotive Washing Establishment

Despite any other provisions contained in this By-law, for all Zones within which an **automotive service station, automotive gasoline bar, and/or automotive washing establishment** is **permitted** the following **zone regulations** shall apply:

- Minimum **lot frontage**.....50 m [164 ft.]
- Minimum **front yard**15 m [49.21 ft.] *(As amended by By-law 4430)*
- Minimum **lot area**.....3,000 m² [32,291.73 ft.²] *(As amended by By-law 4430)*
- Minimum **exterior side yard**15 m [49.21 ft.]
- Minimum **interior side yard**6 m [19.68 ft.] *(As amended by By-law 4430)*
- Minimum **rear yard**10 m [32.8 ft.]
- Minimum **setback** from a **canopy** and any **lot line**10 m [32.8 ft.]
- Minimum **setback** of any pump island from any **lot line**.....10 m [32.8 ft.]
- Minimum entrance width for one way entrance.....6 m [19.68ft.] *(As amended by By-law 4430)*
- Minimum width for a two way entrance.....9 m [29.52 ft.] *(As amended by By-law 4430)*

Maximum entrance width.....	12 m [39.374 ft.]	<i>(As amended by By-law 4430)</i>
Minimum distance between any two entrances and/or exits...	22.5m[73.81 ft.]	<i>(As amended by By-law 4430)</i>
Minimum distance between an entrance or exit and the intersecting street lines on a corner lot	12 m [39.37 ft.]	<i>(As amended by By-law 4430)</i>
Minimum number of entrances	2	

Fuel Storage and Propane Tanks

All fuel storage and propane tanks above or below ground for any fossil fuels or propane shall comply with the *Technical Standards and Safety Act, 2000* and no building permit shall be issued without the prior approval of any equipment or fuel storage facilities by the Technical Standards & Safety Authority.

Where an **automotive washing establishment** abuts a residential zone, the following requirements will apply:

No washing or drying operations will be **permitted** except within the **building** designed for the purpose of the car washing establishment.

The **building** shall be so designed that vehicles will egress from the building after washing and drying operations by means of a door located in the wall of the building which is furthest removed from the **lot line(s)** which abut lands which are zoned for a **residential use**.

3.3 Excepted Lands and Buildings and Non-Conforming Uses

3.3.1 Continuation of Existing Uses

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 passing of this By-law, so long as it continues to be **used** for that purpose. The **non-conforming** use of any land, **building** or **structure** shall not be changed except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located and subject to Section 3.3.3 of this By-law or to a use which is **permitted** by the Committee of Adjustment pursuant to the Planning Act. Should the **non-conforming** use of any land **building** or **structure** cease upon notice of the owner or should such use cease or be interrupted for a period of 2 years or more without notice of the owner, the use shall be required to conform with the provisions of the zone which the land, **building** or **structure** is located.

3.3.2 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any **building** or **structure**, the plans for which have, prior to the date of the passing of this By-law, been approved by the **Chief Building/Zoning Official**, so long as the **building** or **structure** when erected is used and continues to be used for the purpose for which it was intended and provided the erection of such **building** or **structure** is commenced within one year 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.

3.3.3 Change of Use

The 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 in accordance with the requirements set out in Section 8.11 of the **Official Plan**.

3.3.4 Ground Floor Area Less Than Required

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

3.3.5 Existing Undersized Lots

Despite anything to the contrary in this By-law, an **existing lot**, having less than the minimum **lot frontage** or **lot depth** or **lot area** (or any combination thereof) required by this By-law, may be used for a purpose **permitted** in the **zone** in which the said lot is located, provided that all other applicable provisions in this By-law are complied with, but in no case shall the **lot frontage** be less than 10 m [32.8 ft.].

3.3.6 Existing Non-Complying Buildings on Undersized Lots

Where a **building** has been **erected** prior to the day of the passing of this By-law on a lot having less than the minimum **lot frontage** or **lot depth** or **lot area**, (or any combination thereof) or having less than minimum **setback** or **side yard** or **rear yard** or minimum **useable open space** (or any combination thereof) required by this By-law, the said **building** may be enlarged, reconstructed, repaired or renovated provided that:

The enlargement, reconstruction, repair or renovation does not further reduce a **front yard** or **side yard** or usable open space having less than the minimum required by this by-law; and

All other applicable provisions of this By-law are complied with.

3.3.7 Building Repair and Reconstruction

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition or reconstruction of a **building** or **structure** destroyed by fire or a natural cause or any part thereof which is used for a use, or is **non-complying** with the provisions of this By-law, for the **zone** in which it is located, provided there is no further reduction to the standards in this By-law and that there is compliance with all other applicable provisions in this By-law and, any interruption in the use does not last more than two years.

3.3.8 Road Widening

Nothing in this By-law shall prevent the use of any land, **building** or **structure** or the erection of any **building** or **structure** on a **lot** which does not conform to the minimum **lot frontage** or **lot area** or **front yard setback** and in the case of a **corner lot**, the **side yard setback**, as a result of a road widening taken by a local roads authority or the Ministry of Transportation, provided all other requirements of this By-law are complied with.

3.4 Flood Plain

No **buildings** shall be constructed within the **flood plain** of the following areas and Schedules A and B of this By-law.

AREA	FLOOD ELEVATION (m)
Kapuskasing River south of Hwy 11	216.4
Kapuskasing River north of Hwy 11 to Islands and first rapids	211
Kapuskasing river from second rapids to Sturgeon Falls	209
Kapuskasing river from first rapids to second rapids at River Heights	208
Gough Creek from mouth to Mundy St.	209
Gough Creek from Mundy St. to Brunetville Rd.	210
Gough Creek from Brunetville Rd. to Hwy 11	211
Gough Creek from Hwy 11 to Mill St. extension	212
Remainder of Gough Creek watershed	213
O'Brien Creek from Proulx Lake to Brunetville Rd.	221

O'Brien Creek north of Brunetville Rd.	220
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Exception to Shoreline Setback

For all other *waterbodies* within the Planning Area, no *building* or *structure* except a *boat house, dock*, wharf or low impact accessory building or structure such as a *sauna*, gazebo, storage shed and *private garage*, shall be erected closer than 23 m [75.45 ft.] from any *shoreline, waterbody* or *high water mark*.

3.5 Frontage on a Street

3.5.1 Frontage on a Public 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 has sufficient frontage on a *street* developed to municipal standards and/or assumed by the Town of Kapuskasing as per the requirements of the respective *zone* within which the *lot* is situated. This provision shall not apply to a *lot* in a registered plan of subdivision where an agreement between the owner and the *corporation*, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry Office or Land Titles Office and where the owner is in full compliance with the agreement.

3.5.2 Frontage on a Private Road

Despite Section 3.5.1, frontage on a *street* shall be exempted for a *seasonal dwelling* where such *seasonal dwelling* is located on an *existing* lot of record on an *existing private road* and will not require the extension of the *private road*.

3.5.3 Frontage Exempted

Development of land in any zone which has access solely by means of a *registered right-of-way* owned by a *public authority* shall be restricted to the following uses:

- *communications facility*
- *wayside pit or quarry*
- *public utility*

3.5.4 Frontage exempted for Certain Uses

Despite Section 3.5.1 or Section 3.5.3, frontage on a *street* is not required:

For a *permitted use* located on an *existing private road* or a *private road* located in a registered condominium.

For a resource related **use** located on Crown Land.

For a **communications facility**.

For a **public utility**.

For a **wayside pit or quarry**.

For a **water access lot** for a **seasonal dwelling** or an island.

For any passive outdoor recreational **use** or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities, and

Where all other applicable **zone regulations** are met.

3.5.5 Ministry of Transportation Access Requirements

In addition to all the requirements of the **Corporation**, all development adjacent to Provincial Highways is also subject to the requirements and permits of the Ministry of Transportation.

3.6 Garbage Collection Area

3.6.1 Requirement

The owner or occupant of any **lot, building** or **structure** in a Commercial or Industrial Zone or any **lot, building** or **structure** used for any institutional purpose shall, 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, provide a garbage collection area. [*\(As amended by By-law 4430\)*](#)

3.6.2 Access

Access to a garbage collection area shall be by means of a **driveway** at least 3 m [9.84 ft.] for one-way traffic or 6 m [19.1 ft.] for two-way traffic. Such **driveway** shall be designed to allow a collection vehicle to enter the site, collect the garbage and exit the site without having to reverse. If this condition cannot be met, a cul-de-sac or T-turnaround shall be provided on the **lot**. [*\(As amended by By-law 4430\)*](#)

3.6.3 Location and Screening

The garbage collection area shall be located in the **side yard** or **rear yard**. In no case shall a garbage collection area be permitted in a **front yard or sight triangle**. A garbage collection area shall be located at least 1.5 m [4.92 ft.] to any **lot line** that abuts

a Residential or Open Space Park (OS) Zone. All garbage collection areas shall be screened from view from surrounding land uses and members of the travelling public. [\(As amended by By-law 4430\)](#)

3.7 Greater Restriction [\(As amended by By-law 4430\)](#)

This By-Law shall not reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

3.8 Group Homes [\(As amended by By-law 4430\)](#)

A **group home** shall be **permitted** in all **residential zones** provided the **lot** is located on a **street**.

3.9 Height Exceptions [\(As amended by By-law 4430\)](#)

The height regulations herein set forth shall not apply to any of the following providing there is no conflict with Airport Zoning Regulations:

Air conditioning system
 Chimney
 Church spire or belfry
 Drying Tower
 Elevator or stairway and enclosure
 Enclosed mechanical and electrical equipment and penthouse
 Farm buildings and structures such as a barn, silo or windmill
 Flag pole
 Hydro electric transmission tower or pole
 Ornamental dome or clock tower
 Receiving and transmitting antenna or telecommunications tower
 Receiving stations
Satellite dish/Receiver
 Skylight
 Solar panels, **solar collector, commercial solar collector**
 Ventilating fan or skylight or ventilator
 Water tower or reservoir
Wind turbine, commercial wind turbine

3.10 Home Based Businesses [\(As amended by By-law 4430\)](#)

3.10.1 Zone Standards [\(As amended by By-law 4430\)](#)

The following provisions and requirements shall apply to a **home based business**.

A **home based business** shall be limited to the following uses:

1. An **office**, including the offices for contractors and trades and haulage and cartage, including parking of one commercial vehicle
 - i. Instructional services
 - ii. Home Craft Businesses
 - iii. Private Day Care
 - iv. Distribution Sales (e.g. Avon)
 - v. Repair Businesses
 - vi. High Technology
 - vii. Artisan Studio

AND which excludes the following

- Any **hazardous substances**, merchandise and fuels requiring licensing under the Ministry of Consumer and Commercial Relations or any other Ministry;
- animal hospital, **animal day care establishment** or **kennel** or boarding facility for animals;
- **adult entertainment parlour** or escort service;
- **autobody repair shop** or motor vehicle repair garage;
- **contractors yard**;
- **eating establishment** or restaurant including a refreshment vehicle or chip stand;
- **retail store**;
- sales or service of motorized vehicles, machinery or equipment of the installation of automotive and audio products;
- scrap or **salvage yard**;
- taxi service;
- vehicle towing service;
- any use which from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material, and without limiting the generality of the foregoing shall include any uses which fall under the appropriate regulations may be declared to be noxious or offensive trade, business or manufacture. [*\(As amended by By-law 4430\)*](#)

A **home based business** shall be located exclusively within:

- i. A **dwelling unit** in a residential zone provided that not more than 25% of the **dwelling unit floor area** is utilized for the **home based business**, except as noted in (3), (4) and (5).
- ii. A **dwelling unit** and **accessory building** or a combination of both in a RR, RR-A, RR-B and RU zone provided that not more than 50 m² (538.16 ft.²) of floor area is used for the **home based business** except as stipulated in (3), (4) and (5). [*\(As amended by By-law 4430\)*](#)

The **home based business** shall be **accessory** to a **permitted residential use**.

The business shall be operated by the owner or occupant and does not employ any outside persons except in the case of the RR, RR-B and RU zones, there may be a staff of one person.

For a **business or professional office**, there may be a staff of one person employed in addition to the owner or occupants of the **dwelling unit**:-

Not more than (2) two businesses shall be **permitted** in a **dwelling** containing two or more **dwelling units** in a R1, R2, R3, RM1 and RM2 zone provided that not more than 25% of the **dwelling unit floor area** is utilized for each **home based business** except in a RU, RR and RR-B zone, the requirements as set out in (2.) (ii) shall apply. [\(As amended by By-law 4430\)](#)

Signage for each licenced business shall be **permitted** anywhere on the exterior wall of the **main building** to indicate the nature of the business. The **sign** shall have a maximum display area of 0.5 m² [5.4 ft. ²]. Illuminated **signs** will not be **permitted**.

Deliveries, pick-ups or courier services incidental to a **home based business** shall be **permitted** but shall not be of a number that will create a traffic hazard nor create a public nuisance as set out in paragraph (87) below. [\(As amended by By-law 4430\)](#)

The **home based business** shall be legal and has obtained the necessary licence from the municipality. The **home based business use** shall not create or become a public nuisance because of noise or vibration, fumes, dust, odour, radiation, hours of operation, traffic, parking, health or public safety, magnetic fields or electronic interference as established by the municipality and/or applicable provincial or federal legislation or other cause for disturbance.

No **outdoor storage** shall be **permitted**.

Parking for **home based business(es)** shall comply with **Section 3.19** of this By-law.

Within the rural area, businesses shall have the approval of the authority having jurisdiction for on-site water and sewage disposal systems.

The residential character of the **dwelling** and property shall not be changed.

Any person who under the authority of a **home based business** licence offers goods for sale must abide by the following regulations:

All advertising must be by means of a post office box or phone number only; and

all goods must be delivered by the holder of the **Home Based Business** licence to the dwelling of the purchaser. No exchange of goods or money may take place at the residence of the licence holder.

3.10.2 Additional Requirements [\(As amended by By-law 4430\)](#)

Home based businesses which exhibit any or all of the following characteristics shall require a Special Exception (HBB-X) through the minor variance or zoning amendment process.

Exceed or does not fall within any of the criteria set out in Section 3.10.1 above. [*\(As amended by By-law 4430\)*](#)

3.10.3 Exemptions [*\(As amended by By-law 4430\)*](#)

The **detached** garage located on Lot 60, Plan M-146-C (municipally known as 44 Cournoyer Street) may be used for the storage of flyers and catalogues exclusively with a maximum floor area of 19.3 m² [208 ft.²]. (Bylaw No. 2500)

The **detached** garage located at 1 Elm Street is **permitted** to have a maximum floor of the **home based business** not exceeding 46.45 m² [500 ft.²]. (Bylaw No. 2535)

3.11 Human Habitation

3.11.1 Compliance with the Building Code

No building shall be occupied until the requirements set out in the Ontario Building Code Section 2.4.3 or any revision thereof have been complied with and an occupancy permit has been issued by the **Chief Building/Zoning Official**. [*\(As amended by By-law 4430\)*](#)

3.11.2 Application

No truck, bus, coach or streetcar body, or structure of any kind other than a **dwelling unit erected** and used in accordance with this by-law shall be used for human habitation within the Planning Area whether or not the same is mounted on wheels.

3.11 Illumination

Illumination of buildings and grounds shall be **permitted** provided that:

Illumination shall not cause direct or indirect glare on a **street** or **private road** that may interfere with traffic or pedestrian safety.

Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.

Illumination shall not cause direct or indirect glare on land or buildings in any zone that creates a public health or safety issue.

3.12 Kennel

A **kennel** shall only be **permitted** as an exception to the Rural (RU) Zone subject to Section 3.13.10 (3) of the **Official Plan** and provided that:

The **kennel**, is located at least 150 m [492.13 ft.] from any **dwelling**, excluding a **dwelling** located on the same lot as the **kennel**;

The kennel shall be set back at least 45 m [147.64 ft.] from all property lines;

The area between the kennel and property lines is adequately landscaped to provide screening and mitigate noise impacts;

No animals shall roam free on any **lot**. *(As amended by By-law 4430)*

3.13 Landscape Buffer

1. A 0.6 m [1.2 ft.] wide landscape buffer adjacent to the full length of the lot line shall be required where the lot line of a Commercial Zone abuts the lot line of Urban Zone, except in the Core Commercial (C1) Zone.
2. A 2.5 m [8.20 ft.] wide landscape buffer adjacent to the full length of the lot line shall be required where the lot line of a Industrial Zone abuts the lot line of an Urban Zone.
3. A landscape buffer shall contain one or more of the following screening devices:
4. A continuous row of trees;
5. A continuous row of hedgerow of evergreens, bushes or shrubs;
 - i. A berm;
 - ii. A wall; or,
 - iii. A fence. *(As amended by By-law 4430)*

3.14 Loading Space Regulations *(As amended by By-law 4430)*

3.14.1 Loading Space Requirements *(As amended by By-law 4430)*

The owner or occupant of any **lot, building or structure** in a Commercial or Industrial Zone or any **lot, building or structure used** for any institutional purpose involving the frequent receiving, shipping, loading or unloading of goods, shall 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, provide loading and unloading spaces 9 m [29.52 ft.] long by 3.6 m [11.81 ft.] wide and having a vertical clearance of at least 4 m [13.12 ft.] in accordance with the following:

Total Floor Area of Building or Structure <i>(As amended by By-law 4430)</i>	Number of Loading Spaces Required <i>(As amended by By-law 4430)</i>
280 m ² [3,013.894 ft. ²] or less <i>(As amended by By-law 4430)</i>	0 <i>(As amended by By-law 4430)</i>

Exceeding 280 m ² [3,013.894 ft. ²] but not more than 1,860 m ² [20,020.8721.5 ft. ²] <i>(As amended by By-law 4430)</i>	1 <i>(As amended by By-law 4430)</i>
Exceeding 1,860 m ² [20,020.871.5 ft. ²] <i>(As amended by By-law 4430)</i>	2 plus 1 additional space for each additional 1,860 m ² [20,020.871.5 ft. ²] or fraction thereof in excess of 3,720 m ² [40,041.753 ft. ²] <i>(As amended by By-law 4430)</i>

In addition to the above number of loading spaces, adequate space shall be provided for the parking of vehicles awaiting access to loading spaces.

3.14.2 Access *(As amended by By-law 4430)*

Access to loading or unloading spaces shall be by means of a **driveway** at least 3 m [9.84 ft.] for one-way traffic or 6 m [19.68 ft.] for two-way traffic if contained within the **lot** on which the loading spaces are located and leading to a **street** or **lane** located within or adjoining the zone in which the use is located. *(As amended by By-law 4430)*

3.14.3 Location *(As amended by By-law 4430)*

The loading space required shall be located in the **side yard** or **rear yard**.

In a Core Commercial (C-1) Zone and a Highway Commercial (C-3) Zone, no parking or loading area shall be located closer than 1.5 m [4.92 ft.] to any **street line** or **side lot line**, or **rear lot line** where said **street line** or **side lot line**, or **rear lot line** abuts a Residential or Open Space Park (OS) Zone.

3.14.4 Additions to Building *(As amended by By-law 4430)*

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the **net floor area**, as it existed at such date, is not increased. If an addition is made to the **building** or **structure** which increases the **net floor area**, then additional loading space shall be provided as required by paragraph 3.13.1 of this subsection for the whole **building**.

3.15 Lots Divided into More than One Zone *(As amended by By-law 4430)*

Where a **lot** is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the **zone** where such portion of the **lot** is located. Each such portion of the **lot** shall be considered as a separate lot for the purpose of determining **zone regulations**.

3.16 Minimum Separation Distances and Special Setbacks *(As amended by By-law 4430)*

No person shall use any land, **building** or **structure** for a **sensitive land use** (e.g. **residential use**, daycare centre, educational or health facility) unless it complies with the following minimum **separation distances**, except where such **separation distances** have been waived or reduced by a **public authority**, where upon the minimum **separation distance** shall comply with the reduced distance. Unless otherwise indicated, **separation distances** shall be measured from the **main wall** of the **sensitive land use** to (a) the source of the noise or vibration; (b) from the nearest edge or limit of the licensed area used or to be used for waste disposal; or (c) from the nearest **main wall** of an industrial building.

Setback from Highway 11 or the ONR Rail Line

Setback shall be as determined by a noise and/or vibration study if such is required by **Planning Board** or **Council**.

Waste Management Facility

Setback shall be 100 m [320 ft.] from the licensed footprint of an active or former waste management facility.

In addition, any new development within 500 m [1,640 ft.] of the licensed footprint of an active waste management facility or the property is required to have an evaluation conducted and implement the recommendations of said evaluation. *(As amended by By-law 4430)*

No active or former waste management facility shall be located:

- Within 500 m [1,640 ft.] of a **dwelling unit**,
- Within 185 m [606.9 ft.] of land covered by water or in any area subject to flooding;
- Within 100 m [320 ft.] of any other sensitive land use; and
- Within 30 m [98.4 ft.] from any **watercourse**, lake or pond. *(As amended by By-law 4430)*

Pits and Quarries:

Setback shall be a minimum of 150 m [492.12 ft.] from the edge of the excavation area of a pit or 500 m [1,640.42 ft.] from the edge of the excavation area of a **quarry**. *(As amended by By-law 4430)*

Industrial Uses:

- i. M-1 Mixed Industrial/Commercial Zone: Includes light industrial as set out in M-2 Light Industrial Zone noted below as well as **commercial uses**. The minimum distance separation shall be 20 m [65.61 ft.] measured from the property line of the **industrial use** and such uses shall be subject to Site Plan Control. *(As amended by By-law 4430)*
- ii. M-2 Light Industrial Zone: Identifies processing operations where emissions or outputs are zero to negligible, there is no outside storage and there is a self-contained process with zero to low probability of fugitive emissions. The minimum distance separation for this light industrial classification shall be 100 m [328 ft.] measured from the property line of the **industrial use** and such uses shall be subject to Site Plan Control.
- iii. M-3 Heavy Industrial Zone: Describes industries with substantial variations in industrial processes and therefore emissions e.g., noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated. Examples of heavy industries include refineries, pulp and paper mill etc. The Minimum distance separation shall be 300 m [984.25 ft.] measured from the property line of the **industrial use** and such uses shall be subject to Site Plan Control. *(As amended by By-law 4430)*

Agricultural Use:

Shall comply with the Ministry of Agriculture, Food and Rural Affairs **Minimum Distance Separation Formulae I and II**.

3.17 Movement of Buildings

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

3.18 Multiple Uses

Where a building or land is used for more than one purpose, all the provisions of this By-law relating to each use shall be complied with.

3.19 Open Storage and Outdoor Display

No **person** shall use any **lot** or part thereof for **open storage**, or **outdoor display** except as **permitted** by this By-law and as an area which has been specifically designed and set aside for such purpose, is fully integrated with the principle use of the lot and is in accordance with the following:

- a) **Open storage** shall not be **permitted** within any required **front yard** and no closer than 5 m [16.4 ft.] to any **interior side lot line** or **rear lot line**.

- b) Where **open storage** areas abut a **residential zone** (see **Section 4.1** for list of zones), the required **setback** of the **open storage** area shall be a minimum of 10 m [32.8 ft.] and shall also be visually screened from any **residential use**.
- c) An **outdoor display** area shall be **permitted** as an **accessory** use to any **permitted commercial use, industrial use** or **public service use** provided that the **outdoor display** area does not reduce any required **parking area** or **loading space** required by this By-law. All **outdoor display** areas shall be setback a minimum of 3 m [9.84 ft.] from any **front lot line** or **interior side lot line**. Despite the above, seasonal sales of Christmas trees or a temporary (i.e. weekend) or a **yard sale** shall be **permitted** to occupy a designated **parking area** but shall be subject to any restrictions otherwise imposed by license or permit by the **Municipality**.

3.20 Parking Requirements

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

3.20.1 Parking Space Requirements

The owner of every **building** or **structure erected** or used for any of the **uses** 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 **parking areas** as set out in **Table 3.3**:

Type of Use	Minimum Parking Requirements
Autobody shop, automotive repair garage, automotive service station, automotive gasoline bar or card lock facility, automotive washing establishment	3 spaces per service bay, minimum 6 spaces
Bowling alley	3 parking spaces per bowling lane
Building Supply Centre , garden centre, nursery	1 parking space per 28 m ² [301.38 ft. ²] of commercial floor space <i>(As amended by By-law 4430)</i>
Business or Professional Office, Call Centre	1 parking space for each 46.5 m ² [500.52 ft. ²] of commercial floor space <i>(As amended by By-law 4430)</i>

Curling Rink	4 parking spaces per curling sheet
Eating establishments , theatres, community centres , clubs , clinic , medical marijuana facility , institutional use , public use or building, amusement arcade, bingo hall	The greater of: a) 1 parking space per 5 seats or 3 m [9.84 ft.] of bench space where there are fixed seats, or b) 1 parking space per 9 m ² [96.87 ft. ²] of floor area devoted to public use where there are no fixed seats
Funeral Parlour	1 parking space per 5 seat capacity of the chapel with a minimum of 10 parking spaces
Home Based Business	1 parking space for each employee who is not an occupant or owner of the dwelling. Minimum of 1 space
Hotel, motel, tavern or road house Bed and Breakfast establishment	1 parking space for each guest room or suite plus 1 parking space for each 9.3 m ² (100.1 ft. ²) of floor area of the building devoted to public use
Industrial establishment or use, warehouse , storage industry, welding shop	1 parking space per 93 m ² [1,001 ft. ²] of gross floor area
Warehouse or storage building	1 parking space per 929 m ² [10,000 ft. ²] of gross floor area
Marina	1 space for each 28m ² [301.38 ft. ²] total retail area, plus 1 space /boat slip provided (As amended by By-law 4430)
Nursing home, hospital, Continuum-of-care facility, Crisis Care Facility	1 parking space per 2 beds, or 1 parking space per 37 m ² [398.26 ft. ²] of gross floor area , whichever is greater. (As amended by By-law 4430)
Place of worship	1 parking space for every 10 seats or 6 m [19.68 ft.] of bench space of its maximum seating capacity (As amended by By-law 4430)

Residential <ul style="list-style-type: none"> - Group Home - Apartment with 75% or more units being one and/or 2 bedrooms - Apartment buildings solely occupied by senior citizens - Mixed multiple residential and commercial 	1 parking space per dwelling unit and/or: <ul style="list-style-type: none"> - 2 parking spaces - 1.25 parking spaces per dwelling unit - 0.5 parking space per dwelling unit - 1.5 parking spaces per dwelling unit based on residential component
Retail store, personal service shop, convenience store, general business, bank, bakery, shopping centre, commercial use, highway service centre, recreational vehicle sales, microbrewery, pet grooming establishment, laundry and dry cleaning establishment	1 parking space for each 30m ² [322.91 ft. ²] of commercial floor space (As amended by By-law 4430)
School <ul style="list-style-type: none"> - Elementary - Secondary - Post-Secondary - Day Nursery or Junior Kindergarten 	<ul style="list-style-type: none"> - 1 parking space for each staff member - 1 parking space for each staff member plus 1 parking space for every ten students - 1 parking space for each staff member plus 1 space for every 4 students - 1 parking space per employee and 1 parking space per 5 children
Veterinary Establishment	1 parking space for each 28 m ² [301.38 ft. ²] of commercial floor space (As amended by By-law 4430)
Uses permitted by this By-law other than those listed in this table	1 parking space for each 20 m ² [215.27 ft. ²] of gross floor area (As amended by By-law 4430)

3.20.2 Parking Area Surface

Each **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 be constructed of crushed stone, slag, gravel, crushed brick or tile, cinders, asphalt, concrete, Portland cement binder, paving block or like material, and with provision of proper drainage facilities.

3.20.3 Ingress and Egress

1. Ingress and egress, to and from the required **parking spaces** and **parking areas** shall be provided by means of unobstructed **driveways** as follows:
 - i. Residential and **commercial uses** with four or less **parking spaces shall** be a minimum width of 3.05 m [10 ft.]

- ii. Residential, institutional and **commercial uses** with five or more **parking spaces**.
- iii. minimum width of 4.5 m [14.76 ft.] for one-way traffic and 6 m [19.68 ft.] for two-way traffic. The maximum width of a **driveway** shall be 7.5 m [24.6 ft.] for one-way traffic and 12 m [39.37 ft.] for two-way traffic. *(As amended by By-law 4430)*
- iv. Industrial Uses:

- v. minimum width of 5 m [16.4 ft.] for one-way traffic and 9 m [29.52 ft.] for two-way traffic. The maximum width of a **driveway** shall be 9 m [29.515 ft.] for one-way traffic and 15 m [49.21 ft.] for two-way traffic. [\(As amended by By-law 4430\)](#)
- 2 The minimum angle of intersection between a **driveway** and a **street line** shall be 60 degrees.
 - 3 Every lot shall be limited to the following number of **driveways**.
 - i. Up to the first 30 m [98.42 ft.] of **lot frontage** - not more than 2 **driveways**, [\(As amended by By-law 4430\)](#)
 - ii. For each additional 30 m [98.42 ft.] of **lot frontage** - not more than 1 additional **driveway**, [\(As amended by By-law 4430\)](#)
 - iii. for a shopping mall or centre, the number of **driveways** shall be subject to site plan control by the authority having jurisdiction.
 - 4 Parking Area and Driveway Location on a Residential Lot
 - i. No more than 50% of the required **lot frontage** to a maximum of 6.0 m [19.69 ft.] for each permitted **driveway**, whichever is less, shall be used for a parking area or a driveway. [\(As amended by By-law 4430\)](#)
 - ii. No more than 50% of the required **front yard** shall be used for a **parking area** or a **driveway**. [\(As amended by By-law 4430\)](#)
 - iii. No more than 50% of a **rear yard** shall be **used** for a **parking area** or a **driveway**. [\(As amended by By-law 4430\)](#)

5 Driveway Entrance Location

No **driveway** on a **corner lot** shall be located closer than 15 m [49.21 ft.] from the edge of the travelled road of an intersection of a local road or 20 m [65.61 ft.] from the intersection of a collector road or provincial highway. [\(As amended by By-law 4430\)](#)

3.20.4 More Than One Use on A Lot

When a **building** or **structure** accommodates more than one type of use as set out in paragraph 3.19 of this subsection, 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.

3.20.5 Additions to Buildings and Exemptions

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

2. The parking requirements denoted in this section may apply to any commercial building in existence prior to the date of enactment of this by-law or apply if such **existing** commercial buildings are enlarged, reconstructed or replaced on a commercial lot having less than 557 m² [5,995.5 ft.²] in area. In the case of new commercial construction, the parking requirements denoted in this section shall apply providing the commercial lot that the building is located on, contains an area of more than 557 m² [5,995.5 ft.²].

3.20.6 Parking Space Locations

1. Commercial Core Area

For a *use, building* or *structure* proposed or located in the Commercial Core (C1) Zone, the required *parking area* may be provided within 90 m [295.27 ft.] of the said *building*, provided that the owner of the *lot* upon which the *use, building* or *structure* requiring the parking and/or the owner of the *lot* upon which the parking is to be located, if they are not the same, shall cause to be registered against the title of the property, an undertaking to the Town of Kapuskasing, to guarantee that the land required for parking in accordance with this section, shall continue to be used only for this purpose, until such time as alternate parking has been provided in accordance with this By-law and the Town shall have relieved the owner of this undertaking. *(As amended by By-law 4430)*

Where residential accommodation is *permitted* in the Commercial Core (C1) Zone, a minimum of 25% of the total *parking spaces* required by this By-law shall be located on the same lot with the residential accommodation.

2. Industrial Zones

No *parking spaces* shall be located within the first 4.6 m [15 ft.] of any part of a *front yard* or *exterior side yard* abutting the *street line*.

3. Parking of Motor Vehicle not in Running Order *(As amended by By-law 4430)*

Despite anything else in this By-law, no person may use any lot in any zone for the parking or storage of any vehicle that is not in running order except that one such vehicle may be stored in a private garage in a Residential Zone and not more than six such vehicles may be stored in a garage in a Commercial or Industrial Zone.

4. Size of Parking Spaces *(As amended by By-law 4430)*

Each standard *parking space* shall have a minimum width of 2.6 m [8.53 ft.] and a minimum length of 5.5 m [18.0 ft.] and *each barrier-free parking space* shall have a minimum width of 3.0 m [9.84 ft.] and a minimum length of 6 m [19.65 ft.].

5. Barrier-Free Parking *(As amended by By-law 4430)*

Wherever barrier-free access to a building is required under the Building Code, one *barrier-free parking space* shall be provided for every 20 standard *parking spaces* or part thereof and shall be included in the total number of *parking spaces* required under the Schedule for Parking Requirements for that *use*.

3.20.7 Rounding *(As amended by By-law 4430)*

Despite Section 3.19.1, if the calculation of the minimum **parking space** requirement results in a fraction, the minimum requirement shall be the next higher whole number.

3.20.8 Parking of Commercial Motor Vehicles and Recreational Vehicles *(As amended by By-law 4430)*

No **commercial motor vehicle** exceeding one- and one-half metric tonnes in capacity shall be parked in Urban Zones, unless such vehicle is solely used in the conduct of delivery, pick-up or service call activities associated with **home based businesses**. No person shall park or store more than one licensed **commercial motor vehicle** (as noted above) on any **lot** in any Urban Zone. No person shall store any construction equipment e.g. backhoe, excavating or grading equipment, etc. on any lot in any Urban Zone unless specified in the Bylaw.

A maximum of one boat not exceeding 6.0 m [19.6 ft] and associated **trailer** and a maximum of three **recreational vehicles** (**travel trailer**, tent trailer, motor home, boat, snowmobiles) may be stored or parked on a **lot** with a residential use provided that:

Such vehicle is in compliance with Section 3.21.7;

Such vehicle is parked in a **private garage** or is located in an **interior side yard** or **rear yard** and is screened from public view; *(As amended by By-law 4430)*

Such vehicle is no closer than 1.5 m [4.92 ft.] to any lot line.

No **recreational vehicle** shall be used for one or more of the following purposes - living, sleeping or eating accommodation within the Planning Area for a period of more than 60 days in any period of ten (10) consecutive months

3.20.9 Drive-Through Facilities *(As amended by By-law 4430)*

Despite any other **zone regulation** in this By-law, where a **use** of land, **building** or **structure** incorporates a **drive-through facility**, the following **zone regulations** shall apply:

A **drive-through facility** shall be a **permitted use** in the C1, and C3 zones.

A **drive-through facility** is a **principle use** in combination with another **permitted use** and shall comply with the **zone regulations** in the **zone** in which the **drive-through facility** is located.

The minimum dimensions of a **stacking space** in a **stacking lane** shall be 2.7 m by 6 m [8.85 ft. x 19.68 ft.].

No part of any **order station** shall be located closer than 10 m [32.8 ft.] from the property boundary of any property or **lot** occupied or **zoned** for a **residential use**.

All **drive-through facilities** shall comply with the **zone regulations** for parking as set out in **Section 3.19.1** of this By-law.

Stacking lanes for any **drive-through facility** shall be designed to accommodate a minimum of eight (8) **motor vehicles**.

3.20.10 Bicycle Parking and Storage *(As amended by By-law 4430)*

Any **building**, except an **existing building**, with a **net floor area** of 200 m² [2,152.78 ft.²] **used** for a **commercial use**, **institutional use**, or an **industrial use** shall install a bicycle storage rack designed to securely store a minimum of ten (10) **bicycle parking spaces**, and such bicycle storage rack shall be located within 15 m [49.21 ft.] of the main entrance of the **building**. *(As amended by By-law 4430)*

Any **apartment dwelling**, except an **existing building**, shall provide a secure storage area internally within the **building** designed to accommodate a minimum of 1 **bicycle parking space** per **dwelling unit**.

Any **apartment dwelling**, except an **existing building**, with five (5) or more **dwelling units** shall install a bicycle storage rack designed to securely store a minimum of five (5) **bicycle parking spaces** and such bicycle storage rack shall be located within 15 m [49.2 ft.] of the main entrance of the **building**. *(As amended by By-law 4430)*

3.21 Permitted Projections

Every part of any **yard** required by this by-law shall be open and unobstructed by any **structure** from the ground to the sky provided, however, that **fences**, hedges and **landscaping** shall be **permitted**, and those structures listed in the following table shall be **permitted** to project into the minimum **yards** required by this by-law for the distance specified in **Table 3.4**.

Table 3.4 – Permitted Projections into Required Yards	
Structure	Maximum Projection into a Required Yard

Chimney breasts, cornices, sills, belt courses, pilasters, eaves, gutters	0.6 m [1.96 ft.] by 3 m [9.84 ft.] in width into any required front, rear or side yard (As amended by By-law 4430)
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (½) the setback of the building from the street line
Window awnings	1.0 m [3.28 ft.] into any required yard (As amended by By-law 4430)
Bay windows	0.9 m [2.95 ft.] into any required front, rear, and exterior side yard; maximum width 3 m [9.84 ft.] (As amended by By-law 4430)
Steps, ramps for use by handicapped and walkways, bicycle racks Exterior Staircase	No maximum into any required yard 1.5 m [4.92 ft.] into any front, rear and exterior side yard only (As amended by By-law 4430)
Fire escapes and antennae towers	1.5 m [4.92 ft.] into any required rear or side yard (As amended by By-law 4430)
Balconies - two-unit - single-detached - semi-detached - duplex - triplex - double duplex	1.5 m [4.92 ft.] into any required front, rear or exterior side yard (As amended by By-law 4430)
Balconies on all other dwelling types	1.5 m [4.92 ft.] into any required yard (As amended by By-law 4430)
- Unenclosed porch , including eaves and cornices	Maximum area shall be 13.9 m ² [149.61 ft. ²]; 2.4 m [7.87 ft.] into any required front, rear, interior or exterior side yard (As amended by By-law 4430)
- Uncovered platform landing, patio or steps at ground level	Maximum 2.4 m [7.87 ft.] into any required front, rear, interior and exterior side yard providing they are no closer than 0.6 m [1.96 ft.] to any lot line (As amended by By-law 4430)
Any uncovered or unenclosed heat pumps, heat exchangers, air conditioners, swimming pool heaters, filtering equipment, geothermal power facility	No maximum into any required side or rear yard provided they are no closer than 0.6 m [1.96 ft.] to any lot line, and shall <u>not</u> be permitted in any front yard (As amended by By-law 4430)

Decks	6 m [19.6 ft.] into any required rear yard (Urban) or rear or side yard (Rural) and 2.4 m [7.87 ft.] into any required front or exterior side yard. (As amended by By-law 4430)
Satellite dish	Permitted in a rear yard (Urban) or rear or side yard (Rural)
Accessory building	As permitted by and as specified in this By-law
Section deleted (As amended by By-law 4430)	Section deleted (As amended by By-law 4430)
Wind farm, commercial wind turbine	No maximum into any required yard provided they are no closer than 15 m [49.21 ft.] to any interior side or rear lot line or 30 m [98.42 ft.] to any street line (As amended by By-law 4430)

3.22 Prohibited Uses

3.22.1 Scope of Prohibited Uses

Unless specifically listed as ***permitted uses*** in any of the zones, the following uses are prohibited:

1. The making or establishment of pits and quarries or wayside pits and quarries.
2. The keeping or raising of any horse, bull, ox, sheep, goat, pig or other cattle, or any poultry, or any reptile, or any wild animal including any tamed or domesticated wild animal, in any residential zone or in any building or structure in any zone unless otherwise stated.
3. Except as otherwise specifically ***permitted*** in this By-law, no land shall be used and no building or structure shall be erected, ***altered*** or used for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.
4. A track for the racing or testing of automobiles, motorcycles, snowmobiles, or any motorized vehicle.
5. The storage of or the use in manufacturing of, coal oil, rock oil, fuel oil, burning fluids, naphtha, benzol, benzene, gasoline, dynamite, dualin, nitroglycerine or gunpowder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or material or the bulk storage of industrial chemicals, and hazardous waste, or liquid industrial waste as defined under the *Environmental Protection Act, R.S.O., c.E.19*, as amended.
6. Any other use which, from its nature or the materials used therein, is declared to be a nuisance or a noxious or offensive trade, business or manufacture under the Public Health Act, or regulations thereunder.
7. The storage of inoperative rail cars, streetcars, buses, truck bodies or ***trailers*** without wheels except in a wrecking yard.

3.22.2 Land Suitability for Use

Despite any other provision of this By-law, no habitable ***building*** or structure shall be erected, ***altered*** or used on land which, by reason of its rocky, low lying, marshy, or unstable character is unsuitable for the provision of satisfactory water supply, sewage disposal or drainage facilities.

No **buildings** or **structures** shall be constructed on or the use of land made within any defined area or areas:

1. That is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest.
2. That is the site of a significant archeological resource.
3. That is a sensitive groundwater recharge area or headwater area or on land that contains a sensitive aquifer.
4. That is contaminated.

3.23 Provincial Highways

All lands adjacent to a Provincial Highway are subject to the requirements of the Ministry of Transportation and the Town of Kapuskasing with respect to access and associated highway corridor controls.

3.24 Public Uses and Public Service Uses *(As amended by By-law 4430)*

3.24.1 Scope

The provisions of this By-law shall not prevent the use of any land for public use or **public service use**. Without limiting the generality of the foregoing, this includes the **erection** or **use** of any utility installation for the purpose of public service by the Town of Kapuskasing and/or any **public authority**, any department of the Government of Ontario or Canada, including any Ontario Hydro facilities pursuant to the Planning Act, provided that where such land, **building** or **structure** is located in a Residential Zone or on a **lot** adjacent to a Residential Zone: *(As amended by By-law 4430)*

No goods, materials or equipment shall be stored in the open.

The **lot coverage**, **setback** and yard requirements of the **zone** in which such land, **building** or above ground **structure** is located shall be complied with, except for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements).

Any **building** or **structure erected** in a Residential Zone under the authority of this section shall be in accordance with Table 29 of this By-law. *(As amended by By-law 4430)*

Parking and loading requirements as contained in this By-law shall be complied with.

3.24.2 TransCanada Pipelines

Protection of the TransCanada Pipeline Corridor shall be maintained with regard to the following:

No **structures** or excavations shall be allowed on the pipeline right-of-way.

Grades adjacent to the right-of-way shall be matched with that of surrounding lands during any adjacent development to prevent uncontrolled drainage subject to TransCanada Pipeline's approval.

A **setback** of 10 m [32.8 ft.] shall be maintained from the pipeline right-of-way for all permanent **structures** and excavations.

Any crossings of the pipeline by roads or above or below ground services shall require the approval of the National Energy Board.

Special uses of the corridor will only be **permitted** where authorized or dedicated by **easement** between the TransCanada Pipelines and the **municipality** provided such uses are compatible with the pipeline operations.

TransCanada Pipe Line shall be notified 48 hours in advance of any construction adjacent to the pipeline and if heavy equipment must move across or along the **easement**.

3.25 Swimming Pools and Hot Tubs

Despite anything contained in this By-law, a **swimming pool** is **permitted** as an accessory use to a **permitted** residential or **agricultural use**.

1. In the **side yard** of any **lot** provided that:
 - i. No part of such pool is located closer to any **front lot line** and **side lot lines** than the minimum distance required for the **main building** located on such lot.
 - ii. Any **building** or **structure**, other than a **dwelling**, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, comply with the provisions of this By-law respecting **accessory building** on such lot.
2. In the **rear yard** of any lot if no part of such pool is located closer than 1.52 m [4.98 ft.] to any **lot line**. [\(As amended by By-law 4430\)](#)
3. Pools constructed on a Townhouse lot shall have a maximum 40% coverage of the **rear yard**. Minimum 1.52 m [4.98 ft.] **side yard** and **rear yard setbacks** and a minimum 3 m [9.84 ft.] **setback** from any foundation or floating slab.
4. Every **swimming pool** with a water depth greater than 0.6 m [1.96 ft.] shall be enclosed by a **fence** between 1.52 m [4.98 ft.] and 2.13 m [6.98 ft.] in height with **security gates**.
5. Pools fully enclosed within a **building** shall conform to the requirements for **accessory buildings** for a **detached building** or to the **main building**, if attached to the **main building**.
6. No **swimming pool** shall be constructed or installed in a **flood plain**.
7. A hot tub when not in use shall be locked to deter access.

3.26 Railway Crossing Setbacks

Where any **street** crosses a railway at the same grade, no **building** or **structure** shall be erected within 46 m [150.91 ft.] of the **point of intersection** of the centre line of both the railway and the **street**. [\(As amended by By-law 4430\)](#)

3.27 Sight Triangle and Sight Lines [\(As amended by By-law 4430\)](#)

Within any area defined as a **sight triangle**, the following uses shall be prohibited:

1. A **building, structure, or use** which would obstruct the vision of drivers of **motor vehicles**.
2. A **fence**, tree, hedge, bush or other vegetation, greater than 0.91 m (2.98 ft.) in height.

3. Any portion of a delivery space, loading space, **driveway** or **parking space**.
4. A berm or other ground surface which exceeds the elevation of the **street** by more than 0.6 m [1.96 ft.].

Further, notwithstanding anything to the contrary in this By-law, no **fence**, tree, hedge, bush or other vegetation greater than 0.91 m [2.98 ft.] in height shall be erected which obstructs visual sight lines for entry/exit from a lot to any part of the municipal right of way, including sidewalks, bike lanes and the travelled portion of the road. [\(As amended by By-law 4430\)](#)

3.28 Special Uses Permitted

Nothing in this By-law shall prevent the use of land or the **use** or **erection** of a **building** or **structure** for:

1. A scaffold or other **temporary building** or **structure** incidental to construction in progress or **premises** for which a building permit has been granted, until such time as the work has been finished or abandoned.
2. A street **sign** or street light.
3. A municipal parking meter.
4. An authorized traffic **sign** or signal.
5. A public election list or other proclamation by government authority.
6. **Parks** and **playgrounds** in any Open Space Zones, Commercial Zones or Residential Zones other than a Rural Residential Zone provided that such **parks** and **playgrounds** are not operated for commercial purposes and provided that such **parks** or **playgrounds** shall conform to the requirements of the Open Space Parks (OS) Zone.
7. **Streets**, walkways, recreational or bicycle trails.
8. A **community garden**.

3.29 Temporary Buildings or Structures During Construction

Nothing in this By-law shall prevent the **use** of land or the **use** or **erection** of a **temporary building** or **structure**, a **sign** of not more than 4.5 m² [48.43 ft.²] or a scaffold or other equipment essential to the construction in progress for which a building permit has been

granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required. [\(As amended by By-law 4430\)](#)

In addition, temporary accommodation for a business or other use which is intended to occupy a **building** which is under construction with the work in progress on such **building**, may be temporarily **permitted** on the same lot in the form of a mobile, relocatable, portable or transportable building provided:

Approval is obtained for the **Chief Building/Zoning Official** pursuant to the matters contained herein.

Such temporary accommodation is removed from the **lot** immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the **Chief Building/Zoning Official** it is no longer required.

3.30 Through Lots

Where a lot which is not a **corner lot** has **lot frontage** on more than one **street** such **lot** shall have a **front yard** on each **street** in accordance with the provisions of the **zone** or **zones** in which each **front yard** is located.

3.31 Water and Sewer Services

Within the urban area, no person shall hereafter erect or use in whole or in part, any **building** or **structure** for any residential, commercial or industrial purposes on any land unless the **use, building** or **structure** is properly connected to a municipal water supply and a municipal sanitary sewer where sanitary services are installed within the **building** or **structure** or as part of the use of the land. Municipal water supply and municipal sanitary sewer may be substituted by such services as may be approved by the Municipality and the Ministry of Environment and Climate Change or its designate. Despite the foregoing nothing shall prevent the **erection** of a **building** on any **lot** contained within a plan of subdivision registered prior to the passing of this by-law, or on any parcel of land which was surveyed by an Ontario Land Surveyor or registered as a separate parcel prior to January 1, 1964 or a parcel of land not less than 4 hectares [10 acres] in area, provided that such building or structure complies in all other respects with the provisions of the zone so established by the by-law.

Within the Rural Area, no **person** shall **erect** or **use** in whole or in part, any **building** or **structure** unless the **use, building** or **structure** is properly connected to approved **water and sewage systems** under the *Ontario Water Resources Act* or the *Building Code Act* unless the **use** is exempted under the *Building Code Act* or prohibited or regulated by this By-law.

3.32 Yard Requirements when Waterways are Involved

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 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 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*.

4. Zones

4.1 Zone Classification

For the purposes of zoning, the Planning Area is divided into **Zones** which are applicable to the Town of Kapuskasing and/or the unorganized territory surrounding the Town. These **zones** are named and described in the following sections, the boundaries of which are shown on the attached Zone Schedules which form part of this By-law. These **zones** may be referred to by the name or the symbol set opposite the name of the **zone** below:

<u>Zone</u>	<u>Zone Symbol</u>
-------------	--------------------

Urban Zones

First Density Residential Zone	R1
Second Density Residential Zone	R2
Third Density Residential Zone	R3
First Density Multiple Residential Zone	RM1
Second Density Multiple Residential Zone	RM2

Rural Zones

Rural Residential Zone	RR-A, RR-B, RR
Residential Mobile Home Zone	RMH
Rural Zone	RU, RU-A, RU-B

Commercial Zones

Core Commercial Zone	C1
Mixed Use Zone	C2
Highway Commercial Zone	C3
Local Commercial Zone	C4
Funeral Home	C5

Industrial Zones

Mixed Industrial Commercial Zone	M1
Light Industrial Zone	M2
Heavy Industrial Zone	M3
Waste Management Facility Zone	WMF

Mineral Aggregate ZoneMX

Environmental Zones

Open Space Park Zone.....OS

Environmental Protection Zone.....EP

Wetland Zone.....W

Other

Airport Commercial Zone.....CA

4.2 Zone Requirements

The Zone Requirements applicable to each of the above **zones** shall be as set out in Schedule "A" and are in addition to any General Provision set out in Section 3.0 of this By-law.

4.3 Schedules and Zone Symbols

The **zones** and associated symbols set out in Section 4.1 and the boundaries of such zones are shown upon the schedules attached hereto, marked Schedule A and Schedule B and designated as the Zoning Schedules, which zone boundaries and maps are hereby declared to form part of this By-law.

The **zone regulations** for the **zones** set out in Section 4.1 are shown upon the chart attached hereto, marked Schedule "A" is hereby declared to form part of this By-law.

4.4 Interpretation of Boundaries of Zones

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Schedules, the following rules shall apply:

1. **Streets or Lanes:** The zone boundaries are either **streets** or **lanes** unless otherwise shown, and where the indicated boundaries on the Zoning Schedules are approximately **streets** or **lanes**, the said **streets** or **lanes** shall be construed to be the boundaries.
2. **Lot Lines:** Where the zone boundaries are not shown to be **streets** or **lanes**, and where indicated boundaries on the Zoning Schedules are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless said boundaries are otherwise indicated on the schedules.
3. **Street or Lane or Right-of-Way:** A **street, lane**, or railway right-of-way, or **watercourse** included on the Zoning Schedules, shall unless otherwise indicated, be

included within the **zone** of the adjoining property on either side thereof; and where such **street, lane, right-of-way** or **watercourse** serves as a boundary between different **zones**, a line midway in such **street, lane, right-of-way** or **watercourse** and extending in the general direction of the long division thereof shall be considered the boundary between **zones** unless specifically indicated otherwise.

4. **Closed Street or Lane or Right-of-Way:** In the event a dedicated **street** or **lane** or right-of-way shown on the maps is closed, the property formerly in said **street** or **lane** or right-of-way shall be included within the zone of the adjoining property on either side of the said closed **street** or **lane** or right-of-way, and the zone boundary shall be the former centre line of the said closed **street** or **lane** or right-of-way.
5. **Shoreline:** Where any zone on Zoning Schedules butts a **shoreline**, 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, landfill operations or by any other means.
6. A boundary indicated as following the limits of the Town of Kapuskasing Planning Area shall follow such limits.
7. Where any zone boundary or a dimension is left uncertain after application of the above provisions then the boundary or dimension shall be determined from the zoning schedule using the scale bar thereon.

5 FIRST DENSITY RESIDENTIAL (R1) ZONE

No person shall use any land or erect, *alter* or use any *building* or *structure* in the First Density Residential (R1) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

5.1 Permitted Uses

5.1 – R1 Permitted Uses	
Principle Use	Accessory Use
<i>Single Detached Dwelling</i>	Accessory use, building or structure (see 3.1) Bed & Breakfast Establishment (see 3.1.12) <i>Garden Suite</i> (see 3.1.10) <i>Home Based Business</i> (see 3.8) Private Home Daycare Second Dwelling Unit (see 3.1.11) <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Group Home</i> (see 3.6)	Accessory use, building or structure (see 3.1) <i>Swimming Pools</i> (see 3.24)
<i>Institutional Uses: Crisis Care Facility Day Nursery</i>	Accessory use, building or structure (see 3.1)
<i>Park, Playground, Community Garden</i> (see 3.27.6)	Accessory use, building or structure (see 3.1)

5.2 Zone Regulations

See Table 29 for *Zone Regulations*. [\(As amended by By-law 4430\)](#)

5.3 Additional Requirements

N/A

5.3 Zone Exceptions

Within the (R1) Zone, the following exceptions to this By-law shall apply:

1. (Plans of Subdivision Registered Prior to April 29, 1978)

Lots contained within any plans of subdivision registered prior to April 29, 1978 shall be deemed to conform with the required minimum lot frontage provided all other requirements for the R1 Zone are complied with. [\(As amended by By-law 4430\)](#)

2. R1-1 2,4,6 and 8 Mateeve Avenue [*\(As amended by By-law 1737, 4430\)*](#)Minimum Front Yard6 m [19.68 ft.] [*\(As amended by By-law 4430\)*](#)Minimum Exterior Side Yard1.5 m [4.92 ft.] [*\(As amended by By-law 4430\)*](#)**3. R1-2 (15 and 17 Cloutier Place, Bylaw No. 3074)** [*\(As amended by By-law 4430\)*](#)

- i. Lots 15 and 16 Plan M-369-C, municipally addressed as 15 and 17 Cloutier Place, shall be subject to the following provisions:
- ii. The lots are restricted to the storage of RV's intended for retail sale.
- iii. A tree buffer at the front of the lots on Cloutier Place shall be provided for aesthetic purposes.
- iv. Through traffic or access to the lots will be permitted from the commercial lot only. (Bylaw No. 3032)

6 SECOND DENSITY RESIDENTIAL (R2) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Second Density Residential (R2) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

6.1 Permitted Uses

6.1 – R2 Permitted Uses	
Principle Use	Accessory Use
<i>Single Detached Dwelling</i> <i>(As amended by By-law 4430)</i> <i>Duplex Dwelling</i> <i>Semi-detached Dwelling</i> <i>Two Unit Dwelling</i>	Accessory use, building or structure (see 3.1) <i>Garden Suite</i> (see 3.1.10) <i>Home Based Business</i> (see 3.8) Private Home Daycare Second Dwelling Unit (see 3.1.11) <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Group Home</i> (see 3.6)	Accessory use, building or structure (see 3.1) <i>Swimming Pools</i> (see 3.24)
<i>Institutional Uses:</i> <i>Place of Worship</i> <i>Crisis Care Facility</i> <i>Day Nursery</i> <i>School</i>	Accessory use, building or structure (see 3.1)
<i>Park, Playground, Community Garden</i> (see 3.27.6)	Accessory use, building or structure (see 3.1)

6.2 Zone Regulations

See Table 29 for Zone Regulations.
[*\(As amended by By-law 4430\)*](#)

6.3 Additional Requirements

N/A

6.4 Zone Exceptions

Within the (R2) Zone, the following exceptions to this By-law shall apply:

1. R2-1 (8 Cedar Street, Bylaw No. 2534) : [\(As amended by By-law 4430\)](#)

Part 1 of Lot 21, Concession 15, municipally known as 8 Cedar Street is *permitted* a reduction in *exterior side yard setback* requirements from 9 m [29.52 ft.] to 3 m (9.84 ft.) for the construction of the new front addition. [\(As amended by By-law 4430\)](#)

2. R2-2 (102 Riverside Drive, Bylaw No. 4339) [\(As amended by By-law 4430\)](#)

Notwithstanding the provisions of Section 6.1, and Section 6.2 to the contrary, in any 'R2-2 Zone', the following provisions shall apply: [\(As amended by By-law 4430\)](#)

Permitted uses shall also include a 'Day Spa', which may include an accessory retail sales outlet [\(As amended by By-law 4430\)](#)

Minimum Rear Yard: 4.3 m [14.11 ft.] [\(As amended by By-law 4430\)](#)

Signage shall only be permitted on the exterior wall of the main building to indicate the nature of the business. The sign shall have a maximum display area of 2.2 sq. m. Illuminated signs will not be permitted. [\(As amended by By-law 4430\)](#)

The provisions of Section 3.19.3.5 shall not apply to a driveway entrance location to an intersection. [\(As amended by By-law 4430\)](#)

7 THIRD DENSITY RESIDENTIAL (R3) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Third Density Residential (R3) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

7.1 Permitted Uses

7.1 – R3 Permitted Uses	
Principle Use	Accessory Use
<i>Boarding or Rooming House</i> <i>Double Duplex Dwelling</i> <i>Duplex Dwelling</i> <i>Semi-detached Dwelling</i> <i>Single Detached Dwelling</i> <i>Triplex Dwelling</i> <i>Two Unit Dwelling</i>	Accessory use, building or structure (see 3.1) <i>Garden Suite</i> (see 3.1.10) <i>Home Based Business</i> (see 3.8) Private Home Daycare Second Dwelling Unit (see 3.1.11) <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Group Home</i> (see 3.6)	Accessory use, building or structure (see 3.1) <i>Swimming Pools</i> (see 3.24)
<i>Institutional Uses:</i> <i>Place of Worship</i> Civic Centre Continuum-of-Care-Facility <i>Crisis Care Facility</i> <i>Day Nursery</i> within a <i>Place of Worship</i> or a <i>School</i> Nursing or Rest Home, Continuum of Care facility <i>Hospital</i> (new site only) Medical Centre (<i>hospital</i> site only)	Accessory use, building or structure (see 3.1) Workshop, training centre physically challenged
<i>Park, Playground,</i> <i>Community Garden</i> (see 3.27.6)	Accessory use, building or structure (see 3.1)

7.2 Zone Regulations

See Table 29 for **Zone Regulations**. ([As amended by By-law 4430](#))

7.3 Additional Requirements

N/A

7.4 Zone Exceptions (As amended by By-law 4430)

Within the (R3) Zone, the following exceptions to this By-law shall apply:

1. R3-1 (7 Aurora Avenue, Bylaw No. 2352)

Lots 375, 376, 377 and Part of Lots 378, 387, 388, 389, 390, Plan M-45T, municipally known as 7 Aurora Avenue is permitted main building additions unto a recreational/public building with the following provisions:

Minimum east side yards 4.7m [15.41 ft.] Minimum west side yard setback: 0.40 m [1.31 ft.]
Rear Canopy built unto the subject building along the south rear wall of the building and with a floor area of 16.4 m² [176.52 ft.²] may be erected or located and used.

2.R3-2 (13 Ash Street, Bylaw No. 2347)Part 5, Plan CR-1262, Lots 2276 and 2277, Plan M-182 Cochrane, municipally known as 13 Ash Street, is permitted a front canopy built unto an institutional building with the following provisions:

- a) Maximum projection of a front **canopy** shall be 4 m [13.12 ft.] including eaves.
- b) Maximum **floor area**: 50 m² [538.19 ft.²]

3. R3-3 (20 and 22 Ontario Avenue, Bylaw No. 2537)

ON Lots 3019, 3020 and 3021, Plan M-299-C, being Parcel 7630 CC, municipally known as 20 and 22 Ontario Avenue, the following shall apply:

Rear yard setback reduction from 7.62 m [25 ft.] to 6.1 m [20 ft.]

4. R3-4 (125 Brunetville Road, Bylaw No. 2590)([As amended by By-law 4430](#))

East side yard of the **main building** or attached **accessory building** is **permitted** to be 0.3 m [1 ft.] from the property line provided **main building rear yard** requirements are maintained

5. R3-5 (24 Mundy Avenue, Bylaw No. 2730)

The **front yard setback** is eliminated.

6. R3-6 (5 Frontenac Crescent, Bylaw No. 2675)

Front yard setback for the **main building** has been reduced from 6.0 m (19.68 ft.) to 4.14 m (13.58 ft).

7. R3-7 (100 Riverside Drive)

Lot 1053, M-148C, 100 Riverside Drive may be used for purposes of a **dwelling** for a day care facility providing that no more than ten (10) trainees reside in such residence at any one time and that the **existing** residence is not extended or added to beyond the building size and area which existed on June 23, 1975.

8. R3-8 (6 Frontenac Avenue)

6 Frontenac Avenue shall be zoned as R3-8 *(Amended by By-law 4502)*
A Personal Service Shop shall be permitted as a Home Based Business.

9. R3-9 (26 Egerton Street) *(Amended by By-law 4503)*

26 Egerton Street shall be zoned as R3-9

Personal Service Shop shall be permitted as a Home Based Business.

8 FIRST DENSITY MULTIPLE RESIDENTIAL (RM1) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the First Density Multiple Residential (RM1) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

8.1 Permitted Uses

8.1 – RM1 Permitted Uses	
Principle Use	Accessory Use
<i>Multiple Unit Dwelling</i>	Accessory use, building or structure (see 3.1) <i>Storage Container</i> (see 3.1.13) <i>Swimming Pools</i> (see 3.24) <i>Home Based Business</i> (see 3.8) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Row or Townhouse Dwelling</i>	Accessory use, building or structure (see 3.1) Second Dwelling Unit (see 3.1.11) <i>Storage Container</i> (see 3.1.13) <i>Swimming Pools</i> (see 3.24) <i>Home Based Business</i> (see 3.8) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Group Home</i> (see 3.6)	Accessory use, building or structure (see 3.1) <i>Storage Container</i> (see 3.1.13) <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Institutional Uses:</i> <i>Place of Worship</i> <i>Continuum-of-Care-Facility</i> <i>Crisis Care Facility</i> <i>Day Nursery</i> <i>Day Spa</i> <i>School</i>	Accessory use, building or structure (see 3.1)
<i>Park, Playground, Community Garden</i> (see 3.27.6)	Accessory use, building or structure (see 3.1)

8.2 Zone Regulations

See Table 29 for **Zone Regulations**. [\(As amended by By-law 4430\)](#)

8.3 Additional Requirements

The minimum **interior side yard** shall not apply to the party wall of a **row house**.

The minimum **separation distance** between any window in a **dwelling** and any **parking space** shall be 3 m (9.84 ft.) in the (RM1) Zone. (Excluding **row house dwellings**)

For any **dwelling**, a fenced privacy area shall be provided for each dwelling unit having a minimum area of 37 m² [398.26 ft.²], provided the **dwelling unit** has direct access to the outside. [\(As amended by By-law 4430\)](#)

8.4 Zone Exceptions (As amended by By-law 4430)

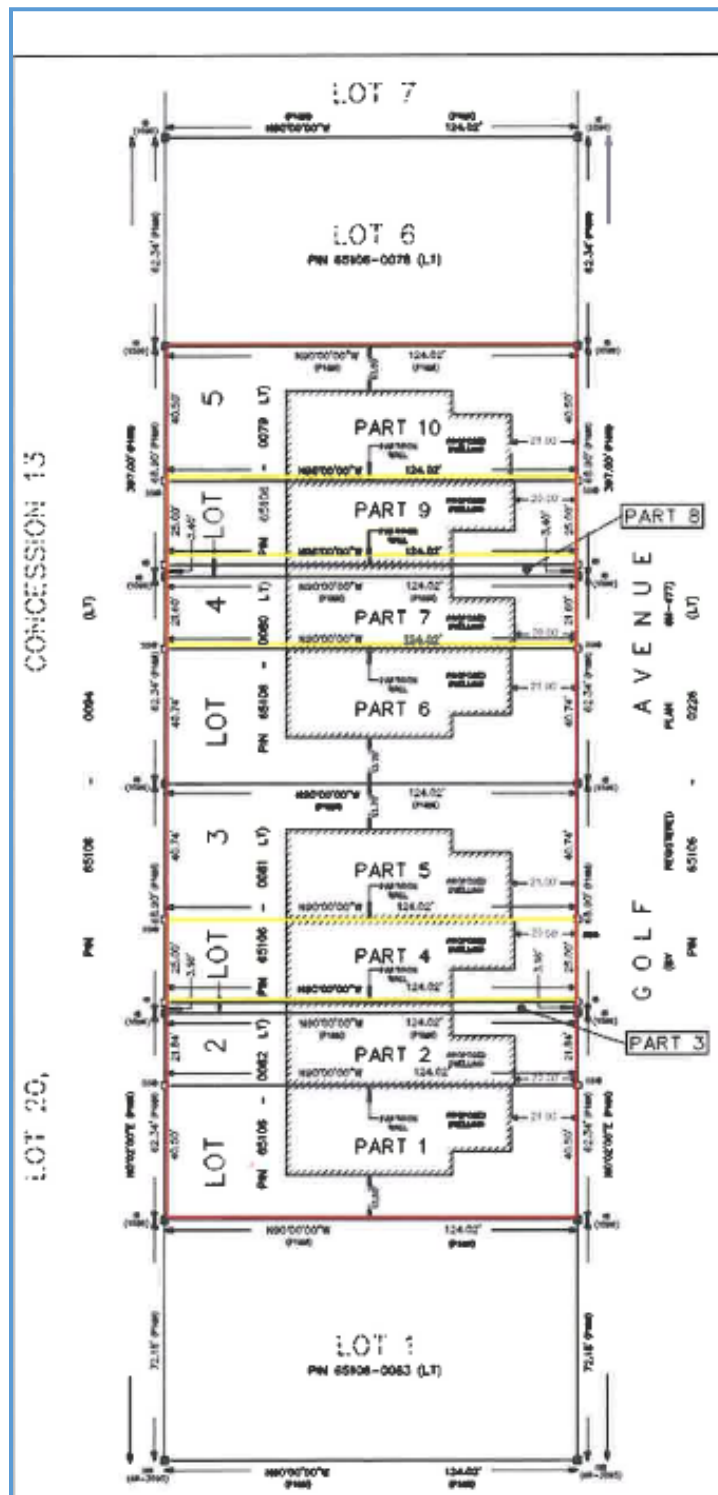
1. RM1-1 Lots 2 to 5 Plan 6M-477, Golf Street [\(Amended by By-law 4482\)](#)

Notwithstanding the provisions of Table 29, the following provisions shall apply to the subject lands:

Permitted Lot Frontage (min): 7.5 metres

Permitted Lot Coverage (max): 55%, which shall apply to the following lots as described on Schedule B:

- a) Permitted Lot Frontage (min): 7.5 metres
- b) Permitted Lot Coverage (max): 55%, which shall apply to the following lots as described on Schedule C
 - Part 2 of Lot 2 & Part 3 of Lot 3 (both parts form 1 lot)
 - Part 4 of Lot 3
 - Part 7 of Lot 4 & Part 8 of Lot 5 (both parts form 1 lot)
 - Part 9 of Lot 5



Schedule "C" RM1-1 (By-law 4482
being Lots 2- 5 Plan 6M477)

9. SECOND DENSITY MULTIPLE RESIDENTIAL (RM2) ZONE

No person shall use any land or erect, **alter** or use any building or structure in the Second Density Multiple Residential (RM2) Zone except in accordance with the following provisions and Sections 3 and 4 of this By-law. [\(As amended by By-law 4430\)](#)

9.1 Permitted Uses

9.1 – RM2 Permitted Uses	
Principle Use	Accessory Use
Apartment Dwelling	Accessory use, building or structure (see 3.1) Storage Container (see 3.1.13) Swimming Pools (see 3.24) Home Based Business (see 3.8) Temporary Car Shelter (see Table 3.1)
Group Home (see 3.6)	Accessory use, building or structure (see 3.1) Storage Container (see 3.1.13) Swimming Pools (see 3.24) Temporary Car Shelter (see Table 3.1)
Park, Playground, Community Garden (see 3.27.6)	Accessory use, building or structure (see 3.1)

9.2 Zone Regulations

See Table 29 for **Zone Regulations**. [\(As amended by By-law 4430\)](#)

9.3 Additional Requirements

1. The minimum **separation distance** between any window in a dwelling and any **parking space** shall be 3 m (9.84 ft.). [\(As amended by By-law 4430\)](#)
2. For any apartment dwelling, an outdoor **useable open space** area equal to 50% of the **gross floor area** shall be provided of which not less than 50% shall be located in the same area.

9.4 **Zone Exceptions** (As amended by By-law 4430)

Within the (RM2) Zone, the following exceptions to the By-law shall apply:

1. RM2-1, 10 Drury Street [*\(As amended by By-law 4430\)*](#)

Permitted uses shall also include "Business/Professional/Personal Service Office Space Rentals

10. RURAL RESIDENTIAL (RR) ZONE

No person shall use any land or erect, **alter** or use any building or structure in the Rural Residential (RR) Zone except in accordance with the following provisions and Schedule "A", Articles 3 and 4 of this By-law.

10.1 Permitted Uses

10.1 – RR Permitted Uses	
Principle Use	Accessory Use
<i>Single Detached Dwelling</i> <i>Seasonal Dwelling</i> <i>Semi-Detached Dwelling</i> <i>Two-Unit Dwelling</i>	Accessory use, building or structure (see 3.1) Bed & Breakfast Establishment (see 3.1.12) <i>Garden Suite</i> (see 3.1.10) <i>Guest House</i> (see Table 3.1) <i>Home Based Business</i> (see 3.8) Private Home Daycare <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Group Home</i> (see 3.6)	Accessory use, building or structure (see 3.1) <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)
<i>Commercial Uses:</i> <i>Convenience Store</i> <i>Personal Service Shop</i> <i>Contractor's Yard</i>	Accessory use, building or structure (see 3.1)
<i>Park, Playground,</i> <i>Community Garden</i> (see 3.27.6)	Accessory use, building or structure (see 3.1)

10.2 Zone Regulations

See Table 29 for **Zone Regulations**. [\(As amended by By-law 4430\)](#)

10.3 Additional Requirements

1. A **group home** shall not be **permitted** in a **seasonal dwelling**.
2. The maximum **floor area** for a **guest house** shall be 25 m² [269.09 ft.²] and does not contain any cooking facilities. [\(As amended by By-law 4430\)](#)

3. A **contractor's yard** shall not be **permitted** in a Rural Residential (RR-A) Zone.
4. No storage or stockpiling of **aggregate** and/or recyclable materials will be allowed in the **contractor's yard**. Rural Residential (RR-A) Zone.
5. Any storage in the **contractor's yard** shall be appropriately screened from adjacent land uses in accordance with Section 3.13.2 and 3.13.3. [\(As amended by By-law 4430\)](#)
6. A **bed and breakfast establishment** shall only be **permitted** in a **single detached dwelling**.

10.4 Zone Exceptions [\(As amended by By-law 4430\)](#)

Intentionally left blank. [\(As amended by By-law 4430\)](#)

11. RESIDENTIAL MOBILE HOME (RMH) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Residential Mobile Home (RMH) Zone except in accordance with the following provisions and Schedule "A", Articles 3 and 4 of this By-law.

11.1 Permitted Uses

11.1 – RMH Permitted Uses	
Principle Use	Accessory Use
Mobile Home Mobile Home Park Park Model Trailer	Accessory use, building or structure (see 3.1) Home Based Business (see 3.8) Mobile Home Sales and/or Management Office Private Home Daycare Swimming Pools (see 3.24) Temporary Car Shelter (see Table 3.1)
Group Home (see 3.6)	Accessory use, building or structure (see 3.1) Swimming Pools (see 3.24) Temporary Car Shelter (see Table 3.1)
Commercial Uses. Convenience Store	Accessory use, building or structure (see 3.1)
Park, Playground, Community Garden (see 3.27.6)	Accessory use, building or structure (see 3.1)

11.2 Zone Regulations

See Table 29 for **Zone Regulations**. ([As amended by By-law 4430](#))

11.3 Additional Requirements

1. Mobile Home Park
 - i. Minimum number of **mobile home sites** per park: 20
 - ii. Maximum density: 20 **mobile homes** per hectare [8 per acre] of **mobile home park** land.
 - iii. Notwithstanding any provision of this By-law, the minimum width of a landscape buffer on all boundaries of park: 7.5 m [24.6 ft.]. ([As amended by By-law 4430](#))

The landscape buffer shall be used for no other purpose except planting, walkways, internal roads and entrance and exit routes crossing such buffer strip. [*\(As amended by By-law 4430\)*](#)

- iv.* A minimum of 5% of the lot shall be provided for ***park*** and ***playground*** areas for the common use of the ***mobile home park*** residents. Such area shall not form part of the ***mobile home sites*** or the internal park streets. [*\(As amended by By-law 4430\)*](#)

2. Mobile Home Site

- i.* Access to ***mobile home sites*** shall be provided from an internal park street with no sites having direct access to a public ***street***.
- ii.* The minimum distance between ***mobile homes***, or between a ***mobile home*** and a permanent structure in the same ***mobile home park*** shall be 6 m (19.68 ft.). [*\(As amended by By-law 4430\)*](#)

11.4 Zone Exceptions [*\(As amended by By-law 4430\)*](#)

Intentionally left blank. [*\(As amended by By-law 4430\)*](#)

12. CORE COMMERCIAL (C1) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Core Commercial (C1) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

12.1 Permitted Uses

12.1 – C1 Permitted Uses *(As amended by By-law 4430)*

Principle Uses

Commercial Uses

Ambulance facility

Animal Day Care Establishment

Animal Shelter

Arcade

Auction Hall

Automobile washing establishment

Automotive gasoline bar or cardlock facility

Automotive sales establishment

Automotive service station

Bake Shop

Bakery

Bank or Financial Institution

Bed and Breakfast Establishment

Bingo Hall

Brewery or Winery

Building Supply Centre

Bus Depot

Call Centre

Car Rental Agency

Catering Establishment

Clinic

Club

Commercial Parking Lot

Commercial Use

Commercial **School**

Communication facility

Convenience Store

Curling Club

Custom Workshop

Dairy

Day Nursery

Day Spa

Drive-Through Facility

Dry Cleaning Establishment

Eating Establishment

Entertainment Establishment

Farmer's Market

Fitness Centre

Funeral Parlour

Government Office

Highway Service Centre

Hotel

Laundromat

Laundry and Dry Cleaning

Establishment

Laundry Plant

Massage Parlour

Microbrewery

Mixed Use Building

Motel

Museum

Office

Park, **Community Garden**

Parking Lot

Personal Service Shop *(As amended by By-law 4430)*

Pet Grooming Establishment

Pet Shop

Place of Assembly

Place of Amusement

Place of Entertainment within a completely closed building

Printing and Processing Service Shop

Private Club

Private **School**

Public Garage

Public Service Use (see 3.23)

Publishing House

Recreational Commercial Establishment

Recreational Vehicle Sales, Storage and Service Establishment

Restaurant

Retail Sales Outlet *(As amended by By-law 4430)*

Retail Store

Service Outlet or Shop

Shopping Centre

Studio

Tavern

Taxi Stand

Tourist Establishment

Tourist Outfitters Establishment

Veterinary Establishment

Video Rental Outlet

Warehouse Sales Establishment

Wellness Centre

Wholesale and Distributing Shop

Residential Uses

Apartment Dwelling

Boarding or Rooming House

Existing Dwelling *(As amended by By-law 4430)*

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Institutional Uses

Institutional Use

Park, Playground, Community Garden

Accessory Uses	
Permitted Commercial Use	Accessory use, building or structure (see 3.1) Drive-through Facility Parking Area Storage Container (see 3.1.13)
Permitted Residential Use	Accessory Dwelling Accessory Dwelling Unit Home Based Business (see 3.8)
Permitted Institutional Use	Accessory use, building or structure (see 3.1)

12.2 Zone Regulations (As amended by By-law 4430)

See Table 29 for **Zone Regulations**. ([As amended by By-law 4430](#))

12.3 Additional Requirements

1. Despite Section 12.1, no **dwelling unit** may be located in a **building** or **structure** used as an **automotive service station** or **automotive gasoline bar**, public garage, an **automotive sales establishment**, an **automotive washing establishment** or a **recreational vehicle sales, storage and servicing establishment**, a **warehouse** or storage use.

2. Minimum Additional Yard Requirements

i. Front Yard - Street Line

Any entrance or exit door must be recessed a minimum of 0.9 m [3 ft.] from the street line, except an existing dwelling, in which case the building shall be set back 6.0 m [19.68 ft.] ([As amended by By-law 4430](#))

ii. Rear Yard

No minimum where lot abuts a public or private lane.

Minimum rear yard of 3 m [9.84 ft.] where the lot does not abut a public or private lane or where the lot abuts a Residential, Open Space, Commercial or Industrial Zone.

iii. Side Yard

No minimum where side yard of lot abuts and has access to a public or private lane.

Minimum side yard of 3.65 m [11.97 ft.] where side yard does not abut or have access to a public or private lane. ([As amended by By-law 4430](#))

Minimum side yard of 1.5 m [4.92 ft.] where side yard abuts a Residential or Open Space Zone.

3. Expansion or Alteration of Existing Building

The zone requirements set out in Schedule "A" and section 12.3.2 (ii) with respect to rear yard shall not apply to the expansion, **alteration** of any **existing** building used for a **permitted commercial use** located in a Core Commercial (C1) Zone.

4. Replacement of Existing Building

See Section 3.3.7 of this By-law.

5. Open Storage

No **open storage** of goods and material shall be **permitted** in the Core Commercial (C1) Zone with the exception of Part of Lot 21, Concession 15, Parcel 2966 (40 Brunetville Road), Centre Cochrane Lot 1011, Plan M-155, Parcel 5123 (26 Byng Avenue), Centre Cochrane Part 2, Plan 6R-1880, Parcel 7069 (29 Byng Avenue), Centre Cochrane Part of Lot 21, Concession 14, Parcel 3503, Centre Cochrane Part of Lot 21, Concession 14, Parcel 2967, Centre Cochrane Part 1, Plan CR-16, Parcel 5294, Centre Cochrane (1 Queen Street) and perimeter screening by means of fencing or structures shall be required.

6. Parking

Parking and loading facilities shall be provided in accordance with the provision of Sections 3.13 and 3.19 of this By-law.

12.4 Zone Exceptions

Within the (C1) Zone, the following exceptions to the By-law shall apply:

C1-1 (71 Queen Street, Bylaw No. 2636) *(As amended by By-law 4430)*

Lot 447, Plan M-45-T, Parcel 281 CC, municipally known as 71 Queen Street is permitted an accessory dwelling unit in the basement of the commercial establishment. *(As amended by By-law 4430)*

C1-2 (62 Devonshire Avenue, Bylaw No. 2722) *(As amended by By-law 4430)*

Part of Lots 213 and 215 and Lot 214, Plan M-45-T, Parcel 3767 CC, municipally known as 62 Devonshire Avenue is restricted to the following **commercial uses**: tanning salon, fitness centre and related sales and administration offices. (Bylaw No. 2722)

C1-3 (56 Riverside Drive, Bylaw No. 3099) *(As amended by By-law 4430)*

A reduced rear yard setback of 10' and a reduced side yard setback of 6' is permitted for the construction of an accessory building. *(As amended by By-law 4430)*

C1-4 (158 Brunetville Road, Bylaw No. 4331) *(As amended by By-law 4430)*

Notwithstanding the provisions of Section 12.1 to the contrary in any 'C1-4 Zone' a 'Special Event' shall also be permitted once (1) during a calendar year, which will have an approved Site Plan Agreement between the landowner and the Municipality.

For the purposes of the 'C1-4 Zone', a 'Special Event' means an outdoor music festival which is temporary in nature and may include temporary accessory camping, vendor area, and parking.

For the purposes of the 'C1-4 Zone', 'temporary' shall mean that each Special Event shall not exceed 6 days duration in a calendar year.

Notwithstanding the provisions of Section 12.3.2 (iii) to the contrary in any 'C1-4 Zone' the following provisions shall apply:

Minimum Westerly Side Yard: 1.3 metres [4.27 ft.] *(As amended by By-law 4430)*

C1-5 (150 Brunetville Road, Bylaw No. 4330) *(As amended by By-law 4430)*

Notwithstanding the provisions of Section 12.3.2 (iii) and section 3.19.1 to the contrary in any 'C1-5 Zone' the following provisions shall apply: *(As amended by By-law 4430)*

Minimum Easterly Side Yard: 1.1 metres [3.61 ft.] *(As amended by By-law 4430)*

Minimum Parking Spaces: 15 *(As amended by By-law 4430)*

C1-6 (58 Riverside Drive (As amended by By-law 4506)

Notwithstanding the provisions of Sections 12 to the contrary in any 'C1-6' Zone, the following provisions shall apply:

- a) Permitted uses shall also include a single-detached dwelling.
- b) Minimum Interior Side Yard 3 metres.

13. MIXED USE (C2) ZONE

No person shall use any land or erect, **alter** or use any building or structure in the Mixed Use (C2) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

13.1 Permitted Uses

13.1 – C2 Permitted Uses	
Principle Use	Accessory Use
Mixed-use Building Communication Facility	Accessory use, building or structure (see 3.1) Parking Area Storage Container (see 3.1.13)
Residential Uses: Existing Dwelling	Accessory use, building or structure (see 3.1) Home Based Business (see 3.8) Swimming Pools (see 3.24) Temporary Car Shelter (see Table 3.1)

13.2 Zone Regulations

See Table 29 for **Zone Regulations**. [\(As amended by By-law 4430\)](#)

13.3 Additional Requirements

A minimum of 25% of the **gross floor area** shall be devoted to commercial and/or **institutional uses**.

Access to a commercial or **institutional use** shall be separated from the access to any **residential use**.

Front Yard - Building Line

No minimum except that any entrance or exit door must be recessed a minimum of 0.9 m [2.95 ft.] from the **street line**. [\(As amended by By-law 4430\)](#)

Rear Yard

No minimum where lot abuts a public or private **lane**.

Minimum rear yard of 6 m [19.68 ft.] where lot does not abut a public or private **lane** or where lot abuts a Residential or Open Space Zone. [\(As amended by By-law 4430\)](#)

Side Yard

No minimum where rear yard of lot abuts a public or private **lane**.

Minimum side yard of 3.65 m [11.97 ft.] where rear yard does not abut a public or private **lane**.

Minimum side yard of 1.5 m [4.92 ft.] where side yard abuts a **residential use** or a Residential or Open Space Zone.

Parking

Parking and loading facilities shall be provided in accordance with the provision of Sections 3.13 and 3.19 of this By-law.

13.4 Zone Exceptions [\(As amended by By-law 4430\)](#)

Intentionally left blank.

14. HIGHWAY COMMERCIAL (C3) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Highway Commercial (C3) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

14.1 Permitted Uses

14.1 – C3 Permitted Uses		
Principle Uses		
<p>Ambulance Facility Animal Shelter Auction Hall Auto Body Shop Automotive Gasoline Bar or Cardlock facility Automotive Sales Establishment Automotive Service Station Automotive Washing Establishment Bakery Bank or Financial Institution Brewery or Winery Building Supply Centre Bus Depot Business or Professional Office Call Centre Cheese Factory Clinic Commercial Greenhouse, Nursery or Garden Centre Commercial Parking Lot</p>	<p>Commercial School Communication and Transportation Service Communication Facility Convenience Store Curling Club Custom Workshop Dairy Day Nursery Day Spa Drive-Through Facility Eating Establishment Farmer's Market Flea Market Government Office Highway Service Centre Hotel Microbrewery Massage Parlour Motel Parking Lot Personal Service Shop (As amended by By-law 4430) Place of Entertainment Printing Shop Proving Ground Public Garage Public Service Use (see 3.23) Publishing House</p>	<p>Recreational Commercial Establishment Recreational Vehicle Sales, Storage and Service Establishment Restaurant Service Outlet or Shop Shopping Centre Studio Tavern Tourist Establishment Tourist Outfitters Establishment Transportation Terminal Wholesale Establishment Vehicle Compound Veterinary Establishment Video Rental Outlet Warehouse Wholesale and distribution establishment Wholesale shop Institutional Uses Arena Community Centre Community Garden Place of Worship Residential Uses Existing Dwelling</p>
Accessory Uses		
<p>Permitted Commercial Use</p>	<p>Accessory use, building or structure (see 3.1) Accessory Dwelling Accessory Dwelling Unit Drive-through Facility Parking Area Storage Container (see 3.1.13)</p>	

14.1 – C3 Permitted Uses	
Permitted Institutional Use	Accessory use, building or structure (see 3.1) Parking Area Storage Container (see 3.1.13)

14.2 Zone Regulations

See Table 29 for **Zone Regulations**. [\(As amended by By-law 4430\)](#)

14.3 Additional Requirements

1. Where any **lot used** for a **commercial use** abuts a **lot** on which the **principal use** is a **residential use**, **outside storage** is prohibited in those yards on the **commercial use** lot which abuts the **residential use** lot unless the outside storage is fully and completely hidden by an opaque screen or buffer.
2. Despite Section 14.1, no **dwelling unit** may be located in a **building** or **structure used** as a **welding shop**, an **automotive service station**, an automotive **gasoline bar**, an **automotive washing establishment**, an **automotive sales establishment**, a **recreational vehicle sales, storage and service establishment**, a **highway service centre**, a **warehouse**, a **wholesale shop** or storage use.
3. Council will require as a first priority that access by vehicular traffic be gained from Highway 11 for properties located between Highway 11, Cournoyer Street and Algonquin Street. Except for **existing** businesses, temporary access from Cournoyer Street and Algonquin Street may be granted through site plan control.
4. **Parking**
Parking and loading facilities should be provided in accordance with the provisions of Sections 3.13 and 3.19 of this By-law.

14.4 Zone Exceptions

Within the C3 Zone, the following exceptions to this By-law shall apply:

C3-1 (160 Government Road) [\(As amended by By-law 4430\)](#)

Minimum **setback** on east, north and west, and shall be 0.3 m [098 ft.] [\(As amended by By-law 4430\)](#)

Minimum number of **parking spaces** shall be 12.

C3-1 (204 Government Road)

Minimum Lot Area: 8 ha [19.76 ac.]. [\(As amended by By-law 4430\)](#)

The buffer strip between a test track and Highway No. 11 shall be of sufficient height and density to obscure the view of the test track from the Highway by the travelling public.

A test track shall be further protected with adequate buffering from all surrounding lands by means of acceptable engineering practices so as to control the amount and intensity of sound transmitted or emanating from such test track in order to not interfere with the normal use of such surrounding lands.

C3-2 (160 Government Road, Bylaw No. 2384)

Lots 2,3 and 4, Plan M-146 C, municipally addressed as 160 Government Road shall be subject to the following provisions:

Minimum **setback** on east, north and west, and shall be 0.3 m [0.98 ft.].

Minimum number of **parking spaces** shall be 12.

C3-3 (224 Government Road, Bylaw No. 2526) [\(As amended by By-law 4430\)](#)

The construction of a single family dwelling attached to a vehicle storage garage shall be **permitted** in a Highway Commercial (C3) Zone as it pertains specifically to Parcels 4410 and 2830 CC (municipally known as 224 Government Rd). [\(As amended by By-law 4430\)](#)

C3-4 (350 Government Road, Bylaw No. 2603) [\(As amended by By-law 4430\)](#)

The following lands shall be considered one lot whereas a group of **commercial uses** which are designed, developed and managed as a unit by a single owner or tenant or a group of owners or tenants provided that such group of **commercial uses** are not contained in a building where the entrance to individual **commercial uses** is from an interior corridor or common area. The lands subject to these provisions are: [\(As amended by By-law 4430\)](#)

Firstly - Remainder of Parcel 12361 CC, being Lots 6, 7, 8 and 9 as shown on Plan M-173-C, and those Parts of Lot 15, Concession 12, being designated as Parts 1, 2 and 3 on Plan 6R-7252, 350 Government Road.

Secondly - Parcel 7982 CC being Lot 1 on Plan M-173-C; and

Thirdly - Part of remainder of Parcel 7981 CC being Part of Lot 15, Concession 12, being designated as Part 1 on Plan 6R-1634 SAVE AND EXCEPT Part 1 on Plan 6R-4147 and Part 1 on Plan 6R-5923.

C3-5 (376 Government Road, Bylaw No. 2523)

Notwithstanding the provisions of Section 14.1 a Retirement Home is also a permitted use. [*\(As amended by By-law 4430\)*](#)

C3-6 (177 Mill Street, Bylaw No. 4198)

Notwithstanding the provisions of Section 14.1 and Section 28 – Schedule 'A' to the contrary in any 'C3-6 Zone' the minimum lot frontage shall be 7.2 metres and permitted uses shall be limited to the following: [*\(As amended by By-law 4430\)*](#)

- Bank or Financial Institution
- Business or Professional Office
- Call Centre
- Clinic
- Commercial Greenhouse, Nursery or Garden Centre
- Commercial School
- Contractor's Yard
- Convenience Store
- Custom Workshop
- Day Nursery
- Day Spa
- Drive-Through Facility
- Eating Establishment
- Farmer's Market
- Flea Market
- Government Office
- Hotel
- Motel
- Personal Service Establishment
- Place of Entertainment
- Public Service Use
- Recreational Commercial Establishment
- Recreational Vehicle Sales, Storage and Service Establishment
- Restaurant
- Retail Sales Outlet
- Service Outlet or Shop
- Studio

- Tourist Establishment
- Tourist Outfitters Establishment
- Veterinary Establishment
- Video Rental Outlet
- Wholesale Shop
- Community Centre
- Community Garden
- Place of Worship
- Accessory use, building or structure

15. LOCAL COMMERCIAL (C4) ZONE

(As amended by By-law 4430)

No person shall use any land or erect, **alter** or use any building or structure in the Local Commercial (C4) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-Law.

15.1 Permitted Uses

15.1 – C4 Permitted Uses	
Principle Use	Accessory Use
Convenience Store Personal Service Shop Eating establishment Communication Facility	Accessory use, building or structure (see 3.1) Parking Area Storage Container (see 3.1.13)
Residential Uses: Existing Dwelling	Accessory use, building or structure (see 3.1) Home Based Business (see 3.8) Swimming Pools (see 3.24) Temporary Car Shelter (see Table 3.1)

15.2 Zone Regulations

See Table 29 for **Zone Regulations**. *(As amended by By-law 4430)*

15.3 Additional Requirements *(As amended by By-law 4430)*

1. No outdoor storage shall be **permitted** for any Local Commercial use.

2. Parking

Parking and loading facilities should be provided in accordance with the provisions of Sections 3.13 and 3.19 of this By-law.

15.4 Zone Exceptions *(As amended by By-law 4430)*

Intentionally left blank. *(As amended by By-law 4430)*

16. FUNERAL HOME (C5) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Funeral Home (C5) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

16.1 Permitted Uses

16.1 – C5 Permitted Uses	
Principle Use	Accessory Use
<i>Funeral Parlour</i>	Accessory use, building or structure (see 3.1) <i>Parking Area</i> <i>Storage Container</i> (see 3.1.13)
Residential Uses: <i>Existing Dwelling</i>	Accessory use, building or structure (see 3.1) <i>Home Based Business</i> (see 3.8) <i>Swimming Pools</i> (see 3.24) <i>Temporary Car Shelter</i> (see Table 3.1)

16.2 Zone Regulations

See Table 29 for *Zone Regulations*. ([As amended by By-law 4430](#))

16.3 Additional Requirements

Parking

Parking and loading facilities should be provided in accordance with the provisions of Sections 3.13 and 3.19 of this By-law.

16.4 Zone Exceptions

Within the (C5) Zone, the following exceptions to this By-law shall apply:

C5 – 1 (108 Byng Avenue, Bylaw No. 2368) ([As amended by By-law 4430](#))

Minimum Exterior Side Yard 0.64 m [2.09 ft.] ([As amended by By-law 4430](#))

17. MIXED INDUSTRIAL COMMERCIAL (M1) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Mixed Industrial Commercial (M1) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

17.1 Permitted Uses

17.1 – M1 Permitted Uses	
Principle Use	Accessory Use
Industrial Uses: Aggregate processing site All uses in the M2 Zone Autobody repair shop Contractor's yard Green Energy Industries Storage industry Warehouse	
Commercial and Other Uses: Automotive Sales Establishment Automotive Washing Establishment Bakery Bailing site Bank or Financial Institution Building Supply Centre Business or Professional office Call Centre Commercial use Custom workshop Dairy Day nursery Eating Establishment Highway Service Centre Motel Parking Personal Service Shop Public Garage Self-storage Facility Recycling depot and transfer station , composting facility Veterinary Establishment	Accessory use, building or structure (see 3.1) Accessory Dwelling Unit Retail Sales Outlet Storage Container (see 3.1.13)
Other Permitted Uses Existing Dwelling (As amended by By-law 4430)	Accessory use, building or structure (see 3.1) Home Based Business (see 3.8)

17.2 Zone Regulations

See Table 29 for **Zone Regulations**. *(As amended by By-law 4430)*

17.3 Additional Requirements

1. Open Storage

Where any lot used for an **industrial use** abuts a lot on which the principal use is a **residential use**, outside storage is prohibited in those yards on the **industrial use** lot which abuts the **residential use** lot unless the outside storage is fully and completely hidden by an opaque screen or buffer.

2. Parking

Parking and loading facilities should be provided in accordance with the provisions of Sections 3.13 and 3.19 of this By-law.

17.4 Zone Exceptions

Within the (M1) Zone, the following exceptions to this By-law shall apply:

M1-A: **permitted uses** shall include three (3) attached apartment **dwelling units** *(as amended by By-law 4100)*.

18. LIGHT INDUSTRIAL (M2) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Light Industrial (M2) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

18.1 Permitted Uses

18.1 – M2 Permitted Uses	
Principle Use	Accessory Use
<p>Industrial Use. Light Industrial includes manufacturing, processing, servicing, storage of goods and raw materials and warehousing where emissions e.g. sound, odour, dust, vibration, fumes or smoke are zero to negligible and there is a self-contained process with zero to low probability of fugitive emissions. Permitted uses shall also include a contractor's yard. Autobody Repair Shop Derelict Motor Vehicle Site</p>	<p>Accessory use, building or structure (see 3.1) Accessory Dwelling Unit Parking Area Storage Container (see 3.1.13)</p>
<p>Public Service Use (see 3.23)</p>	<p>Accessory use, building or structure (see 3.1)</p>
<p>Institutional Use</p>	<p>Accessory use, building or structure (see 3.1) Parking Area Storage Container (see 3.1.13)</p>

18.2 Zone Regulations

See Table 29 for **Zone Regulations.** ([As amended by By-law 4430](#))

18.3 Additional Requirements

1. Property Abutting Railway

Despite any other provisions of this By-law to the contrary, where any **lot line** or portion thereof abuts a railway right-of-way, no **interior side** or **rear yard** shall be required along that portion of such **lot line** which so abuts the railway right-of-way.

2. Open Storage

Where any **lot used** for an **industrial use** abuts a **lot** on which the **principal use** is a **residential use**, **outside storage** is prohibited in those yards on the **industrial use** lot which abuts the **residential use** lot unless the **outside storage** is fully and completely hidden by an opaque screen or buffer.

3. Derelict Motor Vehicle Site

No derelict **motor vehicle** site may contain more than three (3) **motor vehicles** on site unless the site is completely hidden by an opaque screen or buffer.

4. Minimum Distance Separation

In addition to the Minimum Yard Requirements set out in Schedule "A", the Minimum Distance Separation between the **main wall** of any **permitted industrial use** and the **main wall** of any adjacent or new **sensitive land use** (residential, day care, **hospital** or health facility) shall be subject to Section 3.15 and to Site Plan Control.

5. Parking

Parking and loading facilities should be provided in accordance with the provisions of Sections 3.21 of this By-law.

18.4 Zone Exceptions

Within the (M2) Zone, the following exceptions to this By-law shall apply:

1. M2-1 xxxx Government Road, Bylaw No. 3042)

Lands legally described as to Concession 12, Part Lot 14, RP CR-910 Part 1, 6R-4629 Part 3, Parcel 11693CC (Government Road) shall also permit Residential uses . [*\(As amended by By-law 4430\)*](#)

2. M2-2 (324 Government Road, Bylaw No. 2509) [*\(As amended by By-law 4430\)*](#)

A two **storey dwelling unit** as it pertains to Part 5, Plan CR-93, municipally known as 324 Government Rd. [*\(As amended by By-law 4430\)*](#)

3. M2-3 (xxxx Gurney Road), Bylaw No. 2541) [*\(As amended by By-law 4430\)*](#)

An **accessory dwelling** is included as a permitted use on Parcels 1092 and 10053, Centre Cochrane (Gurney Road). [*\(As amended by By-law 4430\)*](#)

4. M2-4 (299 Aviation Road, Bylaw No. 3262)

Concession 12,13, Pt Lots 26, 27, 28 29, Con 14 Lots 27, 28, 29, Con 15 Pt lot 28, RP 6R6982, Parts 1 to 6, RP 6R3498 Part 1, 6R3545 Parts 2, 3, 4, RP 6R4150 Parts 1, 2, RP 6R7038 Parts 2, 3, 7, 8, 9, 10, 11, 12 & 15, RP 6R4166 Parts 1 to 6, PCLS 12919, 10700, 10829, 11449 and 12920 CC, municipally addressed as 299 Aviation Road, which is the Kapuskasing Airport lands are permitted for the development of a light industrial park on condition that the use of land be in compliance with height and operational requirements as per the Aeronautics Act. [*\(As amended by By-law 4430\)*](#)

5. M2 – 5 (Part of Lot 20, Con 16, Parcel 1170 Centre Cochrane; By-law 2648)

On lands described as Part of Lot 20, Concession 16, Parcel 1170 CC, a **contractor's yard** and heavy equipment repair shall be **permitted** provided however, that the heavy equipment repair is directly related to the **contractor's -yard** and is located within an enclosed **building**.

19. HEAVY INDUSTRIAL (M3) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Heavy Industrial (M3) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

19.1 Permitted Uses

19.1 – M3 Permitted Uses	
Principle Use	Accessory Use
<p><i>Industrial Uses.</i> Heavy Industrial uses including uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operation and without limiting the foregoing shall include pulp and paper mills, <i>sawmills</i>, refineries, smelting operations and similar uses. Batch Plant</p> <p><i>Bulk Fuel Depot</i> Bulk Storage Yard</p> <p><i>Concrete Plant</i> Construction Yard or <i>Contractor's Yard</i> Electrical Generation or Cogeneration Facility Equipment and Vehicle Storage Yard, Industrial</p> <p><i>Green Energy Industries</i> Logging Hauler Lumber Yard Retail and Supply Services for Mining and Forest Products</p> <p><i>Salvage Yard</i> <i>Sawmill and Planing Mill</i> Service Shop Transportation Depot or Truck Terminal</p> <p><i>Warehouse</i> <i>Welding Shop</i></p>	<p>Accessory use, building or structure (see 3.1) Office <i>Storage Container</i> (see 3.1.13)</p>
<p>Commercial and Other Uses: <i>Communications Facility</i> <i>Public Service Use</i> (see Section 3.23) <i>(As amended by By-law 4430)</i></p>	<p>Accessory use, building or structure (see 4.1) Office <i>Storage Container</i> (see 4.1.11)</p>

19.2 Zone Regulations

See Table 29 for **Zone Regulations**. ([As amended by By-law 4430](#))

19.3 Additional Requirements

All **industrial uses** in the M3 Zone shall be operated in compliance with the Environmental Protection Act.

Minimum Distance Separation

In addition to the Minimum Yard Requirements set out in Schedule "A", the Minimum Distance Separation between the **main wall** of any **permitted industrial use** and the **main wall** of any adjacent or new **sensitive land use** (residential, day care, **hospital** or health facility) shall be subject to Section 3.15 and to Site Plan Control.

Parking

Parking and loading facilities should be provided in accordance with the provisions of Sections 3.13 and 3.19 of this By-law.

19.4 Zone Exceptions ([As amended by By-law 4430](#))

Intentionally left blank. ([As amended by By-law 4430](#))

20. WASTE MANAGEMENT FACILITY (WMF) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Waste Management Facility (WMF) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

20.1 Permitted Uses

20.1 – WMF Permitted Uses <i>(As amended by By-law 4430)</i>	
Principle Use	Accessory Use
Sewage Works including a waste water stabilization pond Waste Management Facility <i>Recycling Depot or Transfer Station</i>	Accessory use, building or structure (see 3.1) <i>Storage Container</i> (see 3.1.13)

20.2 Zone Regulations

See Table 29 for ***Zone Regulations***. *(As amended by By-law 4430)*

20.3 Additional Requirements

1. Environmental Compliance Approval

No waste disposal or ***waste management facility*** shall operate without and except in conformity with a currently valid Environmental Compliance Approval issued by the ***public authority*** having jurisdiction.

2. Minimum Distance Separation

No ***waste management facility*** shall be located:

- i. Within 400 m [1,312.34 ft.] of a ***dwelling unit***. *(As amended by By-law 4430)*
- ii. Within 185 m [606.95 ft.] of a ***street***. *(As amended by By-law 4430)*
- iii. On land covered by water or in any area subject to flooding; and
- iv. Within 30 m [98.42 ft.] from any ***watercourse***. *(As amended by By-law 4430)*

3. Derelict Motor Vehicle Site

No derelict **motor vehicle** site may contain more than three (3) derelict **motor vehicles** unless the site is fully and completely hidden by an opaque screen or buffer.

4. Recycling Depot or Composting Site

No **recycling depot, transfer station** or composting facility shall operate without and except in conformity with a currently valid Environmental Compliance Approval issued by the **public authority** having jurisdiction.

20.4 Zone Exceptions

Within the (WMF) Zone, the following exceptions to this By-law shall apply:

1. WMF-1 (144 Brunelle Road South, Bylaw No. 2589) [*\(As amended by By-law 4430\)*](#)

On lands described as Part of Lot 18, Concession 11, being Part 1 of RP 6R-7276 municipally known as 144 Brunelle Rd South, Zoned, a **single detached dwelling** shall be **permitted**.
[*\(As amended by By-law 4430\)*](#)

21. MINERAL AGGREGATE (MX) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Mineral Aggregate (MX) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

21.1 Permitted Uses

18.1 – MX Permitted Uses	
Principle Use	Accessory Use
<p><i>Mineral Aggregate Operation</i> <i>Asphalt or Concrete Batching Plant</i> <i>Concrete Plant</i> <i>Gravel Pit or Quarry</i> <i>Portable Asphalt Plant</i> <i>Public Utility</i> <i>Wayside Pit</i> <i>Wayside Quarry</i> <i>Agricultural Use</i> excluding buildings <i>Forestry Use</i> excluding buildings Passive Recreation Use excluding buildings</p>	<p>Accessory use, building or structure (see 3.1) and uses associated with <i>pit</i> and <i>quarry</i> operations such as crushing facilities, stock piles, screening operations, <i>asphalt plants</i> and <i>aggregate</i> transfer or recycling operations provided they do not prevent the opening of a pit, <i>quarry</i>, <i>wayside pit or quarry</i>. Office <i>Storage Container</i> (see 3.1.13) <i>Recreational Vehicle</i> when occupied by the owner or by a person employed on the <i>premises</i> where such <i>recreational vehicle</i> is to be located. Uses associated with <i>pit</i> and <i>quarry</i> operations such as crushing facilities, stock piles, screening operations, <i>asphalt plants</i> and <i>aggregate</i> transfer or recycling operations provided they do not prevent the opening of a <i>pit</i>, <i>quarry</i>, <i>wayside pit or quarry</i>.</p>

21.2 Zone Regulations

See Table 29 for *Zone Regulations*. ([As amended by By-law 4430](#))

21.3 Additional Requirements

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See 3.15.3 for minimum *separation distances* for *pits* and *quarries*.)
2. Any *mineral aggregate operation, pit* or *quarry* shall comply with any By-law passed under the *Municipal Act* governing a *mineral aggregate operation, pit* or *quarry*.
3. No person shall pile *aggregate*, topsoil, overburden or locate any processing plant or place or build or extend any *building* or *structure*.
 - i. Within 30 m [98.42 ft.] from the *lot line* of the site. [*\(As amended by By-law 4430\)*](#)
 - ii. Within 90 m [295.27 ft.] from any *lot line* that abuts an *existing* residential dwelling or land zoned for *residential use*. [*\(As amended by By-law 4430\)*](#)
4. Earth berms intended to screen adjoining lands from the operations on site shall be located no closer than 3 m [9.84 ft.] from any lot line.
5. No *mineral aggregate operation* shall operate except in compliance with a valid operator's agreement with the *Municipality*.
6. No *portable asphalt plant, wayside pit* or *wayside quarry* shall operate without a valid *Environmental Compliance Approval*.

21.4 Zone Exceptions [*\(As amended by By-law 4430\)*](#)

Intentionally left blank.

22. OPEN SPACE PARK (OS) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Open Space Park (OS) Zone except in accordance with the following provisions and Schedule "A", and Sections 3 and 4 of this By-law.

22.1 Permitted Uses

22.1 – OS Permitted Uses	
Principle Use	Accessory Use
Open Space Uses: Archeological Resource Boat Club Boat Launch Bowling Green Built Heritage Resource Campground Cemetery Community Garden Conservation Use Cultural Heritage Landscape Forestry use Golf Course Museum Park Playground Recreational Trails and Facilities Shooting Range or Rifle Club Skateboard Park Sports Playing Field Swimming Pool Tennis Courts Tourist Information Centre	Accessory use, building or structure including an information kiosk, interpretation center, food concession or refreshment pavilion (see 3.1) Retail Sales Outlet
Commercial Uses Eating Establishment	

22.2 Zone Regulations

See Table 29 for **Zone Regulations**. ([As amended by By-law 4430](#))

22.3 Additional Requirements ([As amended by By-law 4430](#))

Intentionally left blank. *(As amended by By-law 4430)*

22.4 Zone Exceptions *(As amended by By-law 4430)*

Intentionally left blank. *(As amended by By-law 4430)*

23. ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Environmental Protection (EP) Zone except in accordance with the following provisions and Sections 3 and 4 of this By-law. [As amended by By-law 4430](#)

23.1 Permitted Uses

23.1 – EP Permitted Uses	
Principle Use	Accessory Use
Environmental Protection Uses: Agricultural use excluding buildings. Conservation Use Community Garden Existing Uses Flood Control Infrastructure Forestry use Park	Accessory use excluding any buildings or structures except infrastructure incidental to a water supply or wastewater treatment facility such as a water intake or sewer outfall but not including the main building of a water filtration plant or wastewater treatment facility Buildings or structures intended for flood or erosion control or slope stabilization

23.2 Zone Requirements

Lot area, frontage and yard requirements shall be those *existing* on the date of the passing of this By-law.

23.3 Additional Requirements

No *buildings* or *structures* are *permitted* other than those required for flood or erosion control, bank stabilization, *watercourse* protection or which are public or private works which must be located in the *zone* by nature of their use and are constructed in accordance with accepted scientific and engineering practices.

No removal or addition of landfill or any kind, whether originating on site or elsewhere, shall be *permitted* without the written approval or *public authority* having jurisdiction.

The provisions of this zone shall not apply to prevent the strengthening or restoration to a safe condition of any *building* or *structure* of *alteration* or repair of an *existing* building or structure provided such *alteration* or repair will not increase the height, size, or volume or change the use of such *building* or *structure*.

Land zoned Environmental Protection (EP) may be used in the calculation of the minimum **lot area** or **lot frontage** requirements for another zone on that lot where property under one ownership is zoned only partially as Environmental Protection (EP).

Any expansion or enlargement of an **existing** use and minor extensions (i.e. less than 50% of the original floor area) may be **permitted** by amendment to the Zoning By-law subject to the submission of a survey and Building Elevation Plan which clearly demonstrates that any openings in the building will be above the flood elevation and also demonstrates that the addition will not raise the flood level. Such additions shall be flood proofed to the regulatory flood level.

23.4 Zone Exceptions [\(As amended by By-law 4430\)](#)

Intentionally left blank [\(As amended by By-law 4430\)](#)

24. WETLAND (W) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Wetland (W) Zone except in accordance with the following provisions and Table 29, and Sections 3 and 4 of this By-law. [\(As amended by By-law 4430\)](#)

24.1 Permitted Uses

24.1 – W Permitted Uses (As amended by By-law 4430)	
Principle Use	Accessory Use
<p>Passive recreational uses including conservation and educational activities such as an interpretation kiosk, boardwalk, viewing structure or passive recreational trails</p> <p>Those wetlands which are not classified as provincially significant may be utilized for resource-based uses such as forestry including timber harvesting.</p> <p>With the exception of the above <i>permitted uses</i>, the development of wetland areas shall not be <i>permitted</i> nor any activity which involves filling or dredging of wetlands or thereby the destruction or restriction of the wetland function except as may otherwise be approved by the <i>public authority</i> having jurisdiction.</p> <p>No buildings or structures shall be <i>permitted</i> except as otherwise associated with the above <i>permitted uses</i>.</p>	<p>Accessory use excluding any buildings or structures except infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main building of a water filtration plant or waste water treatment facility</p> <p>Buildings or structures intended for flood or erosion control or slope stabilization</p>

24.2 Zone Regulations

See Table 29 for *Zone Regulations*. [\(As amended by By-law 4430\)](#)

24.3 Additional Requirements

In the interim of properly classifying wetlands in the Planning Area, wetlands shall be protected as if they were provincially significant except as specifically stated otherwise by the provincial Ministry having jurisdiction.

24.4 Zone Exceptions [\(As amended by By-law 4430\)](#)

Intentionally left blank. [\(As amended by By-law 4430\)](#)

25. RURAL (RU) ZONE

No person shall use any land or erect, **alter** or use any building or structure in the Rural (RU) Zone except in accordance with the following provisions and Sections 3 and 4 of this By-law [\(As amended by By-law 4430\)](#)

25.1 Permitted Uses

25.1 – RU Permitted Uses	
Principle Use	Accessory Use
Residential Uses: Single Detached Dwelling Seasonal Dwelling Duplex Dwelling Two-unit Dwelling Group Home (As amended by By-law 4430)	Accessory use, building or structure (see 3.1) Bed & Breakfast Establishment (see 3.1.12) Garden Suite (see 3.1.10) Guest House (see Table 3.1) Hobby Farm Home Based Business (see 3.8) Swimming Pools (see 3.24) Temporary Car Shelter (see Table 3.1 (As amended by By-law 4430)
Rural Uses – Group A – Non-residential: Adventure Game Agricultural Use Cemetery Convenience store Golf Course including a driving range Logging camp Public Service Use or Building (see 3.23) Temporary work camp Veterinary establishment (As amended by By-law 4430)	Accessory use, building or structure (see 3.1) Accessory Dwelling Unit Farm Produce Outlet accessory to an Agricultural Use Swimming Pools (see 3.24)

25.1 – RU Permitted Uses	
Principle Use	Accessory Use
Rural Uses – Group B – Non-residential: Conservation Use Contractor’s yard An existing Dwelling Forestry Use Haulage and cartage use Outdoor Recreation Use Park, Playground Public Access Point Wayside Pit or Quarry <i>(As amended by By-law 4430)</i>	Accessory use, building or structure (see 3.1) Home Based Business (see 3.8)

25.2 Zone Regulations

See Table 29 for **Zone Regulations**. *(As amended by By-law 4430)*

25.3 Additional Requirements

1. Recreational Vehicle

A **recreational vehicle** may be located and used on a **lot** in a rural zone for not more than sixty (60) consecutive days in any period of ten (10) consecutive months.

2. Temporary Work Camp

Despite any other provision of this By-law, a **temporary work camp** may be located and used on a lot in a rural zone for a period not exceeding one year.

3. Increased Yard Requirement

Where a lot used for a non-residential use abuts a lot on which the principal use is a residential use, no building or structure on the non-residential use lot shall be located within 30 m [98.42 ft.] of the residential use lot. *(As amended by By-law 4430)*

4. Buffering

Where any lot used for a commercial or industrial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial or industrial use lot which abuts the residential use lot unless the outside storage is fully and completely hidden by an opaque screen or approved buffer or combination thereof in accordance with Section 3.13. *(As amended by By-law 4430)*

5. Wayside Pit or Quarry

A **wayside pit or quarry** excavation shall be located in accordance with Section 21.2.

Where a **wayside pit** or **wayside quarry** is located on a **lot** that is adjacent to a lot on which a **wayside pit or quarry** is located, the **setback** requirements shall not apply to the common **lot line**.

6. Contractor's yard

No storage or stockpiling of **aggregates** and/or recyclable material will be allowed in a **contractor's yard**.

7. Bed & Breakfast

A **bed and breakfast establishment** shall only be **permitted** in a **single detached dwelling**.

*No hobby farm shall be permitted that does not comply with the **Minimum Distance Separation Formulae I & II** or any nutrient management plan required under the Nutrient Management Act, 2002. Despite Section 25.1 of this by-law, no hobby farm shall be permitted in a Rural Zone within the Urban Settlement Area. *(As amended by By-law 4430)**

25.4 Zone Exceptions

Within the (RU) Zone, the following exceptions to this By-law shall apply:

1. RU-1 (129 Ash Street, Bylaw No. 2648)

On lands described as Part 3 & 4 on Plan 6R-7182, the minimum lot area of 0.8 hectares and minimum lot frontage of 84.7 metres shall be permitted. *(As amended by By-law 4430)*

2. RU-B-156 Brunelle Road

On lands described as Part 1, Plan 6R-2707 (Part of Lot 18, Concession 11) municipally known as 156 Brunelle Road South, 4 severances of land having frontages varying from 74 m (242 ft.) to 90 m (300 ft.) shall be permitted in a Rural (RU) Zone. *(As amended by By-law 4430)*

3. RU-B1-1 (221 Clear Lake Road South (Amended by By-Law 4505))

On lands municipally addressed as 221 Clear Lake Road South, Kapuskasing a sawmill operation is also a permitted use.

4. RU-4 (169 Clear Lake Road South, Bylaw No. 2791)

On lands described as Part of Lot 13, Concession 10 a sawmill operation is permitted conditional upon the development and implementation of a Site Development Plan Agreement approved by the Town of Kapuskasing and in accordance with the Ministry of the Environment. *(As amended by By-law 4430)*

5. RU-B-1 (Parcel 5158, being part of Lot 1, Concession 9)

One single detached dwelling is also a permitted use. *(As amended by By-law 4430)*

6. RU-B-2 (150 Brunelle Road South, Bylaw No. 4356)

Notwithstanding the provisions of Sections 25.1, 25.3.1, and 25.2 to the contrary in any 'RU-B-2 Zone', the following provisions shall apply:

Permitted uses shall also include the "Storage of Recreational Vehicles"

A Wayside Pit or Quarry is prohibited.

Maximum Lot Coverage: 5%

26. AIRPORT COMMERCIAL (CA) ZONE

No person shall use any land or erect, *alter* or use any building or structure in the Airport Commercial (CA) Zone except in accordance with the following provisions and Sections 3 and 4 of this By-law. *(As amended by By-law 4430)*

26.1 Permitted Uses

26.1 – CA Permitted Uses	
Principle Use	Accessory Use
<i>Airport</i> , air strip, air field Marine Air Base <i>Proving Ground</i>	Accessory use, building or structure (see 3.1)

26.2 Zone Regulations

See Table 29 for **Zone Regulations**. *(As amended by By-law 4430)*

26.3 Additional Requirements

No use of any land or building shall be **permitted** within the Airport Commercial (CA) Zone or adjacent to that zone that is not in compliance with the height or operational requirements set out in the Aeronautics Act.

26.4 Zone Exceptions

4.1 *(As amended by By-law 4430)*

Intentionally left blank. *(As amended by By-law 4430)*

27. SOLAR DEVELOPMENT (SD) ZONE

No person shall use any land or erect, **alter** or use any building or structure in the Solar Development (SD) Zone except in accordance with the following provisions and Sections 3 and 4 of this By-law. *(As amended by By-law 4430)*

27.1 Permitted Uses

27.1 –SD Permitted Uses <i>(As amended by By-law 4430)</i>	
Principle Use	Accessory Use
Commercial Solar Collector	Accessory use, building or structure (see 3.1)

27.2 Zone Regulations

See Table 29 for **Zone Regulations**. *(As amended by By-law 4430)*

27.3 Additional Requirements

All **solar collector** projects shall meet the requirements of the *Green Energy and Green Economy Act, 2009*.

27.4 Zone Exceptions

(As amended by By-law 4430)

Intentionally left blank. *(As amended by By-law 4430)*

28. WELLHEAD PROTECTION (WHP) ZONE

No person shall use any land or erect, **alter** or use any building or structure in the Wellhead Protection (WHP) Zone except in accordance with the following provisions and Sections 3 and 4 of this By-law. *(As amended by By-law 4430)*

28.1 Permitted Uses

28.1 –WHP Permitted Uses	
Principle Use	Accessory Use
<i>Existing uses</i>	Accessory use, building or structure (see 3.1)

28.2 Zone Regulations

See Table 29 for **Zone Regulations**. *(As amended by By-law 4430)*

28.3 Additional Requirements

1. The existing use and storage of fuels within 50m (164 ft.) of any well in the well field shall be restricted unless a property designated containment systems is in place. *(As amended by By-law 4430)*

No new retail fuel or fuel storage facilities shall be allowed to operate within 500 m (1640.4 ft.) of any well in a well field and the impact on groundwater of other new commercial or public operations shall be determined prior to their commencement (i.e. salt storage, etc.)

2. *(As amended by By-law 4430)*

3. The use of fertilizers and pesticides shall be prohibited within the boundaries of the well field and for at least 50m (164 ft.) beyond the closest well. *(As amended by By-law 4430)*

4. No septic systems or other sources of pollution be allowed in the well field or within 50m (164 ft.) of the closest well. *(As amended by By-law 4430)*

28.4 Zone Exceptions

4.2 *(As amended by By-law 4430)*

Intentionally left blank. *(As amended by By-law 4430)*

TABLE 29 – ZONE REGULATIONS

(As amended by By-law 4430)

Town of Kapuskasing and Kapuskasing & District Zoning By-law - Schedule A																					
Zone	By-law Section	Permitted Use Category	Minimum Lot Frontage		Minimum Lot Area		Minimum Lot Depth		Minimum Yards								Maximum Building Height		Maximum Lot Coverage	Maximum No. Dwelling Units Per Lot	
			m	ft.	m ²	ft. ²	m	ft.	Front Yard		Interior Side Yard		Exterior Side Yard		Rear Yard		m	ft.			%
									m	ft.	m	ft.	m	ft.	m	ft.	m	ft.			
R1	5	Single Detached, Group Home	18	59	550	5,920	30	98.4	7.5	24.6	1.5	4.9	3	9.8	9	29.5	11	36	40 (4)	1 (1)	
R2	6	Duplex, Semi-detached, Two-unit, Group Home	15	49.2	460	4,951	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	1 (1)	
R3	7	Single Detached, Group Home	15	49.2	460	4,951	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	1 (1)	
R3	7	Semi-detached, two-unit (front garage)	22	72.1	650	6,996	30	98.4	6	19.6	1.5 (2)	4.9 (2)	3	9.8	7.5	24.6	11	36	40 (4)	2(1)	
R3	7	Semi-detached, two-unit (side garage)	24	78.7	650	6,996	30	98.4	6	19.6	1.5 (2)	4.9 (2)	3	9.8	7.5	24.6	11	36	40 (4)	2(1)	
R3	7	Duplex, Two Unit	18	59	605	6,512	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	2(1)	
R3	7	Triplex	19.5	63.9	696	7,492	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	3	
R3	7	Double Duplex	24	78.7	840	9,041	30	98.4	6	19.6	1.5 (2)	4.9 (2)	3	9.8	7.5	24.6	11	36	40 (4)	4	
R3	7	Boarding or Rooming House	30	98.4	186 (12)	1,991	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	5 storey	5 storey	40 (4)	n/a	
RM1	8	Maisonette	36.5	119.7	185 (12)	1,991	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	n/a	
RM1	8	Multiple Dwelling	30	98.4	186 (12)	1,991	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	5 storey	5 storey	40 (4)	n/a	
RM1	8	Row House	30	98.4	187 (12)	1,991	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	n/a	
RM1	8	Row House (front garage)	30	98.4	188 (12)	1,991	30	98.4	6	19.6	1.5	4.9	3	9.8	7.5	24.6	11	36	40 (4)	n/a	
RM2	9	Apartment	30	98.4	1,100 (3)	11,840 (3)	30	98.4	7.5 (14)	24.6 (14)	5 (14)	16.4 (14)	6 (14)	19.6 (14)	7.5 (14)	24.6 (14)	5 storey	5 storey	40 (4)	n/a	
RR	10	Rural Residential: municipal water and sewer	18	59	550	5,920	30	98.4	6	19.6	1.5	4.9	3	9.8	9	29.5	11	36	(4)	1 (1) (6)	
RR	10	Rural Residential: on-site municipal water and sewer	120	393.7	0.4 ha	1 ac.	30	98.4	6	19.6	1.5	4.9	3	9.8	9	29.5	11	36	(4)	1 (1) (6)	
RR	10	Rural Commercial: municipal water and sewer	24	78.7	750	8,073	30	98.4	7.5	24.6	3	9.8	6	19.6	7.5	24.6	11	36	(4)	n/a	
RR	10	Rural Commercial: on-site municipal water and sewer	120	393.7	0.4 ha	1 ac.	30	98.4	7.5	24.6	3	9.8	6	19.6	7.5	24.6	11	36	(4)	n/a	
RMH	11	Mobile Home Park	135	442.9	2.5 ha	6.1 ac.	30	98.4	15	49.2	7.5	24.6	15	49.2	7.5	24.6	n/a	n/a	n/a	n/a	
RMH	11	Mobile Home Site	15 (5)	49.2 (5)	465 (5)	5,005 (5)	30 (5)	98.4 (5)	39.8 (5)	130.5 (5)	1.5 (5)	4.9 (5)	3 (5)	9.8 (5)	5 (5)	16.4 (5)	n/a	n/a	n/a	1 (5)	

Private services not municipal

(As amended by By-law 4430)

Town of Kapuskasing and Kapuskasing & District Zoning By-law - Schedule A

Zone	By-law Section	Permitted Use Category	Minimum Lot Frontage		Minimum Lot Area		Minimum Lot Depth		Minimum Yards								Maximum Building Height		Maximum Lot Coverage	Maximum No. Dwelling
			m	ft.	m ²	ft. ²	m	ft.	Front Yard		Interior Side Yard		Exterior Side Yard		Rear Yard		m	ft.	%	Units
C1	12	Commercial	n/a	n/a	n/a	n/a	30	98.4	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	15	49.2	n/a	n/a
C2	13	Mixed Use Commercial, Existing Residential	30	30	650	6,996	30	98.4	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	15	49.2	60	n/a
C3	14	Highway Commercial	30	98.4	650	6,996	30	98.4	7.5	24.6	1.5	4.9	7.5	24.6	1.5	4.9	15	49.2	60	1 (10)
C4	15	Local Commercial, Existing Residential	30	98.4	550	5,920	30	98.4	6	19.6	3	9.8	6	19.6	7.5	24.6	15	49.2	45	1
C5	16	Funeral Home	30	98.4	550	5,920	60	196.8	6	19.6	3	9.8	3	9.8	7.5	24.6	15	49.2	60	1
M1	17	Mixed Industrial Commercial: all uses (9)	30	98.4	696	7,492	60	196.8	6	19.6	5	16.4	5	16.4	5	16.4	15	49.2	60	n/a
M2	18	Light Industrial (9)	45	147.6	696	7,492	60	196.8	6	19.6	5	16.4	5	16.4	5	16.4	15	49.2	60	n/a
M3	19	Heavy Industrial (9)	45	147.6	2 ha	4.94 ac.	100	100	10	32.8	10	32.8	10	32.8	10	32.8	15	49.2	60	n/a
WMF	20	Waste Management Facility (9)	n/a	n/a	n/a	n/a	n/a	n/a	30	98.4	30	98.4	30	98.4	30	98.4	n/a	n/a	n/a	n/a
MX	21	Mineral Aggregate (9)	200	656	4 ha	9.8 ac.	100	328	15	49.2	15	49.2	15	49.2	15	49.2	n/a	n/a	n/a	n/a
OS	22	Open Space: all uses	30	98.4	n/a	n/a	n/a	n/a	7.5	24.6	7.5	24.6	7.5	24.6	7.5	24.6	n/a	n/a	n/a	n/a
EP	23	Environmental Protection	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
W	24	Wetland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
RU	25	Rural	120	393	4 ha	9.8 ac.	100	328	15	49.2	6	19.6	15	49.2	10	49.2	15	49.2	1	1 (1) (6)
RU-A	25	Rural Group A	120	393	4 ha	9.8 ac.	100	328	15	49.2	6	19.6	15	49.2	10	49.2	15	49.2	1	1
RU-B	25	Rural Group B	n/a	n/a	n/a	n/a	n/a	n/a	15	49.2	6	19.6	15	49.2	10	49.2	15	49.2	1	n/a
CA	26	Airport	n/a	n/a	n/a	n/a	n/a	n/a	30	98.4	30	98.4	30	98.4	30	98.4	n/a	n/a	n/a	n/a
SD	27	Solar Collectors	n/a	n/a	2 ha	4.94 ac.	100	328	6	19.6	6	19.6	6	19.6	6	6	n/a	n/a	n/a	n/a
All Zones		Institutional Uses	20	65.6	n/a	n/a	n/a	n/a	6	19.6	6	19.6	6	19.6	7.5	24.6	15	49.2	n/a	n/a
All Zones		Public Service Use	20	65.6	n/a	n/a	n/a	n/a	6	19.6	6	19.6	6	19.6	7.5	24.6	15	49.2	n/a	n/a

Notes: 1. Excluding a Garden Suite. 2. The minimum interior side yard shall not apply to the vertical party wall of a semi-detached or row house dwelling. 3. The Minimum Lot Area shall be 1,100 m² [11,840 ft.²] plus 100 m² [1,076 ft.²] per dwelling unit for an apartment or multiple dwelling of 11 or more dwelling units. 4. Maximum Lot Coverage shall be 40%. 5. Zone requirements shall apply to each mobile home site. 6. The maximum number of dwelling units per lot shall be two (2). 7. See Section 12.3.2. 8. See Sections 13.3.3, 13.3.4 and 13.3.5. 9. See Zone Regulations for Minimum Distance Separations in Section 3.15. 10. See Section 14.3.2. 11. See Section 23.2. 12. Per dwelling unit. 13. Or 1/2 the height of the building whichever is greater.