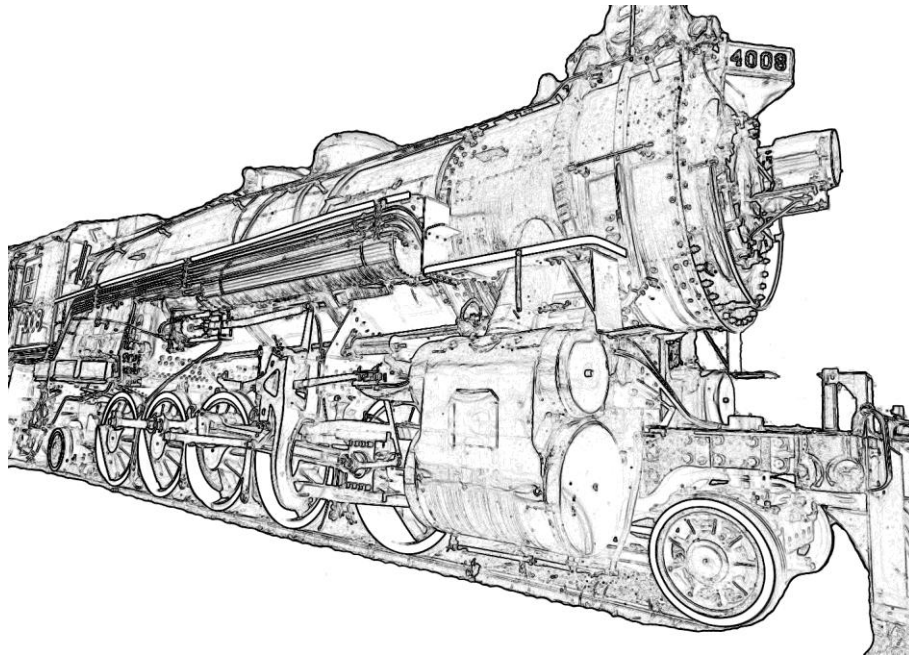


ZONING BY-LAW

TOWN OF RAINY RIVER



By-law No. 1614-15

BY-LAW NO. 1614-15

THE ZONING BY-LAW

OF THE

TOWN OF RAINY RIVER



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SCHEDULE 'A' - ZONE MAP

BY-LAW NO. 1614-15

**BEING THE ZONING BY-LAW
OF THE
TOWN OF RAINY RIVER**

A By-law to prohibit the use of land and the erection, location or use of buildings or structures, except for certain purposes; to prohibit the erection of certain buildings or structures on marshy lands; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to regulate the minimum frontage and depth of a parcel of land; to require loading and parking facilities for buildings or structures erected or used for certain purposes within defined areas of the Town of Rainy River.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF RAINY RIVER ENACTS AS FOLLOWS:

SECTION 1: TITLE

This By-law may be cited as "The Zoning By-law of the Town of Rainy River ".

SECTION 2: DEFINITIONS

- 2.1 **"Abandoned"** means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12-month period.
- 2.2 **"Accessory Secondary Dwelling Unit/Apartment"** means a separate accessory dwelling unit or apartment which is contained within a single detached, semi-detached or townhouse dwelling or within an ancillary structure to those residential uses.
- 2.3 **"Accessory Building or Structure"** means
- (a) a detached building or structure that is not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot therewith, and
 - (b) includes a detached private garage, detached carport, boathouse or detached deck.

- 2.4 **"Accessory Use"** means a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot therewith.
- 2.5 **"Adult Entertainment Parlour"** means any building or structure, 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 which includes:-
- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
 - (b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.
- 2.6 **"Aerodrome"** means any lot, building or structure, used or designed, equipped or set apart, in whole or in part, for the arrival and departure, movement and servicing of aircraft.
- 2.7 **"Affordable Housing"** means housing which would have a market price or rent that would be affordable to households of low and moderate income. Affordable housing could also include any government assisted housing recognized, from time to time, as Affordable Housing by the Province of Ontario.
- 2.8 **"Aggregate"** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, and rock, other than metallic ores.
- 2.9 **"Agricultural Use"** means
- (a) a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, poultry-keeping or any other farming use, and
 - (b) includes the growing, raising, packing, treating, storing and sale of agriculture and which are not obnoxious.
- 2.10 **"Agricultural Services"** means the use of land, structure or building for the purposes of buying and selling commodities and services that are necessary to support agricultural operations, including a livestock sales barn, but does not include any manufacturing, assembling, processing, warehousing or construction uses.
- 2.11 **"Alter"** means

- (a) when used in reference to a building or structure or part thereof, to change the supporting members or to the type of construction of the exterior walls or roof thereof;
 - (b) when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or a lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or
 - (c) when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.
- 2.12 **"Animal Hospital"** means the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept.
- 2.13 **"Arcade"** means any establishment or part or parts of an establishment containing 3 or more pinball or other mechanical game machines or electronic game machines operated for gain, including where the operation of such game machines for gain is an accessory use or is not the primary use of the establishment.
- 2.14 **"Arena"** means a facility for sport activities and includes ice surfaces for hockey and curling and other surfaces for any sporting activity.
- 2.15 **"Assembly Hall"** means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.
- 2.16 **"Attached"** means affixed or fastened to.
- 2.17 **"Attic"** means the space between the ceiling of the top storey and the roof or between a dwarf wall and a sloping roof.
- 2.18 **"Automobile Service Station"** means
- (a) a building or place,
 - (i) where gasoline or other motor fuels are kept for sale and for delivery directly into a motor vehicle; and
 - (ii) used only for the sale and delivery described in clause (1) of this sub-paragraph and for the performance of minor running repairs

essential to the actual operation of motor vehicles and for the sale to the motoring public of goods usual to the trade.

- 2.19 **"Automotive Use"** means an automobile service station, a gasoline retail outlet, a vehicle repair shop, a body shop or a vehicle sales or rental establishment as defined herein.
- 2.20 **"Bake Shop"** means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises and includes a restaurant.
- 2.21 **"Bank"** means a banking institution as defined in The Bank Act.
- 2.22 **"Bachelor Unit"** means
- (a) a dwelling unit in which only one room or part thereof contains sleeping accommodation, and which room is used as a living or dining room, or both, as well as for sleeping purposes, but
 - (b) does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation.
- 2.23 **"Basement"** means
- (a) that portion of a building or structure within which 50% or more of the interior wall height from finished floor to finished ceiling is below the average finished grade level adjacent to one or more of the exterior walls of the building or structure, but
 - (b) does not mean or include a storey or part of a storey.
- 2.24 **"Bed and Breakfast Business"** means
- (a) a dwelling in which not more than four (4) habitable rooms for overnight lodging are provided for gain, with breakfast included, to persons other than the lessee, tenant or owner of said dwelling, or any member of his household, but
 - (b) does not include a hotel, motel, motor hotel, resort, trailer camp, seasonal camp or camping establishment.
- 2.25 **"Boat House - Private"** means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the residential occupancy.

- 2.26 **"Body Shop"** means an establishment engaged in the repairing and/or painting of vehicle bodies.
- 2.27 **"Building"** means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in The Building Code Act, excluding a sewage system and plumbing not located in a building or structure, but does not include any vehicle as defined herein.
- 2.28 **"Building Area"** means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
- 2.29 **"Building By-law"** means any by-law of the Corporation passed pursuant to The Building Code Act.
- 2.30 **"Building Permit"** means a permit required by the Building By-law and/or The Building Code Act.
- 2.31 **"Business Office"** means a building in which one or more persons are employed in the management, direction or conducting of a business.
- 2.32 **"By-law Enforcement Officer"** means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments thereto.
- 2.33 **"Cabin"** means a 'cottage' as defined in this By-law.
- 2.34 **"Camping Establishment"** means a place where people are temporarily accommodated in tents, motor coach, trailer or truck camper, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a day camp and a tourist trailer camp.
- 2.35 **"Cemetery"** means a cemetery or columbarium within the meaning of the Cemetery Act, as amended from time to time.
- 2.36 **"Chief Building Official"** means the Chief Building Official appointed by Council and charged with the duty of enforcing the provisions of The Building Code Act, or any successors thereto, together with any Regulations made thereunder.
- 2.37 **"Church"** means a building set aside by any religious organization for public worship and may include a church hall, auditorium, Sunday School, convent or parish hall. (See also Religious Retreat)

- 2.38 Intentionally removed
- 2.39 "**Club**" means
- (a) a building or part of a building used as a meeting place for members of an organization, and
 - (b) includes a lodge, a fraternity or sorority house and a labour union hall.
- 2.40 "**Commercial**" means the use of land, building or structure for the purpose of buying and selling commodities, and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.
- 2.41 "**Commercial Club**" means any club other than a private club.
- 2.42 "**Committee of Adjustment**" means the Committee of Adjustment of the Town of Rainy River in accordance with the provisions of Sections 44 and 45 of The Planning Act.
- 2.43 "**Corporation**" means the Corporation of the Town of Rainy River.
- 2.44 "**Community Centre**" means a building used for community activities and not used for commercial purposes.
- 2.45 "**Condominium**" means a building or structure wherein the owner holds title to his/her own dwelling unit while sharing title to the land and other common areas of the development and sharing maintenance/operating costs with other dwelling unit owners through a condominium corporation.
- 2.46 "**Co-operative**" means a Corporation which owns real property and whose shareholders hold proprietary leases on portions of the real property and who share the maintenance/operating costs of the real property with each having the right to use all areas of the real property owned by the Corporation that is not specifically allocated to other shareholders by their own proprietary leases.
- 2.47 "**Cottage**" means a detached building used as an occasional and seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously or as a principal residence or as a year-round permanent dwelling.
- 2.48 "**Council**" means the Municipal Council of the Corporation of the Town of Rainy River.
- 2.49 "**Convenience Store**" means a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries,

meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.

- 2.50 "**Coverage**" - see "**Lot Coverage**"
- 2.51 "**Daylighting Triangle**" means an area free of buildings or structures and which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle".
- 2.52 "**Detached**" means "not attached".
- 2.53 "**Development**" means the construction or erection of buildings or structures on, or the excavation of land.
- 2.54 "**Driveway**" means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.
- 2.55 "**District**" means the District of Rainy River.
- 2.56 "**Dwelling**" means a separate building or factory built double-wide home containing one or more dwelling units.
- 2.57 "**Dwelling, converted**" means a dwelling altered to contain a greater number of dwelling units.
- 2.58 "**Dwelling, duplex**" means a separate building of two (2) or more storeys divided horizontally into not more than two (2) dwelling units, each of which is completely on a separate storey, and which building is used by not more than two (2) households.
- 2.59 "**Dwelling, single detached**" means a separate building or factory built double-wide home containing not more than one dwelling unit and may also contain one accessory secondary dwelling unit/apartment.
- 2.60 "**Dwelling, semi-detached**" means a separate building divided vertically into not more than two (2) dwelling units, and which dwelling units may be held in separate ownership and where such building may also contain two accessory secondary dwelling units/apartments.
- 2.60.1 "**Dwelling, townhouse**" means a dwelling containing three or more attached dwelling units divided vertically, each of which has an independent entrance

directly from the front yard or side yard in the case of an end unit and each dwelling unit may contain one accessory secondary dwelling unit/apartment.

2.61 **"Dwelling, split level"** means a dwelling containing three (3) or more sections at different levels where the difference in elevation is not less than 3 feet nor more than 6 feet between any such section and the next horizontally adjoining section, and two (2) or more of such sections are to contain one or more habitable rooms.

2.62 **"Dwelling Unit"** means

- (a) one room or a group of rooms in a building used or designed or intended to be used by only one household as a single, independent and separate housekeeping establishment,
 - (i) in which food preparation and sanitary facilities are provided for the exclusive use of such household, and
 - (ii) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
- (b) does not mean or include a tent, trailer, or a room or suite of rooms in a hotel, motel, motor hotel or bed and breakfast business.

2.63 **"Eating Establishment"** - see "Restaurant"

2.64 **"Erect"** means

- (a) with reference to a building or structure, build, construct, reconstruct, or enlarge, and
- (b) includes,
 - (i) any physical operation such as excavating, filling, grading or draining preparatory to building, construction, reconstruction, and
 - (ii) the moving of a building or structure from one location to another.

2.65 **"Erected" and "Erection"** have a corresponding meaning.

2.66 **"Existing"** means existing on the date of the passing of this By-law.

2.67 **"Factory Outlet Retail Store"** means a building or part thereof accessory to a non-effluent producing industry, a warehouse or a service industry, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for delivery of such products.

- 2.68 **"Farm"** means a lot, with or without accessory buildings or structures, which is used for:-
- (a) the tillage of soil;
 - (b) the growing of vegetables, fruits, grains or flowers including, but not necessarily limited to lettuce, carrots, tomatoes, mushrooms, beans, melons, potatoes and corn;
 - (c) woodlots including maple sugar operations;
 - (d) the raising of livestock including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, poultry, horses, ponies, donkeys, mules, mink, ducks, rabbits and wild game;
 - (e) dairying, bee-keeping; or
 - (f) bio-diesel refining.
- 2.69 **"Farm Supply Store - Retail"** means a building or part thereof in which goods, wares, merchandise, substances, articles or things including feed and seed are offered or kept for sale by retail directly to the surrounding rural community.
- 2.70 **"Finished Grade"** means
- (a) when used in reference to a building, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation; or
 - (b) when used in reference to any other structure the average elevation of the finished surface of the ground at the base of such structure exclusive of any artificial embankment at the base of such building or structure.
- 2.71 Intentionally removed.
- 2.72 **"Flood Plain"** means the area, usually low lands, which has been, or may be covered by flood water (see also Section 2.198).
- 2.73 **"Floodproofing"** 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. The word "floodproofed" has a corresponding meaning.
- 2.74 Intentionally removed.

- 2.75 **"Floor Area"** means, with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, verandah, balcony, sun room, attic or basement.
- 2.76 **"Floor Area, ground"** means the floor area of the lowest storey of a building approximately at or just above the finished grade level excluding any basement, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building.
- 2.77 **"Forestry"** means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resource.
- 2.78 **"Fuel Depot"** means a lot where bulk storage of fuel, including petroleum products and propane takes place, and where wholesaling and retailing of these products may be carried on.
- 2.79 **"Garage, private"** means a building or part thereof used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles wherein neither servicing nor repairing is carried on for remuneration.
- 2.80 Intentionally removed.
- 2.80.1 **"Garden Suite"** means a temporary single detached dwelling containing bathroom and kitchen facilities that is accessory to an existing single detached dwelling and that is designed to be portable.
- 2.80.2 **"Gazebo"** means a freestanding roofed accessory structure used for relaxation only, which is not enclosed except for screening or glass and which may also include an unenclosed deck surround.
- 2.81 **"Golf Course"** means a public or private area operated for the purpose of playing golf and does not include driving ranges.
- 2.81.1 **"Golf Driving Range"** means a public or private area for the purpose of practising golf driving techniques and is equipped with distance markers, lighting, safety nets, parking areas, golf equipment rental facilities and washrooms, but does not include a golf course.
- 2.82 **"Grade"** see **"Finished Grade"**

- 2.83 **"Greenhouse, commercial"** means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouses, but are sold directly from such lot at wholesale or retail.
- 2.84 Intentionally removed.
- 2.85 **"Greenhouse, Farm"** means a building for the growing of plants, shrubs, trees and similar vegetation which are primarily transplanted outdoors on the same lot containing such greenhouse.
- 2.86 **"Group Home"** means a single housekeeping unit in a residential dwelling in which up to six (6) residents (excluding staff or receiving household) live under responsible supervision consistent with the requirements of its residents. The home shall be licensed or approved under Provincial statute.
- 2.87 **"Habitable Room"** means a room which:
- (a) is located within a dwelling unit;
 - (b) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
 - (c) can be used at all times throughout the year but does not include any room specifically defined herein as a non-habitable room.
- 2.88 **"Non-Habitable Room"** means any room in a dwelling other than a habitable room including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet , a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.
- 2.89 **"Height"** means with reference to a building the vertical distance measured from the average finished grade level at the front elevation of such building to,
- (a) in the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the greater, and
 - (b) in the case of a pitched roof, a point at the ridge, but in calculating the height of a building, any construction used as ornament or for the mechanical operation of the building such as mechanical penthouse, or a chimney, tower, cupola or steeple is not to be included.
- 2.90 **"High Water Mark"** means the normal original water mark of any body of water as measured by an Ontario Land Surveyor unless such high water mark has been

altered by the construction of a public dam or dams, in which case the measurement shall be from the high water mark as controlled by such dam or dams.

- 2.91 **"Home for the Aged"** means an institution to which The Homes for the Aged and Rest Homes Act applies, and any home for senior citizens sponsored and administered by any public agency or any service organization either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation or by any combination thereof, and such home shall include auxiliary uses such as club and lounge facilities usually associated with senior citizens' residential accommodation.
- 2.92 **"Home Industry"** means a service industry or a non-effluent producing industry conducted in whole or in part within a building accessory to a single detached dwelling located in the Rural Ru Zone.
- 2.93 **"Home Occupation"** means an occupation conducted for gain or profit as an accessory use within a dwelling or dwelling unit by one or more persons residing therein and includes a professional office.
- 2.94 **"Home Profession"** means a professional service conducted entirely within a dwelling or dwelling unit by one or more persons residing therein. This includes an office for an accountant, architect, auditor, planner, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary or real estate agency.
- 2.95 **"Hotel"** means any establishment so defined in The Hotel Registration of Guests Act, or any successors thereto, and includes a motel or motor hotel.
- 2.96 **"Household"** means one or more human beings living together as a single, independent and separate housekeeping unit in one dwelling unit and for the purpose of this paragraph, the word "household" includes and shall be deemed to include gratuitous guests and employees on the premises containing the said dwelling unit.
- 2.97 **"Hunting Lodge"** means a building used as a temporary base for hunting activities.
- 2.98 **"Industrial Disposal"** means land licensed by the Ministry of the Environment for the disposal of waste and includes wrecking yards and landfill sites.
- 2.99 **"Institutional"** means
- (a) the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and

- (b) includes churches, places of worship, non-profit community institutions, public or private schools, homes for the aged, retirement homes and nursery schools.
- 2.100 "**Kennel**" means a structure or building or any part thereof in which domesticated animals are raised or kept for profit, gain or show.
- 2.101 "**Landfill Site**" means land licensed by the Ontario Ministry of the Environment for the disposal of solid or liquid waste.
- 2.102 "**Landscaped Open Space**" means
- (a) an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and paths, walks, patios, fences and similar appurtenances, but
 - (b) does not include parking areas, parking lots, driveways, or ramps.
- 2.103 "**Lane**" means any passageway or right-of-way shown on a registered plan other than a street.
- 2.104 "**Lease-back Retirement Co-operative**" - see "**Co-operative**"
- 2.105 "**Loading Space**" means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.
- 2.106 "**Lodge**" means an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least five guest rooms or cabins, but shall not include any establishment otherwise defined or classified herein.
- 2.107 "**Lot**" means the minimum area of land under one ownership, other than a street, which is used or intended to be used as the site of or appurtenant to one or more main buildings, structures or uses, together with any accessory buildings, structures or uses, regardless of whether or not such area of land constitutes a registered lot.
- 2.108 "**Corner Lot**" means a lot having two or more street lines intersecting at an angle of not more than 135°, provided that where the street lines of a lot are curbed, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents.

- 2.109 **"Interior Lot"** means any lot, other than a corner lot, which abuts and is accessible from an improved street.
- 2.110 **"Through Lot"** means any interior lot having two or more front lot lines.
- 2.111 **"Lot Area"** means the total horizontal area within the lot lines of a lot, but shall not include any area below the high water mark.
- 2.112 **"Lot Coverage"** means the percentage of the lot area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all principal buildings on the lot, excluding accessory buildings, and excluding balconies, canopies and overhanging eaves which are 2 metres (6 feet) or more in height above finished grade.
- 2.113 **"Lot Depth"** means
- (a) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
 - (b) the average horizontal distance between the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
 - (c) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.
- 2.114 **"Lot Frontage"** means the horizontal distance between the side lot lines measured along the front lot lines, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 30 feet back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.
- 2.115 **"Lot Line"** means any boundary of a lot.
- 2.116 **"Front Lot line"** means:
- (a) the lot line that divides the lot from the street, but
 - (b) in the case of a waterfront lot, the longest shoreline shall be deemed the front lot line.
 - (c) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be a side lot line, but

- (d) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or Highway should be deemed to be the front line, and in the case of both streets being under the same jurisdiction, or of the same width, the owner of such corner lot may designate either street line as the front lot line.
- 2.117 "**Rear Lot Line**" means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has less than 4 lot lines there shall be deemed to be no rear lot line.
- 2.118 "**Side Lot Line**" means a lot line other than a front or rear lot line.
- 2.119 "**Exterior Side Lot Line**" means a side lot line that is also a street line.
- 2.120 "**Interior Side Lot line**" means a side lot line other than an exterior side lot line.
- 2.121 "**Lot, Registered**" means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision.
- 2.122 "**Lot, Waterfront**" means a lot which abuts a shoreline and may or may not also abut a street or lane.
- 2.123 "**Marina**" means a public or private commercial establishment where a boat house, boat storage yard, boat repair facilities, boat rental, pier, dock, or jetty facilities, or any combination of the foregoing are available for all types of marine-pleasure craft and may include a gasoline pump for the filling of marine craft and a building or structure for the sale of marine craft, accessories and/or refreshments, only on a complementary incidental basis.
- 2.124 "**Main**" when used to describe a use, a building or a structure, means a use or structure which constitutes or a building in which is conducted a principal use of the lot on which such use, building or structure is located.
- 2.124a "**Medical Office/Clinic**" means an establishment used by physicians, surgeons, dentists, drugless practitioners, veterinarians and/or any other health care professionals, their staff and their patients for the purpose of consultation, diagnosis, surgical or therapeutic treatment and may include medical laboratories and/or an ancillary pharmacy.
- 2.125 "**Mobile Home**" means any dwelling or vehicle, within the meaning of Section 46 of The Planning Act, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such dwelling or vehicle is jacked up or that its running gear is removed, but not including any dwelling or vehicle unless it is used or intended

for the living, sleeping, or eating accommodation of persons therein for permanent year-round use. This definition shall not include a trailer.

- 2.126 **"Mobile Home Park"** means a lot managed by a mobile home park operator, for the permanent placement of one or more mobile homes or factory built park model homes or double-wide homes on individual mobile home sites, and may include a park, place of recreation, convenience retail store, dry cleaning distribution station, laundromat and personal service establishment.
- 2.127 **"Motel, or Motor Hotel"** means a building or buildings consisting of a number of individual rental units used for catering to the needs of the travelling public by furnishing sleeping accommodation with or without food.
- 2.128 **"Motor Home"** means a self-propelled recreational vehicle designed for living, sleeping and eating accommodation of persons.
- 2.129 **"Motor Vehicle Service Station"** means a building or structure where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.130 **"Motorized Snow Vehicle"** means a motorized snow vehicle within the meaning of The Motorized Snow Vehicle Act.
- 2.131 **"Municipal"** when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any committee, department, board, commission or agency thereof.
- 2.132 **"Navigable Waterway"** means a navigable body of water or stream as deemed under the Beds of Navigable Waters Act, and includes any body of water which is capable in its natural state or at normal water level of being navigated by floating vessels for the purpose of transportation, recreation or commerce.
- 2.133 **"Non-Conforming"** means the use of any land, building or structure which does not conform to the provisions of this By-law for the zones in which such use is located as of the date of the passing of this By-law.
- 2.134 **"Non-Complying"** means a permitted use, building or structure existing at the date of the passing of this By-law which is a conforming use but does not comply with one or more of the particular zone requirements of the zone within which it is located.

- 2.135 **"Non-Effluent Producing Industry or Factory"** means an industry or factory that does not utilize process waters and which does not produce waste waters as part of the industrial process.
- 2.136 **"Non-Profit Community Institution"** means facilities provided by the municipality or by any other group or organization without profit or gain.
- 2.137 **"Nursing Home"** means any building maintained and operated where lodging, meals and nursing care are provided for two or more persons, licensed under the Nursing Homes Act.
- 2.138 **"Open Space"** means an unoccupied space open to the sky except such land as is used or required for parking purposes by this By-law.
- 2.139 **"Owner"** means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.
- 2.140 **"Ownership"** has a corresponding meaning.
- 2.141 **"Park - Private"** means a recreational area other than a public park and including therein one or more of the following: swimming pools, wading pools, refreshment rooms, camping areas, boating facilities, tennis courts, bowling greens, gardens, golf courses or similar open space.
- 2.142 **"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.
- 2.143 **"Parking Area"** means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,
- (a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law and all driveways, aisles, manoeuvring areas, entrances, exits and similar areas used for the purpose of gaining access to or egress from the said parking spaces, and
 - (b) is provided and maintained in accordance with all applicable provisions of this By-law.
- 2.144 **"Parking Space"** means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,
- (a) is provided for the temporary parking or storage of one motor vehicle other than for the purpose of offering commodities for sale or display,

- (b) is adequate for the temporary parking or storage of one motor vehicle and may be located within a private garage, building, carport or covered area,
 - (c) is not less than 2.75 metres (9 feet) in width nor less than 6 metres (20 feet) in length, exclusive of any land used for access, manoeuvring, driveway or a similar purpose, and
 - (d) has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.
- 2.145 **"Person"** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the same can apply according to law.
- 2.146 **"Personal Service Establishment"** means a building or part thereof in which persons are employed in furnishing services and otherwise administering to individual and personal needs and may include the premises of a barber, hairdresser, beautician, and shoe repair establishment, but shall not include an adult entertainment parlour. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.
- 2.147 **"Pit"** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- 2.148 **"Place of Entertainment or Recreation"** means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.
- 2.148.1 **"Portable Asphalt Plant"** means a facility used for a public road project which
- (a) is equipped to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
 - (b) is not of permanent construction, but is designed to be dismantled and moved to another location as required.
- 2.149 **"Private Club"** means a building or part of a building used as a meeting place for members of an organization not operated for profit or of an athletic, social or recreational club not operated for profit.

- 2.150 **"Professional Office"** means a building or part thereof in which a legal, medical or other professional service is performed or consultation given including, but not so as to limit the generality of the foregoing, the offices of a lawyer, an architect, a surveyor, an engineer or an accountant, but does not include a personal service establishment, a business office, an animal hospital or shelter, a body-rub parlour or any adult entertainment parlour as defined in The Municipal Act.
- 2.151 **"Public"** when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- 2.152 **"Public Agency"** means:-
- (a) the Government of Canada, the Government of Ontario or any Corporation;
 - (b) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any Corporation;
 - (c) any public utility; or
 - (d) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto.
- 2.153 **"Public Utility"** means
- (a) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewerage or waste collection and disposal services to the public; or
 - (b) a use pertaining to any such agency, corporation, board or commission.
- 2.154 **"Quarry"** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.
- 2.155 **"Recreational Uses"** means
- (a) the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, snow skiing and all similar uses, together with necessary and accessory buildings and structures, but

- (b) does not include a track for the racing of animals, motor vehicles, snowmobiles, all terrain vehicles, or motor cycles.
- 2.156 "**Recreational Vehicle**" means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self propelled, and includes such as vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.
- 2.157 "**Redevelopment**" means the creation of new residential units on land previously used for residential or non-residential purposes in existing communities, where demolition of the previous structures is to take place, or has taken place.
- 2.158 "**Regulatory Flood**" means the approved standards used in a particular watershed to define the limit of the flood plain for regulatory purposes.
- 2.159 "**Religious Retreat**" means an area of land used for religious purposes and includes a place of worship, temporary sleeping accommodation and sanitary facilities. (see "Church")
- 2.160 "**Residential**" means the use of land, buildings or structures for human habitation.
- 2.161 "**Residential Intensification**" means the creation of new residential units or accommodation in existing buildings or on previously developed, serviced land generally including creation of accessory dwelling units; conversion of non-residential structures to residential use; infilling and redevelopment.
- 2.162 "**Resort**" means a tourist commercial use that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.
- 2.163 "**Resource Management Use**" means land used solely for the preservation and enhancement of the natural environment.
- 2.164 "**Restaurant**" means a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.
- 2.165 "**Retail Store**" means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale by retail directly to the public.
- 2.166 "**Retirement Home**" means a building for the accommodation of senior citizens, within single or double rooms or suites which do not contain kitchens, and where central kitchen, dining and laundry facilities are provided for the residents,

together with other communal facilities, under the supervision of resident and other staff, but which shall not include a Nursing Home, licensed under the Nursing Homes Act.

- 2.167 "**Salvage Yard**" means a lot, building, or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.
- 2.168 "**School**" means a school under the jurisdiction of a Board as defined in The Education Act, a college, a university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.
- 2.169 "**Public School**" means a school under the jurisdiction of a public agency.
- 2.170 "**Commercial School**" means a school operated by one or more persons for gain or profit.
- 2.171 "**Private School**" means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustees or governors, a religious organization or charitable institution.
- 2.172 "**Seasonal Camp**" means an establishment that is owned and operated by a not for profit corporation or institution for the boarding and lodging of children and may include such recreational activities as boating, riding, archery, etc.
- 2.172.1 "**Secondary Dwelling Unit**" see "**Accessory Secondary Dwelling Unit/Apartment**".
- 2.173 "**Service Industries**" means, a bake shop, a public garage, including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop, welding shop, vehicle inspection station, boat repair and construction, small engine repair shop, woodworking shop and similar non-effluent producing uses.
- 2.174 "**Service Shop**" means
- (a) a building or part thereof used for the sale or repair of household articles, and
 - (b) includes radio, television and appliance repair shops, but
 - (c) does not include industrial or manufacturing uses or motor vehicle repair shops.

- 2.175 "**Setback**" means the shortest horizontal distance measured at right angles from the centre line of the travelled street abutting the specified yard, to the nearest part of any building, or structure on an abutting lot.
- 2.176 "**Sewage Lagoon**" means a facility for the receiving and processing of sewage, including residential, commercial and industrial waste.
- 2.177 "**Shopping Centre**" means one or more buildings or part thereof containing two or more separate permitted commercial uses, which exceed 500 square metres (5,400 square feet) in floor area, which is maintained as a single unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act.
- 2.178 "**Shoreline**" means any lot line or portion thereof which abuts a navigable waterway.
- 2.179 "**Sign**" means
- (a) a display board, screen, cloth or structure having characters, letters or illustrations applied thereto or displayed thereon in any manner, and
 - (b) includes:-
 - (i) a sign within a building that is visible from a street, and
 - (ii) the posting or painting of an advertisement or notice on any building or structure.
- 2.180 "**Storey**" means that portion of a building, other than an attic or basement, included between the surface of any floor and the surface of the floor, roof deck or deck ridge next above it.
- 2.181 "**Storey, one-half**" means that portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 metres (5 feet) and 2 metres (6 feet) over a floor area which is not less than one-third (1/3) nor more than two-thirds (2/3) of the floor area of the storey next below.
- 2.182 "**Street**" means a public highway or public road under the jurisdiction of either the Corporation or the Province of Ontario, and includes any highway as defined in The Municipal Act, but does not include a lane or private right-of-way.
- 2.183 "**Street Allowance**" means land held under public ownership for the purpose of providing a street.

- 2.184 **"Street Line"** means a lot line dividing a lot from a street and is the limit of the street allowance.
- 2.185 **"Street Width"** means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.
- 2.186 **"Structure"** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, or any paved surface located directly on the ground.
- 2.187 **"Subdivision, Plan of"** means any division of land into more than three new lots plus a retained lot – four lots total.
- 2.188 **"Swimming Pool"** means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.
- 2.189 **"Temporary"** means a use that is authorized under Section 39 of the Planning Act.
- 2.190 **"Tourist Commercial Use"** means the use of land, building, or structure for the purpose of buying and selling of commodities, supplying of services for the travelling or vacationing public, including a camping establishment, temporary rental accommodation and a marina.
- 2.191 **"Trailer"** means any vehicle, excluding a mobile home or park model home, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicles unless it is used or intended for the living, sleeping or eating accommodation of persons therein; and shall be deemed to include a tent; and shall not be occupied continuously or as a principal residence.
- 2.192 **"Trailer Camp, Commercial"** means any land in or upon which any trailer or tent is used or intended to be used for human occupation on a temporary or seasonal basis and shall not include mobile homes or park model homes.
- 2.193 **"Use"** means the purpose of which any land, building, structure or premises or part thereof,
- (a) is arranged, designed or intended to be used, or
 - (b) is or may be occupied or maintained
- and the word "used" has a corresponding meaning.

- 2.194 "**Vehicle Repair Shop**" means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop or any establishment engaged in the retail sale of vehicle fuels.
- 2.195 "**Veterinarian's Clinic**" means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.
- 2.196 "**Warehouse**" means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel depot.
- 2.197 "**Watercourse**" means the natural channel for a stream of water and for the purpose of this by-law, includes any watercourse as shown on Schedule 'A' of this by-law.
- 2.198 "**Waterfront**" means the common boundary of a waterbody or watercourse with an area of land.
- 2.199 "**Wayside Pit**" or "**Wayside Quarry**" means a temporary pit or quarry including a portable asphalt plant opened with the approval of Council and used solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 2.200 "**Workshop**" means that portion of a building or structure used for the servicing and/or repairing of goods and/or merchandise of a type which is sold from the premises of which the workshop is a part.
- 2.201 "**Wrecking Yard**" means an area of land licensed by the Ministry of the Environment for the storage and processing of wrecked automobiles.
- 2.202 "**Yard**" means
- (a) 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
 - (b) does not include a court yard.

- 2.203 "**Yard, Front**" means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.
- 2.204 "**Yard, Minimum Front**" means the minimum depth of a front yard on a lot between the front lot line and the nearest wall of any building or structure on the lot.
- 2.205 "**Yard, Minimum Rear**" means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- 2.206 "**Yard, Minimum Side**" means the minimum width of a side yard on a lot between a side lot line and the nearest wall of any building or structure on the lot.
- 2.207 "**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.
- 2.208 "**Yard, 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.
- 2.209 "**Yard, Exterior Side**" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
- 2.210 "**Yard, Interior Side**" means a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the principal building, structure or excavation on the lot.
- 2.211 "**Zone**" means a designated area of land use shown on Schedule 'A' hereto.
- 2.212 "**Zoned Area**" means all those lands lying within the corporate limits of the Town of Rainy River.

SECTION 3: APPLICATION AND INTERPRETATION

3.1 "Scope of By-law"

(a) Lands Subject to By-law

The provisions of this By-law shall apply to all those lands lying within the Corporate limits of the Town of Rainy River.

(b) Conformity with By-law

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in accordance with the provisions of this By-law.

(c) Existing Uses Continued

Nothing in this By-law shall prevent 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.

(d) Building Permit Issued

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law, provided that:-

- (i) when the building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued; and
- (ii) the erection of such building or structure is commenced within one year of the date of passing of this By-law and is completed within six months after the erection thereof is commenced and provided

such building permit has not been revoked under The Building Code Act.

(e) Compliance with Other Restrictions

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

Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the operation of public utilities as defined in The Public Utilities Corporations Act, provided that any such use, building or structure shall be in compliance with the relevant provisions of this By-law.

- (f)** This By-law shall not be construed to make legal any use of land, buildings or structures which was illegal and in contravention of Zoning By-law No. 1112, as amended.

3.2 "Interpretation of By-law"

(a) Defined Areas

The extent and boundaries of all zones are shown on Schedule 'A' and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

(b) Zone Boundaries

When determining the boundary of any zone as shown on any schedule forming part of this By-law, the following provisions shall apply:-

- (i) A boundary indicated as following a highway, street or lane shall be the centerline of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.
- (ii) A boundary indicated as following a right-of-way of a railway or an electrical, gas or oil transmission line shall be the centreline of such right-of-way.
- (iii) A boundary indicated as following the banks of the Rainy River or Miller's Creek shall be construed as following the high water mark.
- (iv) A boundary indicated as approximately following lot lines of any lot of record shown on a registered plan of subdivision or any lot created by consent or lot and concession lines shall follow such lines.
- (v) Where a boundary is indicated approximately parallel to a street line or other feature indicated in clauses (i), (ii) or (iii) of this Subsection, and the distance from such street line or other feature is not indicated and clause (iv) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule.
- (vi) A boundary indicated as following the limits of the Municipality shall follow such limits.

(c) Definitions

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply.

(d) Singular and Plural Words and Genders

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

- (i) words used in the singular number include the plural;
- (ii) words used in the plural include the singular number; and

(iii) words used in the masculine gender include the feminine.

(e) Shall is Mandatory

In this By-law, the word "shall" is mandatory.

(f) Use and Occupancy

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

- (i) the verb "use" shall include "design to be used", "arrange to be used" and "point to be used"; and
- (ii) the verb "occupy" shall include "design to be occupied", and "permit to be occupied".

(g) Metric Measurement

All dimensions, measurements, areas, yards and setbacks are given in metric measurements in this By-law. General Imperial conversions are provided in brackets only for the assistance of the reader and do not form a part of this By-law. The metric measurements only shall be used in the legal interpretation of this By-law.

SECTION 4: SCHEDULES TO THE BY-LAW

4.1 "Part of By-law"

Schedule 'A', which is attached hereto and described in this Subsection, is hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

4.2 "Schedule 'A' - Zone Map"

The extent and boundaries of all zones are set out on Schedule 'A' attached hereto and shall be interpreted in accordance with the provisions of Section 3.2, Clause (b).

SECTION 5: GENERAL PROVISIONS APPLICABLE IN ALL ZONES

5.1 "Accessory Uses and Buildings"

Accessory uses and buildings (excluding accessory dwelling units) may be permitted in conjunction with the principal use of a lot subject to the following provisions:-

- (a) Shall not be utilized as a dwelling or for any gainful occupation except as may otherwise be permitted in this By-law.
- (b) Shall not be located in any required front yard or exterior side yard except as may otherwise be permitted in this By-law.
- (c) Shall not exceed 20 percent lot coverage.
- (d) Shall not exceed 7.5 metres (25 feet) in height.
- (e) Shall not be located within 1 metre (3 feet) of any rear lot line or interior side lot.
- (f) Notwithstanding Subsection 5.1(b), a detached garage may be located within a required front yard of a non-waterfront lot, but shall not be located within 3 metres (10 feet) of any front lot line.
- (g) Notwithstanding Subsections 5.1(b) and 5.1(d), a gazebo may be located within the required front yard of a waterfront lot subject to the following regulations:
 - (i) Minimum Setback from high water mark
3 metres (10 feet) provided any shore road allowance has been closed and purchased by the lot owner.
 - (ii) Maximum Height 4 metres (12 feet)
 - (iii) Maximum Floor Area 19 sq. metres (200 sq. feet)

5.2 "Accessory Secondary Dwelling Units/Apartments and Garden Suites" (see also 5.8)

(a) Accessory to Commercial Uses

- (i) A maximum of one dwelling unit per commercial use excluding an automotive use shall be permitted within the principal building, but not within any basement, and shall be subject to the following requirements:

MINIMUM FLOOR AREA

| | |
|--------------------|-------------------------------|
| Bachelor Unit | 19 square metres (200 sq.ft.) |
| One Bedroom Unit | 37 square metres (400 sq.ft.) |
| Two Bedroom Unit | 60 square metres (645 sq.ft.) |
| Three Bedroom Unit | 70 square metres (750 sq.ft.) |

- (ii) One single detached dwelling of a minimum floor area of 70 square metres (750 square feet) shall be permitted as an accessory use to any permitted commercial use but a accessory secondary dwelling unit/apartment shall not be permitted in this single detached dwelling.
- (iii) One parking space per dwelling unit shall be required on the same lot in addition to the minimum number of parking spaces required for the principal use of the lot.

(b) Accessory to Residential Uses

- (i) An accessory secondary dwelling unit/apartment shall only be permitted within a single family dwelling, semi-detached dwelling, or townhouse dwelling, provided a single family dwelling, semi-detached dwelling or townhouse dwelling is a permitted use in the zone it is located within; and
- (ii) A maximum of one accessory secondary dwelling unit/apartment is permitted per lot;
- (iii) An accessory secondary dwelling unit/apartment may only be permitted on a lot with frontage to a street or road which is open

year round and publicly maintained or maintained by a condominium corporation; and

- (iv) An accessory secondary dwelling unit/apartment may be located in a converted attached or detached garage which meets the occupancy requirements of the Ontario Building Code, Ontario Electrical Code and the Ontario Fire Code; and
- (v) One additional on-site parking space shall be provided exclusively for any accessory secondary dwelling unit/apartment on the lot; and
- (vi) The floor area of an accessory secondary dwelling unit/apartment shall be equal to or less than the ground floor area of the principal dwelling unit without any modifications required to the building's bulk or massing; and
- (vii) Both an accessory secondary dwelling unit/apartment and a garden suite shall not be permitted on one lot.

(c) Garden Suites

Garden Suites shall be permitted by site specific amendment as a temporary accessory use, subject to the provisions of this Section, provided that the minimum floor area of the suite is not less than 33 square metres (350 square feet) and that there is not already an accessory secondary dwelling unit/apartment on the lot.

5.3 "Adult Entertainment Parlours or Adult Video Stores"

No adult entertainment parlours or video stores shall be made or established except according to permission by the Town of Rainy River.

5.4 "Arcades and Massage Therapy Clinics"

No arcades or massage therapy clinics shall be made or established except according to licensing by the Town of Rainy River and licensing under the Massage Therapy Act.

5.5 "Change of Use"

The use of any land, building or structure in the Municipality shall not be altered or changed except in compliance with the provisions of this By-law.

5.6 "Corner Lots"

On a corner lot, interior side yard requirements may be substituted for rear yard requirements.

5.7 "Derelict Motor Vehicles"

No vehicles without valid registration permits shall be stored or kept in view on any lot, except within a building or as may otherwise with permission from the Property Standards Committee.

5.8 "Dwelling Units Location"

- (a) No dwelling unit shall be located above a boathouse.
- (b) No part of any dwelling unit or habitable room shall be located within a basement of a non-residential building.
- (c) Nothing in this By-law shall prevent the location of a dwelling unit or a habitable room entirely within a basement of a residential building, provided that in the opinion of the Chief Building Official such room or dwelling unit meets the requirements of the Ontario Building Code.
- (d) In this By-law, the number of dwelling units permitted on any lot shall be contained in one building with the exception of a dwelling unit accessory to a commercial use or where an accessory secondary dwelling unit/apartment is permitted on the same residential lot [see Section 5.2].

5.9 "Encroachment Into Yards"

Every part of any yard requirement to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, except that:-

- (a) sills, belt courses, cornices, chimney breasts, bay windows or pilasters may project into any required yard a distance of not more than 0.5 metres (2 feet);
- (b) eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5 metres (2 feet);
- (c) balconies, canopies or unenclosed porches may project into any required front or rear yard a distance of not more than 1.5 metres (5 feet);
- (d) fire escapes may project into any required side or rear yard a distance of not more than 1.5 metres (5 feet);
- (e) fences, freestanding walls, flagpoles, antennae, light standards and similar accessory structures and appurtenances, and hedges, trees and shrubs are permitted in any yard, but in the case of:-
 - (i) a residential interior lot situated in any Residential Zone, no structure, hedge or obstruction that is more than 1 metre (3 feet) in height is permitted within 3 metres (10 feet) of any street line, and
 - (ii) a residential corner lot situated in any Residential Zone, no structure, hedge or obstruction that impedes vision above a height of 1 metre (3 feet) is permitted.

5.10 "Frontage on a Street"

Except as otherwise specifically provided for in this By-law, no person shall erect or use a building or structure for permanent, year round or full time use on any lot or parcel of land unless the lot or parcel has frontage to a street or road which is open year round and publicly owned and maintained.

5.11 "Group Homes"

- (a) A Group Home shall be permitted within any single detached dwelling except a cottage or a mobile home.
- (b) Only group homes licensed by the Province of Ontario in the following categories shall be permitted:-
 - (i) Approved Home (psychiatric care);

- (ii) Homes for Special Care - Residential (psychiatric care);
Community Resource Centres (minor offender rehabilitation);
- (iii) Halfway Houses for Alcoholics;
- (iv) Halfway Houses for Ex-Offenders;
- (v) Halfway Houses for the Socially Disadvantaged;
- (vi) Satellite Residence for Seniors;
- (vii) Accommodation Services for the Mentally Challenged;
- (viii) Children's Residences.

5.12 "Height Limitations - Exceptions"

The height limitations of this By-law shall not apply to limit the height of agricultural buildings or structures, church spires, clock towers, water tanks, water towers, elevator enclosures, flag poles, antennae, ventilators, sky lights, chimneys, windmills, grain elevators or public utility poles or towers.

5.13 "Holding Zones"

Notwithstanding any other provisions of this By-law, where any zone symbol on Schedule 'A' has the suffix (H), no lot shall be used and no building or structure shall be erected thereon except for the following purposes unless the suffix (H) has been removed from the zone symbol by a by-law passed pursuant to Sections 34 and 36 of The Planning Act:

- (a) All legal uses existing at the date of passing of this by-law and,
- (b) One single detached dwelling on any lot of record existing on the date of passing of this by-law subject to any other provisions of this by-law which would apply to such dwellings if the suffix (H) was removed from the zone symbol.

5.14 "Home Industries"

Home industries are permitted in the Rural Ru Zone provided that:

- (a) the home industry does not create or become a public nuisance in particular in respect to noise, odours, traffic, parking, dust, vibration or interference with television or radio reception; and
- (b) the home industry shall clearly be secondary to the main rural use of the lot and adequately separated from residential or other sensitive land uses, both on and off the property in accordance with the Ministry of Environment's D-1 and D-6 Guidelines for Land Use Compatibility; and
- (c) not more than three (3) persons, excluding the owner, shall be employed in the home industry; and
- (d) not less than three (3) parking spaces shall be provided for a home industry use;
- (e) no exterior storage of goods or material shall be permitted in any front or exterior side yard.

5.15 "Home Occupations and Home Professions"

Home occupations and home professions shall be permitted in the Rural Ru Zone, Residential R1 Zone, and Residential R2 Zone provided that:-

- (a) there is no external display or advertising other than a sign erected in accordance with the Sign By-law of the Corporation;
- (b) there shall be no external storage of goods or materials;
- (c) the home occupations shall clearly be secondary to the main residential use. It shall not change the residential character of the dwelling or create or become a public nuisance in particular with respect to excessive noise, traffic, parking, dust vibration or interference with television or radio reception:-
- (d) not more than 25% of the floor area, to a maximum of 37 square metres (400 square feet), shall be used for the home occupation and does not

reduce the residential use of the dwelling floor area to less than 56 square metres (600 square feet);

- (e) not less than six parking spaces shall be provided for a medical, dental or drugless practitioner's office;
- (f) not less than three parking spaces shall be provided for home occupation uses other than those in (e) of this subsection; and
- (g) not more than one person excluding the owner is employed in the home occupation.

5.16 "Loading Space Provisions" (see Section 2.105 of this By-law)

- (a) No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise, or materials unless loading spaces are provided and maintained in accordance with the following provisions:
 - (i) one loading space shall be provided for every 278 square metres (3,000 square feet) or fraction thereof of the total ground floor area, and
 - (ii) loading spaces shall have dimensions of not less than 3.6 metres (12 feet) by 9 metres (30 feet), and
 - (iii) loading spaces shall not have less than 4.2 metres (14 feet) of vertical clearance.

5.17 "Multiple Zones"

Any lot which is contained in more than one (1) zone as shown on the zoning map Schedules shall be subject to the restrictions of each of the respective zones.

5.18 "Non-Complying Uses - Permitted Enlargements"

Where a use, building or structure was legally established prior to the date of the passing of this By-law, and is permitted by the provisions of the zone in which such use, building or structure is located, but does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback or any other provisions of

this By-law applicable to that zone, the said building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that:-

- (a) The enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of that use, building or structure, with the provision(s) of the By-law to which it does not comply; and
- (b) All applicable provisions of this By-law are complied with.

5.19 "Non-Conforming Uses - Permitted Reconstruction" (see also Section 5.24)

Where a building or structure which was erected prior to the date of the passing of this By-law is used for a purpose not permitted in the zone in which it is situated, the said building or structure may be reconstructed, repaired or renovated provided that:-

- (a) The reconstruction, repair or renovation does not involve any alteration of use and the building or structure continues to be used for the same purpose; and
- (b) All other applicable provisions of this By-law are complied with.

5.20 "Obnoxious Uses"

No use shall be permitted within the municipality which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under The Health Protection and Promotion Act, or regulations thereunder.

5.21 "Parking Provisions" (see Sections 2.143 and 2.144 of this By-law)

- (a) Every building or structure erected, enlarged or used in accordance with the provisions of this By-law shall either be provided with the required number of parking spaces specified hereunder or shall be exempt from the provision of parking spaces in accordance with a Site Plan Agreement with Council pursuant to Section 41 of The Planning Act.

- (b) Every parking space provided:-
- (i) shall have access to a street or lane, and
 - (ii) shall be unobstructed by any other parking space, and
 - (iii) shall be located on the same lot on which the principal use is situated, and
 - (iv) shall be constructed of an all-weather durable surface.

(c) **Handicapped Parking**

In the case of buildings regulated by Part 5 of Ontario Regulation No. 925/75 passed pursuant to The Building Code Act, as amended, one (1) parking space for physically handicapped persons with a width of at least 3.5 metres (12 feet) shall be provided by the By-law, but not less than one (1) of the larger parking spaces shall be provided. These spaces shall be included in the calculation of the required parking. A parking space for physically handicapped persons shall be hard surfaced and level, located near and accessible to an entrance and identified for the use of physically handicapped persons by a sign consisting of the International Symbol of Accessibility for Handicapped Persons and such other graphic or written directions as are needed to indicate clearly the intended facility.

TYPE OF USE**MINIMUM PARKING REQUIREMENT**

| | |
|---|---|
| Residential | 1 parking spaces per dwelling unit |
| Hotel or Motel | 1.2 parking spaces per guest room |
| Nursing Home | 1 parking space for every 2 beds |
| Church | 1 parking space per each 5 seating spaces |
| Assembly Hall or Community Hall | 1 parking space per each 5 people maximum design capacity |
| School | The greater of: (a) 1.5 parking spaces per classroom, or (b) 1 parking space per 3 square metres (35 square feet) of floor area in the gymnasium, or (c) 1 parking space per 3 square metres (35 square feet) of floor area in the auditorium. |
| Restaurant/tavern | 1 parking space per 5 persons that can be accommodated at one time. |
| Office or Public Building | 1 parking space per 139 square metres (1,500 square feet) (0.6sp/1000sq.ft.) of floor area. |
| Medical and Dental Office/Clinic | 3 spaces for each practitioner. |
| Curling Rink | 10 parking spaces per sheet of ice. |
| Retail Store or Service Shop | 1 parking space per 23 square metres (250 square feet) of floor area. |
| Industrial Establishment | 1 parking space per 93 square metres (1000 square feet) of ground floor area or for every 5 employees, whichever is greater. |
| Uses Permitted by this By-law other than those listed in this Table | 1 parking space per 46.5 square metres (500 square feet) of floor area. |

5.22 "Pits and Quarries; Wayside Pits and Wayside Quarries"

- (a) No pit or quarry shall be permitted in any zone.
- (b) A wayside pit or wayside quarry may be permitted in any zone except any Residential Zone, Environmental Protection EP Zone or Flood Plain FP Zone.

5.23 "Public Uses"

(a) Public Services

The provisions of this By-law shall not apply to the use of any lot or to the erection or use of any building or structure for purposes of the public services by the Corporation or by any local board of the Corporation as defined by The Municipal Act, any telephone or telegraph company, any natural gas distribution system operated by the Corporation or on its behalf by a company distributing gas to the residents of the Corporation and possessing all the necessary powers, rights, licences and franchise, any department of the Government of Ontario, including Hydro One, any use permitted under The Railway Act or any other Statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such lot, building or structure is located in any zone:-

- (i) no goods, material or equipment shall be stored in the open, except as permitted in such zone;
- (ii) any Zone Provisions of the zone within which the use is located shall be complied with except as otherwise provided in paragraph (b);
- (iii) any above ground non-recreational use carried on under the authority of this paragraph in a Residential Zone shall be enclosed in a building designed, located and maintained in general harmony with residential buildings of the type permitted in such zone.

(b) Streets and Installations

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply line or communication line provided that the location of such main or line has been approved by the Corporation.

5.24 "Replacement of Dwellings Due to Damage" (see also Section 5.19)

A dwelling may be replaced with a new dwelling in the case of partial or complete destruction caused by fire, lightening, explosion, tempest, flood or act of God, or demolition by order of the Municipality, the Ministry of Environment or other authority for safety, health or sanitation requirements, provided that:-

- (a) the new dwelling complies with all the requirements for dwellings and the floor area of the new dwelling is not less than 70 square metres (750 square feet), and
- (b) where a dwelling is located in a flood plain, it is reconstructed with the same ground floor area and in such a manner that it can be flood proofed and does not increase the potential for flooding impacts upon other properties.

5.25 "Sight Triangles" (Daylighting Triangle)

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 6 metres (18 feet) measured along the street line from the point of intersection of the street lines, no building, structure or planting which would obstruct the vision of motor vehicles shall be erected. Such triangular space may hereinafter be called a "daylighting triangle".

Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be in the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

5.26 "Sign Provisions"

Signs within the Municipality are subject to the provisions of any sign by-law of the Municipality pursuant to the provisions of The Municipal Act.

5.27 "Swimming Pools"

Notwithstanding anything contained in this By-law, a private swimming pool is permitted as an accessory use in the side or rear yard of any zone subject to the provisions of By-law 1580-13.

5.28 "Temporary Uses - Construction Equipment"

Notwithstanding any other provisions of this By-law, uses such as a construction camp, work camp, tool shed, scaffold or other building or structure incidental to construction are permitted in any zone provided that:-

- (a) such uses, buildings or structures are used only as long as are reasonably necessary for work in progress which has neither been finished nor abandoned or a period of one year whichever is the lesser;
- (b) such uses, buildings or structures are removed when the work permitted is terminated.

5.29 "Temporary Uses - Human Habitation During Construction"

In the Rural Ru Zone and any Residential Zone, a motorized mobile home, truck camper, trailer or camper trailer equipped with toilet facilities and a Ministry of the Environment approved sewage holding tank may be used for temporary human habitation during the construction of a dwelling on a lot, provided that such structure is located on the same lot as the dwelling under construction and in compliance with the setback provisions for the zone in which it is located and provided that:-

- (a) No such structure shall be located on the premises until a trailer licence has been issued and a building permit for said construction has been issued and construction commenced;

- (b) Such structure shall cease to be used for human habitation upon completion of the new dwelling;
- (c) Where not elsewhere permitted in this By-law, such structure shall be removed from the premises upon completion of the new dwelling, or in all cases, within 60 days of the discontinuance of construction.

5.30 Intentionally removed.

5.31 "Truck, Bus and Coach Bodies"

Notwithstanding anything contained in this By-law, no truck, bus, coach, street car body, recreational vehicle or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other by-laws of the Municipality, shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation. Except as expressly permitted by this By-law, the use of tents and trailers for human habitation is prohibited, provided, however, that this provision shall not prevent the use of tents or trailers for children's play or for picnics or for the occasional accommodation of guests for not more than four weeks in any residential zone. The length of occasional accommodation may be increased by obtaining permission by the Property Standards Committee.

5.32 "Undersized Lots - Frontage or Area"

- (a) Where a lot of record having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Land Registry Office at the date of the passing of this By-law, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are complied with.
- (b) Where the dedication of land for road widening purposes creates a new lot containing non-conforming setbacks for existing buildings or structures as required by this By-law, the new setbacks shall be deemed to conform with the minimum yard provisions applicable herein.

- (c) Where the dedication of land for road widening purposes results in a new lot with undersized frontage and/or area as required by the provisions of this By-law, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are complied with.

5.33 "Railway Sight Distances"

Notwithstanding anything contained in this by-law, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 metres (150 feet) of the point of intersection of the centre line of both the railway and the street.

SECTION 6: RESIDENTIAL R1 ZONE AND RESIDENTIAL MULTIPLE R2 ZONE

6.1 "Permitted Uses R1 Zone"

- (a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.
- (b) Home occupations, home professions and bed and breakfast businesses.
- (c) Non-profit community institutions, retirement homes, residential intensification including garden suites and accessory secondary dwelling units/apartments (see Sections 5.2[b] and [c]).

6.1a "Permitted Uses R2 Zone"

- (a) Any semi-detached dwellings; townhouse dwellings, apartment dwellings or other buildings, structures or uses located on a lot zoned Residential R2 on the effective date of this by-law.
- (b) Home occupations and home professions.
- (c) Intensification including garden suites and accessory secondary dwelling units/apartments (see Sections 5.2[b] and [c]).

6.2 "Zone Requirements R1 Zone"

- (a) Minimum Lot Frontage 15 metres (50 feet)
- (b) Minimum Lot Area 465 sq. m. (5000 sq. ft.)
- (c) Maximum Lot Coverage 40 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback

4.5 metres (15 ft.) or 10 metres (33 ft.) setback from the centre line of the travelled road plus 4.5 metres (15 ft.) whichever is the greater.

- | | | |
|-----|-----------------------------------|--------------------------------|
| (e) | Minimum Interior Side Yard | 1.5 metres (5 feet) |
| (f) | Minimum Rear Yard | 7.5 metres (25 feet) |
| (g) | Minimum Landscaped Open Space | No minimum |
| (h) | Minimum Floor Area for a Dwelling | 70 square metres (750 sq feet) |
| (i) | Maximum Height for a Dwelling | 2-1/2 Storeys |

6.2a "Zone Requirements R2 Zone"

- (a) As existing on date of passing of this Zoning By-law.

SECTION 7: GENERAL COMMERCIAL GC ZONE

7.1 "Permitted Uses"

(a) Commercial Uses

- automobile sales and service establishment
- automobile service station/gas bar
- bake shop
- building and lumber supply use
- community centre
- dry cleaning depot
- factory outlet retail store
- farm equipment sales and service
- funeral home
- garden centre
- lodge
- medical office/clinic
- motel/hotel
- offices
- beer and/or liquor outlet
- parking area
- personal service establishment
- places of entertainment or recreation
- private or commercial club
- public use
- restaurant/tavern
- retail store
- service industry
- service shop
- shopping centre
- Professional office
- veterinary clinic

(b) Other Uses

An accessory residential use (see Section 5.2[a]), home occupation or home profession use; uses, buildings and structures accessory to the foregoing permitted uses.

7.2 "Zone Requirements" as existing on date of passing of this By-law or for new development

(Excluding Automobile Service Stations)

- (a) Minimum Lot Frontage 18 metres (60 feet)
- (b) Minimum Lot Area 555 sq. m. (6000 sq. ft.)
- (c) Maximum Lot Coverage 75 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback:

As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard.

- (e) Minimum Interior Side Yard:
 - (i) 3 metres (10 feet) or
 - (ii) 6 metres (20 feet) abutting any Residential Zone

- (f) Minimum Rear Yard 8 metres (25 feet)

- (g) Minimum Landscaped Open Space 10 percent

- (h) Maximum Building Height 2 Storeys

- (i) Open Storage

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard adjacent to any Residential Zone shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

- (j) Minimum Parking Requirement See Section 5.21

- (k) Minimum Loading Requirement See Section 5.16

7.3 "Zone Requirements for Automobile Service Stations" as existing or for new development

- (a) Minimum Lot Frontage 30 metres (100 feet)
- (b) Minimum Lot Depth 40 metres (125 feet)
- (c) Maximum Lot Coverage 75 percent

- (d) Minimum Front Yard, Exterior Side Yard and Setback:

As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard.

- (e) Minimum Interior Side Yard
 - (i) 6 metres (20 feet) or
 - (ii) 10 metres (30 feet) abutting any Residential Zone

- (f) Minimum Rear Yard 8 metres (25 feet)
- (g) Minimum Landscaped Open Space 10 percent
- (h) Maximum Building Height 2 Storeys
- (i) Open Storage

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

- (j) Fuel Pump Islands

Equipment for the handling of motor fuels shall be installed and maintained pursuant to the Gasoline Handlers Act, and any regulation thereunder.

SECTION 8: HIGHWAY COMMERCIAL HC ZONE

8.1 *"Permitted Uses"*

(a) **Commercial Uses**

Recreational uses
Tourist commercial uses
Hotel or motel
Restaurant or eating establishment
Seasonal camp, trailer camp or camping establishment
Lodge or resort
Marina
Medical office/clinic
Arena
Private park
Convenience store
Parking area
Golf course
Golf driving range
Animal hospitals and veterinary clinic
Automobile service station
Building supply outlet
Bus terminal
Car wash
Commercial entertainment
Funeral home
Garden supply centre
Retail store
Vehicle sales and service
Professional office

(b) **Other Uses**

An accessory residential use (see Section 5.2[a]), home occupation or home profession; uses, buildings and structures accessory to the foregoing permitted uses.

8.2 "Zone Requirements: as existing on the date of passing of this By-law or for new development"

- (a) Minimum Lot Frontage 61 metres (200 feet)
- (b) Minimum Lot Area 1160 sq. m. (12,500 sq. ft.)
- (c) Maximum Lot Coverage 60 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback:

As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard.

- (e) Minimum Interior Side Yard:
 - (i) 3 metres (10 feet) or
 - (ii) 6 metres (20 feet) abutting any Residential Zone

- (f) Minimum Rear Yard 8 metres (25 feet)
- (g) Minimum Landscaped Open Space 10 percent
- (h) Maximum Building Height 2 Storeys

- (i) Open Storage

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard adjacent to any Residential Zone shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

- (j) Minimum Parking Requirement See Section 5.21
- (k) Minimum Loading Requirement See Section 5.16

SECTION 9: INDUSTRIAL M ZONE

9.1 "Permitted Uses"

(a) Industrial Uses:

- automobile repair garage/body shop
- automobile service station
- bake shop
- boat or marine supplies dealer
- business, professional or administrative offices
- cartage or transport trucking yard
- commercial greenhouse
- commercial health club
- community centre
- contractor's yard
- convenience store
- custom workshop
- exhibition/conference hall
- factory outlet retail store
- farm equipment sales and service
- farm supply store - retail
- firehall/police station/ambulance
- industrial research and development centre
- institutional uses
- lumber yard and building supply establishment
- non-effluent producing industry or factory
- printing and publishing establishment
- public utilities yard
- restaurant
- service industry
- service shop
- shopping centre
- vehicle sales and rental establishment
- veterinary clinic / animal hospital
- warehouse

(b) Other Uses:

A retail store accessory to any permitted use; uses, buildings and structures accessory to any permitted use; a dwelling unit in a non-residential

building, if occupied by a security/caretaker person employed full-time on the lot on which such building is located, but excluding any detached accessory residential use.

9.2 "Zone Requirements" as existing on the date of passing of this By-law or for new development

- (a) Minimum Lot Frontage 61 metres (200 feet)
- (b) Minimum Lot Area 1,100 sq m. (12,000 sq. ft.)
- (c) Maximum Lot Coverage 50 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback:

As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard.

- (e) Minimum Interior Side Yard:
 - (i) 6 metres (20 feet) or
 - (ii) 10 metres (30 feet) abutting a residential use
- (f) Minimum Rear Yard:
 - (i) 6 metres (20 feet) or
 - (ii) 10 metres (30 feet) abutting a residential use
- (g) Minimum Landscaped Open Space 10 percent
- (h) Maximum Height 12 metres (40 feet)
- (i) Open Storage:

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

- (j) Security/Caretaking Accommodations:

Residential accommodation is permitted provided that a dwelling unit:

- (i) is incorporated within the main Industrial building on the site; and
 - (ii) is used by a caretaking or security staff member only; and
 - (iii) has a maximum of one bedroom with minimum floor area of 40 square metres (430 sq.ft.) and a maximum floor area of 56 square metres (600 sq.ft.); and
 - (iv) is for single person household accommodation only.
- (k) Minimum Parking Requirement See Section 5.21
- (l) Minimum Loading Requirement See Section 5.16

SECTION 10: RURAL Ru ZONE

10.1 "Permitted Uses"

- (a) Agricultural uses, including all livestock uses, aerodromes, commercial greenhouses, farm greenhouses, animal hospitals, home professions, bed and breakfast businesses, home occupations and home industries subject to the provisions of Section 5.14;
- (b) One single detached dwelling or mobile home in conjunction with and on the same lot as an agricultural operation;
- (c) One single detached dwelling (new or existing) on one lot; home occupations, home professions, bed and breakfast businesses, second dwelling units, and garden suites (granny flats) (see also Sections 5.2(b)(i), (ii) and (iii));
- (d) Institutional uses; religious retreats; private clubs; and public parks;
- (e) Conservation, mining, forestry and wildlife uses, resource management uses;

10.2 "Zone Requirements for Agricultural and Residential Uses Permitted in Clauses (a) and (b) of Subsection 10.1"

- (a) Minimum Lot Frontage 100 metres (300 feet)
 - (i) Notwithstanding Subsection 6.2(a), where a lot abuts Rainy River the waterfront at the high water mark shall be deemed the only lot frontage even if the lot also abuts a street, lane, or private right-of-way.
- (b) Minimum Lot Area 4 hectares (10 acres)
- (c) Maximum Lot Coverage 20 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback

As existing or the greater of a 15 metre (50 ft.) yard or a 25 metre (83 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 15 metre (50 ft.) yard

- (e) Setback from Rainy River 30 metres (100 ft) from high water mark
- (f) Minimum Interior Side Yard
 - (i) 5 metres (15 feet) for residential uses;
 - (ii) 10 metres (30 feet) for all other uses.
- (g) Minimum Rear Yard 12 metres (40 feet)
- (h) Minimum Floor Area for one Single Detached Dwelling or Mobile Home 56 square metres (600 square feet)
- (i) Maximum Height for one Single Detached Dwelling or Mobile Home 2-1/2 storeys

10.3 "Zone Requirements for Dwellings, Mobile Homes, and Institutional Uses Permitted in Clauses (c) and (d) of Subsection 10.1"

- (a) Minimum Lot Frontage 61 metres (200 feet)
 - (i) Notwithstanding Subsection 6.3(a), where a lot abuts a navigable waterway the waterfront at the high water mark shall be deemed the only lot frontage even if the lot also abuts a street, lane, or private right-of-way.
- (b) Minimum Lot Area 0.8 hectares (2 acres)
- (c) Maximum Lot Coverage 30 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback

As existing or the greater of 15 metre (50 ft.) yard or a 25 metre (83 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 15 metre (50 ft.) yard

- (e) Setback from Rainy River 30 metres (100 feet) from high water mark
- (f) Minimum Interior Side Yard 5 metres (15 feet)
- (g) Minimum Rear Yard 12 metres (40 feet)
- (h) Minimum Floor Area 70 square metres (750 sq feet)
- (i) Maximum Height 2-1/2 storeys

10.4 "Separation of Noisy and Odorous Uses"

- (a) No building or structure used for the raising, slaughtering or keeping of livestock, poultry or furbearing animals; kennels; feed lot area; or manure storage shall be located closer than:-
 - (i) 300 metres (1,000 feet) to any Residential Zone;
 - (ii) 150 metres (500 feet) to any dwelling unit on an adjacent lot;
 - (iii) 30 metres (100 feet) to any street line or side lot line.
- (b) No dwelling unit shall be located within 150 metres (500 feet) of any permitted building or structure on an adjacent lot used for the raising, slaughtering or keeping of livestock, poultry or furbearing animals; feed lot areas; manure storage; or small home industry sawmills.

SECTION 11: INSTITUTIONAL I ZONE

11.1 "Permitted Uses"

- (a) • an institutional or public use;
- a private club;
- uses accessory to the permitted uses

11.2 "Zone Requirements" as existing on the date of passing of this By-law or for new development

- (a) Minimum Lot Frontage 18 metres (60 ft.)
- (b) Minimum Lot Area 555 sq. metres (6000 sq. ft.)
- (c) Maximum Lot Coverage 60 percent
- (d) Minimum Front Yard, Exterior Side Yard and Setback:

As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard.

SECTION 12: PARKS & OPEN SPACE P ZONE

12.1 "Permitted Uses"

- (a)
 - an agricultural use;
 - a conservation use;
 - a forestry use;
 - a resource management use;
 - a recreational use;
 - a public use;
 - an existing residential use;
 - uses accessory to the permitted uses.

12.2 "Zone Requirements"

- (a) Minimum Lot Frontage as existing
- (b) Minimum Lot Area as existing

SECTION 13: FLOOD PLAIN FP ZONE

Lands zoned Flood Plain FP have been identified as lands which are susceptible to flooding or erosion by water and have been zoned to conform with the Flood Plain Policy of the Province of Ontario and the Official Plan of the Town of Rainy River. Accordingly, all lands situated below the Regulatory Flood Elevation of 324.6m CGVD1928 as specified in the Rainy River Official Plan are situated within the Flood Plain FP Zone.

13.1 "Permitted Uses"

- (a) Any dwelling or other buildings, structures or uses located on a lot on the effective date of this By-law.
- (b) Docks, boathouses, saunas, detached garages, gazebos, detached decks, pumphouses and structures for flood or erosion control.
- (c) Recreational and resource management uses.
- (d) Conservation or forestry uses.

13.2 "Zone Requirements"

- (a) All lot and yard requirements for existing uses shall remain as existing on the date of passing of this By-law.
- (b) A barn or stable shall not be located closer than 152 metres (500 feet) from the normal high water mark of a navigable waterway.
- (c) Boathouses, saunas and pump houses shall not be located closer than 1 metre (3 feet) from the normal high water mark of a navigable waterway. For gazebo provisions see Section 5.1(g).

13.3 "Flood Proofing Elevations for Dwelling Units and Building Openings"

Any replacement, restoration, or reconstructed residential buildings permitted in this Zone shall be floodproofed to and not have a building opening lower than the

Regulatory Flood Elevation specified by this By-law as 324.6m CGVD1928. Accordingly, no building permits shall be issued for such works until floodproofing plans have been approved by the Town of Rainy River, assisted by the Ministry of Natural Resources. Floodproofing in excess of 1.0 metre (3 feet) shall require plans prepared and approved by a qualified professional engineer.

SECTION 14: ENVIRONMENTAL PROTECTION EP ZONE

14.1 "Permitted Uses"

- (a) Any dwellings or other buildings, structures or uses located on a lot on the effective date of this By-law.
- (b) Passive outdoor activities, pedestrian walkways, resource management uses and conservation or forestry uses.

14.2 "Zone Requirements"

- (a) No buildings shall be permitted in the Environmental Protection EP Zone. Where significant wildlife habitat, fish habitat, or provincially significant wetlands are identified in the Rainy River Official Plan or in an environmental impact study, new development or site alteration will not be permitted until it is demonstrated to the satisfaction of the approval authority that there will be no negative impact on the natural features or their ecological functions.

SECTION 15: EXCEPTIONS

The following provisions shall have effect notwithstanding anything else in this By-law and the other provisions of this By-law shall be deemed to be amended insofar as is necessary to give effect hereto:-

**Exception Numbers
(Used with various
Zoning Classifications
as Shown on Schedule 'A'**

Provisions

SECTION 16: ADMINISTRATION AND ENFORCEMENT

16.1 "Requirements for Building Permit"

In addition to all of the requirements of any by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to and approved by the Chief Building Official to his satisfaction.

- (a) Two copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:-
 - (i) the dimensions of the lot to be built upon or otherwise used;
 - (ii) the location of all existing buildings, structures or uses on the lot;
 - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces.
- (b) A statement, signed by the Owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law.
- (c) A certificate of approval from the Northwestern Health Unit pursuant to the Environmental Protection Act for a new residence on a septic system or an alteration to an existing residence on a septic system where extra bedrooms or bathroom facilities are to be added.

16.2 "Issuance of Building Permits"

Notwithstanding the provisions of any by-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

16.3 "Inspection"

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law Enforcement Officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of this Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under The Provincial Offences Act, or any successors thereto.

16.4 "Violations and Penalties"

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or permits such a violation, shall be guilty of an offence, and upon conviction there for, shall forfeit and pay a penalty pursuant to Section 67 of The Planning Act.
- (b) Each day of violation shall constitute an offence.
- (c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the instance of the Corporation, pursuant to the provisions of The Municipal Act.

16.5 "Remedies"

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of The Planning Act and/or The Building Code.

16.6 "Validity"

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provisions so declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

16.7 "By-laws Repealed"

By-Law No. 1112 as amended, of the Town of Rainy River, is hereby repealed.

SECTION 17: APPROVAL

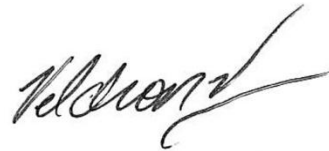
17.1 "Effective Date"

This By-law will come into force and take effect upon being passed by Council subject to the approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF MAY 2015.

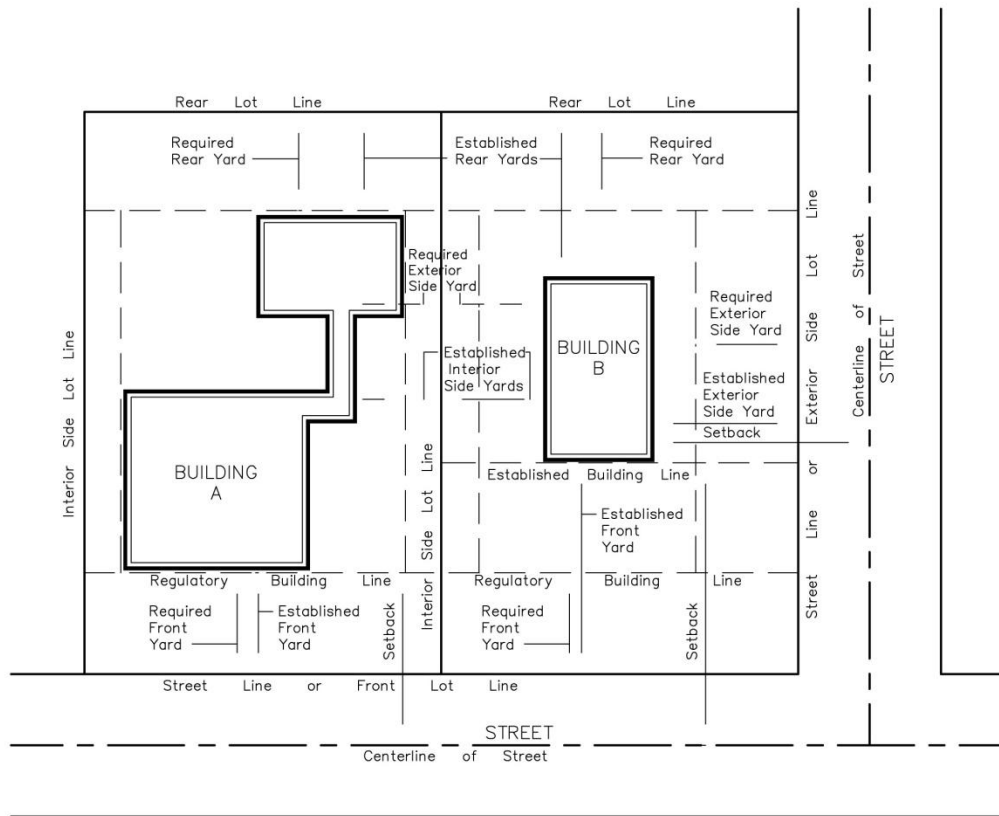


Deborah Ewald, Mayor



Veldron Vogan, Chief Administrative Officer

ILLUSTRATION OF DEFINITIONS RELATED TO BUILDING SETBACKS AND YARDS



Building A meets the minimum requirements for front yard, side yard, rear yard and setback
 Building B has voluntarily increased all yards and setbacks beyond the required minimum

ILLUSTRATION OF LOT DEFINITIONS

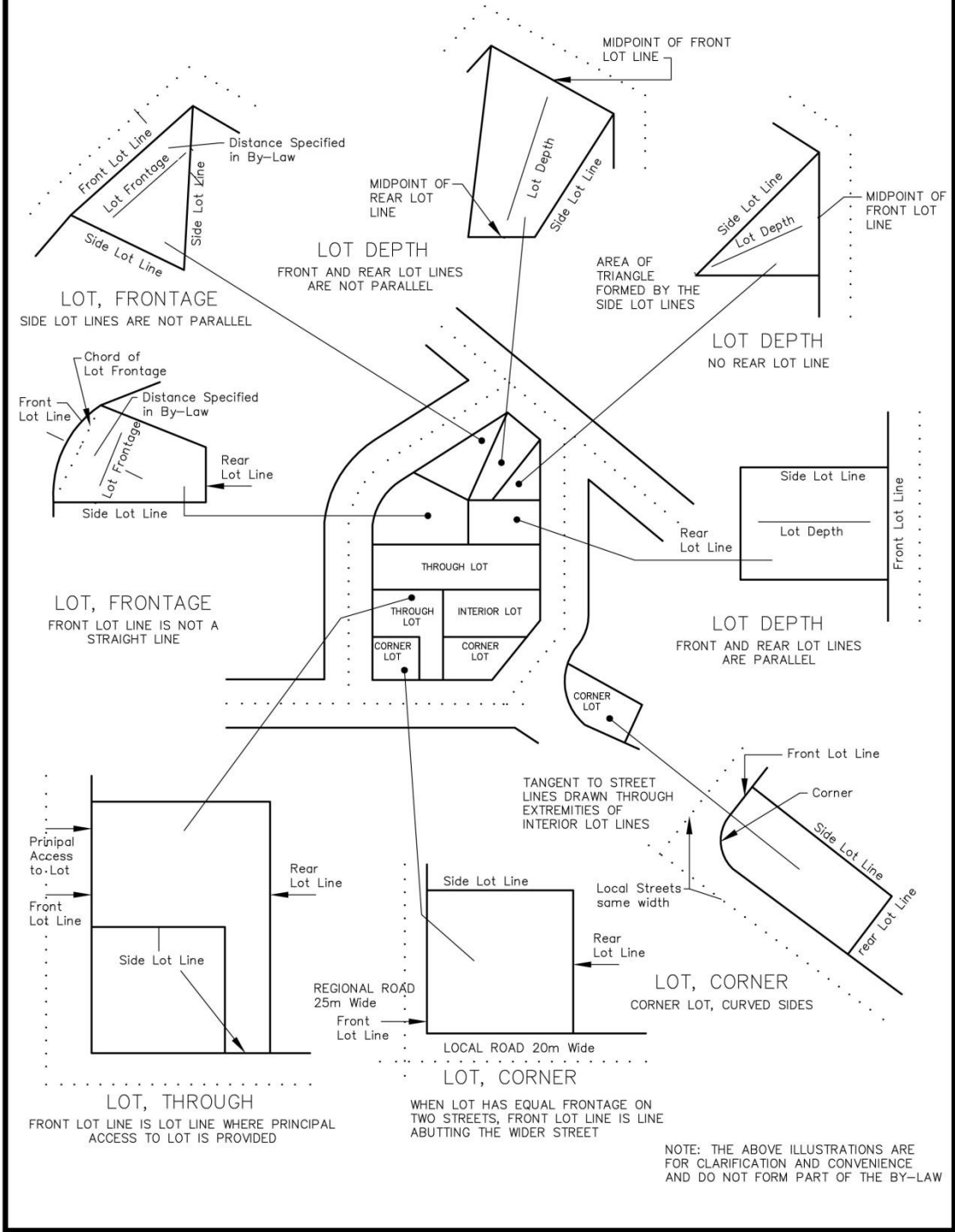


ILLUSTRATION OF DEFINITIONS
RELATED TO BASEMENTS

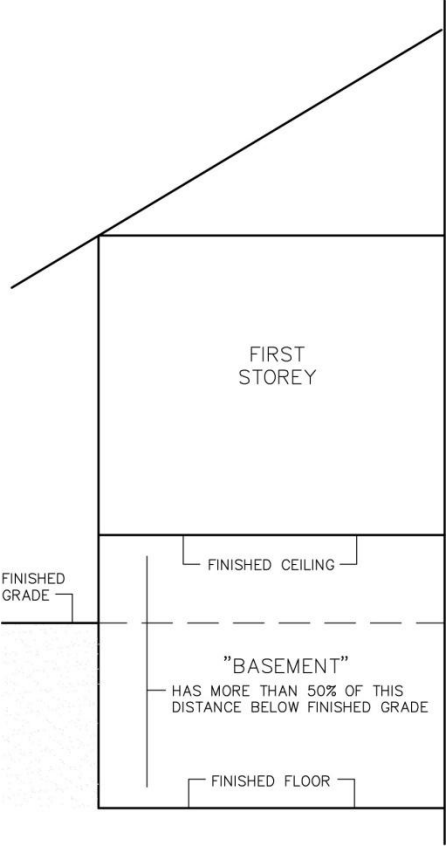
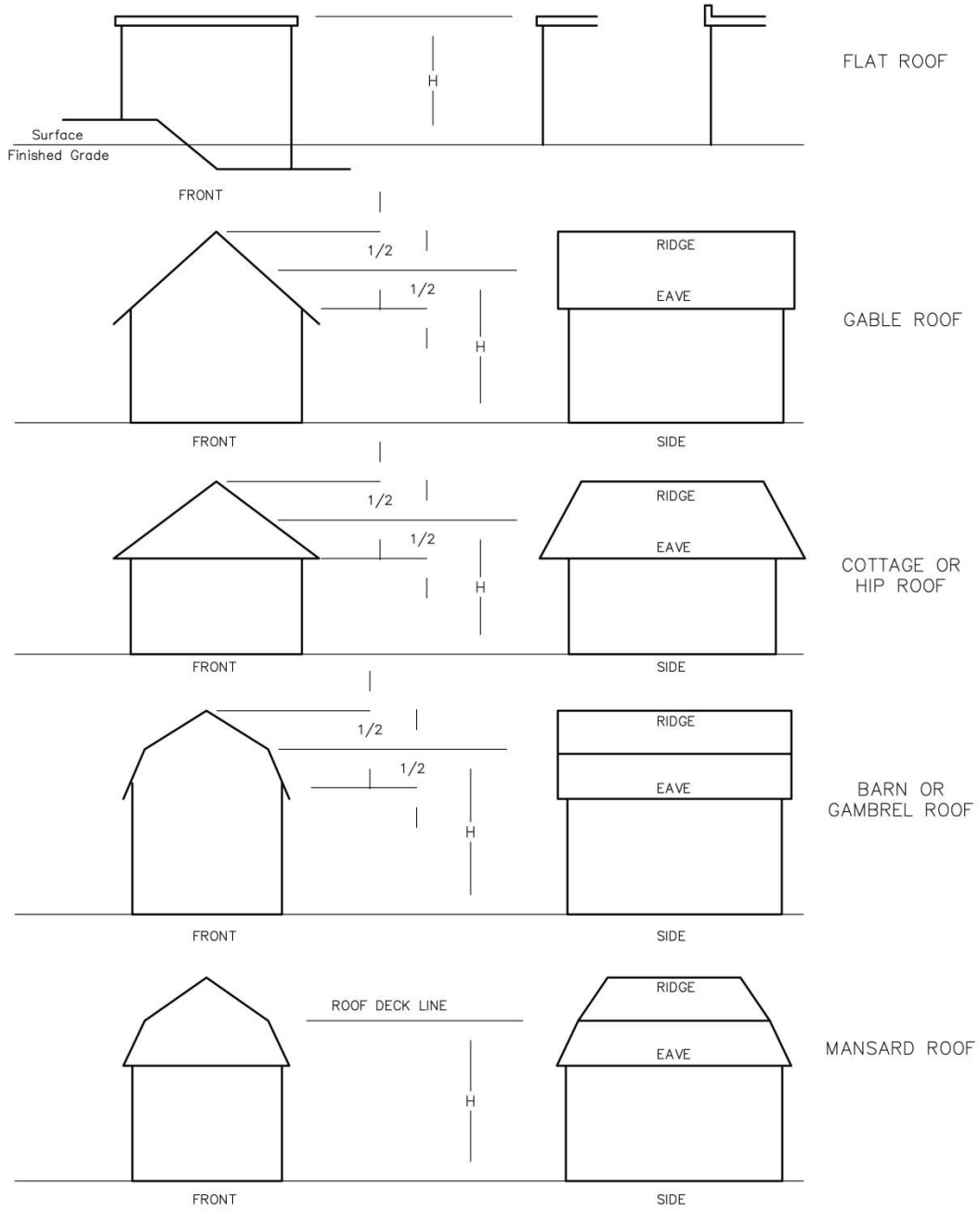


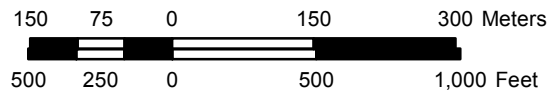
ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE AND DO NOT FORM PART OF THE BY-LAW

LEGEND

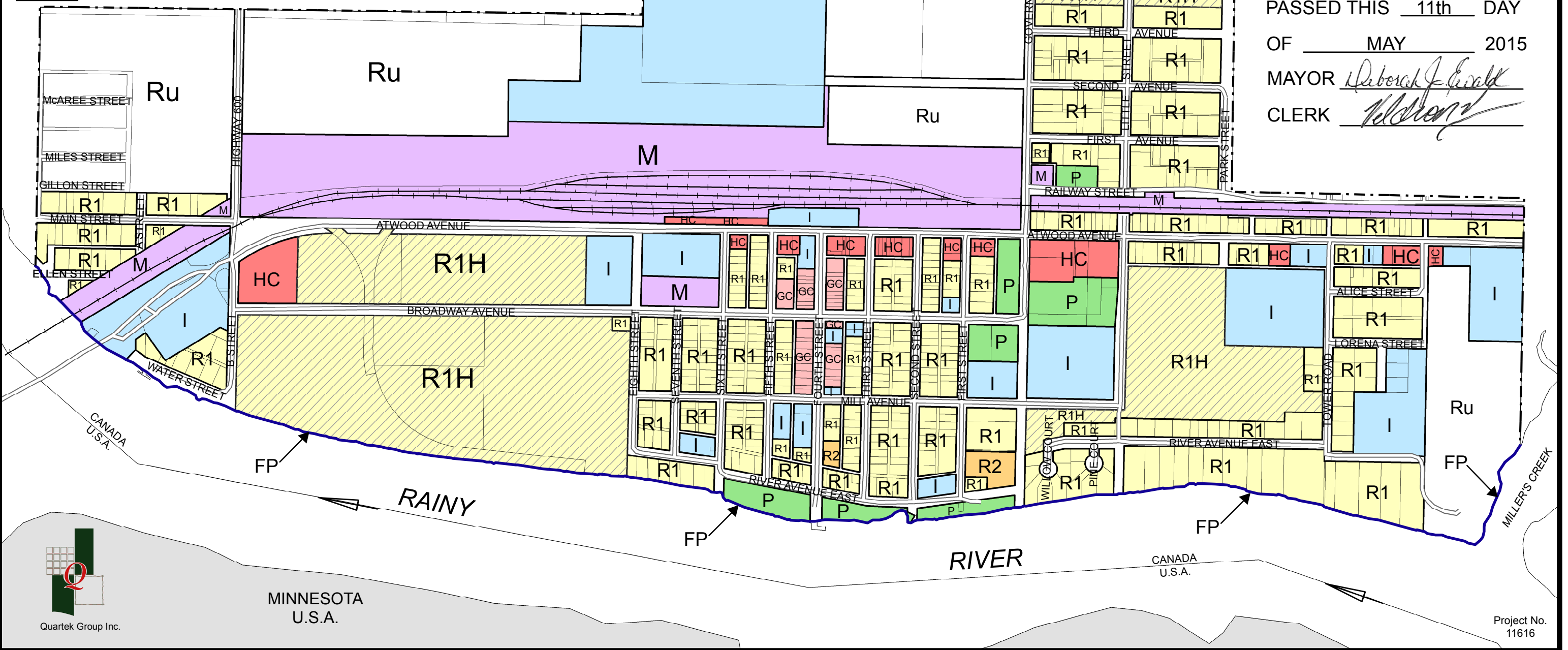
| SYMBOL | ZONE | SYMBOL | ZONE |
|--------|--------------------------|--------|-------------------------------|
| | GENERAL COMMERCIAL - GC | | FLOOD PLAIN - FP |
| | HIGHWAY COMMERCIAL - HC | | ENVIRONMENTAL PROTECTION - EP |
| | HOLDING - H | | ROADS |
| | INDUSTRIAL - M | | RAILWAY |
| | INSTITUTIONAL - I | | MUNICIPAL BOUNDARY |
| | PARKS AND OPEN SPACE - P | | |
| | RESIDENTIAL - R1 | | |
| | RESIDENTIAL - R2 | | |
| | RURAL - Ru | | |



TOWN OF RAINY RIVER ZONING BY-LAW

SCHEDULE 'A'

ZONING BY-LAW No. 1614-15
 PASSED THIS 11th DAY
 OF MAY 2015
 MAYOR Deborah J. Ewald
 CLERK [Signature]



MINNESOTA
U.S.A.