



MUNICIPALITY OF RED LAKE

ZONING BY-LAW

NOVEMBER 16, 2015

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SECTION 1 Administration and Interpretation

Explanatory Note

Section 1 identifies the administrative controls and requirements of the By-Law. It names the By-Law, states its relationship with other By-Laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-Law functions.

1.1 Title

This By-Law shall be known as the Zoning By-Law or By-Law 1930-14 of the Corporation of the Municipality of Red Lake.

1.2 Applications and Plans

In addition to the requirements of any Building By-Law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

- a. The true dimensions and/or legal description of the lot to be built upon or otherwise used;
- b. The proposed location, height and dimensions of any building, structure or use proposed for such lot;
- c. The proposed location, height and dimensions of yards, landscaping, parking areas and loading spaces required by this By-Law;
- d. The location of all existing buildings or structures on the lot, including the lot area and lot coverage of existing and proposed structures;
- e. A statement, signed by the owner disclosing the exact use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this By-Law;
- f. Locations of buildings, structures, sewage disposal systems and/or wells on abutting properties;
- g. The average slope for the proposed building envelope;
- h. Where the proposed building is to be used for a sensitive land use, the location of all livestock facilities within 1 km (0.62 mi) of the proposed use;
- i. Any other information as may be required to determine compliance with this By-Law.

1.3 Defined Area

The provisions of this By-Law shall apply to all lands within the municipal boundaries of the Corporation of the Municipality of Red Lake.

1.4 Enforcement and Administration

This By-Law shall be enforced by the **Chief Building Official** and enforced and administered by such other person as may from time to time be designated by Council, and no permit for the **use** of land or for the **erection** or use of any **building** or **structure** or approval of application for any municipal license within the jurisdiction of the **Council** shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-Law.

1.5 Inspection of Land, Buildings and Structures

1. Subject to Section 49 of the *Planning Act*, 1990, where an officer believes on reasonable grounds that a By-Law passed under Section 34 or 38 (of the *Planning Act*) is being contravened, the officer or any person acting under his or her instructions, may at all reasonable times, and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.
2. Except under the authority of a search warrant issued under Section 49.1 (of the *Planning Act*), an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling unit without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
3. No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power under this Section.

1.6 Penalty

1. Every person who violates any of the provisions of this By-Law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, and Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
2. Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
3. In the case where any **building** or **structure** is **erected** or **altered**, or any part thereof is **used**, or any **lot** is used, in contravention of any of the requirements of this By-Law, such contravention may be restrained by action at the instance of any person or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act*.

1.7 Repeal and Relationship to Former By-Laws

Insofar as they apply to the lands affected by this By-Law, any By-Laws passed under Section 34 of the *Planning Act*, 1990, or a predecessor thereof, are hereby repealed except as follows:

Notwithstanding any other provision of this By-Law, in the case of the following lands: Lots

15, 16, 17 and 18, Plan 23M-931, shown as “Special Zone” on Schedule 3 of this By-Law, the provisions of By-Law 817-07, as amended by By-Law 1243-09, shall continue to apply as if this By-Law had not been enacted and the enactment of this By-Law shall not derogate from the jurisdiction of the Ontario Municipal Board in respect of appeals of the said amending By-Law 1243-09 and proceedings relating thereto.

The adoption of this By-Law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-Laws if the violation is also a violation of any of the provisions of this By-Law.

1.8 Validity

Should any Section or part of a Section of this By-Law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the remaining provisions of this By-Law as a whole or any part thereof other than the part declared to be invalid.

1.9 Application of Other By-Laws

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

1.10 Licenses and Permits

No municipal permit, certificate or license shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-Law.

1.11 Conflict

In the event of conflict between this By-Law and amendments thereto, and any general or special By-Law or regulations or requirements of any department of government, the most restrictive By-Law or regulation shall prevail.

1.12 Interpretation

1. Definitions

For the purpose of this By-Law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 of this By-Law shall apply. All terms shown in bold italicized font (e.g. ***hotel, place of amusement, alter, interior side yard***) in this By-Law are defined in Section 2.

2. Citation

This By-Law may be cited by its long title (“A By-Law to Regulate the Use of Land, Buildings and Structures within the Municipality of Red Lake”), its short title (“Municipality of Red Lake Zoning By-Law”) or its By-Law number (By-Law 1930-14), and any such citation is to be taken as meaning the By-Law as amended.

3. Gender Neutrality

This By-Law is gender neutral and, accordingly, any reference to one gender includes the other.

4. Plural and Singular

In this By-Law, words in the singular include the plural, and words in the plural include the singular.

5. References

Appendices, footnotes, glossaries, headings, indices, marginal notes and references to former enactments or enabling legislation after a section or other division of the By-Law, do not form part of the By-Law and are inserted for convenience of reference only.

6. Measurement Units

This By-Law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. In the case of a conflict between the stated metric and the imperial measurements, the metric measurement shall apply. (*Imperial measurements are provided for the convenience of the reader.*)

7. Meaning of ‘Shall’

In this By-Law, the word ‘shall’ means it is mandatory, words in the present tense include the future. Where linear distances other than those referring to vertical measurements are specified, such linear distances are to be measured on a horizontal plane.

1.13 Effective Date

This By-Law shall take effect from the date of its passage by Council, subject to the provisions of the *Planning Act*.

1.14 Cumulative Standards

Notwithstanding anything contained in this By-Law, where any land, **building** or **structure** is **used** for more than one (1) purpose, all provisions of this By-Law relating to each use shall be complied with. (*Example: Where a lot is to be developed for an office, restaurant and retail store, the number of parking spaces required would include the combined total of each separate commercial use’s required parking spaces.*)

1.15 More Than One Zone Applying to a Property

Where a **lot** is divided into more than one (1) **zone**, each such portion of the lot shall be used in accordance with the provisions of this By-Law for the zone where such portion of the lot is located.

1.16 Continuation of Other Legislation/Regulations

The enactment of this By-Law does not affect the right of the Corporation of the Municipality of Red Lake to prosecute any violation of the previous By-Law(s), if the violation occurred while the By-Law(s) was in effect.

1.17 Compliance with Zoning By-Law

No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in accordance with the provisions of this By-Law.

Any use not specifically permitted by this By-Law shall not be permitted in the Municipality of Red Lake.

1.18 Zone Requirements for Uses not in Buildings or Structures

Where a use does not take place within a building or structure, but a regulation in this By-Law imposes a requirement premised on the use being in a building or structure, the requirement applies as though the actual area occupied by the use was in the building.

1.19 Changes to the Zoning By-Law

Changes to the requirements contained in this By-Law may be made with prior approval from the Municipality as provided for under the *Planning Act*. Significant changes may require an amendment to the Zoning By-Law. Minor variances to the By-Law may be granted by the Municipality. Minor variances and Zoning By-Law Amendments must comply with the Municipality of Red Lake Official Plan.

The Committee of Adjustment is authorized under Section 45(1) of the *Planning Act* to grant minor variances from the provisions of this By-Law where, in the opinion of the Committee, the variance:

- a. is desirable for the appropriate development or use of the land, building or structure;
- b. the variance is minor;
- c. the general intent and purpose of the Zoning By-Law is maintained; and
- d. the general intent and purpose of the Official Plan is maintained.

Where a proposed variance from the By-Law does not satisfy the above four criteria, an amendment to the By-Law is required to permit the variance. The Council of the Municipality of Red Lake is authorized to permit amendments to the Zoning By-Law in accordance with Section 34 of the *Planning Act*.

In addition, under Section 45(2) of the *Planning Act* the Committee of Adjustment is also authorized to permit the enlargement or extension of legal non-conforming uses and to permit the use of non-conforming land, buildings or structures for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day use began legal non-conforming or is more compatible with the uses permitted by the Zoning By-law than the purpose for which it was used on the day the use began legal non-conforming.

SECTION 2 Definitions

Explanatory Note

For the purpose of this By-Law, the definitions and interpretations given in this Section shall govern. In this By-Law, the word 'shall' is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word 'used' includes 'arranged', 'designed' or 'intended to be used'. The word 'occupied' shall include 'designed to be occupied' and 'arranged to be occupied'.

General

For the purpose of this By-Law, all words shall carry their customary meaning except those defined hereafter:

Accessory

When used to describe a **use, building, structure** or activity, shall mean a use, building, structure or activity naturally or normally incidental, subordinate and exclusively devoted to a main use, building, structure or activity and located on the same **lot** therewith. *(Examples of accessory buildings or structures are a detached garage, a storage shed, a guest cabin or a swimming pool. Examples of accessory uses are a home based business or a retail outlet within a manufacturing plant.)*

Accessory Building – see **Accessory**

Accessory Dwelling – see **Dwelling - Accessory**

Accessory Structure – see **Accessory**

Accessory Use – see **Accessory**

Adult Entertainment Establishment

Shall mean a building or structure designed, used or intended for use in the pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, a principal feature or characteristic of which is the nudity or partial nudity of any person, and without restricting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, go-go dancers, exotic dancers, wet clothing contests or best body parts contests and additionally includes a body-rub parlour but not an establishment offering massage therapy.

Aggregate

Shall mean gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Aggregate Pit

Shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of open excavation and includes the processing thereof for commercial purposes including screening, sorting, wading, crushing and other similar operations together with required buildings and structures, but does not include a **wayside pit**.

Agricultural Use

Shall mean the **use** of land, **building(s)** or **structure(s)** for:

- a. the growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- b. animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish (not including domestic animals such as dogs or cats), and all related activities such as breeding, training, feeding, manure storage and grazing;
- c. the production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products but does not include the production of eggs for personal consumption;
- d. the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.
- e. Agricultural use shall not include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales, but shall include the production and incidental sale of maple syrup.

Airport or Aircraft Landing Area

Shall mean the **use** of land, including water, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangars, airport terminal and other necessary buildings, structures and open spaces. Accessory commercial uses shall be permitted.

Aisle

Shall mean the travelled way by which motor **vehicles** enter and depart **parking spaces**.

Alter

- a. When used in reference to a **building, structure** or part thereof, shall mean:
 - i. to change any one or more of the external dimensions of such building or structure; or
 - ii. to change the type of construction of the exterior walls or roof of such building or structures; or
 - iii. to change the use of such building or structure or the number or types of uses or **dwelling units** contained therein.
- b. When used in reference to a **lot** shall mean:
 - i. to change the boundary of such lot with respect to a street or lane; or
 - ii. to change any dimension or area, relating to such lot; or
 - iii. to change the use of such lot or the number of uses located thereon.
- c. When used in reference to a **shoreline**, shall mean to change, straighten, divert or interfere in any way with the channel of any **watercourse** or the lands surrounding the high water mark of a **waterbody**.

Animal Hospital

Shall mean a building or part thereof where domestic animals or household pets are given temporary indoor shelter, accommodation and treatment and includes, without limiting the generality of the foregoing, a veterinary facility, but does not include any **kennel** or establishment engaged primarily in the retail sale of animals or in breeding or training animals for gain or profit.

Apartment

Shall mean a **dwelling unit** that occupies only part of a **building**. Apartments may be located in a building with other apartment dwelling units or in a building with other **uses** (e.g. commercial uses).

Apartment Building – see **Dwelling, Apartment Building**

Arena

Shall mean a **building** or **structure**, or part thereof, owned or operated by a private club, a non-profit or charitable institution, or a public agency, where facilities are provided primarily for athletic or recreational activities, entertainment or events. An outdoor skating rink shall not be classified as an arena.

Art Gallery

Shall mean a **building**, part thereof or area where paintings, sculptures or other works of art are exhibited and/or sold.

Asphalt / Concrete / Ready Mix Batching Plant

Shall mean an establishment used for the production of asphalt, concrete, ready mix products used in the building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance required equipment.

Assembly Hall – see **Place of Assembly**

Attached

Shall mean a **building** or **structure** otherwise complete in itself which is connected to, and which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Automobile Body Repair Shop

Shall mean a **building** or part thereof with at least one (1) service bay, where repairs or alterations are made to the body or paint work of motor **vehicles**, including cars, trucks, recreational vehicles, **trailers** and water vehicles, for remuneration, but shall not include a salvage yard.

Automobile Rental Establishment

Shall mean the use of land, building or structure, or part thereof, where commercial motor vehicles or parts for such vehicles are stored and displayed for the purpose of rental.

Automobile Repair Garage

Shall mean a **building** or part thereof used for the storage, repair and servicing of **vehicles**, having at least one (1) service bay where repairs essential to the actual operation of a vehicle are performed for remuneration.

Automobile Sales Establishment

Shall mean a **place** where new or used **motor vehicles** are displayed and sold at retail or leased.

Automobile Service Station

Shall mean a **place** or a clearly defined space on a **lot** used primarily for the retail sale of lubricating oils, gasoline, diesel fuel and propane for **vehicles** and may include the sale of automobile accessories, and may include services and repairs essential to the operation of vehicles.

Back Lot

Shall mean a **lot** separated from a **waterbody** or watercourse by a road and/or at least one (1) lot that has direct frontage on a waterbody or watercourse.

Bakery

Shall mean a **building** or part thereof for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products and may include an **accessory retail store** which sells goods manufactured on the premises.

Bank

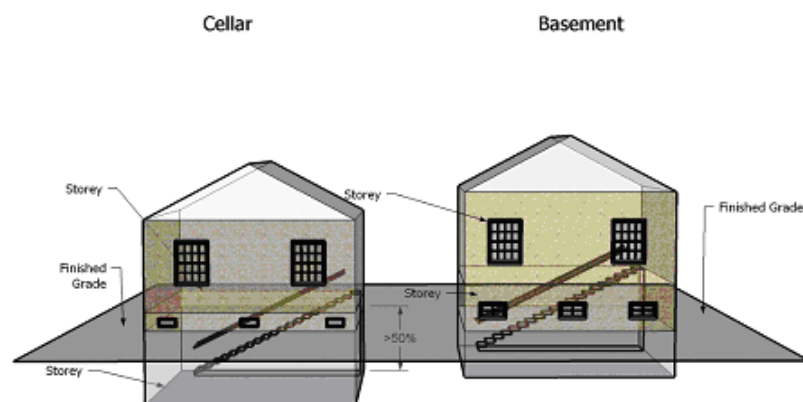
Shall mean an establishment in a **building** or part thereof where money is deposited, kept, lent or exchanged.

Barn – see **Livestock Facility**

Barrier-Free Parking Space – see **Parking Space, Barrier Free**

Basement

Shall mean that portion of a **building** which is partly underground, and which is more than 50 percent below the adjacent **established grade**.



Bed and Breakfast Establishment

Shall mean an establishment **accessory** to the main **residential use** of a **single-detached dwelling** in which no more than three (3) bedrooms or one (1) less than the total number of bedrooms in the **dwelling unit**, whichever is lesser, are used to provide overnight accommodation, for profit or gain, with or without meals, to the traveling or vacationing public.

Biofuel Plant

Shall mean an industrial facility which produces a solid, liquid or gaseous fuel from biological material.

Bingo Hall

Shall mean a **building** or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal By-Laws and approvals.

Boarding House

Shall mean a **building** or portion thereof in which the proprietor supplies, for gain or profit, lodging, meals or both, and where each **guest room** does not contain kitchen or washroom facilities, but may include kitchen and/or washroom facilities within the building. This definition shall not include a **hotel, motel, hospital, home for the young or the aged, group home, crisis housing, institution or bed and breakfast establishment, or a restaurant** accommodating the general public.

Boat House

Shall mean a **structure, accessory** to a main permitted **use**, constructed for the purpose of storing boats and boat accessories but shall not include a **dwelling**.

Boat Launch

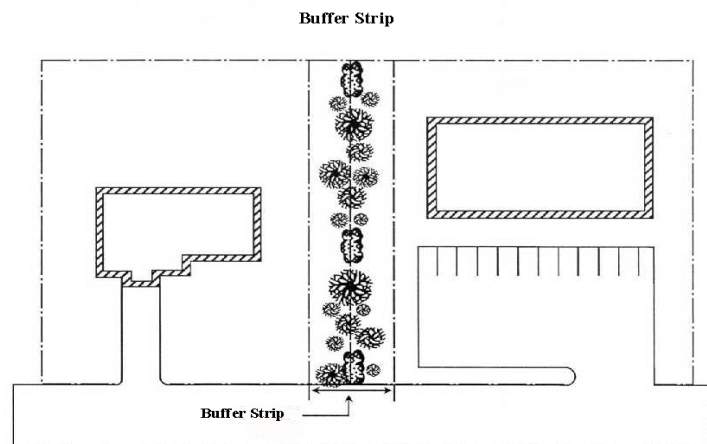
Shall mean an area of land adjacent to a **waterbody** or watercourse that is used to launch and remove **water vehicles** from the water. Boat launches may be public or private.

Buffer Strip

Shall mean an area of land intended to separate two (2) adjacent land **uses** of properties from one another, and used for no other purpose than for the **erection** of a **fence**, or the planting and maintaining of a continuous row of natural evergreens or a continuous unpierced hedgerow of natural shrubs, and the remainder of which is to be used for **landscaped open space**.

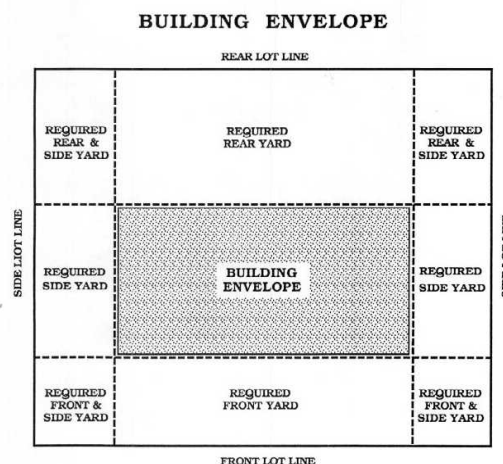
Building

Shall mean a structure, whether temporary or permanent, consisting of a wall, roof and floor or any of them used or intended for sheltering any **use** or occupancy, but shall not include a fence on a boundary wall. The word 'building' shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.



Building Envelope

Shall mean the building area on a **lot**, as defined by all the required **yards** and **setbacks** applying to such lot and/or **building or structure**, within which a building or structure can be **erected**.



Building, Main

Shall mean the **building** or **structure** in which is conducted the principal **use** for which the **lot** is used.

Building Official – see **Chief Building Official**

Building Supply Outlet

Shall mean a commercial **place** used for the wholesale or retail sale of building or construction supplies or accessories including lumber, millwork, cement, siding, roofing, plumbing, electrical, heating, cooling or ventilation supplies. This definition shall not include a **lumber yard** or a **salvage yard**.

Building, Temporary – see **Temporary Building**

Built – see **Erect**

Bulk Sales Establishment

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

Call Centre

Shall mean a **building** or part thereof where incoming and/or outgoing calls are handled by people, telephones and computers which are related to customer support, credit services, card services, telemarketing, interactive voice response or similar services.

Camp (Hunt Camp, Fishing Camp)

Shall mean a **building** or **structure** intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation.

Campground

Shall mean an area used for a range of overnight camping experiences, from tenting to serviced

travel trailer sites, including accessory facilities which support the **use**, such as administration offices, laundry facilities, but not including the use of **mobile homes** or trailers on a year-round basis.

Car Shelter – see **Temporary Shelter**

Carport

Shall mean a partially enclosed **structure** with at least 40 percent of the total perimeter open and unobstructed which intended or which is used for the sheltering of one (1) or more **vehicles** and that is attached to a **building**.

Car Wash

Shall mean a **building** or **structure**, or part thereof, containing manual or automated facilities for washing or cleaning vehicles, but does not include any other automotive use defined herein. A car wash may be **accessory** to a main permitted automotive-related **commercial use** (e.g. **automotive service station**).

Catering Establishment

Shall mean a commercial establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or for take-out.

Cemetery

Shall mean land set aside to be **used** for the interment of human remains and includes a mausoleum, columbarium or other **building** or **structure** intended for the interment of human remains.

C.G.V.D.

Shall mean Canadian Geodetic Vertical Datum.

Chief Building Official

Shall mean an officer or employee of the Corporation of the Municipality of Red Lake appointed to enforce the provisions of the *Building Code Act*.

Chip Wagon

Shall mean a **structure** or a converted vehicle located on a **lot** where food products and beverages are prepared and sold to the public.

Cinema – see **Theatre**

Clinic

Shall mean a **building** or part thereof that is used or intended for use by physicians, dentists, chiropractors and/or drugless practitioners, or any two (2) or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment along with an associated pharmacy.

Commercial Greenhouse

Shall mean a commercial **place** used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

Commercial Use

Shall mean the **use** of land, **building** or **structure** primarily for the purpose of buying, renting and/or selling commodities or the supplying of services for remuneration, gain or profit directly to the public, and includes but is not limited to retail sales, entertainment services and personal or professional services.

Commercial Zone

Shall mean the Townsite Commercial (C1), Local Commercial (C2), Highway Commercial (C3) and Tourist Commercial (C4) zones.

Community Centre

Shall mean **place** used for community activities, the ownership and/or maintenance of which is vested with the Municipality or other organization for non-commercial purposes. Without limiting the generality of the foregoing, community centres may include **parks** and open space, sports fields, skateboard parks, playgrounds, courts, gymnasiums, **places of assembly**, **swimming pools**, facilities for indoor and outdoor recreational, social or cultural activities.

Container – see **Storage Container**

Contractor's Yard

Shall mean a **place** used by a building contractor or company as a depot for storage and maintenance of equipment used by the contractor or company, and, without limiting the generality of the foregoing, may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include activities such as the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

Convenience Store

Shall mean a commercial establishment in a **building** or part thereof that sells convenience goods and items of day-to-day personal or household use or necessity including food, beverages, on-the-shelf pharmaceutical drugs, limited hardware products, tobacco products, periodicals and other such products.

Corporation

Shall mean the Corporation of the Municipality of Red Lake

Conservation Use

Shall mean the **use** of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Cottage – see **Dwelling, Recreational**

Council

Shall mean the Council of the Corporation of the Municipality of Red Lake.

Coverage – see **Lot Coverage**

Day Care Centre

Shall mean an establishment governed by the *Day Nurseries Act* that receives six (6) or more children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four (24) hours, where the children are:

- a. under eighteen years of age in the case of a day care centre for children with a developmental disability, and
- b. under ten (10) years of age in all other cases.

Deck

Shall mean a **structure** abutting a **building** which is constructed on piers or a foundation above-grade for use as an outdoor leisure area.

Detached

When used in reference to a **building** or **structure**, shall mean a building or structure which is not dependent on any other building or structure for structural support or enclosure.

Development

Shall mean the creation of a new **lot**, a change in land **use**, or the construction of **buildings** and **structures** requiring approval under the *Planning Act* and shall be taken to include **redevelopment**, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands.

Dock, Floating

Shall mean an **accessory structure** used for the mooring of **water vehicles** and airplanes and the transferring of goods or passengers to or from a water vehicle or airplane and which is designed to float freely on the surface of the **waterbody** and which may be secured to the **shoreline**.

Dock, Permanent

Shall mean an **accessory structure** used for the mooring of **water vehicles** and airplanes and the transferring of goods or passengers to or from a water vehicle or airplane and which is secured to the **shoreline** and/or the bottom of the **waterbody** by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent **structure**.

Dormitory

Shall mean a **dwelling unit** used to provide permanent or temporary lodging accommodation to **employees** of an industrial or resource-based (e.g. forestry, mining) establishment or students attending a **school**, and, without limiting the generality of the foregoing, may include such facilities as an administrative office, cafeteria, recreational hall and living units, and where each living unit may contain washroom and kitchen facilities.

Driveway

Shall mean a vehicular access connected to only one (1) **public street** or **private road** or thoroughfare, which provides ingress to and/or egress from a **lot**, and may include a shared **driveway** but shall not include a **lane** as defined herein.

Drive-through Facility

Shall mean a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in **vehicles** that are in designated queuing space, and may be in combination with other land **uses**.

Dwelling

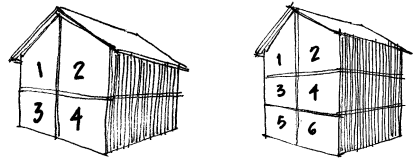
Shall mean a **building**, or part thereof in the case of a mixed-use building, that is used or designed to be occupied exclusively as a home or residence and where one (1) or more persons may sleep and prepare and serve meals, but shall not include **hotels, motels, boarding houses** or institutional uses. A dwelling contains one (1) or more **dwelling units**.

Dwelling, Accessory

Shall mean a dwelling that is incidental, subordinate and exclusively devoted to a main use and is located on the same lot as the main use, building or structure.

Dwelling, Apartment Building

Shall mean a **building** that contains four (4) or more **dwelling units** and that has one (1) or more common entrances from street level and may be served by common corridors, and the occupants of such apartment building dwelling have the right to use in common, the corridors, stairs, elevators, yards and such similar facilities and equipment. An apartment building dwelling shall not include any other type of **dwelling** defined in this By-Law.



Dwelling, Modular

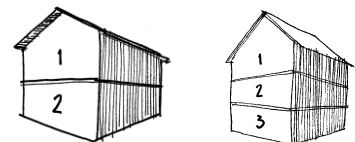
Shall mean a pre-fabricated dwelling unit, constructed to C.S.A. A277 standards or its successor standard, occupied or designed for occupancy by one or more persons on a permanent basis, designed to be transported in separate sections and joined together as integral units to form one dwelling unit and placed on a permanent foundation, but shall not include a mobile home, a park model trailer, or a single-detached dwelling constructed on-site.

Dwelling, Mobile Home

Shall mean a pre-fabricated dwelling unit, constructed to C.S.A. Z240 standards or its successor standard, occupied or designed for occupancy by one or more persons on a permanent basis, designed to be towed on a trailer on its own chassis, as a whole or in separate sections to be joined together to form one dwelling unit and placed on a permanent foundation, but shall not include a park model trailer or a trailer otherwise designed or a modular home or single-detached dwelling constructed on-site.

Dwelling, Multi-unit

Shall mean a building containing 2 or more dwelling units but excludes any other dwelling as may be defined herein.

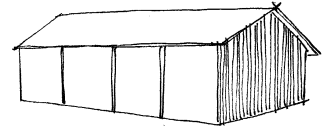


Dwelling, Recreational

Shall mean a one-unit **dwelling** which is used for intermittent residential occupancy for the enjoyment of the surrounding natural environment and such dwelling shall be not used for continuous habitation or as a permanent or principal residence of the owner or occupier thereof.

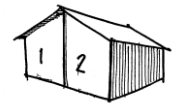
Dwelling, Row or Townhouse

Shall mean a **building** consisting of a series of three (3) or more **dwelling units**, but not more than eight (8) units, in a continuous row divided vertically into separate units by common walls above grade, and where each unit has an independent principal entrance.



Dwelling, Semi-detached

Shall mean a **building** on a single foundation that is divided vertically into two (2) separate **dwelling units** that have no direct access between each other, each unit of which has an independent principal entrance, either directly or through a common vestibule.

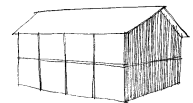


Dwelling, Single-detached

Shall mean a **detached building** containing one (1) **dwelling unit** that is designed, used and intended to be used for occupancy as a single dwelling unit. This definition may include a **modular dwelling** but shall not include a **mobile home** as defined herein.

Dwelling, Stacked-Row or Townhouse

Shall mean a **building** of containing four or more **dwelling units** where the units in each pair are divided horizontally, and the pairs are divided vertically, and in which each dwelling unit has an independent entrance to the interior.



Dwelling Unit

Shall mean a **building** or a portion thereof, depending on the type of dwelling, occupied or capable of being occupied as the home or residence of one (1) or more persons, where food preparation and sanitary facilities are provided, but shall not include a **hotel, motel**, rental cottage or cabin, or similar commercial use of a private or semi-private institution. **Guest cabins, secondary dwelling units** and **garden suites** shall not be considered dwelling units.

Easement – see Right-of-way

Emergency Services Facility

Shall mean a place owned by a public authority and used for the storage of equipment and vehicles associated with ambulatory, fire, and / or police services and may include administration offices, detention facilities, training facilities, and other associated uses.

Equipment Rental Establishment

Shall mean a **place** wherein the primary **use** is the rental of machinery, equipment, furniture and fixtures and other goods.

Erect

Shall mean to build, construct, reconstruct, **alter** or relocate and without limiting the generality

of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, or structurally altering any existing **building** or **structure** by an addition, deletion, enlargement or extension. Erect shall also mean the movement of a building or structure from one location to another.

Established Grade

Shall mean the average elevation of the finished level of the ground adjoining all of the exterior walls of the **building** or **structure** exclusive of any artificial embankments or berms.

Existing

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

Exterior Side Lot Line – see **Lot Line, Exterior Side**

Exterior Side Yard – see **Yard, Exterior Side**

Farm Produce Outlet

Shall mean a **use accessory** to an **Agricultural Use** which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

Farmer's Market

Shall mean **place** where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

Fence

Shall mean any barrier or **structure** constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is **erected** for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Fill Area

Shall mean the area of a **waste management facility** set aside for landfilling or dumping.

Fishing Camp – see **Camp (Hunt Camp, Fishing Camp)**

Floor Area, Gross

Shall mean the total area of all floors contained within a **building** or **structure** measured between the exterior faces of the exterior walls of the building or structure, and where there are no walls, the total area of a floor within the outer perimeter of the floor.

Floor Area, Gross Leasable

Shall mean the total **floor area** of a **building** designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and other floors, as measured from the centerline of shared partitions and from the interior face of the exterior walls of the building. Gross leasable floor area does not include common mall areas and other common areas not designed or occupied by tenants or sales areas.

Floor Area, Net

Shall mean the usable or habitable space above or below grade, measured from the exterior face of

the exterior walls of the **building** or **structure** but shall not include:

- a. any **private garage**, porch, veranda, and unfinished **basement**, **cellar** or attic;
- b. any part of the building or structure below grade which is used for building services, storage or laundry facilities;
- c. any part of the building or structure used for the storage or parking of **vehicles**.
- d. any part of the building used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical room, and any automobile parking facilities provided within the building.

Forestry Use

Shall mean the general raising, harvesting and storage of wood and wood products and without limiting the generality of the foregoing shall include the raising, harvesting and storage of fuel wood, pulpwood, lumber, Christmas trees and other forest products.

Frontage – see Lot Frontage

Fuel Depot

Shall mean an establishment primarily engaged in the bulk storage or distribution of petroleum, gasoline, propane, diesel fuel, fuel oil, gas or other similar flammable products in fuel storage tanks.

Full Municipal Services

Shall mean a building or use connected to and serviced by the municipal sanitary sewage system and the municipal drinking water system.

Funeral Home

Shall mean a **building** or part thereof, wherein undertaking services are offered and may include accessory activities including the sale of caskets and facilities for public worship and service, but shall not include facilities for cremation. A funeral home may include an **accessory residential use**.

Garage – Private

Shall mean an **accessory building** or portion of a **main building** which is designed or used for parking or storage of one (1) or more **vehicles** of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for profit. A detached garage is a private garage that is not connected to a main building. Where a private garage is attached to a main building, it shall not be considered an accessory building. A semi-detached garage is an **accessory building** divided vertically into two (2) separate private garages by a common wall where each separate private garage is located on separate, adjoining **lots**.

Garden Suite

Shall mean a one-unit **detached** residential **structure** containing washroom and kitchen facilities that is ancillary to an existing residential structure, is designed to be **portable**, and is intended to be used by an individual who requires housing close to a family member or caretaker due to their physical, mental or psychological conditions, but are capable of living independently. For the purposes of this By-Law, a garden suite shall not be considered a **dwelling unit**.

Gasoline Bar

Shall mean a **place** for one (1) or more pump islands each consisting of one (1) or more gasoline

pumps or motor fuel pumps, and which such premises may include the accessory sale of convenience items or food, and which such premises shall not be used for repairs, oil changes or greasing of vehicles.

Golf Course

Shall mean a public or private area operated for the primary purpose of playing the sport of golf but may also include such **buildings** and **structures** as are necessary for the operation and maintenance of the golf course and such club house facilities as **restaurant**, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with a golf course.

Greenhouse

Shall mean a **building** used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same **lot** containing such greenhouse.

Ground Floor

Shall mean the floor that is level with or immediately above grade.

Group Home

Shall mean a residence that is licensed or funded by the Province of Ontario for the provision of accommodation in which three (3) to ten (10) residents, excluding staff or the receiving housekeeping unit, live as a housekeeping unit under responsible supervision consistent with the requirements of its residents, who by reason of their emotional, mental, social, physical condition or legal status, require a group living arrangement for their well-being.

Gross Floor Area – see **Floor Area, Gross**

Gross Leasable Floor Area – see **Floor Area, Gross Leasable**

Guest Cabin

Shall mean a **building** that is **accessory** to a main **dwelling** and located on the same **lot** therewith, and used only for the purposes of sleeping accommodation, and does not contain kitchen facilities but may contain washroom facilities.

Hazard Lands

Shall mean those lands having inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability, mine tailings, hazardous sites or any other physical condition which would be severe enough to pose a risk of loss of life and/or cause property damage and social disruption if **development** were to take place upon such lands.

Hazardous Sites

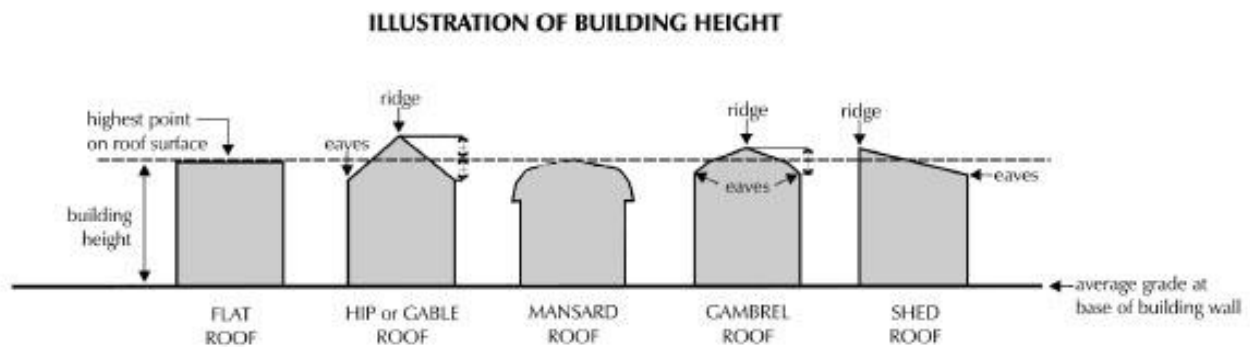
Shall mean property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (karst topography).

Height, Building

When used with reference to a **building** or **structure**, shall mean the vertical distance between the horizontal plane through the established grade and a horizontal plane through:

- a. the highest point on the roof surface, including parapet walls, in the case of a building or

- structure with a flat roof or a mansard roof;
- b. the mid point between the base of the roof and the highest point of the roof surface in the case of a roof having a slope of greater than 20 degrees;
- c. the mid point between the eaves and ridges of the roof in the case of a roof type not mentioned in subsections (a) or (b) above.



High Water Mark

Shall mean the mark made by the action of water under natural conditions on the shore or bank of a **waterbody** or watercourse, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark (See also **shoreline**).

Highway

Shall mean a public highway, **street**, **lane** or road under the jurisdiction of the Municipality of Red Lake or the Province of Ontario. This definition shall not include a private **right-of-way** or private lane.

Home Based Business

Shall mean a privately operated legal occupation, enterprise or business which is carried out as a **use** clearly **accessory** to a **dwelling unit** for pursuits conducted by the occupant thereof and any employees and is compatible with a domestic household. **Home based businesses** are categorized as **home industries** and **home occupations** for the purposes of this By-Law (see also **home occupation** and **home industry**).

Home Industry

Shall mean a type of **home based business** whose activities are conducted primarily within an **accessory building**.

Home Occupation

Shall mean a type of **home based business** whose activities are conducted entirely within a **dwelling unit**.

Hospital

Shall mean any institution, **building** or other premises or place that is established for the purposes of the treatment of patients.

Hotel

Shall mean a **building** designed or **used** for the accommodation of the travelling or vacationing public, containing therein four (4) or more **guest rooms** served by a common building entrance. **Accessory uses** may include, but are not limited to, accommodation for permanent staff and such facilities as beverage rooms, dining rooms, meeting rooms, **restaurants** or similar uses.

Hunt Camp – see Camp

Industrial Uses, Light – Class I Industry

Shall mean a place of business for a small scale, self contained plant or **building** which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions (e.g. noise, odour, dust and vibration). Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply. ‘Light Industrial Uses’ or ‘Class I Industry’ is a classification and other uses defined in this By-Law may be classified as such.

Industrial Uses, Medium – Class II Industry

Shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions (e.g. noise, odour, dust and/or vibration). Shift operations occur and there is frequent movement of products and / or heavy trucks during daytime hours. ‘Medium Industrial Uses’ or ‘Class II Industry’ is a classification and other uses defined in this By-Law may be classified as such.

Industrial Uses, Heavy – Class III

Shall mean a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Without limiting the generality of the foregoing, such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other **sensitive land uses** in order to limit any potential **adverse effects** on the environment or the surrounding areas and public health. ‘Heavy Industrial Uses’ or ‘Class III Industry’ is a classification and other uses defined in this By-Law may be classified as such.

Industry Storage

Shall mean a **place** for the storage of **motor** and **water vehicles**, trailers, farm or construction machinery and equipment, and such other similar equipment, but does not include the storage of scrap / salvage parts.

Influence Area

Shall mean the area or areas at, above or below grade, associated with a facility that is subject to one or more **adverse effects** which may be of varying duration, frequency and distance of dispersal.

Interior Lot – see Lot, Interior

Kennel

Shall mean a **building, structure** or premises or portion of any of the foregoing, used for the raising, housing, breeding or training of four (4) or more domesticated animals over the age of four (4) months. This definition shall not include an **animal hospital** or veterinary clinic.

Landscaped Open Space

Shall mean any uncovered or unenclosed area of land including grass, trees, flowers, shrubs, garden together with decorative stonework or other landscape architectural elements located in any yard, or in any inner or outer court, and includes paths, patios, play areas, **decks**, fields, walkways or ramps for the disabled, but shall not include any **parking spaces**, parking lots, driveway or ramps for **motor vehicles**.

Lane

Shall mean:

- a. a subsidiary thoroughfare providing access from within a **lot**, principally from parking or **loading spaces** or from a lot to a **public street**; or
- b. a subsidiary public thoroughfare for the sole use of pedestrians and for connecting **streets, open spaces** or **buildings**.

Laundromat

Shall mean a **building** or part thereof where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

Library

Shall mean a **building** or part thereof where educational material (e.g. books, films, music, audio-visual, magazines) are made available for public display and are lent to the public.

Livestock Facility

Shall mean one (1) or more barns or permanent **structures** with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

Loading Space

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

Long Term Care Facility

Shall mean a **building** providing residential accommodation primarily for retired persons where each private bedroom or living unit has a separate private washroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided.

Lot

Shall mean a parcel or tract of land, which is capable of being legally conveyed in accordance with the *Planning Act* as amended.

Lot, Corner

Shall mean a **lot** situated at the intersection of, or abutting upon, two (2) or more **streets**, provided that the angle of intersection of such streets is not more than 115 degrees and each of which is at least 10 m (32.8 ft) wide. Where such adjacent sides are curved, the angle of intersection of the adjacent sides 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 side lot lines**.

Lot, Interior

Shall mean a **lot**, other than a **corner lot**, which is situated between adjacent lots and has access to only one (1) **street**.

Lot, Through

Shall mean a **lot** bounded on two (2) sides by **streets** each of which is at least 10 m (32.8 ft) wide or water, provided, however, that if any lot qualifies as being both a **corner lot** and a through lot, such lot shall be conclusively deemed to be a corner lot.

Lot, Waterfront

Shall mean a **lot** that abuts a navigable waterway or body of water.

Lot, Water Access

Shall mean a **lot** that is provided access by a navigable **waterbody** or **watercourse**.

Lot Area

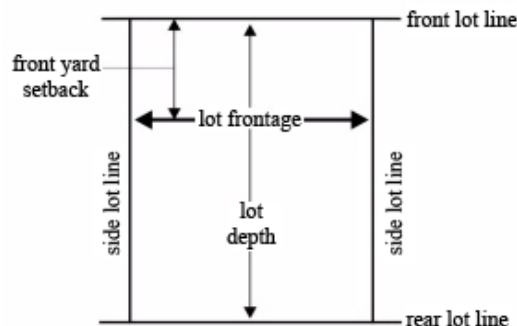
Shall mean the total horizontal area measured within the limits of the **lot lines** of a **lot**.

Lot Coverage

Shall mean the percentage of the **lot area** covered by the ground **floor area** of all **buildings** and **structures** located on the **lot**, including all porches and verandahs, open or covered, but not including steps, cornices, eaves, bay windows and similar projections, outdoor swimming pools, open unenclosed terraces and patios at grade, and open parking areas.

Lot Depth

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



Lot Frontage

Shall mean the horizontal distance between the **side lot lines** of a **lot** measured at right angles along the **front lot line**. Where such side **lot lines** are not parallel, lot frontage shall be the width of a **lot** measured between the intersections of the side lot lines with a line back from and parallel or concentric to the **front lot line** equal to the minimum **front yard** of the **zone** in which the lands are located.

Frontage, Water

Shall mean the strip of land comprising part of a **lot** that directly abuts a **waterbody** or watercourse. When used as an adjective, shall mean a lot or lands that has frontage on a **waterbody** or watercourse.

Lot Line

Shall mean a boundary line of a **lot**.

Lot Line, Exterior Side

Shall mean a **lot line** located between the **front** and **rear lot lines** and dividing the **lot** from a **street**.

Lot Line, Front

Shall mean:

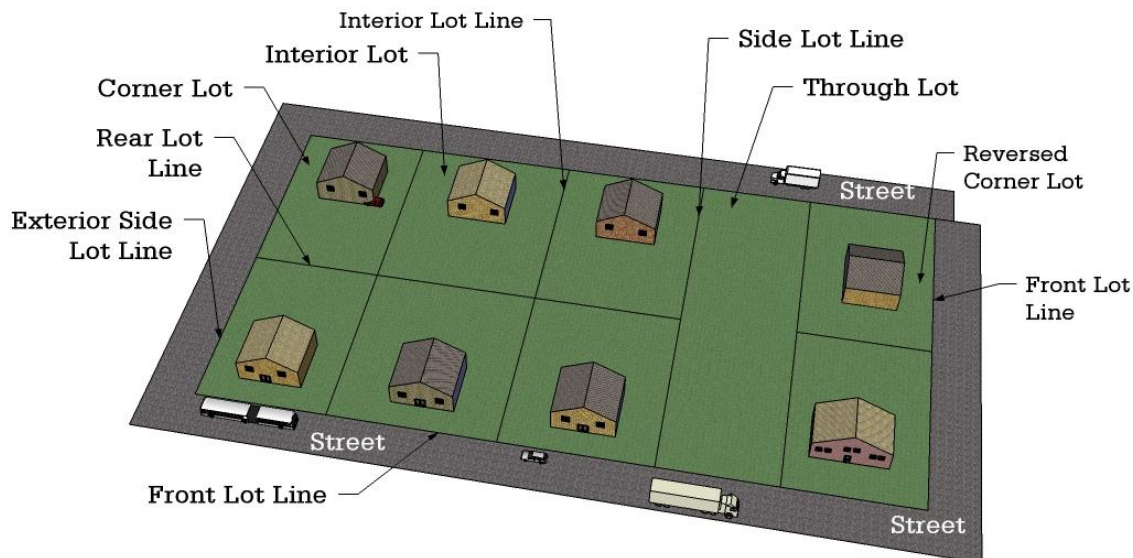
- a. in the case of an **interior lot**, the **lot line** dividing the lot from the **street**;
- b. in the case of a **corner lot**, the shorter lot line abutting the street unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;
- c. in the case of a **through lot**, the front lot line shall be the lot line where the principal access to the lot is provided; or
- d. in the case of a lot fronting on a navigable waterway or a shoreline road allowance, *whether or not access is gained to the lot from a street or road*, the front lot line shall be the lot line closest to or adjacent to the navigable waterway. Such line shall be determined by joining the points of intersection of the **side lot lines** and the **high water mark** or original shoreline reserve, whichever is closer to the interior of the lot.

Lot Line, Interior Side

Shall mean a **lot line** other than a **front**, **rear** or **exterior side lot line**.

Lot Line, Rear

Shall mean the **lot line** furthest from, and opposite to, the **front lot line**.



Lumber Yard

Shall mean a **place** where the primary **use** is the storage of construction grade wood and building supplies for sale at retail or wholesale.

Main Building – see Building, Main

Manure or Material Storage

Shall mean permanent storage, which may or may not be associated with a **livestock facility** containing liquid manure (<18% dry matter), solid manure (\geq 18% dry matter), or digestate (> 18% dry matter). Permanent storages may come in a variety of locations, materials, coverings, elevations, configurations and shapes.

Marina

Shall mean a **place** consisting of docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

Mine Hazard

Shall mean any feature on a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

Mineral Mining Operation

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

Miniature Golf Course

Shall mean a **place** operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range or **golf course**.

Minimum Distance Separation Formulae I and II

Shall mean formulae developed by the Province to separate **uses** so as to reduce incompatibility concerns about odour from **livestock facilities**.

Mixed Use Building

Shall mean a **building** containing two (2) or more **uses** that are permitted in the **zone** in which the mixed use building is located. For the purposes of this By-Law, the definition of mixed use building shall not include a **shopping centre**.

Mobile Home – See **Dwelling, Mobile Home**

Mobile Home Park

Shall mean a lot or part of a lot under ownership of one (1) mobile home park operator which is designed, used or intended to be used for the placement of **mobile homes**, and which consists of ten (10) or more **mobile home sites** which are connected to full municipal sewer and water services.

Mobile Home Site

Shall mean a designated parcel of land within a **mobile home park** which is serviced and intended for the placement of one (1) **mobile home**.

Motor Vehicle – see **Vehicle**

Municipal Drinking Water System

Shall mean a **drinking water system** or part of a drinking water system that is owned by the Municipality of Red Lake.

Municipal Sewage Services – see **Sewage Disposal and Water Systems**

Municipal Water Services – see **Sewage Disposal and Water Systems**

Municipality

Shall mean the Corporation of the Municipality of Red Lake.

Museum

Shall mean an institutional **place** that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of scientific, natural, artistic, or historical interest, or other interests.

Net Floor Area – see **Floor Area, Net**

Non-complying

Shall mean an existing **use** that is permitted in the **zone** in which it is located that does not meet or comply with the provisions of this By-Law.

Non-conforming

Shall mean a **use, lot, building or structure** which is existing but is not permitted in the zone in which it is located.

Nursery

Shall mean **place** for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

Occupancy Permit

Shall mean a permit issued under the authority of the *Planning Act* by the **Chief Building Official** which indicates that the proposed **use** of land or any **building** or **structure** on any such land is in conformity with this By-Law.

Office

Shall mean a **building, structure** or part thereof **used** for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities (e.g. lawyer, doctor, dentist, architect, consultant, insurance, real estate, etc), but shall not include the manufacturing of any product.

Official Plan

Shall mean the Official Plan of the Municipality of Red Lake planning area, or parts thereof, and amendments thereto that may take place from time-to-time.

Open Space

Shall mean the open, unobstructed space on a **lot** including **landscaped open space**, pedestrian walkways, patios, **pools** or similar areas but not including any **driveway**, ramp, **parking spaces** or **aisles, loading spaces** or manoeuvring areas and similar areas.

Open Storage

Shall mean the storage of goods, merchandise, unlicensed motor **vehicles** or equipment in the open and in unenclosed portions of **buildings** or **structures**, which are open to the air on one (1) or more sides.

Outdoor Furnace

Shall mean an **accessory structure** that uses renewable energy sources such as wood and corn to provide heat and hot water to **buildings**

Outdoor Patio

Shall mean a commercially operated outdoor premise, area, deck or set aside platform on the ground floor; with or without a roof, a foundation, an attachment to a building, or direct access to the ground, for use by patrons as part of a restaurant or tavern, in connection with and in addition to, the operation of the indoor use that is contiguous to, which area is designed and intended to be used seasonally as a sundeck.

Park

Shall mean any **open space**, facility or recreation area that is owned operated or maintained in whole or in part by any **public authority** for public use with or without charge, and, without limiting the generality of the foregoing, may include neighbourhood, community, regional and special parks or areas such as Provincial Parks and National Parks with or without campground facilities. Parks may include such equipment and facilities as playgrounds, fields, skateboard parks, rinks and courts. A park may be part of a **community centre** or other uses defined herein.

Park, Private

Shall mean any open space or recreational area, other than a public **park**, owned and operated or maintained in whole or in part for profit by a private club, organization or corporation, operated on a commercial and/or private member basis, and may include therein swimming, wading and boat facilities, picnic area, ski area, gardens, refreshment rooms or other areas for recreational activities. Such park may also include **buildings** and **structures** necessary for the use and operation of the park.

Parking Area

Shall mean an area designated for the temporary parking of **vehicles** and may include **aisles**, **parking spaces** and related entrance and exit **lanes**, but shall not include any part of a **street**.

Parking Lot – see **Parking Area**

Parking Space

Shall mean a rectangular area designated and used for the temporary parking of one (1) motor **vehicle**, exclusive of any **aisles** or **driveways**.

Parking Space, Barrier-free

Shall mean a rectangular area designated and used for the temporary parking of one (1) motor **vehicle** used by a handicapped or disabled person, exclusive of any **aisles** or **driveways**.

Person

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

Personal Service Establishment

Shall mean a **place** wherein a personal service is performed. This definition may include, but is not limited to, businesses or services such as a barber shop, hair styling salon, shoe repair shop, tattoo and piercing parlour, spa, tanning salon, dry cleaning outlet, tailor shop, dressmaker shop, massage therapy service, photofinishing, picture framing, publishing and photocopying, but excludes any manufacturing or fabrication of goods for sale.

Pharmacy – see **Retail Store**

Pit – see **Aggregate Pit**

Place

Shall mean lands, **buildings** and/or **structures**.

Place of Amusement

Shall mean **place** operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or arcade, billiard or pool room, pinball machines, video games and bowling alley, but does not include an **adult entertainment establishment**, casino or **bingo hall**.

Place of Assembly

Shall mean a **place** where facilities are provided for such purposes as meetings for civic, educational, political or social purposes, and without limiting the generality of the foregoing, may include such

facilities as a banquet hall or private club, but shall not include a **place of worship** or **community centre**.

Place of Worship

Shall mean a **place** or an open area dedicated to religious worship and may include a manse or rectory located on the same **lot** therewith, but does not include a manse or rectory that is established on a separate lot.

Pool – see **Swimming Pool**

Portable

When used to describe a **building** or **structure**, shall mean a building or structure that is so designed and / or constructed to be easily dismantled and removed.

Portable Asphalt Plant

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

Portable Concrete Plant

Shall mean a building or structure:

- a. with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Portable Storage Building

Shall mean a commercially prefabricated **building** or **structure** that is designed, **erected** and **used** to provide storage or warehouse space for industrial or agricultural purposes. The definition of Portable Storage Buildings shall not include types of **modular dwelling** or a **mobile home**.

Post Office

Shall mean a **place** owned and operated by a **public authority** used for the posting, receipt, sorting, handling, transmission or delivery of mail.

Private Club – see **Place of Assembly**

Private Communal Sewage Services – see **Sewage Disposal and Water Systems**

Private Communal Water Services – see **Sewage Disposal and Water Systems**

Private Park – see **Park, Private**

Private Road

Shall mean a private **right-of-way** over private property which affords vehicular access to at least two (2) abutting **lots** and which is not maintained by a **public authority**.

Public Authority

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

Public Services

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

Public Utility

Shall mean an agency, corporation, board of commission, or any department of the **Municipality** providing electricity, gas, steam, hot water, telephone, telegraph, television, transportation or drainage or sewage to the general public.

Quarry

Shall mean a place where unconsolidated rock has been or is being removed by means of an open excavation and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing and other similar operations, required buildings and structures, but does not include a **wayside quarry**.

Recreational Commercial Establishment

Shall mean **place** where any recreational **uses** are operated commercially for profit on lands in private ownership, such as health clubs, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts or gymnasias and other similar uses but does not include a bowling alley, casino or **bingo hall**.

Recreational Vehicle Sales Establishment

Shall mean a **place** where boats, **travel trailers**, campers and other recreational vehicles or equipment (e.g. snowmobiles, off-road vehicles, golf carts) are displayed and rented and/or sold.

Recycling Depot or Transfer Station

Shall mean a special **waste management facility** which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

Renovation

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

Residence – see Dwelling Unit

Residential Use

Shall mean the use of land, **building(s)** or **structures(s)** for human habitation.

Residential Zone

Shall mean the Townsite Residential Density 1 (R1), Townsite Residential Density 2 (R2), Mobile Home Residential (R3), Rural Residential (R4) and Recreational Residential (R5) zones.

Restaurant

Shall mean a **building** or **structure** or part thereof where food and / or beverage is prepared and offered for sale to the public for consumption within or outside the building or structure or off the premises. The definition of restaurant shall not include a **catering establishment** or a **chip wagon**.

Retail Store

Shall mean an establishment where goods, wares, merchandise, commodities, substances or articles of any kind are displayed and/or offered for sale or rent to the general public, but does not include flea markets or auctions centres or any other **use** defined herein.

Retirement Home

A residential **building** containing rooming units or a combination of rooming and dwelling units, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide accessory health, personal service, and recreational services to serve the residents of the home and shall not include a **long term care facility**.

Rifle Club – see **Shooting Range**

Right-of-Way

Shall mean any right, liberty or privilege in, over, along or under land which a person, the public or a corporation or another entity may have with respect to any land in the **Municipality**.

Road – see **Street**

Rooming House – see **Boarding House**

Salvage Yard

Shall mean a **place** where used goods, wares, merchandise, articles, **vehicles**, machinery or parts thereof are dismantled, processed or recycled and sold for further use. This definition may include a junk yard, a scrap metal yard, and an automobile wrecking yard on the premises.

Sawmill or Planing Mill

Shall mean a **place** where timber is cut or sawed, either to finished lumber or as an intermediary step.

Sauna

Shall mean an **accessory building** or **structure** not exceeding 10 m² (107.6 ft²), or an area within a building or structure, wherein facilities are provided for the purpose of inducing perspiration.

Seaplane Base

Shall mean a **place** for the purposes of docking, storing or repairing seaplanes and for the supplying

of associated services.

School

Shall mean an institutional **place** for the education or instruction of a body of pupils by a body of teachers, and shall include an elementary or secondary school, adult education, university, college of applied arts and technology, and English or French as a second language programs, but shall not include a **studio, museum, any type of home based business, or any other use** defined herein.

Self Storage Facility

Shall mean a commercial **building** or part of a building wherein items are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Sensitive Land Use

Shall mean a **building**, amenity area or outdoor space where routine or normal activities occurring at reasonably expected times would experience one (1) or more **adverse effect(s)** from contaminant discharges generated by a nearby facility. A sensitive land use may be part of the natural or built environment. Examples of sensitive land uses include **residential uses, long term care facility, retirement homes, hospitals, campgrounds, day care centres, places of worship, community centres, schools**, bird and wildlife habitats and certain recreational uses deemed by the **Municipality** or other level of government to be sensitive (e.g. picnic area).

Setback

Shall mean:

- a. the least horizontal distance between a **lot line** and the nearest part of any **building or structure**; or
- b. with reference to a **street**, the least horizontal distance between the **street line** and the nearest part of any building or structure; or
- c. with reference to a **waterbody or watercourse**, the least horizontal distance between the **high water mark** of the waterbody or watercourse and the nearest part of any building or structure.

Sewage Disposal and Water Services

a. Full Municipal Services

Shall mean the combination of **municipal sewage services** and **municipal water services**.

b. Individual On-Site Services

Shall mean individual autonomous water supply and sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five (5) residential units/lots.

c. Partial Services

Shall mean

- i. **municipal sewage services or private communal sewage services and individual on-site water services**; or
- ii. **municipal water services or private communal water services and individual on-site sewage services**.

d. Municipal Sewage Services

Shall mean a **sewage works** within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by the Municipality of Red Lake.

e. Municipal Water Services

Shall mean a **municipal drinking-water system** within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

Sewage Lagoon

Shall mean an area of land used for the discharge and disposal of sewage waste and that has a standing Certificate of Approval issued by the Ministry of the Environment.

Sewage Treatment Facility

Shall mean a **place** where sewage is collected, transmitted and treated and has a standing Certificate of Approval issued by the Ministry of the Environment.

Shooting Range

Shall mean a **place** where members practice using firearms and/or archery arrows in outdoor or indoor areas designed to facilitate such activities and may include, but are not limited to, targets, administration offices and clubhouse facilities.

Shopping Centre

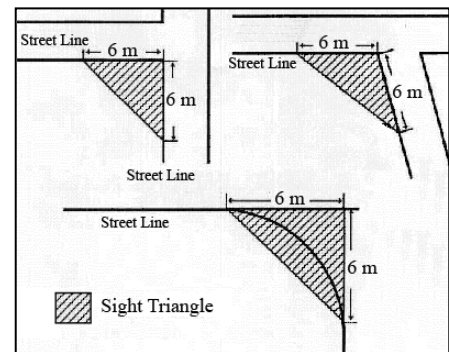
Shall mean a commercial **place** planned, designed and developed or managed as a unit, having a minimum **gross leasable floor area** of 2,000 m² (21,527.8 ft²), having off-street parking provided on the same **lot**, and which **building** or buildings contain two (2) or more **retail stores**, services, **personal service establishments**, **restaurants** and **offices**.

Shoreline

Shall mean a **lot line** or portion thereof which abuts the **high water mark** of a **waterbody** or watercourse (See also **high water mark**).

Sight Triangle

Shall mean a triangular space-formed by the **street lines** abutting a **corner lot** and a third line drawn from a point on a street line to another point on a street line, each such point being 6 m (19.69 ft) from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.



Sign

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which is used to advertise, inform, announce, claim, give publicity or attract attention.

Solar Collector

Shall mean a device consisting of photovoltaic panels that collect solar power from the sun. A solar collector may be attached to a **building** or **structure** or erected on a post(s).

Stable

Shall mean an area, **building** and/or **structure** used for the boarding, riding and training of horses. A stable shall be considered a type of **livestock facility** as defined in this By-Law.

Storage Container

Shall mean the trailer portion of a tractor-trailer unit or transport truck, or a rail or seaway container, which is traditionally used for the shipping and transportation of goods and materials.

Storey

Shall mean that portion of a **building**:

- a. which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, then that portion between the surface of any floor and the ceiling above it; and
- b. which is more than 50 percent above the **established grade**; and
- c. which has a height of not less than 2 m (6.56 ft) and includes an attic not having less than 2 m headroom for at least 50 percent of the attic floor area.

Street

Shall mean a public highway or public road under the jurisdiction of either the Municipality of Red Lake or the Province of Ontario. This definition shall not include a **lane** or a private **right-of-way** or **private road**.

Street Line

Shall mean the boundary between a **street**, road or **highway** and a **lot**.

Structure

Shall mean anything constructed or **erected**, the use of which requires location on the ground or attached to something having location on the ground. The definition of structure shall include, without limiting the generality of the foregoing, a **travel trailer**, a recreational vehicle, a **temporary shelter**, and a **sewage disposal system**, but does not include a terrace, patio, **sign**, boundary wall, light standard, **fence** or **deck**.

Studio

Shall mean a **building** or part thereof used:

- a. as the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale; or
- b. for the instruction of art, music, languages or similar disciplines.

Swimming Pool

Shall mean an open or covered pool used for swimming, wading, diving or recreational bathing which is at least 50 cm (19.6 inches) in depth, and may include a hot tub, inflatable pool or whirlpool. The definition of a swimming pool does not include **accessory building** or **structures** associated with a swimming pool such as change rooms, storage buildings or pump houses. An open swimming pool is a pool that is located outdoors and is not enclosed by a building or structure. A covered pool is a pool that is enclosed within a building or structure.

Temporary Building

Shall mean a **building** or **structure** intended for removal or demolition within a prescribed time as set out in a building permit. (see also **Portable Storage Building**)

Temporary Shelter

Shall mean a non-permanent commercially prefabricated **accessory structure** that is designed, **erected** and **used** to provide shelter to a **vehicle**, is less than 25 m² (269.1 ft²) in **gross floor area**, and is designed to be easily dismantled or removed.

Theatre

Shall mean a **building** or part thereof used for the presentation of motion pictures or staged entertainment. The definition of theatre shall not include drive-in theatres.

Through Lot – see **Lot, Through**

Top-of-Bank

Shall mean a boundary where a majority of normal discharges and channel forming activities takes place. The top-of-bank boundary will contain the active stream channel, active **floodplain**, and their associated banks.

Tourist Cabin Establishment

Shall mean a **place** providing sleeping accommodation in rental cabins for the travelling or vacationing public. A tourist cabin establishment provides a minimum of four (4) cabin units for rent per **lot**, and may include accessory facilities which support the **use** such as, without limiting the generality of the foregoing, administration offices but shall not include a **restaurant** that serves the general public.

Tourist Commercial Establishment

Shall mean any premises operated to provide sleeping accommodation for the travelling or vacationing public or the public engaging in recreational activities, and may include facilities for serving meals and/or facilities licensed under the *Liquor License Act*.

Tourist Outfitters Establishment

Shall mean an establishment which operates through all or part of a year which may or may not furnish accommodation and facilities for serving meals and alcohol beverages and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Tourist Commercial Outfitter's Base

Shall mean a commercial establishment which operates on a seasonal basis and which acts as a base for the reception, equipping, supplying and transport by float plane of persons destined for recreational sites elsewhere. This definition does not include facilities for the repair of aircraft and is not a **seaplane base**.

Transportation Depot

Shall mean a **place** where commercial **vehicles** are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers.

Travel Trailer

Shall mean any **vehicle** so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. For the purposes of this definition, a travel trailer shall be considered a **structure** for the purposes of establishing setbacks only. A travel trailer shall not be deemed to include a **mobile home** or a manufactured home.

Use

Shall mean the purpose for which any land, **building** or **structure**, or combination thereof is designed, arranged, occupied or maintained.

Vehicle

Shall mean any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger motor vehicle, truck, trailer, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile, motorcycle, but does not include a pedal bicycle, canoe, kayak or any other device powered solely by means of human effort, or a **mobile home**.

Veterinary Facility – see **Animal Hospital**

Video Rental Establishment – see **Retail Store**

Warehouse

Shall mean a **building** or part thereof used primarily for the operation of general merchandise warehousing, cold storage or other storage facilities and includes a centre for distribution of wholesale goods and commodities for resale to retailers, to industrial, commercial, institutional or professional users, and/or to other wholesalers.

Waste Disposal Site

Shall mean a site which is licensed or approved by the Ministry of the Environment and/or its designate where garbage, refuse, domestic or industrial waste is disposed of or dumped.

Waterbody

Shall mean any bay, lake, river, natural watercourse, wetland or canal but excluding a drainage or irrigation channel.

Water Treatment Plant

Shall mean a **place** where water is collected, produced, treated, stored, supplied and/or distributed from and that has a standing Certificate of Approval issued by the Ministry of the Environment.

Water Vehicle

Shall mean any vehicle drawn, propelled or driven by any kind of power, including muscular power, on water. The definition of water vehicle shall not include a snowmobile or any other vehicle that is capable of being propelled or driven on both land and water.

Watercourse

Shall mean the natural channel for a perennial or intermittent creek, stream or river.

Waterfront Structure

Shall mean a **boat house**, a **sauna** or steam bath or wharf, a gazebo, a utility or storage shed, a **viewing deck**, or other accessory building or structure which is typically found near the shoreline of **water bodies** and **watercourses** or which is actually located within 30 m (98.4 ft) of the **high water mark** of a waterbody or watercourse.

Wayside Pit or Quarry

Shall mean a pit or quarry opened for the exclusive purpose of supplying granular materials for road, street or highway projects owned by a public authority such as the **Municipality** or the Province of Ontario and is closed and rehabilitated at the completion of the project.

Welding Shop

Wetland

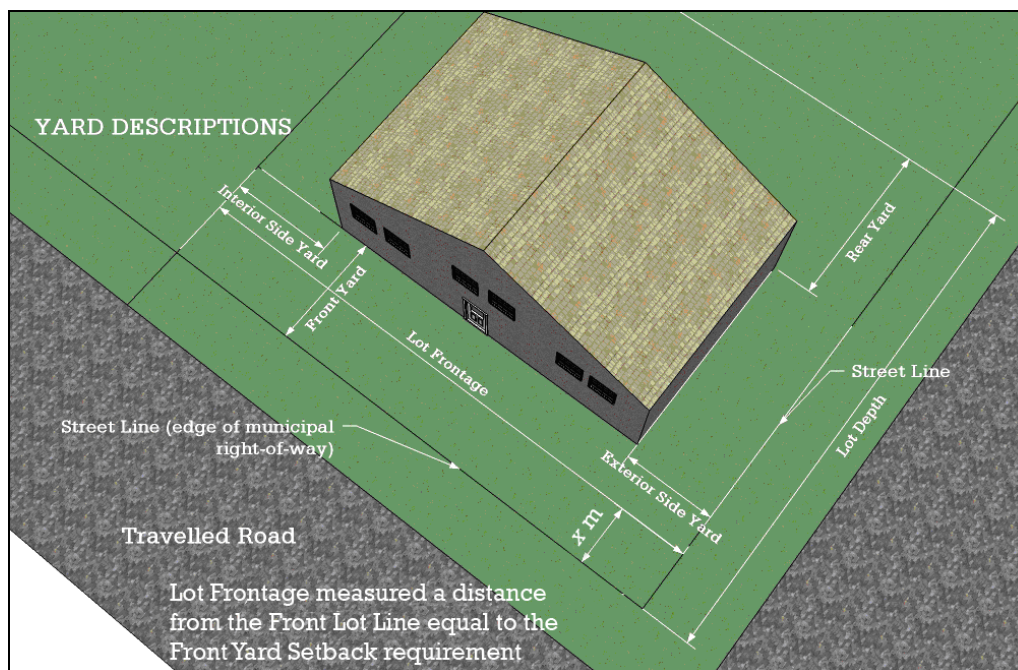
Shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Workshop

Shall mean a **building, structure or part thereof** where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

Yard

Shall mean the **open space** on a **lot** between a **main building** and all **lots lines** that is unoccupied and unobstructed from the ground to the sky, except for permitted projections and **accessory buildings, structures** and **uses** permitted by this By-Law.



Yard, Exterior Side

Shall mean a **yard** of a **corner lot** extending from the **front yard** to the **rear yard** between an **exterior side lot line** and the nearest point of any **main building** or **structure** on the **lot**.

Yard, Front

Shall mean a **yard** extending across the full width of the **lot** between the **front lot line** and the nearest point of the **main building** or **structure** on the **lot**.

Yard, Interior Side

Shall mean a **yard** extending from the **front yard** to the **rear yard** between a **side interior lot line** and the nearest point of any **main building** or **structure** on the **lot**.

Yard, Rear

Shall mean a **yard** extending across the full width of a **lot** between the **rear lot line** and the **main building** or **structure** on the **lot**. Where there is no rear lot line, the **rear yard** shall be measured from the intersection of the **side lot lines** to the closest point of the main building or structure.

Yard, Side

Shall mean a **yard** extending from the **front yard** to the **rear yard** between a **side lot line** and the nearest point of any **main building** or **structure** on the **lot**.

Zone

Shall mean an area of land of the Municipality of Red Lake demarcated on the Schedules attached hereto within which certain provisions and requirements of this By-Law apply or do not apply as the case may be, such as Permitted Uses, Minimum Lot Area and Maximum Lot Coverage.

SECTION 3 General Provisions

Explanatory Note

The General Provisions section of the By-Law states the regulations which apply regardless of the specific zoning.

3.1 Application

The provisions of this Section apply in all **zones** except as may be indicated otherwise.

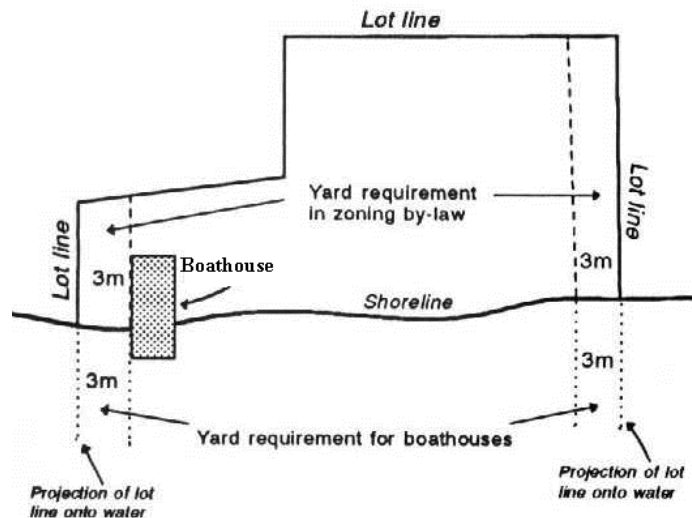
3.2 Accessory Uses, Buildings and Structures

Where a **lot** is devoted to a main **use(s)**, **accessory use(s)**, **building(s)** and **structure(s)** that are customary to that main use are permitted, provided that:

- a. All **accessory uses**, **buildings** or **structures** to a permitted main use are located on the same **lot** and in the same **zone** as the main use;
- b. **Accessory buildings** and **structures** are not used for human habitation except where specified in this By-Law;
- c. **Accessory buildings** and **structures** are not **erected** closer to the **front lot line** or **exterior side lot line** than the main building on the lot, except:
 - i. for lots with **water frontage**;
 - ii. for a partially enclosed shelter for use by children waiting for a school bus not exceeding 2.32 m² (25 ft²) in **gross floor area** in the Natural Resources (NR) Zone and the Rural Residential (R4) Zone;
 - iii. for a gatehouse required to provide security to a premises; and **signs** and structures required for advertisement;
- d. **Accessory buildings** and **structures** are not **erected** in the **front yard**, or in the case of a **corner lot**, not erected in the front yard or the **exterior side yard**;
- e. In the case of a **through lot** that is not deemed to be a **corner lot**, **accessory buildings** and **structures** are not **erected** closer to the **rear lot line** than the required **front yard setback** for those adjacent **lots** that are not through lots. In the case where the adjacent lots are not in the same **zone**, the larger front yard setback of the two zones shall apply;
- f. **Accessory buildings** and **structures** are not **erected** less than 1 m (3.28 ft) from any **interior side lot line** or **rear lot line** except;
 - i. **semi-detached private garages** or **carports** which may be centred on the mutual **interior side lot line**,
 - ii. **accessory buildings** and **structures** located on a **lot** that abuts a **lane** or **road**, in which case accessory buildings and structures shall not be located less than 2 m (6.56 ft) from the said lane,

g. Accessory Building Height

- i. **Accessory buildings and structures** shall not exceed 4.5 m (14.76 ft) in **height**, except for permitted **accessory dwelling units** over an accessory use, in which case such accessory building shall not exceed 6 m (19.69 ft) in height. The heights of **garden suites**, and **guest cabins** are governed by Section 3.3 of this By-Law;
 - ii. Despite the above, no **accessory building or structure** shall exceed the **height** of the **main building** on the **lot**.
- h. Accessory buildings and structures**, not including hot tubs, are not **erected** less than 1.5 m (4.92 ft) from a **main building** or another accessory building or structure on the **lot** therewith;
- i. **Temporary shelters** are considered to be **accessory structures** for the purposes of this By-Law and shall comply with the provisions of this By-Law regarding accessory structures;
 - ii. A maximum of one (1) **temporary shelter** shall be permitted per **lot**, and such temporary shelter shall not exceed 25 m² (269.1 ft²) in **gross floor area**.
- i. Portable Storage Buildings**
- i. **Portable storage buildings** shall only be permitted as accessory buildings and structures in the Light Industrial (M1), General Industrial (M2) Zone, Heavy Industrial (M3) Zone, Extractive Industrial (MX), Mineral Mining (MM), and Natural Resources (NR) zones;
- j.** A **structure** that is attached to the **main building** shall not be considered an **accessory building or structure**;
- k.** A **building or structure** located completely underground shall not be considered an **accessory building or structure**;
- l. Boat houses, docks** and other such permitted **accessory structures** requiring, by their nature, placement on the water's edge are not **erected** less than 3 m (9.84 ft) from the nearest adjacent **lot line** and does not encroach on adjacent **frontage** when the **lot** boundaries are extended into the water;
- m. Accessory uses, buildings and structures** are not **erected** or established prior to the erection or establishment of the **main building or use**, except where it is necessary for the storage of tools and materials for the use in connection with the construction of the main use, building or structure, or where the main building or use and the accessory use, building or structure are permitted by the same building permit and the main building or use is erected or established within 12 months of the erection or establishment of the accessory uses, buildings or structures;



- n. **Boat houses, docks** and other such permitted **accessory structures** requiring, by their nature, placement on the water's edge and **waterfront structures** shall not contain sanitary facilities, unless approved by the Ministry of the Environment or their designate;
- o. A **dock** shall not be rented out for remuneration by property owner who is not a **public authority** unless a marina is permitted in the **zone** in which the dock is located;
- p. Open **swimming pools** are totally enclosed by a **fence** constructed of suitable materials, having a minimum **height** of 1.5 m (4.92 ft) with a locking gate;
- q. No part of an open **swimming pool** shall be constructed closer to an **exterior side lot line** or a **front lot line** than **exterior side yard setback** or the **front yard** setback of the **main building**, nor closer to an **interior side lot line** or a **rear lot line** than 1.5 m (4.92 ft). Further, swimming pools shall be setback a minimum of 1.5 m (4.92 ft) from **fences** required to enclose them as required by paragraph (p).
- r. The maximum **lot coverage** zone requirements for **accessory buildings** and **structures** in each **zone** shall not apply to **guest cabins** and **garden suites**. These **uses** are governed by Section 3.3 and their maximum lot coverage is in addition to the maximum lot coverage of accessory buildings and structures stated in each zone.
- s. Accessory residential uses located in **accessory buildings** or **structures** shall be in accordance with Section 3.3 of this By-Law.
- t. Where an **outdoor furnace** is proposed in an R1, R2, or R3 Zone the minimum required lot size shall be 0.4 ha.

3.3 Accessory Residential Uses

- a. **Guest cabins**, and **garden suites** shall not be considered **dwelling units** and shall not be rented out to the public for gain or profit.
- b. **Accessory dwellings** to commercial and resource-based uses shall be considered

dwelling units for the purposes of this By-Law.

- c. **Accessory dwellings** to commercial, institutional and resource-based uses shall be governed by the Additional Provisions section of each respective zone in this By-Law.
- d. One (1) **guest cabin** shall be permitted as an **accessory use** to a main **residential use** in the Recreational Residential (R5) Zone and shall conform to the following:
 - i. A guest cabin shall not be **erected** less than 3 m (9.84 ft) from a **lot line** or less than 2 m (6.56 ft) from a **main building**, and shall meet any **yard** requirements for **accessory buildings** and **structures** of the **zone** in which the guest cabin is located;
 - ii. The **net floor area** of a guest cabin shall not exceed 55 m² (592.02 ft²);
 - iii. The **height** of a guest cabin shall not exceed 4.5 m (14.76 ft) or the height of the main **dwelling**, whichever is lesser;
 - iv. Guest cabins shall not be **erected** closer to the **front lot line** or **exterior lot line** than the **front yard** and **external side yard** of the **main dwelling** on the lot, except for lots with **water frontage**;
 - v. Despite the maximum **lot coverage** provisions of the R5 zone for **accessory buildings** and **structures**, a guest cabin shall not occupy more than 1% of the **lot area** of a **lot** in the R5 zone. Guest cabins shall not be subject to the maximum lot coverage requirements of the R5 zone;
 - vi. The provisions for servicing under Section 3.25, the provisions for parking under Section 3.23 and all other relevant provisions of this By-Law shall be met.
- e. **Garden Suites**
Where permitted by a temporary use By-Law under Section 39 of the *Planning Act*, **garden suites** shall conform to the following:
 - i. A **garden suite** shall be permitted as an **accessory use** to a main permitted **single-detached dwelling** or **semi-detached dwelling** in the Townsite Residential Density 1 (R1) Zone and the Rural Residential (R4) Zone;
 - ii. A maximum of one (1) **garden suite** shall occupy a **lot**. Where a lot is occupied by two **semi-detached dwelling units**, this shall not preclude both dwelling units from having a **garden suite**;
 - iii. A **garden suite** shall not occupy a **lot** where the main **use** is a **recreational dwelling**;
 - iv. The **net floor area** of a garden suite shall not exceed 50% of the **gross floor area** of the main **dwelling unit** or 74 m² (800 ft²), whichever is lesser;

- v. The **height** of a **garden suite** shall not exceed 6 m (19.69 ft) or two (2) **stories** or the height of the main **dwelling**, whichever is lesser;
- vi. A **garden suite** shall only be located in a **rear yard** or **interior side yard**;
- vii. Despite the maximum **lot coverage** provisions of the R1 zone for **accessory buildings** and **structures**, a **garden suite** shall not occupy more than 20% of the **lot area** of a **lot** in the R1 zone. Despite the maximum lot coverage provisions of the R4 zone for accessory buildings and structures, a garden suite shall not occupy more than 3% of the lot area of a lot in the R4 zone. Garden suites shall not be subject to the maximum lot coverage requirements of the R1 and R4 zones;
- viii. A **garden suite** shall not be located less than 3 m (9.84 ft) from any **lot line**, or less than 2 m (6.56 ft) from a **main building**, and shall meet all **yard** requirements for accessory buildings and of the **zone** in which the garden suite is located;
- ix. The provisions for servicing under Section 3.25, the provisions for parking under Section 3.23 and all other relevant provisions of this By-Law shall be met;
- x. A **recreational vehicle** shall not be permitted as a **garden suite**;
- xi. A **garden suite** shall not be **erected** on a **lot** occupied by a **guest cabin** or an **accessory dwelling** unit.

f. Secondary Dwellings Units

A secondary dwelling unit shall be permitted in a single-detached, semi-detached or townhouse dwelling unit, or an accessory building in the R1, R2 and R4 Zone and shall conform to the following:

- i. the **net floor area** of the secondary dwelling unit shall not exceed 55 m² in size or 40% of the **net floor area** of the main dwelling, whichever is the lesser;
- ii. when located in an accessory building, the secondary dwelling unit shall not be permitted on the ground floor or below grade;
- iii. A secondary dwelling unit shall not be erected on a lot that is occupied by a **guest cabin**, a **garden suite**, **bed and breakfast establishment**, a **group home**, or a **boarding house**;
- iv. The lot provisions under Section 3.3, the servicing under Section 3.25, the provisions for parking under Section 3.23 and all other relevant provisions of this By-Law shall be met;
- v. an accessory dwelling unit must comply with the applicable provisions of the Ontario Building Code Act relating to 'Multiple Occupancy'; and

- vi. a maximum of one (1) accessory dwelling unit shall be permitted per lot.

3.4 Automobile Service Stations and Gasoline Bars

Notwithstanding any other provisions of this By-Law, where a **lot** is **used** for an **automobile service station** or **gasoline bar**, the following shall apply:

- a. No portion of any pump island shall be located less than 6 m (19.69 ft) from the street line of any street;
- b. The nearest part of any ingress or egress ramp or entrance to an **automobile service station** or **gasoline bar** shall not be less than 9 m (29.53 ft) from the intersection of two (2) **street lines**;
- c. The maximum width of a curb ramp for ingress and egress to and from an **automobile service station** or **gasoline bar** shall not be greater than 7 m (22.97 ft);
- d. The minimum distance between ramps for ingress and egress to and from an **automobile service station** or **gasoline bar** at the **street line** shall not be less than 9 m (29.53 ft).

3.5 Bed and Breakfast Establishments

A **bed and breakfast establishment** is permitted as an **accessory use** to a permitted **single-detached dwelling** in the Townsite Residential Density 1 (R1) Zone, Rural Residential (R4) Zone and Natural Resources (NR) Zone where the dwelling is the main **use** of the **lot** and in accordance with the following:

- a. The operation of a **bed and breakfast establishment** shall be incidental and secondary to the main **use** of the **single-detached dwelling**;
- b. The operation of a **bed and breakfast establishment** shall not change the residential character of the **dwelling** or in any way **alter** the exterior appearance of the **dwelling** other than a **sign** in accordance with paragraph (g);
- c. The **bed and breakfast establishment** shall only employ or be operated by persons whose principal residence is the **dwelling unit** containing the bed and breakfast establishment;
- d. The requirements for off-street parking for **bed and breakfast establishments** shall be met;
- e. The operation of a **bed and breakfast establishment** is not permitted in conjunction with the rental of accommodation to roomers or boarders as part of a **boarding house**, **rooming house** or **tourist home**;
- f. A **bed and breakfast establishment** shall not be subject to the **home based business** requirements of this By-Law;
- g. **Signage**

- i. There shall be no external signage or advertising anywhere on the **lot** occupied by the bed and breakfast establishment to indicate the nature of the business, other than a non-illuminated **sign** having a total display area not exceeding 0.5 m² (5.38 ft²).
- ii. Signs may be mounted, affixed, painted or imprinted onto the **building** where the business is being conducted, or erected perpendicular to a **street** or road (e.g. free standing sign) up to a maximum **height** of 2 m (6.56 ft). A permitted sign **erected** along a street or road shall be **setback** at least 2 m (6.56 ft) from the **street line**.
- iii. In addition to the above provisions, any sign erected shall conform to the provisions of any Signs By-Law as may from time to time be enacted by the **municipality** under the *Municipal Act*.

3.6 Buffer Strips

- a. A required **buffer strip** shall be used for no other purpose than the provision of **landscaped open space** and for the **erection** of a **fence** or the planting of a continuous row of natural evergreens or natural shrubs, not less than 1.5 m (4.92 ft) in **height** at planting, immediately adjacent to the **lot line** or portion thereof along which such buffer strip is required hereunder; the remainder of the strip shall be landscaped and planted with grass, ornamental shrubs, flowering shrubs, flower beds or a combination thereof.
- b. Notwithstanding paragraph (a), a **buffer strip** shall be continuous except for **lanes, driveways, aisles**, walkways and pathways. It shall be permissible to interrupt the buffer strip within 3 m (9.84 ft) of the edge of such lane, driveway or aisle, or within 1.5 m (4.92 ft) of the edge of such walkway or pathway.
- c. Where a **buffer strip** is required in any **zone**, it shall be of a minimum width as specified in the requirements of that zone.
- d. A **buffer strip** shall be located within the same **zone** and on the same **lot** for which it is required.
- e. A **buffer strip** may form part of any required **landscaped open space** and any required **yard**.
- f. Where a **commercial zone** requires a **buffer strip** along a **lot line** abutting an Institutional (I) Zone, such buffer strip shall not be required if the **use** of the adjacent Institutional (I) Zone is an **arena**, dog pound, **fire station**, government office or **police station**.
- g. **Industrial Zones**
Where the Light Industrial (M1) Zone and General Industrial (M2) Zone abut an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 3 m (9.84 ft) and shall be in compliance

with Section 3.26 of this By-Law.

Where the Heavy Industrial (M3) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 10 m (9.84 ft) and shall be in compliance with Section 3.26 of this By-Law.

Where the Extractive Industrial (MX) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 4 m (13.12 ft) and shall be in compliance with Section 3.26 of this By-Law.

Where the Mineral Mining (MM) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 5 m (16.4 ft) and shall be in compliance with Section 3.26 of this By-Law.

3.7 Buildings to be Moved

No **building** or **structure** shall be moved within the limits of the Municipality of Red Lake or shall be moved from outside the **municipality** into the municipality unless the building or structure is a permitted **use** and satisfies all the requirements of the **zone** in which it is to be located and then only after a permit has been obtained, if required, from the **Chief Building Official**.

3.8 Corner Lot Sight Restrictions

Notwithstanding any other provisions of this By-Law, in all zones except the Townsite Commercial (C1) Zone, within any area defined herein as a **sight triangle**:

- a. no **buildings** or **structures** shall be **erected** which would obstruct the view of a driver of a **vehicle** approaching the intersection;
- b. no **fence**, **sign**, hedge, bush or other vegetation, other than agricultural crops, shall be erected or planted or maintained that exceeds 0.8 m (2.62 ft) in **height** above the elevation of the centrelines of abutting **streets**; and
- c. no **loading space** shall be established which would obstruct the view of a driver of a vehicle approaching the intersection.

3.9 Dangerous Uses

No land, **building** or **structure** shall be **used** in the Municipality of Red Lake for the industrial manufacture or distribution of coal oil, rock oil, fuel oil burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gunpowder, petroleum, products or other combustible or inflammable or liquid material except as otherwise specifically provided for in this By-Law.

3.10 Drive-through Facilities

Where a **use** in any **zone** includes a permitted **drive-through facility** according to the

Additional Provisions of the given zone, off-street **motor vehicle** queuing space shall be provided for that drive-through leading both to and from each service bay, window, kiosk or booth in accordance with the following:

| Use | | Minimum Number of Queuing Spaces Required | |
|----------------------|---------------------------------|---|--|
| | | Leading to Use | Leaving Use |
| Bank or bank machine | | 3 before/at each machine/window | 1 after each machine/window |
| Car Wash | Conveyor Type | 3 before each wash bay | 1 after each wash bay (if wash bay is a through bay) |
| | Automatic Type | 5 before each wash bay | |
| | Manual Type (through bay) | 1 before each wash bay | 1 after each wash bay |
| | Manual Type (not a through bay) | 2 before each wash bay | n/a |
| Restaurant | | 6 before/at order board and 4 between/at order board and first window | |
| All other cases | | 3 spaces before/at service machine/window | |

All queuing spaces shall be at least 3 m (9.84 ft.) wide and at least 5.7 m (18.7 ft.) long.

No queuing line, drive-through window or order board may be located within 5 m (16.4 ft.) of a **lot line** abutting a **residential zone** or **residential use**.

Where a queuing line, drive-through window or order board is located in a **yard** abutting a **residential zone** or **residential use**, it must be screened from view from that residential zone or use by an opaque screen or **fence** with a minimum **height** of 2 m (6.56 ft.).

3.11 Dwelling Unit Floor Areas

- No **dwelling unit** in a **single-detached dwelling**, **semi-detached dwelling** or **modular dwelling** shall have a **gross floor area** less than 75 m² (807.29 ft²). This shall not apply to **recreational dwellings**.
- No **dwelling unit** in a **multi-unit dwelling**, **apartment dwelling**, or in the Mobile Home Residential (R3) Zone shall have a **gross floor area** less than 42 m² (452.08 ft²).

3.12 Existing Vacant Lots

Notwithstanding any other provision of this By-Law to the contrary, a vacant lot of record existing on March 20th, 2007 having less than the minimum **lot frontage** and/or **lot area** may be used for a **use** permitted in the **zone** in which it is located provided that:

- such **lot** has a minimum **lot frontage** of 12 m (39.37 ft); and
- all other requirements of this By-Law are complied with.

3.13 Group Homes

A **group home**, licensed by the appropriate Provincial Ministry, shall be permitted within any permitted **single-detached dwelling**, **semi-detached** or **multi-unit dwelling**, subject to the following provision:

- a. when a residential use building is converted to a group home, the group home must occupy the whole of the building including all attached units within the building; and
- b. The minimum **gross floor area** of a **group home** shall be 42 m² (452.08 ft²) plus an additional 7 m² (75.35 ft²) for each resident, exclusive of staff or receiving family.

3.14 Height Exceptions

The maximum height regulations herein set forth in this By-Law shall not apply to any of the following:

- | | |
|---|--|
| ▪ Air conditioning system | ▪ Hydro-electric transmission tower |
| ▪ Chimney | ▪ Ornamental dome |
| ▪ Communications facility | ▪ Place of worship spire, steeple or belfry |
| ▪ Cupola | ▪ Receiving stations |
| ▪ Drying tower | ▪ Satellite dish |
| ▪ Elevator or stairway enclosure | ▪ Security cameras |
| ▪ Enclosed mechanical and electrical equipment | ▪ Skylight |
| ▪ Farm-related buildings and structures such as a silo or windmill, but not including wind turbines, barns or dwellings | ▪ Solar collector panels |
| ▪ Flag pole | ▪ Ventilating fan or skylight |
| | ▪ Water tower or water tank |

3.15 Home Based Businesses

Notwithstanding any other provisions contained in this By-Law, the following provisions shall apply:

a. Permitted Uses

The scope of permitted **home based businesses** shall be any of those that fall within any of the following categories:

- i. professional and consulting services (*examples: architect, financial advisor, accountant, consultant, legal services, physician, telemarketing, surveyor*);
- ii. instructional services (*examples: music lessons, dance, art and academic tutoring*);
- iii. home craft businesses (*examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly*);

- iv. private daycare;
 - v. distribution sales offices or mail order sales (*examples: cosmetics, clothing or small household supplies*);
 - vi. offices for contractors and trades (*examples: plumbing, heating, electrical, carpentry*);
 - vii. repair services (*examples: small appliance, computers*);
 - viii. high technology uses (*examples: internet services, office call centres, desktop publishing, hardware and software development*);
 - ix. a taxi service;
 - x. personal care services (*examples: hairdressing/cutting, massage therapist, esthetician*);
- b. A **restaurant, clinic, kennel**, laundry services, any retail or wholesale store, **animal hospital, place of amusement, funeral home**, small engine repair, automobile repair, **tourist commercial establishment**, workshop, **storage yard**, machine shop, **automobile repair garage**, convalescent home, mortuary, or any **use** that cannot be categorized under Subsection (a) shall not be permitted as a **home based business**.
- c. **General**
- i. **Home based businesses** shall be clearly secondary to the main permitted **residential use** and shall not create nor become a public nuisance with regard to noise, traffic, parking or health and safety.
 - ii. A **home occupation** shall be permitted as an **accessory use** in the Townsite Residential Density 1 (R1), Townsite Residential Density 2 (R2) and the Rural Residential (R4) zones.
 - iii. A **home industry** shall be permitted as an **accessory use** in the Rural Residential (R4) Zone. All home industries shall be located on the same **lot** and in the same **zone** as the **dwelling unit**.
 - iv. **Home based businesses** shall not occupy more than 25% of the combined **gross floor area** of the **dwelling unit** and any **accessory building** or **structure** used as part of the business, up to a maximum of 50 m² (505.9 ft²).
 - v. No machinery or equipment shall be used as part of a **home based business** that is not compatible with a residential area (e.g. back hoe, front end loader, transport tractor or trailer).
 - vi. No outdoor storage or outside waste associated with the business shall be permitted in the R1 and R2 zones.

- vii. Where instruction is carried on (e.g. instructional services), there will be not more than five (5) pupils accommodated at any given time.
- viii. Taxi services shall be limited to a maximum of two (2) licensed taxis.
- ix. **Home based businesses** classified as distribution sales shall not have any on-site storage.

d. Employees, Hours and Parking

- i. **Home based businesses** shall be operated by the occupant of the **dwelling unit** in which it is located and shall not employ more than two (2) **employees** on-site who do not reside therein.
- ii. Not more than 15% of the **lot area** shall be used as **parking area** for the home based business, and off-street parking associated with the home based business shall not be permitted in the **front yard**. A maximum of four (4) home based business related **parking spaces** shall be permitted on a lot occupied by a home based business, including one (1) per employee and up to two (2) commercial spaces. The aforementioned parking spaces shall be in addition to the parking spaces required for the **residential use** of the dwelling unit.
- iii. The business shall not generate excessive traffic and shall not create a traffic hazard.
- iv. All deliveries shall take place on the same lot as the home based business, and in no case shall any on-street delivery be permitted.
- v. Home based businesses shall conform to any Noise By-Law enacted by the **municipality**.
- vi. The home based business shall not receive clients or deliveries between the hours of 9:00 pm (2100 hours) and 7:00 am (0700 hours).

e. Signage

- i. There shall be no external signage or advertising anywhere on the **lot** occupied by the **home based business** to indicate the nature of the business, other than a non-illuminated **sign** having a total display area not exceeding 0.5 m² (5.38 ft²).
- ii. **Signs** may be mounted, affixed, painted or imprinted onto the **building** where the business is being conducted, or erected perpendicular to a **street** or road (e.g. free standing sign) up to a maximum **height** of 2 m (6.56 ft). A permitted sign **erected** along a street or road shall be **setback** at least 2 m (6.56 ft) from the **street line**.

- iii. In addition to the above provisions, any **sign** erected shall conform to the provisions of any Signs By-Law as may from time to time be enacted by the **municipality** under the *Municipal Act*.

3.16 Loading Spaces

- a. No person shall **erect** or **use** any **building** or **structure** in any **commercial zone**, Light Industrial (M1) Zone, General Industrial (M2) Zone, Heavy Industrial (M3) or Mineral Mining (MM) Zone which involves the movement of goods, merchandise or materials unless loading spaces are provided and maintained on the site in accordance with the following provisions:
- i. Each **loading space** shall have dimensions not less than 3 m (9.84 ft) in width and 7.5 m (24.61 ft) in length;
- ii. Each **loading space** shall not have less than 4.5 m (14.76 ft) of vertical clearance;
- iii. Loading spaces shall be located in a **building** or **structure**, an open **rear yard**, or an open **side yard**, on the same **lot** on which the **main use** is located, provided such a space shall be in an area whose distance from **lot line** to building or structure is not less than 7.5 m (24.61 ft) and shall have unobstructed ingress and egress to and from a **street** or road by means of a **driveway** or **aisle** of a minimum width of 7 m (22.97 ft);
- iv. The number of required **loading spaces** shall be based on **net floor area** of the **building** or **structure** as follows:

Commercial Uses:

| Net Floor Area | Minimum Required Loading Spaces |
|---|--|
| 0 - 278 m ² [0 - 2,992.37 ft ²] | 0 |
| 278.01 - 600 m ² [2,992.48 - 6,458.35 ft ²] | 1 |
| over 600 m ² [over 6,458.35 ft ²] | 1 plus 1 additional space for each additional 500 m ² (5,381.96 ft ²) of net floor area or part thereof |

Industrial Uses:

| Net Floor Area | Minimum Required Loading Spaces |
|--|--|
| 0 - 500 m ² [0 - 5,381.96 ft ²] | 0 |
| 500.01 - 1,500 m ² [5,382.06 - 16,145.87 ft ²] | 1 |
| over 1,500 m ² [over 16,145.87 ft ²] | 1 plus 1 additional space for each additional 1,000 m ² (10,763.91 ft ²) of net floor area or part thereof |

- b. The **loading space** requirements stated in paragraph (a) shall not apply to **buildings** or **structures** in existence as of the date of passing of this By-Law but shall apply to areas of any expansion or enlargement to such buildings or structures after the date of passing of this By-Law.
- c. Notwithstanding paragraphs (a) and (b), for those lands so designated with a zone symbol followed by a dash and the symbol “p” with **frontage** on Howey Street in the Townsite of Red Lake, there shall be no minimum number of **loading spaces** required for **commercial uses**.
- d. Unless permitted otherwise elsewhere in this By-Law, where two (2) or more **uses** are permitted in any one (1) **building** or **structure** or on any (1) **lot**, then the **loading space** requirements of this By-Law for each of the uses shall be combined and the total number of loading spaces so calculated shall be provided.
- e. Where in this By-Law, **loading spaces** are required or permitted, the following shall apply:
 - i. Adequate driveway space to permit the safe manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks;
 - ii. Adequate drainage facilities in accordance with the requirements of the **municipality**;
 - iii. **Loading spaces** and approaches shall be surfaced in accordance with the requirements of the **municipality**;
 - iv. Illumination of **loading spaces** shall be so arranged as to be diverted away from any adjacent Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or any lands used primarily for residential purposes.
 - v. Location of **loading spaces** shall be restricted to the **rear yard** where a **lot** has access at both the **front** and **rear lot lines** to a **street** or road.

3.17 Main Building on a Lot and Mixed Use Buildings

- a. Not more than one (1) **main building** shall be **erected** on a **lot** unless specifically allowed in the **zone** in which the lot is located.
- b. Paragraph (a) shall not apply to:
 - i. commercial buildings in **commercial zones**;
 - ii. industrial buildings in the Industrial (M1) Zone, Heavy Industrial (M2) Zone or the Mineral Mining (MM) Zone;
 - iii. institutional buildings in the Institutional (I) Zone; and
 - iv. farm-related buildings located on an active farm.
- c. **Mixed Use Buildings**
 - i. In the Townsite Commercial (C1), Highway Commercial (C3) and Institutional (I) Zone, **buildings** may take the form of a single use building or a **mixed use building**. A mixed use building shall only contain **uses** permitted in the given **zone**.
 - ii. Despite paragraph (c)(i), a **mixed use building** shall not contain a **gasoline bar, automobile service station, automobile body repair shop or automobile repair garage**.

3.18 Non-complying and Non-conforming Uses, Buildings Structures and Lots

- a. Where an existing **building** or **structure** is located on a **lot** having less than the minimum **lot frontage** or **lot area** required by this By-Law, or having less than the minimum **setback, front yard, side yard or rear yard** required by this By-Law, the said building or structure may be enlarged, repaired or renovated provided that:
 - i. The enlargement, repair or renovation does not further reduce the **setback, front yard, side yard or rear yard** having less than the minimum required by this By-Law; and
 - ii. All other applicable provisions of this By-Law are complied with.
- b. **Strengthening and Restoration**

Nothing in this By-Law shall prevent the strengthening or restoration to a safe condition of any **building** or **structure** provided, in the case of a **non-complying use**, such does not further reduce a **setback** or **yard** not in compliance with the By-Law, or, in the case of a **non-conforming use**, such does not enlarge a **use** not permitted by this By-Law.

c. Legal Non-conforming Use

The provisions of this By-Law shall not apply to prevent the **use** of any **lot, building** or **structure** for any purpose prohibited by this By-Law if such lot, building or structure was lawfully used for such purpose on the date of final passing of this By-Law, providing such use has been continuous since that date, and provided that it does not, subsequent to that date, increase in **non-conformity**.

d. Prior Building Permits

The provisions of this By-Law shall not apply to prevent the **erection** or **use** of any **lot, building** or **structure** for a purpose prohibited by this By-Law if any building or structure, the plans for which, prior to the date of passing of this By-Law, have been approved by the **Chief Building Official**, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected, and provided the permit has not been revoked under the *Building Code Act*.

e. Cease of Non-conforming Use

Where, the **use** of land, **buildings** or **structures** for a use not permitted by this By-Law, but which was in legal existence on the date of passing of this By-Law, has ceased and is not resumed within a twenty-four (24) month period of the date of ceasing, such **non-conforming** use shall not be resumed, and any use of the land, building or structure shall be in conformity with the provisions of the **zone** in which the land, building or structure is located.

f. Lot Made Legal Non-complying

Where any **lot** existing on the date of passing of this By-Law is made **non-complying** due to metric conversion or any lot is made non-complying due to expropriation or dedication for **public use**, then said lot shall be deemed to comply with this By-Law with respect to those provisions made non-complying by metric conversion, expropriation or dedication for public use, and the said provisions shall not apply to prevent the use of such lot, or the **erection**, alteration or use of a permanent **building** or **structure** thereon, provided that the use of land remains the same, is in accordance with all other provisions of this By-Law, and the nature of the non-compliance is not increased.

g. Replacement of Legal Non-complying Buildings & Structures

Where a legal non-complying building or structure is destroyed or demolished whether purposeful or not, the building or structure shall only be rebuilt in conformity with the provisions of this By-Law.

3.19 Obnoxious Uses

Nothing in this By-Law shall be construed to permit the use of land for the erection or use of a building or structure which by its nature or by the materials used therein, is declared under the *Health Protection and Promotion Act* as amended from time to time, or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

3.20 Occupancy of Vehicles and Partially Completed Buildings

- a.** No **building** or **structure**, except in the case of an **apartment building dwelling**, shall

be occupied before the main side walls and roof have been **erected** and the external siding and roofing have been completed, sanitary conveniences installed, and where applicable, kitchen and heating facilities have been installed. Any **dwelling unit** in an apartment building dwelling may be occupied provided that all of the above conditions are satisfied notwithstanding the fact that one (1) or more of the dwelling units in the building have not been completed.

- b. Human habitation shall not be permitted in anything, including **buildings, structures** and vehicles (e.g. bus, railroad car, truck), that does not meet the Ontario Building Code or before an occupancy permit has been issued. This does not apply to **travel trailers** and tents.

3.21 Parks, Paths, Streets and Heritage Sites

Notwithstanding the list of permitted **uses** in each **zone** established by this By-Law, **parks**, recreational paths, walkways, **streets, lanes, highways**, monuments and heritage sites are permitted in all zones of this By-Law.

3.22 Parking and Drive-through Facility Requirements

- a. For every type of use listed below which is **erected, altered** or enlarged in any **zone** after passing of this By-Law off-street parking shall be provided and maintained in accordance with the following provisions:

| Use | Minimum Number of Parking Spaces Required |
|--|---|
| Residential Uses and Uses Accessory to Residential Uses: | |
| Single-detached Dwelling, Semi-detached Dwelling, Recreational Dwelling | 2 spaces per dwelling unit |
| Multi-unit Dwelling, Row or Townhouse Dwelling | 1.5 spaces per dwelling unit |
| Apartment Dwelling | 1.5 spaces per dwelling unit (1.25 space per Bachelor Apartment Unit), 15% of which shall be reserved as visitor parking |
| Garden Suite, Guest Cabin, Accessory Dwelling Unit | 1 space per unit |
| Bed and Breakfast | 1 space for each guest room in addition to the required residential spaces |
| Home Based Business | 1 space in addition to the required residential spaces, plus 1 space per on-site employee who is not a household member |
| Group Home | 1 space for every two (2) rooms |
| Boarding House | |

| Use | Minimum Number of Parking Spaces Required |
|--|---|
| Non-Residential Uses | |
| Animal Hospital, Art Gallery, Library, Museum, Place of Amusement, Studio, Workshop | 1 space per 45 m ² [484.4 ft ²] of gross floor area , minimum 3 spaces |
| Automobile Body Repair Shop, Automobile Repair Garage | 2 spaces per service bay |
| Automobile Rental Establishment, Automobile Sales Establishment, Recreational Vehicle Sales Establishment, Equipment Rental Establishment | 1 space per 20 m ² [215.3 ft ²] of gross floor area , minimum 3 spaces |
| Automobile Service Station, Gasoline Bar | 3 spaces per bay |
| Contractor's Yard, Lumber Yard, Salvage Yard | 1 space for every 30 m ² [322.92 ft ²] of gross floor area of bulk storage |
| Camp | 0 parking spaces |
| Campground, Tourist Cabin Establishment | 1 space per rental unit or campsite, plus the required spaces for any associated use (e.g. restaurant , conference facility) |
| Car Wash (self service) | 1 waiting spaces per wash bay excluding the wash bay |
| Car Wash (automatic service) | 2 waiting spaces per wash bay excluding the wash bay |
| Clinic, office | 1 space per 28 m ² [301.39 ft ²] |
| Day Care Centre, Greenhouse, Nursery | 1 space for every 40 m ² [430.56 ft ²] of gross floor area |
| Golf Course | 5 spaces per tee |
| Heliport | 1 space |
| Hospital | 1.5 spaces per bed |
| Hotel | 1.25 spaces per guest room or suite |
| Industrial Use Class I, II, or III , Sawmill or Planing Mill | 1 space for every 93 m ² [1,001.04 ft ²] of floor area up to 279 m ² [3,003.13 ft ²], plus 1 additional space for every 200 m ² [2,159.9 ft ²] of floor area thereafter |
| Laundromat | 1 space for every 20 m ² [215.3 ft ²] of gross floor area |
| Marina | 1 space for every seasonal boat slip, plus 1 space for every 4 transient boat slip |
| Miniature Golf Course | 1 spaces per tee |
| Long Term Care Facility | 1 space per 3 beds |

| Use | Minimum Number of Parking Spaces Required |
|---|---|
| <i>Place of Assembly, Place of Worship, Theatre, Bingo Hall</i> | 1 space per 5 persons accommodated according to the maximum permitted seating capacity; or 1 space per 10 m ² [107.64 ft ²] where there are no fixed seats |
| <i>Restaurant</i> | 1 space per 9 m ² [96.88 ft ²] |
| <i>Retail Store, Building Supply Outlet, Farm Produce Outlet,</i> | 1 space per 28 m ² [301.39 ft ²] of the gross floor area of the retail area of the use |
| <i>Retirement Home</i> | 1 space per unit |
| <i>Shopping Centre</i> | 1 space per 25 m ² [269.1 ft ²] of rentable floor area |
| <i>School</i> (elementary) | 1 space per classroom (includes portables) |
| <i>School</i> (secondary) | 3 per classroom (includes portables) |
| <i>School</i> (all other cases) | 1 per 100 m ² [1,076 ft ²] plus 1 per 20 students |
| <i>Seaplane base</i> | 3 spaces plus 1 space per seaplane dock plus 1 space per seaplane service bay |
| <i>Self Storage Facility</i> | 1 space per rentable storage unit |
| <i>Warehouse</i> | 1 space per 200 m ² [2,152.78 ft ²] of gross floor area |
| All other uses not listed above | 1 space per 30 m ² [322.9 ft ²] of gross floor area |

- b. Where in this By-Law **parking areas** are required or permitted, all drainage, surfacing and illumination shall be constructed in accordance with the requirements of the Municipality. Each **parking space**, **driveway** and **aisle** connecting the parking area with a **street** shall be maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles.
- c. **Size of Parking Spaces**
All standard **parking spaces**, unless specified elsewhere in this By-Law, shall be a minimum of 3 m (9.84 ft) in width by 6 m (19.69 ft) in length. All **barrier-free parking spaces** shall be a minimum of 3.7 m (12.14 ft) in width by 6 m (19.69 ft) in length.
- d. **Barrier-Free Parking Spaces**
- Where five (5) or more standard **parking spaces** are required in accordance with paragraph (a), **barrier-free parking spaces** shall be provided in accordance with the following provisions:

| Number of Parking Spaces Required by this By-Law | Corresponding Number of Parking Spaces to be designated and designed Barrier-free |
|--|---|
| 5-25 | 1 |
| 26-50 | 2 |

| Number of Parking Spaces Required by this By-Law | Corresponding Number or Parking Spaces to be designated and designed Barrier-free |
|--|---|
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| 201 or more | 4% of the number of standard parking spaces required |

- ii. Where **barrier-free parking spaces** are required by paragraph (d)(i), each barrier-free parking space shall be designated by a sign mounted on a post or wall that is visible during winter months. Such sign shall be mounted at least 1.5 m (4.92 ft) above grade and shall not be located more than 1.5 m (4.92 ft) from the parking space.
- e. Cumulative Standards**
- Unless permitted otherwise elsewhere in this By-Law, where two (2) or more **uses** are permitted in any one (1) **building** or **structure** or on any (1) **lot**, then the off-street parking requirements of this By-Law for each of the uses shall be combined and the total number of off-street **parking spaces** so calculated shall be provided.
- f.** Notwithstanding the precise number of **parking spaces** required by this By-Law, if the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number. (e.g. 7.23 spaces shall be deemed to require 8 parking spaces)
- g.** Notwithstanding any other provisions of this By-Law to the contrary, the parking space requirements shall not apply to any **building, structure** or **use** in existence on the date of passing of this By-Law so long as the **gross floor area**, as it existed at such date, is not increased and no change in use occurs. If an addition to the building, structure or use increases the floor area, or a change in use occurs, then parking space for the addition or area changed in use shall be provided. This provision shall not apply to additions, enlargement or **alterations** to individual **dwelling units**.
- h. Location of Parking Spaces**
- i. Required off-street parking for **residential uses** or in a **residential zone** shall be provided on the same **lot** as the **dwelling unit(s)** for which the **parking spaces** are intended to serve. Parking spaces required for **bed and breakfast establishments** and **home based businesses** shall be provided on the same lot. In all other **zones**, all required off-street parking spaces shall be provided within 150 m (492.13 ft) of the **building, structure** or **use** for which the parking spaces are intended to serve, but such off-street parking spaces shall not be permitted in any residential zone.
 - ii. Where required parking is not provided on the same **lot** in accordance with paragraph (i), the lot or part of the lot where the parking is located shall be

in the same ownership as the owner of the lot for which the off-street **parking spaces** are required, or shall be leased by a long-term renewable agreement by the owner of the lot for which the off-street parking spaces are required, and such parking spaces shall be retained for the duration of the **use** of the lot for which the off-street parking spaces are required.

Access to all required off-street **parking spaces** for institutional, **commercial** and **industrial uses** shall be provided by means of unobstructed **driveways** and **aisles** at least 7 m (22.97 ft) in width, or 3.25 m (10.66 ft) for one-way traffic driveways. Access to parking spaces for all other **uses** shall be provided by means of unobstructed driveways and aisles at least 3 m (9.84 ft) in width.

- iii. Where **parking spaces** are provided for the exclusive use of **dwelling units** in a **converted, multi-unit, modular, double wide modular, row or townhouse, recreational, semi-detached, single-detached**, the **parking area** shall not cover more than 50% of the **front yard** or **exterior side yard**.
- iv. Where required **parking spaces** in a non-residential zone lie adjacent to a **residential zone** or lands where the main use is residential, a 3 m (9.84 ft) wide **buffer strip** shall be provided on the non-residential lands along the abutting **lot line** with the lands in a residential zone or the lands where the main use is residential. This buffer strip shall not be interrupted except for **driveways, lanes, aisles**, walkways or pathways.

3.23 Outdoor Patios

Notwithstanding any other provisions of this By-Law, the following shall apply to an **outdoor patio** associated with a permitted commercial use including a **restaurant** or **tavern**.

- a. No outdoor patio shall accommodate more than fifty per cent (50%) of the licensed indoor capacity of the restaurant or tavern with which the patio is associated with.
- b. No outdoor patio shall be located in a yard abutting a residential or institutional zone. No part of an outdoor patio shall be located less than 10 metres (32.8 ft) from lands zoned for residential or institutional use. No outdoor patio shall be raised above the grade of the finished floor elevation of the ground floor.
- c. Notwithstanding the provisions of Section 3.31, no outdoor patio associated with a commercial use shall be permitted to encroach into a required yard.
- d. All outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and street.
- e. Parking spaces shall be required for the total gross floor area associated with the outdoor patio at a rate of 80% as for a restaurant or tavern.

3.24 Public Uses Permitted

Notwithstanding anything in this By-Law to the contrary, the provisions of this By-Law shall not apply to the **use** of any land or the **erection** or use of any **building** or **structure** for the purpose of public service by the Government of Canada or Ontario, the Corporation of the Municipality of Red Lake, utility companies or any local Board thereof as defined by the *Municipal Act* as amended from time to time, but not including any **school** board or any **post-secondary educational institute** board, provided that:

- a. The **lot coverage**, **setback** and **yard** requirements prescribed for the **zone** in which such land, **building** or **structure** is located are complied with;
- b. No goods, material or equipment are stored in the open in a **residential zone**, or within 60 m (196.85 ft) of a residential zone;
- c. Any **building erected** in a **residential zone** under the authority of this Section is designed and maintained in harmony with residential buildings permitted and existing in the said residential zone; and
- d. Any parking and loading requirements are complied with.

3.25 Services Required

No **building** or **structure** shall be **erected** or **used** unless the requirements of the Northwestern Health Unit and the Ministry of the Environment are met for the supply of potable water and the collection of sanitary sewage and other wastes.

3.26 Special Setbacks and Separation Distances

a. Adult Entertainment Establishments

Notwithstanding any other provision of this By-Law, no **adult entertainment establishment** shall be located less than 400 m from another adult entertainment establishment and no less than 100 m from any institutional, open space or residential zone. This separation distance shall be measured from the closest point of each property line.

b. Agricultural Uses

- i. Any new **livestock facility** or **manure or material storage** shall comply with the **Minimum Distance Separation Formulae II** as amended and implemented by the Province from time to time, where applicable.
- ii. Any new **sensitive land use** shall comply with the **Minimum Distance Separation Formulae I** as amended and implemented by the Province from time to time, where applicable. The Minimum Distance Separation Formulae I shall not apply to lots of record in existence on December 18th, 2006.

c. Industrial Uses

- i. The minimum separation distance between a **sensitive land use** and a **Class I Industrial Use** shall be 70 m (229.66 ft.) and shall be measured from the

nearest **lot line** of the sensitive land use to nearest **lot line** of the Class I Industrial Use, or vice versa.

- ii. The minimum separation distance between a **sensitive land use** and a **Class II Industrial Use** shall be 300 m (984.25 ft) and shall be measured from the nearest **lot line** of the sensitive land use to nearest **lot line** of the Class II Industrial Use, or vice versa.
- iii. The minimum separation distance between a **sensitive land use** and a **Class III Industrial Use** shall be 1,000 m (3,280.84 ft) and shall be measured from the nearest **lot line** of the sensitive land use to nearest **lot line** of the Class III Industrial Use, or vice versa.
- iv. Paragraphs (i) to (iii) shall not apply to prevent the **use** of land and the **erection** of **buildings** and **structures** on lots of record in existence on December 18th, 2006.

d. Aggregate Pits and Quarries

- i. No land shall be **used** for a **sensitive land use** and no **building** or **structure** shall be **erected** for a **sensitive land use** less than 300 m (984.25 ft) of an **aggregate pit**.
- ii. No land shall be **used** for a **sensitive land use** and no **building** or **structure** shall be **erected** for a **sensitive land use** less than 1,000 m (3,280.84 ft) of a **quarry**.

e. Roads

- i. Notwithstanding any other provision of this By-Law to the contrary, where a **building** or **structure** is to be **erected** on a **lot** that abuts a public road allowance that is less than 20 m (65.62 ft) wide, such building or structure shall be setback a minimum of 10 m (32.81 ft) plus the required minimum **front yard** or **exterior side yard** setback for the **zone** in which the building or structure is to be erected. Such setback shall be measured from the **centre line** of the road allowance.
- iii. In addition to municipal requirements, all development adjacent Provincial highways is also subject to the Ontario Ministry of Transportation's requirements and permits.

f. Sewage Treatment Plant

No land shall be **used** for a **sensitive land use** and no **building** or **structure** shall be **erected** for a **sensitive land use** less than 400 m (1,312.34 ft) from a **sewage treatment plant**.

g. Waterbodies and Watercourses

- i. No **buildings** or **structures** and no **accessory buildings** or **structures** shall be **erected** less than 30 m (98.4 ft) from the **high water mark** of any **waterbody** or **watercourse**.

- ii. No **sewage disposal system** shall be located less than 30 m (98.4 ft) from the **high water mark** of any **waterbody** or **watercourse**.
 - iii. Notwithstanding paragraph (i), **waterfront structures** (not including sheds, **garages**, storage buildings or **saunas**, or **docks**, **boat houses**, **viewing decks** or other such structures, requiring, by their nature, placement on the water's edge) shall be **setback** a minimum of 15 m (49.2 ft) from the **high water mark** of any **waterbody** or **watercourse**;
 - iv. Notwithstanding paragraphs (i) and (iii), **docks**, boat houses, **viewing decks** and other such **structures** requiring, by their nature, placement on the water's edge, may be located on the **high water mark** of a **waterbody** or **watercourse**.
 - v. The **setbacks** required by paragraphs (i) to (iv) shall be measured as the shortest horizontal distance from the nearest part of the **building** or **structure** or the edge of the filter bed/tile bed/leaching bed of a **sewage disposal system** to the **high water mark** of the **waterbody** or **watercourse**.
 - vi. The Ontario Ministry of Natural Resources should be contacted for uses permitted on Crown Shoreline Reserves.
- h. Hazard Lands and Top of Bank**
- i. Notwithstanding any other provisions of this By-Law, no **building** or **structure** shall be **erected** less than 15 m (49.21 ft) from lands zoned Hazard Land (HL) Zone.
 - ii. Notwithstanding any other provisions of this By-Law, for those lands along the shoreline of Red Lake, no **building** or **structure** shall be **erected** less than 15 m (49.2 ft) from a flood elevation of 356.7 m C.G.V.D. 1927 for sheltered areas not exposed to wave action, or from a flood elevation of 357.3 m C.G.V.D. 1927 for exposed areas.
- i. Waste Disposal Sites**

No land shall be **used** for a **sensitive land use** and no **building** or **structure** shall be **erected** for a **sensitive land use** less than 500 m (1,640.42 ft) of an active **waste disposal site**.

3.27 Special Temporary Uses

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

- a. construction in progress on the premises for which a building permit has been granted, until such time as the work has been finished or abandoned. A scaffold shall be considered a temporary structure;

- b. a **sign** having an area of not more than 4.5 m² (48.44 ft²) incidental to construction in progress on premises for which a building permit has been granted, until such time as work has been finished or abandoned;
- c. a carnival, circus or festival or other public gathering, each of which is held not more than twice per year, in the Institutional (I) Zone or the Open Space (OS) Zone;
- d. a farmer's market held not more than two (2) days per week; or
- e. garage sale which is held not more than twice per year on a lot in a Residential Zone.

3.28 Storage Containers

Unless otherwise permitted in this By-Law, no object such as a **storage container** shall be used or converted for use as an **accessory building** or **structure** on lands except in the Light Industrial (M1) Zone, General Industrial (M2) Zone, Heavy Industrial (M3) Zone, Extractive Industrial (MX) Zone or Mineral Mining (MM) Zone. Where permitted a storage container shall be converted and used exclusively for the storage of goods and materials and may not be used to accommodate work areas, shops, **office** uses, retail uses, showrooms or human habitation.

3.29 Street Frontage Requirements

- a. No **building** or **structure** shall be **erected** and no land shall be **used** unless the **lot** upon which such building or structure is to be erected or such use is to take place, except as otherwise specifically permitted in this By-Law, has lot frontage upon a **street** which is opened and maintained by the Municipality of Red Lake, the Province of Ontario or some other public road authority.
- b. Notwithstanding paragraph (a), frontage upon a **street** which is opened and maintained by the Municipality of Red Lake, the Province of Ontario or some other road authority shall not be required for the following:
 - i. **lots** in the Recreational Residential (R5) and Tourist Commercial (C4) zones where frontage is on a **private road** or the lot is a **water access lot**;
 - ii. permitted **uses** on an island where parking is available through a legal agreement on the mainland and the **lot** is a **water access lot**;
 - iii. **hunt camps** and **fishing camps**;
 - iv. **parks** and passive outdoor recreational uses (e.g. skiing, hiking, mountain biking, etc);
 - v. **quarries** and **aggregate pits**;
 - vi. **public service** uses and **public utilities**;
 - vii. **conservation uses**;

- viii. **forestry**;
 - ix. mineral exploration;
 - x. **mineral mining operations**;
 - xi. hydro-electric facilities;
 - xii. residential units in a registered plan of condominium, provided that the condominium has frontage on an open public road; and,
 - xiii. individual lots in a **shopping centre** provided that access to an open public road is available through registered easements on the title of the subject properties.
- c. Notwithstanding paragraphs (a) and (b), **buildings** and **structures** may be **erected** upon, and land may be **used** on, a **lot** within a registered plan of subdivision in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision notwithstanding that the streets or roads within such plan of subdivision have not been assumed by the Municipality of Red Lake and are not being maintained by the **municipality**.

3.30 Structures in Water

No building or structure shall be erected, altered or used in a navigable waterway except in compliance with the *Beds of Navigable Waters Act*, the *Lakes and Rivers Improvement Act* and *Public Lands Act*, or as revised or amended from time to time.

3.31 Yard Encroachments

Every part of any **yard** required by this By-Law shall be open and unobstructed by any **structure**, other than a **fence** or **accessory building** or **structure** permitted elsewhere in this By-Law, from the ground to the sky, provided however that those structures listed in the following table shall be permitted to project into the yards indicated the distances specified:

| Structure | Yard in which Projection is Permitted | Maximum Projection Permitted |
|---|---------------------------------------|------------------------------|
| Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, heat pumps, ventilators, shutters, parapets, or other ornamental structures or features | Any Yard | 0.5 m (1.64 ft) |
| Fire escapes and exterior staircases | Rear Yard | 1.5 m (4.92 ft) |
| Window bays, window awnings | Front and Rear Yard | 1 m (3.28 ft) |
| Balconies (all dwelling types except apartment building dwellings) | Front and Rear Yard | 2 m (6.56 ft) |

| Structure | Yard in which Projection is Permitted | Maximum Projection Permitted |
|---|---------------------------------------|--|
| Balconies (<i>apartment building dwellings</i>) | Any Yard | 1.5 m (4.92 ft) |
| Unenclosed porch, uncovered platform landing, or steps | Any Yard | 2.5 m (8.2 ft) |
| Clothes poles, signs, garden trellises, light standards, security cameras and similar accessories | Any Yard | No Maximum |
| Deck or patio | Side and Front Yard | 3 m (9.84 ft), but must be setback 2 m (6.56 ft) from front lot line |

SECTION 4 Zones and Zoning Maps

4.1 Zone Classification

For the purposes of this By-Law, the maps attached hereto as Schedules 1 through 18 shall form part of this By-Law, shall be referred to as the ‘Zoning Maps of the Municipality of Red Lake’ and the said Zoning Maps shall be divided into the following zones:

| <u>Zones</u> | <u>Symbol</u> |
|-------------------------------------|---------------|
| Townsite Residential Density 1 Zone | R1 |
| Townsite Residential Density 2 Zone | R2 |
| Mobile Home Residential Zone | R3 |
| Rural Residential Zone | R4 |
| Recreational Residential Zone | R5 |
| Townsite Commercial Zone | C1 |
| Local Commercial | C2 |
| Highway Commercial Zone | C3 |
| Tourist Commercial Zone | C4 |
| Light Industrial Zone | M1 |
| General Industrial Zone | M2 |
| Heavy Industrial Zone | M3 |
| Extractive Industrial Zone | MX |
| Mineral Mining Zone | MM |
| Open Space Zone | OS |
| Institutional Zone | I |
| Natural Resources Zone | NR |
| Hazard Land Zone | HL |
| Environmental Protection Zone | EP |

4.2 Use of Zone Symbols

The Symbols listed in Section 4.1 shall be used to refer to land, **buildings** and **structures** and the **uses** thereof permitted by this By-Law in the said **Zones**, and wherever in this By-Law the word ‘Zone’ is used, preceded by any of the said symbols, such zones shall mean any area within the Municipality of Red Lake delineated on the Zoning Maps and designated therein by the said symbol.

a. Special Zone Provisions

Where the zone symbol designating certain lands is shown on the Zoning Maps followed by a dash and a number (e.g. C2-1), the special provisions may be found in the By-Law which deals with the particular zone. Lands zoned as such shall be subject to all regulations and requirements of the zone except as otherwise provided by the special provisions.

b. Holding Provisions

Where the zone symbol on the Zoning Maps is followed by the suffix “-h”, the lands shall be deemed to be in a special Holding Zone. Lands in a Holding Zone may only be used for existing uses and shall be in accordance with the provisions of the applicable zone, not including Permitted Uses. The holding symbol may only be removed by a By-Law passed by Council.

4.3 Interpretation of Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said **zones** as shown on the Zoning Maps, the following shall apply:

- a. Where a boundary is shown as following a **highway, street** or **lane**, the boundary shall be the centre line of such highway, street or lane;
- b. Where a zone boundary are indicated as approximately following **lot lines** shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary;
- c. Where a zone boundary is indicated as following a **watercourse**, stream, creek or the right-of-way of an electrical, hydro, gas or oil transmission line, the centerline of such watercourse, stream, creek or line shall be deemed to be the said boundary;
- d. A boundary indicated as following the shoreline shall follow the **high water mark** of the **waterbody**, and in the event of a change in the high water mark, the boundary shall be construed as moving with the high water mark;
- e. In the event a dedicated street, lane or right-of-way shown on the Zoning Map is closed, the property formerly in said street, lane or right-of-way shall be included within the zone of the adjoining property on either side of the said closed street, lane or right-of-way, and the zoning boundary shall be the former centre line of said closed street, lane or right-of-way;
- f. Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the Zoning Maps in the office of the Clerk of the Municipality of Red Lake;
- g. Wherever it occurs, the municipal limit of the Municipality of Red Lake is the boundary of the zone adjacent to it.

SECTION 5 Townsite Residential Density 1 (R1) Zone

No person shall use any land or erect, alter or use any building or structure in the Townsite Residential Density 1 (R1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

5.1 Permitted Uses

- Boarding House
- Dwelling, Modular
- Dwelling, Multi-unit
- Dwelling, Semi-detached
- Dwelling, Single-detached
- Group Home

5.2 Zone Requirements

| General Provisions | Single-detached, Modular, Boarding House & Group Home | Semi-detached & Multi-unit (per unit) & Group Home |
|---|---|---|
| Minimum Lot Area | 460 m ² (4,951 ft ²) | 275 m ² (2,960 ft ²) |
| Minimum Lot Frontage | 15 m (49.21 ft) | 9 m (29.53 ft) |
| Minimum Lot Frontage (Water frontage) | 30 m | 30 m |
| Maximum Number of Dwelling Units / Lot | 1 | 2 |
| Maximum Lot Coverage | 40% | 40% |
| Maximum Height | 7.5 m (24.61 ft) | 7.5 m (24.61 ft) |
| Minimum Front Yard | 6 m (19.7 ft) | 6 m (19.7 ft) |
| Minimum Exterior Side Yard | 5 m (16.4 ft) | 5 m (16.4 ft) |
| Minimum Interior Side Yard | 1.2 m (3.28 ft) * | 2 m (6.56 ft) |
| Minimum Rear Yard | 10.5 m (34.45 ft) | 10.5 m (34.45 ft) |
| Maximum Lot Coverage – Accessory Buildings | 15% | 15% |

Notwithstanding the above, where no private garage is attached to a single-detached, modular or semi-detached dwelling, the minimum interior side yard width shall be 1.2 m on one side of the main building and a minimum of 3 m on the other side of the building. Notwithstanding this, no side yard shall be required between the common walls dividing semi-detached dwelling units.

5.3 Additional Provisions

Uses in Townsite Residential Density 1 (R1) Zone shall be serviced by *full municipal services*.

Accessory uses, buildings and structures, bed and breakfast establishments, home based businesses, dwelling unit floor areas, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

Lots fronting on both a navigable waterway and a municipal street, shall have a minimum frontage of 45 m and 11 m respectively.

5.4 Site Specific Provisions

R1-1 Zone: 1-12, 14, 16, 18, 20, 22 24 and 26 Dupont Drive

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned R1-1, the minimum floor area shall be 150 m² (492.13 ft²).

R1-2 Zone: 28 Paisck Crescent, 1 Blende Street, 46, 48, 50, 52, 54 Forestry Road

Notwithstanding anything to the contrary in this By-Law, a private sewage disposal system shall be permitted on lands zoned R1-2.

R1-3 Zone: Lot 81 (Plan M-355), Township of Dome, municipally known as 92 Hammell Road

Notwithstanding any other provision within this By-Law to the contrary, on lands zoned R1-3 (92 Hammell Road), a single dwelling unit is permitted to be developed 1.5 metres closer to the front line and 2 metres closer to the rear lot line than generally permitted.

R1-4 Zone: 16 Poplar Crescent

Notwithstanding anything to the contrary in this By-Law, a laundry service is permitted to function within the provisions of a home based business upon property zoned Townsite Residential (R1-4).

R1-5 Zone: 12 Cochenour Crescent

Notwithstanding any other provision of this By-law for a home based business to be permitted upon lands zoned R1, being a personal care establishment, a home occupation is permitted to be constructed within a proposed accessory building measuring 3.7 m by 7.4 m. In addition, the accessory building is permitted to be serviced with a composting toilet for intermittent use by patrons of the business.

5.5 Site Specific Holding Zones

R1-h1 Zone : Crown Lands

An Official Plan amendment is required to remove the crown land overlay prior to development on land zoned R1-h1. A Plan of Subdivision shall also be required prior to the

removal of the 'h' symbol

R1-h2 Zone

A Plan of Subdivision shall be required prior to the removal of the 'h' symbol on lands zoned R1-h2.

R1-h3 Zone : Balmertown Residential Area Overlay

A Record of Site Condition, prepared by a qualified person in accordance with current Ministry of Environment Guidelines, and acknowledged by the Ministry of the Environment, shall be required prior to the removal of the 'h' symbol on lands zoned R1-h3.

SECTION 6 Townsite Residential Density 2 (R2) Zone

No person shall use any land or erect, alter or use any building or structure in the Townsite Residential Density 2 (R2) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

6.1 Permitted Uses

- Boarding House
- Dwelling, Apartment Building
- Dwelling, Multi-unit
- Dwelling, Row or Townhouse
- Group Home

6.2 Zone Requirements

| Provision | Multi-unit (per unit) & Group Home | Row or Townhouse (per unit) | Apartment |
|--|--|--|---|
| Minimum Lot Area | 230 m ² (2,476 ft ²) | 230 m ² (2,476 ft ²) | 230 m ² (2,476 ft ²) per unit plus 93 m ² (1,000 ft ²) for every dwelling unit above 4 |
| Minimum Lot Frontage | 8 m | 8 m | 30 m (98.43 ft) |
| Maximum Number of Dwelling Units / Lot | 4 | 4 | Not applicable |
| Maximum Lot Coverage | 40% | 40% | 40% |
| Maximum Height | 10.5 m (34.45 ft) | 10.5 m (34.45 ft) | 10.5 m (34.45 ft) |
| Minimum Front Yard | 7.5 m (24.61 ft) | 6 m | 7.5 m (24.61 ft) |
| Minimum Exterior Side Yard | 7 m (22.97 ft) | 5.5 m | 7 m (22.97 ft) |
| Minimum Interior Side Yard | 3 m | 1.2 m | 4.5 m (14.76 ft) |
| Minimum Rear Yard | 10.5 m (34.45 ft) | 8 m | 10.5 m (34.45 ft) |
| Maximum Lot Coverage – Accessory Use | 15% | 15% | 15% |

Notwithstanding the above, in the case of a row or townhouse dwelling, no interior side yard shall be required between the common walls dividing dwelling units.

6.3 Additional Provisions

Uses in Townsite Residential Density 2 (R2) Zone shall be serviced by *full municipal services*.

Accessory uses, buildings and structures, home based businesses, dwelling unit floor areas, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

6.4 Site Specific Provisions

R2-1 Zone: 6 Discovery Road

Notwithstanding any other provisions of this By-Law to the contrary, the following zone exemptions shall apply to lands zoned R2-1:

- a. Parking lots and **parking areas** shall be permitted in any required **rear yard** and **interior side yard**;
- b. The maximum number of **dwelling units** shall be sixteen (16);
- c. The minimum **front yard** requirement shall be 3 m (9.84 ft); and
- d. An accounting office, dental office, physician's office, lawyer's office, optometrist's office, consultant's office, surveyor's office and chiropractor's office are permitted as **accessory uses**.

R2-2 Zone: 9 Howey Bay Road

Notwithstanding any other provisions of this By-Law to the contrary, a **parking area** is permitted in any part of the **front yard** in the R2-2 zone.

R2-3 Zone: 2 Howey Bay Road and 9 Howey Bay Road

Notwithstanding any other provisions of this By-Law to the contrary, on those lands zoned R2-3, the minimum **floor area** shall be 19 m² (204.51 ft²) for bachelor suites and 39 m² (419.79 ft²) for one bedroom suites, and the minimum number of parking spaces shall be eight (8).

R2-4 Zone: 22 MacIntosh Street

Notwithstanding any other provisions of the By-Law to the contrary, a parking area is permitted in any part of the front yard in the R2-2 zone. In addition, notwithstanding anything to the contrary in this By-Law, a second main building is permitted to be used for a dormitory in the R2-4 zone.

R2-5 Zone: 27 Howey Street

Notwithstanding any other provision within this By-Law to the contrary, on lands zoned R2-5 (27 Howey Street), a dwelling is permitted to be developed 2.5 metres closer to the exterior side lot line than generally permitted.

R2 – 6 Zone: 5 Sullivan Street

Notwithstanding any other provisions within this By-Law to the contrary, on lands zoned R2-6 (5 Sullivan Street), the minimum frontage shall be 23.68 metres and the front yard setback reduced to 6.005 metres.

R2-7 Zone: 7 Sullivan Street

Notwithstanding any other provisions within this By-Law to the contrary, on lands zoned R2-7 (7 Sullivan Street), the minimum frontage shall be 21.5 metres and the front yard setback reduced to 6.006 metres.

SECTION 7 Mobile Home Residential (R3) Zone

No person shall use any land or erect, alter or use any building or structure in the Mobile Home Residential (R3) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

7.1 Permitted Uses

- Dwelling, Mobile Home
- Dwelling, Modular

7.2 Zone Requirements

| General Provisions | |
|--|---|
| Minimum Lot Area | 600 m ² |
| Minimum Lot Frontage | 15 m |
| Maximum Number of Dwelling Units / Lot | 1 |
| Main Buildings | |
| Maximum Lot Coverage | 40% |
| Maximum Height | 7.5 m |
| Minimum Front Yard | 7.5 m |
| Minimum Exterior Side Yard | 5 m |
| Minimum Interior Side Yard | 1 m (min). The combined total of the interior side yard setbacks for interior lots shall not be less than 4 m |
| Minimum Rear Yard | 7.5 m |

7.3 Additional Provisions

Uses in Mobile Home Residential (R3) Zone shall be serviced by **full municipal services**.

Accessory uses, buildings and structures, minimum **dwelling unit floor areas**, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

SECTION 8 Rural Residential (R4) Zone

No person shall use any land or erect, alter or use any building or structure in the Rural Residential (R4) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

8.1 Permitted Uses

- Dwelling, Modular
- Dwelling, Single-detached

8.2 Zone Requirements

| General Provisions | |
|--|--|
| Minimum Lot Area | 0.8 ha (1.98 ac) |
| Minimum Lot Frontage | 45 m (147.64 ft) |
| Maximum Number of Dwelling Units / Lot | 1 |
| Main Buildings | |
| Maximum Lot Coverage | 15% |
| Maximum Height | 10.5 m (34.45 ft) |
| Minimum Front Yard | 10 m (32.81 ft) |
| Minimum Side Yard | 5 m (16.4 ft) |
| Minimum Rear Yard | 7.5 m (24.61 ft) |
| Accessory Buildings and Structures | |
| Maximum Lot Coverage | 3% up to a maximum of 204.39 m ² (2,200 ft ²) |

8.3 Additional Provisions

Accessory uses, buildings and structures, accessory residential uses, *bed and breakfast establishments, home based businesses*, minimum *dwelling unit floor areas*, parking, street frontage, special setbacks, servicing and other general provisions shall be in accordance with Section 3 of this By-Law.

Lots fronting on both a navigable waterway and a municipal street, shall have a minimum frontage of 45 m and 11 m respectively.

8.4 Site Specific Provisions

R4-1 Zone: 104 Howey Bay Road and 6, 8, 10, 12 and 14 Dunn Drive

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned R1--5, the minimum lot frontage shall be 33 m (108.27 ft).

R4-2 Zone: 90 McManus Street

Notwithstanding any other provision of this By-Law to the contrary, a single-detached dwelling shall be permitted on lands zoned R4-2 (Lot 6 of Plan M-787) and such dwelling shall have a minimum setback from the water of 15 m (49.21 ft).

R4-3 Zone: 32 McManus Street

Notwithstanding any other provision of this By-Law to the contrary, a single-detached dwelling shall be permitted on lands zoned R4-3 (Lot 15, Plan M-786) with a minimum setback from the water of 19.8 m (64.96 ft).

R4-4 Zone: 8 Pickerel Drive

Notwithstanding any other provision of this By-Law to the contrary, the minimum elevation of doors, windows or other openings in buildings and structures on lands zoned R4-4 (Part of Block 5 of Plan 23M-799) shall be 356.7 m above sea level. In addition, a Garden Suite shall be permitted for the period of 10 years, commencing August 24th, 2015 and ending August 24th, 2025.

R4-5 Zone: Mining Claims KRL-463 and KRL-465, McMarmac

Notwithstanding any other provision of this By-Law to the contrary, the minimum lot frontage required on lands zoned R4-5 shall be 30 m (98.43 ft).

R4-6 Zone: 7 Pickerel Drive, 281 Highway 105, and 71 Highway 105

Notwithstanding any other provisions of this By-Law to the contrary, on lands zoned R4-6, the keeping of a maximum of four (4) horses for personal use shall be permitted.

R4-7 Zone: 87 Howey Bay Road

Notwithstanding any other provisions of this By-law to the contrary, a duplex shall be permitted on lands zoned R4-7.

R4-8 Zone: Starratt-Olsen

Notwithstanding Section 2 of this By-law, for the purposes of the R4-8 Zone, a 'Lot' shall mean the extent of the R4-8 zone boundary.

R4-9: West Rahill Drive

Notwithtsanding any part of Subsection 8.2 of this By-Law, a lot measuring less than 1 ha may be used for rural residential purposes.

SECTION 9 Recreational Residential (R5) Zone

No person shall use any land or erect, alter or use any building or structure in the Recreational Residential (R5) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

9.1 Permitted Uses

- Dwelling, Recreational

9.2 Zone Requirements

| General Provisions | |
|--|------------------|
| Minimum Lot Area | 1 ha (2.47 ac) |
| Minimum Lot Frontage | 45 m (147.64 ft) |
| Maximum Number of Dwelling Units / Lot | 1 |
| Main Buildings | |
| Maximum Lot Coverage | 15% |
| Maximum Height | 7.5 m (24.61 ft) |
| Minimum Front Yard | 10 m (32.81 ft) |
| Minimum Side Yard | 5 m (16.4 ft) |
| Minimum Rear Yard | 7.5 m (24.61 ft) |

9.3 Additional Provisions

Accessory uses, buildings and structures, accessory residential uses, minimum **dwelling unit floor areas**, parking, street frontage, special setbacks, servicing and other general provisions shall be in accordance with Section 3 of this By-Law.

9.4 Site Specific Provisions

R5-1 Zone: Lots 1-6 of Plan 23M-917

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned R5-1, a seasonal dwelling is permitted with access by water and/or private right-of-way and with a minimum lot area of 2,375 m² (25,564.29 ft²) and a lot frontage of 25 m (82.02 ft).

R5-2 Zone: Lots 1-6 of Plan 23M-917 and Lots 1-13 of Plan 23M-903 (MC KRL, Part RP 23R-10689, Parts 1, 2 and 3, East Bay)

Notwithstanding any other provision of this By-Law to the contrary, the minimum elevation of doors, windows or other openings in buildings and structures on lands zoned R5-2 (lands in mining claims KRL-95, KRL-96, KRL-97, KRL-11481 and KRL-18894) is 356.7 m above sea level.

R5-3 Zone: KRL 20013 McNeely Bay

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned R5-3 (part of mining claim KRL-20013) a single-detached dwelling for recreational residential use is permitted to be serviced by a private road, and the minimum elevation of doors, windows or other openings in buildings and structures shall be 356.7 m above sea level.

R5-4 Zone: EB 2777, Part 1 (Plan KR-1502), Township of Dome

Notwithstanding any other provision within this By-Law to the contrary, on lands zoned R5-4 (Part 1 on Plan KR-1502), an accessory building for use of a sauna and guest cabin is permitted to be placed 15 metres from the high water mark of Red Lake.

SECTION 10 Townsite Commercial (C1) Zone

No person shall use any land or erect, alter or use any building or structure in the Townsite Commercial (C1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

10.1 Permitted Uses

- Animal Hospital
- Apartments above, behind or below permitted non-residential uses
- Art Gallery
- Automobile Service Station
- Bank
- Community Centre
- Convenience Store
- Funeral Home
- Gasoline Bar
- Hotel
- Laundromat
- Library
- Marina
- Museum
- Office
- Park
- Parking Lot
- Personal Service Establishment
- Place of Amusement
- Place of Assembly
- Post Office
- Private Club
- Restaurant
- Retail Store
- Seaplane Base
- Shopping Centre
- Theatre
- Tourist Outfitters Establishment

10.2 Zone Requirements

| Main Buildings | |
|---------------------------|---|
| Maximum Height | 12 m (39.37 ft) |
| Minimum Front Yard | Where front yard lies opposite to a residential zone: 6 m (19.69 ft) All other cases: 0 m (0 ft) |
| Minimum Side Yard | Automobile Service Stations, Gasoline |

| Main Buildings | |
|--------------------------|---|
| | <p>Bars, Seaplane Bases, Hotels, Motels: 3 m (9.84 ft)</p> <p>Where side yard abuts a residential zone: 4.5 m (14.76 ft)</p> <p>All other cases: 0 m (0 ft)</p> |
| Minimum Rear Yard | <p>Where rear yard abuts a lane or public street: 2 m (6.56 ft)</p> <p>All other cases: 3 m (9.84 ft)</p> |

10.3 Additional Provisions

- a. Uses in Townsite Commercial (C1) Zone shall be serviced by **full municipal services**.
- b. In the Townsite Commercial (C1) Zone non-residential uses shall occupy a minimum of 25% of the **gross floor area** of the **building** or **structure** in which it is located.
- c. **Automobile Service Stations and Gasoline Bars**
 - i. Notwithstanding Section 13.2 to the contrary, the minimum **lot frontage** of **automobile service stations** and **gasoline bars** shall be 45 m (147.64 ft) for **corner lots** and 30 m (98.43 ft) for **interior lots**.
 - ii. **Automobile service stations** and **gasoline bars** shall have a minimum **lot depth** of 38 m (124.67 ft).
 - iii. The provisions of Section 3.4 shall apply to **automobile service stations** and **gasoline bars** in the Townsite Commercial (C1) Zone.
- d. **Buffer Strip**
Where the Townsite Commercial (C1) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting lot lines having a minimum width of 2.5 m (8.2 ft) and shall be in compliance with Section 3.6 of this By-Law.
- e. Any **retail store** engaged in manufacturing on the premises shall not dedicate more than 50% of the **gross floor area** of the business to such manufacturing. Such products manufactured on-site shall be intended for sale at retail on the premises. Such manufacturing shall not produce excessive noise, vibration, dust or other such emissions so as to offend **residential uses** in proximity of the **place** engaged in product manufacturing, and such manufacturing shall comply with any Noise By-Law enacted by the Municipality of Red Lake.

f. Dwelling Units

- i. **Apartments** shall be permitted above, behind and below permitted non-residential uses listed in Section 10.1 (exclusive of automobile service stations and gasoline bars), and such apartments shall be provided with parking in accordance with this By-Law.
 - ii. In addition to paragraph (f)(i), no non-residential **place** where gasoline, petroleum products or any other highly flammable, toxic or explosive products are handled shall have contiguous **dwelling units** above, behind or below such non-residential use. Where such dwelling units exist and the use of the non-residential place changes to a **use** involving the aforementioned products the said dwelling unit(s) shall cease to be occupied as a dwelling unit(s).
- g. The minimum **gross floor area** of **commercial uses** in the Townsite Commercial (C1) Zone shall be 55 m² (592.02 ft²).
- h. **Accessory uses, buildings and structures**, automobile uses, minimum **dwelling unit floor areas**, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.
- i. Notwithstanding any other provision of this By-Law to the contrary, the minimum width of a **driveway** for ingress and egress to and from a **lot** zoned Shopping Centre Commercial (C3) Zone shall be 9 m (29.53 ft).

10.4 Site Specific Provisions

C1-p Zone: Select lots on Howey Street and Fifth Street

The site specific provisions for lands zoned C1-p shall be in accordance with subsection 3.23(g) of this By-Law.

C1-1 Zone: 9 Discovery Road

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned C1-1, no **building** or **structure** shall be **used, altered** or **erected** except for the following:

- i. **office**
- ii. barber shop or beauty parlour
- iii. **dwelling** above a permitted **commercial use**
- iv. **accessory buildings and structures**.

SECTION 11 Local Commercial (C2) Zone

No person shall use any land or erect, alter or use any building or structure in the Local Commercial (C2) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

11.1 Permitted Uses

- Apartments above, behind or below permitted non-residential uses
- Bakery
- Convenience Store
- Gift Shop
- Personal Service Establishment
- Laundromat

11.2 Zone Requirements

| General Provisions | |
|----------------------------|---|
| Minimum Lot Area | 230 m ² (2,475.7 ft ²) |
| Minimum Lot Frontage | 8 m (26.25 ft) |
| Main Buildings | |
| Maximum Lot Coverage | 50% |
| Maximum Height | 7.5 m (24.61 ft) |
| Minimum Front Yard | 4.5 m (14.76 ft) |
| Minimum Interior Side Yard | Where not attached to another building: 2 m (6.56 ft) Where attached to another building: 0 m (0 ft) |
| Minimum Exterior Side Yard | 3 m (9.84 ft) |
| Minimum Rear Yard | 7.5 m (24.61 ft) |

11.3 Additional Provisions

- a. Uses in the Local Commercial (C2) Zone shall be serviced by full municipal services.
- b. In the Local Commercial (C2) Zone, commercial uses shall not have a gross floor area exceeding 150 m² (1,614.59 ft²).
- c. **Buffer Strip**
 - i. Where the Local Commercial (C2) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, residential zone or lands where the main use is residential, a buffer strip shall be provided and maintained along the abutting lot lines having a minimum width of 2 m (6.56 ft) and shall be in compliance with Section 3.6 of this By-Law.

- ii. In the Local Commercial (C2) Zone, non-residential uses shall occupy a minimum of 50% of the gross floor area of the building or structure in which it is located.

d. Dwelling Units

- i. Apartments shall be permitted above, behind and below permitted non-residential uses listed in Section 11.1, and such apartments shall be provided with parking in accordance with this By-Law.
- ii. In addition to paragraph (e)(i), no non-residential place where gasoline, petroleum products or any other highly flammable, toxic or explosive products are handled shall have contiguous dwelling units above, behind or below such non-residential use. Where such dwelling units exist and the use of the non-residential place changes to a use involving the aforementioned products the said dwelling unit(s) shall cease to be occupied as a dwelling unit(s).
- iii. Accessory uses, buildings and structures, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

SECTION 12 Highway Commercial (C3) Zone

No person shall use any land or erect, alter or use any building or structure in the Highway Commercial (C3) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

12.1 Permitted Uses

- Automobile Sales Establishment
- Automobile Service Station
- Building Supply Outlet
- Car Wash
- Fuel Depot
- Gasoline Bar
- Hotel
- Recreational Vehicle Sales Establishment
- Restaurant
- Retail Store
- Shopping Centre
- Theatre
- Fuel Depot

12.2 Zone Requirements

| General Provisions | |
|-----------------------------------|---|
| Minimum Lot Area | Where serviced by full municipal services: 1,390 m ² (14,961.84 ft ²) Where serviced by individual on-site services: 2,045 m ² (22,012.2 ft ²) |
| Minimum Lot Frontage | 30 m (98.43 ft) |
| Main Buildings | |
| Maximum Lot Coverage | 40% |
| Maximum Height | 12 m (39.37 ft) |
| Minimum Front Yard | 7.5 m (24.6 ft) |
| Minimum Interior Side Yard | Where side yard abuts a residential zone: 7 m (23 ft) All other cases: 5 m (16.4 ft) |
| Minimum Exterior Side Yard | 7.5 m (24.6 ft) |
| Minimum Rear Yard | 9 m (29.5 ft) |

12.3 Additional Provisions

- a. **Uses** in the Highway Commercial (C3) Zone shall be serviced by **full municipal services**.
- b. **Automobile Service Stations and Gasoline Bars:**
 - i. Notwithstanding anything to the contrary in this By-law, the minimum **lot frontage** of **automobile service stations** and **gasoline bars** on **corner lots** shall be 45 m (147.64 ft).
 - ii. **Automobile service stations** and **gasoline bars** shall have a minimum **lot depth** of 38 m (124.67 ft).
 - iii. The provisions of Section 3.4 shall apply to **automobile service stations** and **gasoline bars** in the Highway Commercial (C3) Zone.
- c. **Buffer Strip**

Where the Highway Commercial (C3) Zone abuts a **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 2.5 m (8.2 ft) and shall be in compliance with Section 3.6 of this By-Law.
- d. **Drive-through Facility**

Uses permitted in the Highway Commercial (C3) Zone may include a **drive-through facility**, and such facility shall be in accordance with the Drive-through Facility provisions of this By-Law.
- e. **Accessory uses, buildings and structures**, automobile uses, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.
- f. Notwithstanding any other provision of this By-Law to the contrary, the minimum width of a **driveway** for ingress and egress to and from a Shopping Centre shall be 9 m (29.53 ft).

12.4 Site Specific Provisions

C3-1 Zone: 21 Highway 105

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned C3-1, the following shall apply:

- i. The minimum rear yard setback shall be 6 m (19.69 ft);
- ii. The minimum side yard setback adjacent to the northerly lot line shall be 4.8 m (15.75 ft);

- iii. The minimum side yard setback adjacent to the southerly lot line shall be 12.2 m (40.03 ft)

12.5 Site Specific Holding Zones

C3-h1 Zone : Crown Lands

An Official Plan amendment is required to remove the crown land overlay prior to development on land zoned C3-h1.

SECTION 13 Rural Commercial (C4) Zone

No person shall use any land or erect, alter or use any building or structure in the Rural Commercial (C4) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

13.1 Permitted Uses

- Campground
- Marina
- Park
- Private Park
- Seaplane Base
- Tourist Cabin Establishment
- Tourist Commercial Outfitters Base

13.2 Zone Requirements

| General Provisions | |
|----------------------------|---|
| Minimum Lot Area | 0.5 ha (1.24 ac) |
| Minimum Lot Frontage | 45 m (147.64 ft) |
| Main Buildings | |
| Maximum Lot Coverage | 15% |
| Maximum Height | 12 m (39.37 ft) |
| Minimum Front Yard | 15 m (49.21 ft) |
| Minimum Interior Side Yard | Where side yard abuts a residential or Institutional (I) zone: 10 m (32.81 ft) All other cases: 5 m (16.40 ft) |
| Minimum Exterior Side Yard | 7.5 m (24.61 ft) |
| Minimum Rear Yard | 10 m (32.81 ft) |

13.3 Additional Provisions

a. Accessory Residential Use

One (1) **dwelling unit** shall be permitted as an **accessory use** to a permitted main **use** in the Rural Commercial (C4) Zone. Such dwelling unit may be a **single-detached dwelling** or it may be part of another **building** on the **lot**. Where the dwelling unit is part of another building, it shall not occupy more than 50% of such **building**.

b. Buffer Strip

Where the Rural Commercial (C4) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 5 m (16.4 ft) and shall be in compliance with Section 3.6 of this By-Law.

- c. **Accessory uses, buildings and structures**, minimum **dwelling unit floor areas**, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

13.4 Site Specific Provisions

C4-1 Zone: RFD 196

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned C4-1, the following provisions shall apply:

- i. Permitted uses shall be limited to a **tourist commercial outfitter's base**;
- ii. A minimum of ten (10) **parking spaces** shall be provided and maintained for such use; and
- iii. **Lot frontage** on a **street** is not required.

C4-2 Zone: 279 Highway 105

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned C4-2, the keeping of horses for commercial gain are permitted.

C4-3 Zone: 23R-11582, Parts 4 and 9 (Carlson Drive)

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned C4-3, permitted uses shall include a **seaplane base** and a mixed-use building containing a **dwelling unit** and an engine repair business.

SECTION 14 Light Industrial (M1) Zone

No person shall use any land or erect, alter or use any building or structure in the Industrial (M1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

14.1 Permitted Uses

- Animal Hospital
- Automobile Body Repair Shop
- Automobile Rental Establishment
- Automobile Repair Garage
- Bulk Sales Establishment
- Contractor's Yard
- Equipment Rental Establishment
- Industry Storage
- Light Industrial Uses (Class I)
- Self Storage Facility
- Transportation Depot
- Warehouse
- Workshop

14.2 Zone Requirements

| Provision | Full Municipal Services | All Other Cases |
|--|--|------------------|
| Minimum Lot Area | 2,045 m ² (22,012.2 ft ²) | 2 ha (4.94 ac) |
| Minimum Lot Frontage | 30 m (98.43 ft) | 60 m (196.85 ft) |
| Maximum Lot Coverage | 50% | |
| Maximum Height | 12 m (39.37 ft) | |
| Minimum Front Yard Setback | 4.5 m (14.76 ft) | |
| Minimum Exterior Side Yard | 4.5 m (14.76 ft) | |
| Minimum Interior Side Yard | 4.5 m (14.76 ft) | |
| Minimum Rear Yard | 7.5 m (24.61 ft) | |
| Maximum Lot Coverage – Accessory Use | 10% | |
| Maximum Number of Dwelling Units / Lot | 1 | |

Notwithstanding the above, where a required yard abuts a Residential, Institutional or Open Space Zone an additional 7.5 m (24.61 ft) setback from the said lot line shall be required.

14.3 Additional Provisions

a. Accessory Residential Use

One (1) **dwelling unit** shall be permitted as an *accessory use* to a permitted main use in the Light Industrial (M1) Zone. Such dwelling unit shall be a **single-detached dwelling** and shall be separated from the *main building* a minimum of 10 m (32.8 ft). Such dwelling unit shall be for the sole use of an employee whose residence on the premises is essential to the industrial use.

b. Accessory uses, buildings and structures, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

14.4 Site Specific Provisions

M1-3 Zone: 18 Young Street

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned M1-3, no lands shall be used except for a **building supply outlet** with a commercial **accessory use**.

M1-4 Zone: 81 Highway 105

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned M1-4, no lands shall be used except for a repair shop, storage yard for forestry and construction equipment and accessory uses.

M1-5: 17 Young Street

Notwithstanding any part of Section 14 of this By-Law, a workshop for carpentry use may be developed 16 m from the existing legal non conforming residence. The interior side yard and exterior side yards are permitted to be 3.7 m each, and the rear yard 0.61 m.

SECTION 15 General Industrial (M2) Zone

No person shall use any land or erect, alter or use any building or structure in the Industrial (M1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

15.1 Permitted Uses

- Automobile Body Repair Shop
- Automobile Rental Establishment
- Automobile Repair Garage
- Bakery
- Bulk Sales Establishment
- Contractor's Yard
- Equipment Rental Establishment
- Forest Products Processing Facility
- Fuel Depot
- Hydro Generating Station
- Hydro Transmission Station
- Industry Storage
- Kennel
- Light Industrial Uses (Class I)
- Medium Industrial Uses (Class II)
- Recycling Depot or Transfer Station
- Sawmill or Planing Mill
- Self Storage Facility
- Sewage Treatment Facility
- Transportation Depot
- Warehouse
- Water Treatment Facility
- Workshop

15.2 Zone Requirements

| Provision | Full Municipal Services | All Other Cases |
|--|--|------------------|
| Minimum Lot Area | 2,045 m ² (22,012.2 ft ²) | 2 ha (4.94 ac) |
| Minimum Lot Frontage | 30 m (98.43 ft) | 60 m (196.85 ft) |
| Maximum Lot Coverage | 50% | |
| Maximum Height | 12 m (39.37 ft) | |
| Minimum Front Yard Setback | 4.5 m (14.76 ft) | |
| Minimum Exterior Side Yard | 4.5 m (14.76 ft) | |
| Minimum Interior Side Yard | 4.5 m (14.76 ft) | |
| Minimum Rear Yard | 7.5 m (24.61 ft) | |
| Maximum Lot Coverage – Accessory Use | 10% | |
| Maximum Number of Dwelling Units / Lot | 1 | |

Notwithstanding the above, where a required yard abuts a Residential, Institutional or Open Space Zone an additional 7.5 m setback from the said lot line shall be required.

15.3 Additional Provisions

Accessory uses, buildings and structures, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

SECTION 16 Heavy Industrial (M3) Zone

No person shall use any land or erect, alter or use any building or structure in the Heavy Industrial (M3) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

16.1 Permitted Uses

- Airport
- Asphalt / Concrete / Ready Mix Batching Plant
- Heavy Industrial Uses (Class III)
- Hydro Generating Station
- Hydro Transmission Station
- Salvage Yard

16.2 Zone Requirements

| Provision | Full Municipal Services | All Other Cases |
|--|--|------------------|
| Minimum Lot Area | 2,045 m ² (22,012.2 ft ²) | 2 ha (4.94 ac) |
| Minimum Lot Frontage | 30 m (98.43 ft) | 60 m (196.85 ft) |
| Maximum Lot Coverage | 50% | |
| Maximum Height | 12 m (39.37 ft) | |
| Minimum Front Yard Setback | 10 m (32.81 ft) | |
| Minimum Exterior Side Yard | 7.5 m (24.61 ft) | |
| Minimum Interior Side Yard | 10 m (32.81 ft) | |
| Minimum Rear Yard | 7.5 m (24.61 ft) | |
| Maximum Lot Coverage – Accessory Use | 10% | |
| Maximum Number of Dwelling Units / Lot | 1 | |

Notwithstanding the above, where a required yard abuts a Residential, Institutional or Open Space Zone an additional 10 m setback shall be required.

16.3 Additional Provisions

- a. **Accessory uses, buildings and structures**, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

b. Salvage Yard

Where land is used for the purpose of a **salvage yard** (including automobile wrecking yard, junk yard and scarp metal yard) or a similar **use**, the storage of derelict automobiles, scrap metal, junk or similar materials shall not take place in the **front yard** or **exterior side yard**, but may take place in an **interior side yard** or **rear yard** where a natural or artificial screen is to be provided to obscure the industrial property from the **street** or adjoining properties that abut it.

16.4 Site Specific Provisions

M3-1 Zone (Sewage Treatment Facility): 23R-6177 Parts 1-4; 23R-6208 Parts 1-3

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned M3-1, a **sewage treatment facility** shall be the only use permitted.

M3-2 Zone: (Waste Disposal Sites): 23R-6366 Parts 1-2 & Part of Parts 3 & 4; KRL 128 and 131 (8543 Highway 125); Highway 105

Notwithstanding any other provision of this By-Law to the contrary, on lands zoned M3-2, a **waste disposal site** shall be the only use permitted.

SECTION 17 Extractive Industrial (MX) Zone

No person shall use any land or erect, alter or use any building or structure in the Extractive Industrial (MX) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

17.1 Permitted Uses

- Aggregate Pit
- Asphalt / Concrete / Ready Mix Batching Plant
- Quarry
- Wayside Pit
- Wayside Quarry

17.2 Zone Requirements

| General Provisions | |
|---------------------------|----------------|
| Yard Setbacks (all yards) | 10 m (32.8 ft) |

17.3 Additional Provisions

- a. **Accessory uses, buildings and structures**, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

SECTION 18 Mineral Mining (MM) Zone

No person shall use any land or erect, alter or use any building or structure in the Mineral Mining (MM) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

18.1 Permitted Uses

- Agricultural Use
- Asphalt / Concrete / Ready Mix Batching Plant
- Conservation Use
- Forestry
- Mineral Exploration
- Mineral Mining Operation

18.2 Zone Requirements

| General Provisions | |
|---------------------------|--|
| Yard Setbacks (all yards) | Industrial Buildings: 20 m (32.8 ft) |
| | All Other Buildings and Structures: 10 m (32.8 ft) |

18.3 Additional Provisions

a. Accessory Residential Uses

A **dormitory** shall be permitted in the Mineral Mining (MM) Zone as an **accessory use** to **mineral mining operations** and **forestry uses**. Dormitories shall be separated from industrial and processing facilities located on the same **lot** or on adjacent lots a minimum of 1,000 m (3,280.84 ft). This separation distance may be reduced where supported by a Feasibility Study in accordance with the Municipality of Red Lake Official Plan, but shall not be reduced to less than 300 m (984.25 ft). Dormitories may be serviced by **individual on-site services** in accordance with Section 3.25 of this By-Law.

- #### b. Accessory uses, buildings and structures, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

18.4 Site Specific Provisions

MM-1 Zone: Mining Claims KRL 125 and 126, Township of Balmer

Notwithstanding any other provisions within this By-Law to the contrary, permitted uses on lands zoned MM-1 shall include the production, supply, sale and delivery of concrete, for mine and other commercial uses.

SECTION 19 Open Space (OS) Zone

No person shall use any land or erect, alter or use any building or structure in the Open Space (OS) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

19.1 Permitted Uses

- Arena
- Boat Launch
- Cemetery
- Community Centre
- Golf Course
- Marina
- Nursery
- Park
- Private Park

19.2 Zone Requirements

| General Provisions | |
|--|------------------|
| Minimum Landscaped Open Space | 50% |
| Maximum Lot Coverage (All Buildings and Structures) | 10% |
| Maximum Height | 7.5 m (24.61 ft) |
| Minimum Yard Requirements (main building, all yards) | 7.5 m (24.61 ft) |

19.3 Additional Provisions

- a. **Accessory uses, buildings and structures**, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

SECTION 20 Institutional (I) Zone

No person shall use any land or erect, alter or use any building or structure in the Institutional (I) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

20.1 Permitted Uses

- Arena
- Clinic
- Community Centre
- Day Care Centre
- Emergency Services Facility
- Existing Dog Pounds
- Office, operated by a Public Authority
- Hospital
- Library
- Museum
- Pharmacy
- Place of Assembly
- Place of Worship
- Post Office
- School

20.2 Zone Requirements

| Provision | Arena, Hospital, Community Centre, Place of Assembly, Place of Worship, & School | All Other Cases |
|--|--|--|
| Minimum Lot Area | 900 m ² (9,687.52 ft ²) | 450 m ² (4,843.76 ft ²) |
| Minimum Lot Frontage | 30 m (98.43 ft) | 15 m (49.21 ft) |
| Maximum Lot Coverage | 50% | 50% |
| Maximum Height | 12 m (39.37 ft) | 12 m (39.37 ft) |
| Minimum Front Yard | 7.5 m (24.61 ft) | 1m (3.28 ft) |
| Minimum Interior Side Yard | 5 m (16.4 ft) | 3 m (9.84 ft) |
| Minimum Exterior Side Yard | 7.5 m (24.61 ft) | 7.5 m (24.61 ft) |
| Minimum Rear Yard | 10 m (32.81 ft) | 7.5 m (24.61 ft) |
| Maximum Lot Coverage – Accessory Buildings | 10% | 10% |

20.3 Additional Provisions

- a. **Uses** in Institutional (I) Zone shall be serviced by *full municipal services*.

b. Buffer Strip

Where an Arena, Hospital, Community Centre, Place of Assembly, Place of Worship, or School in the Institutional (I) Zone abuts an Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 2.5 m (8.2 ft) and shall be in compliance with Section 3.6 of this By-Law. For all other uses in the Institutional (I) Zone, the required buffer strip shall be 2 m (6.56 ft).

- c. Accessory uses, buildings and structures**, parking, street frontage, special setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

d. Accessory Residential Uses

A **dormitory** shall be permitted in the Institutional (I) Zone as an **accessory use**. Dormitories shall be subject to the lot provisions of Subsection 19.2 and shall be serviced by **full municipal services**.

20.4 Site Specific Provisions

I-1 Zone: 114 Forestry Road

Notwithstanding any other provision of this By-Law to the contrary, lands zoned I-1 may be serviced by **individual on-site services**.

SECTION 21 Natural Resources (NR) Zone

No person shall use any land or erect, alter or use any building or structure in the Natural Resources (NR) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

21.1 Permitted Uses

- Agricultural Use
- Boat Launch
- Conservation Use
- Forestry
- Mineral Exploration
- Existing Residential Uses
- Sawmill
- Existing Shooting Ranges
- Existing Tourist Commercial Establishments

21.2 Zone Requirements

| General Provisions | |
|--------------------------|----------------|
| Minimum Yard (all yards) | 10 m (32.8 ft) |

21.3 Additional Provisions

- a. Notwithstanding Section 21.2, reconstruction of existing residential uses in the Natural Resources (NR) Zone shall be subject to the zone requirements of the Rural Residential (R4) Zone.
- b. Notwithstanding Section 21.2, reconstruction of existing rural commercial establishments in the Natural Resources (NR) Zone shall be subject to the Rural Commercial (C5) Zone requirements.
- c. **Buffer Strip**
Where the Natural Resources (NR) Zone abuts an Institutional (I) Zone, Open Space (OS) Zone, **residential zone** or lands where the main use is residential, a **buffer strip** shall be provided and maintained along the abutting **lot lines** having a minimum width of 5 m (16.4 ft) and shall be in compliance with Section 3.6 of this By-Law. This shall not apply to existing residential uses, **agricultural uses** or conservation uses.
- d. **Accessory uses, buildings and structures**, special separation distances and setbacks, parking, street frontage and other general provisions shall be in accordance with Section 3 of this By-Law.

21.4 Site Specific Provisions

NR-1 Zone:

Notwithstanding any other provisions within this By-Law to the contrary, permitted uses on lands zoned NR-1 shall include an aggregate pit.

NR-2 Zone:

Notwithstanding any other provisions within this By-Law to the contrary, permitted uses on lands zoned NR-2 shall include a dog boarding Kennel.

SECTION 22 Hazard Land (HL) Zone

No person shall use any land or erect, alter or use any building or structure in the Hazard Land (HL) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

22.1 Permitted Uses

- Conservation Use
- Facilities and structures for bank stabilization, watercourse protection, flood or erosion control
- Forestry
- Hydro-electric Facility
- Marina
- Mineral Exploration

22.2 Zone Requirements

| Accessory Buildings and Structures | |
|------------------------------------|------------------|
| Maximum Height | 4.5 m (14.76 ft) |

22.3 Additional Provisions

- a. No **buildings** or **structures** of any kind shall be **used**, **altered** or **erected** in the Hazard Land (HL) Zone except for those which by their nature must locate on such lands, such as flood and erosion control structures and docks.
- b. **Accessory uses**, **buildings** and **structures**, parking, *special separation distances* and setbacks and other general provisions shall be in accordance with Section 3 of this By-Law.

22.4 Site Specific Provisions

HL-1 Zone: 15 Hammell Road (Parts 4 and 5 of Plan KR 1992)

Notwithstanding any other provision of this By-Law to the contrary, the lands zoned HL-1, shall not be **used** for any of the uses permitted in HL zone.

SECTION 23 Environmental Protection (EP) Zone

No person shall use any land or erect, alter or use any building or structure in the Environmental Protection (EP) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-Law.

23.1 Permitted Uses

- Conservation Use

23.2 Zone Requirements

23.3 Additional Provisions

No **buildings** or **structures** of any kind shall be **used, altered** or **erected** in the Environmental Protection (EP) Zone.



MUNICIPALITY OF RED LAKE

ZONING BY-LAW

SCHEDULE A

RURAL AREA

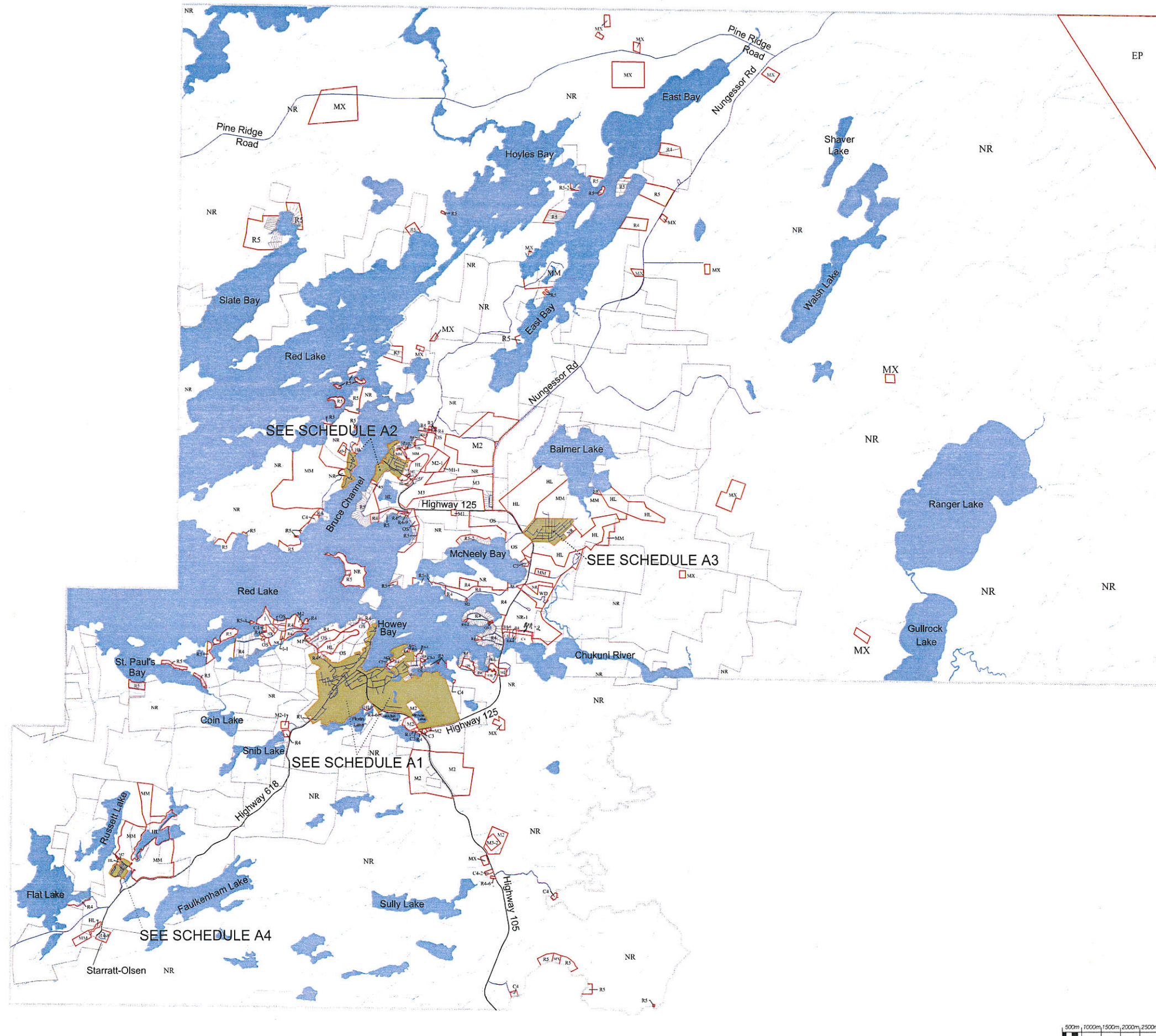
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|--------------------|--------------------------------|
| Municipal Boundary | |
| Townsite Boundary | |
| Transportation | |
| Provincial Highway | |
| Local Roads | |
| Zoning | |
| R1 | Townsite Residential Density 1 |
| R2 | Townsite Residential Density 2 |
| R3 | Mobile Home Residential |
| R4 | Rural Residential |
| R5 | Recreational Residential |
| C1 | Townsite Commercial |
| C2 | Local Commercial |
| C3 | Highway Commercial |
| C4 | Rural Commercial |
| M1 | Light Industrial |
| M2 | General Industrial |
| M3 | Heavy Industrial |
| MX | Extractive Industrial |
| MM | Mineral Mining |
| OS | Open Space |
| I | Institutional |
| NR | Natural Resources |
| HL | Hazard Land |
| EP | Environmental Protection |

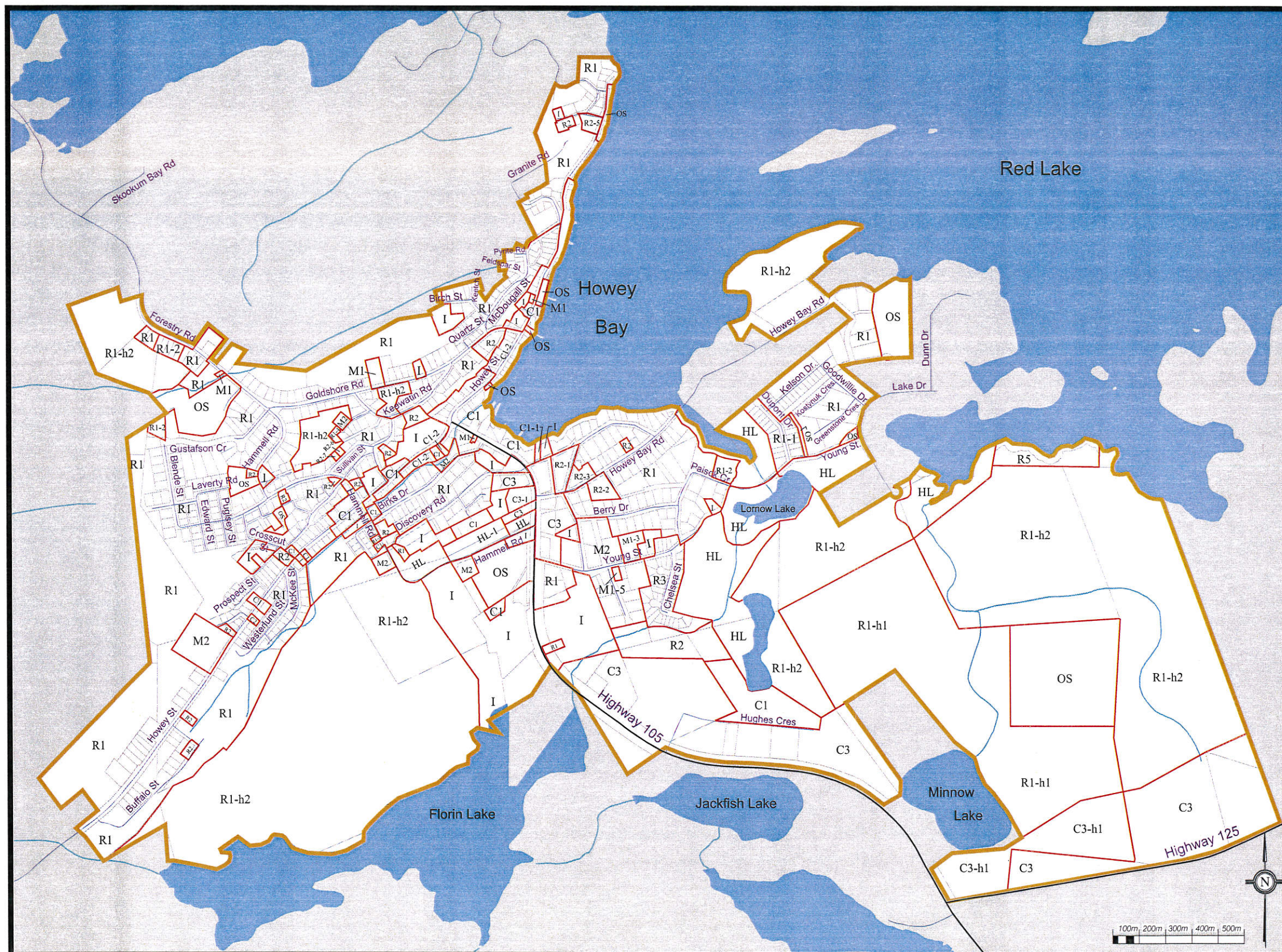
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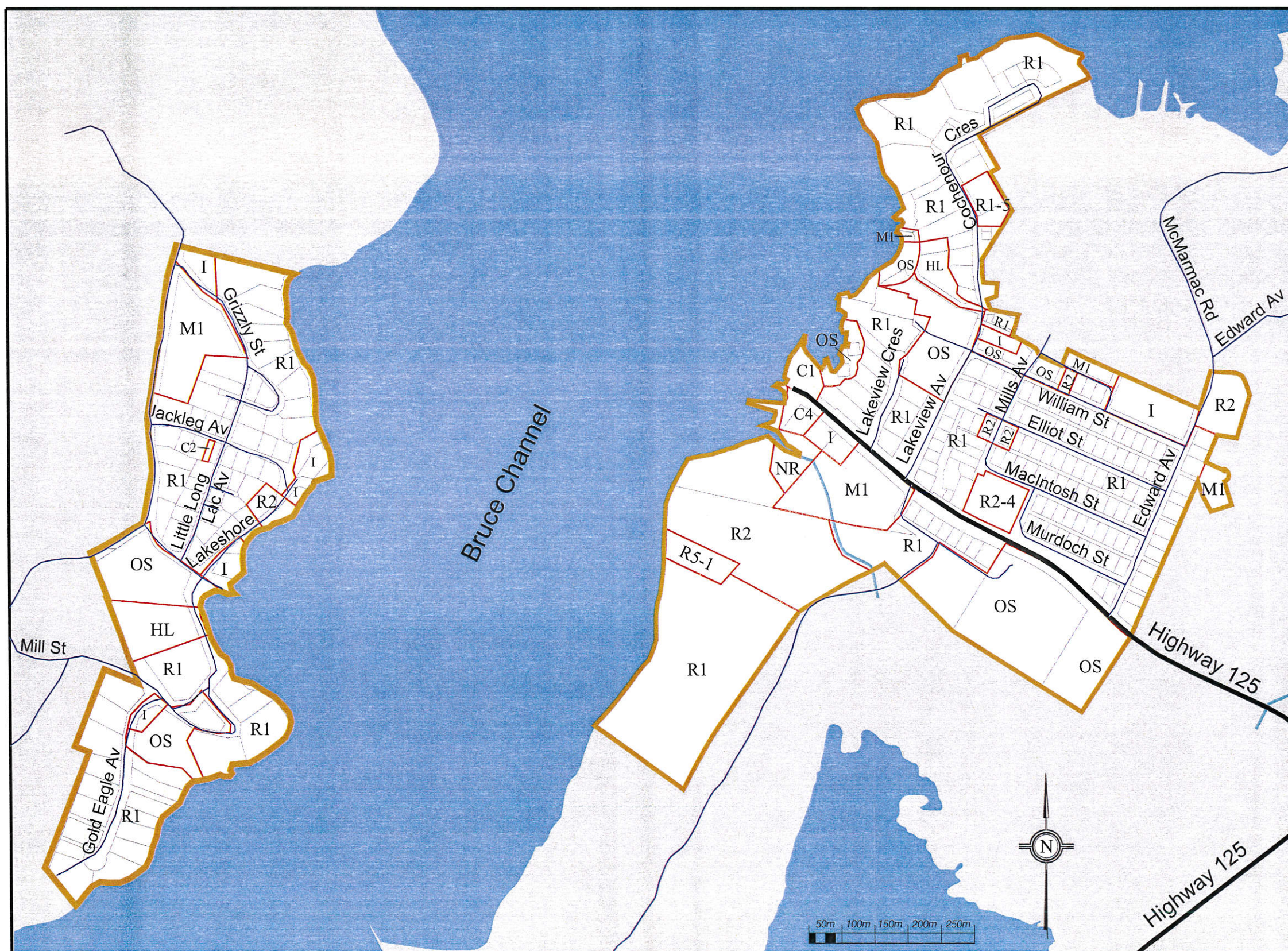
MUNICIPALITY OF RED LAKE **ZONING BY-LAW** **SCHEDULE A1** **TOWNSITE of RED LAKE**

- Townsite Boundary
- Transportation
 Provincial Highway
 Local Roads
- Zoning Designations
- | | |
|----|--------------------------------|
| R1 | Townsite Residential Density 1 |
| R2 | Townsite Residential Density 1 |
| R3 | Mobile Home Residential |
| R4 | Rural Residential |
| C1 | Townsite Commercial |
| C2 | Local Commercial |
| C3 | Highway Commercial |
| C4 | Rural Commercial |
| M1 | Light Industrial |
| M2 | General Industrial |
| M3 | Heavy Industrial |
| OS | Open Space |
| I | Institutional |
| HL | Hazard Land |

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MUNICIPALITY OF RED LAKE **ZONING BY-LAW** **SCHEDULE A2** **TOWNSITES of McKENZIE ISLAND and COCHENOUR**

- Townsite Boundary
- Transportation
 - Provincial Highway
 - Local Roads
- Zoning Designations
 - R1 Townsite Residential Density 1
 - R2 Townsite Residential Density 1
 - R3 Mobile Home Residential
 - R4 Rural Residential
 - R5 Recreational Residential
 - C1 Townsite Commercial
 - C2 Local Commercial
 - C3 Highway Commercial
 - C4 Rural Commercial
 - M1 Light Industrial
 - M2 General Industrial
 - M3 Heavy Industrial
 - MX Extractive Industrial
 - MM Mineral Mining
 - OP Open Space
 - I Institutional
 - NR Natural Resources
 - HL Hazard Land
 - EP Environmental Protection

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MUNICIPALITY OF RED LAKE

ZONING BY-LAW

SCHEDULE A3

TOWNSITE of BALMERTOWN

Townsite Boundary



Transportation

Provincial Highway
Local Roads



Zoning Designations

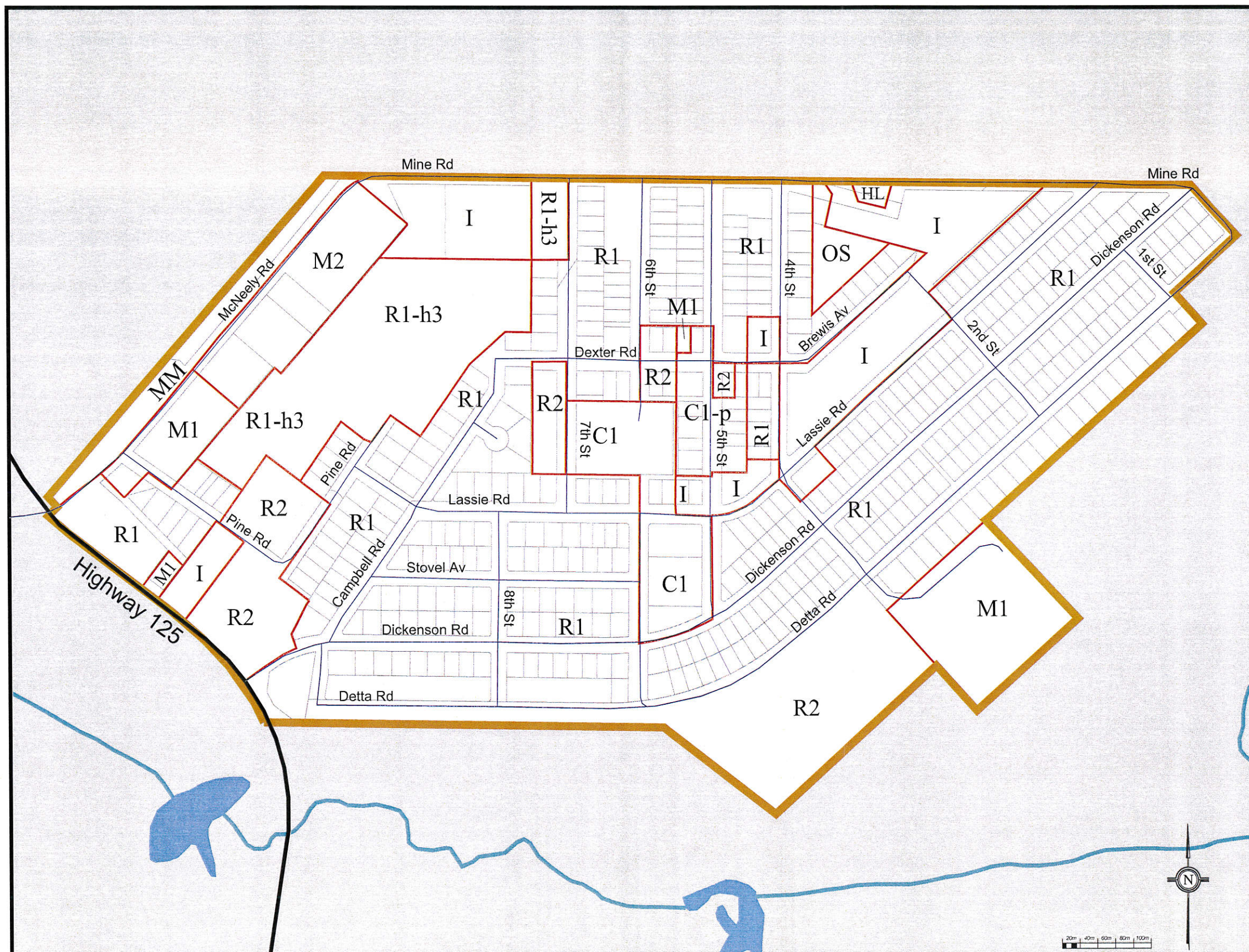
- | | |
|----|--------------------------------|
| R1 | Townsite Residential Density 1 |
| R2 | Townsite Residential Density 1 |
| R3 | Mobile Home Residential |
| R5 | Recreational Residential |
| C1 | Townsite Commercial |
| C2 | Local Commercial |
| C3 | Highway Commercial |
| C4 | Rural Commercial |
| M1 | Light Industrial |
| M2 | General Industrial |
| M3 | Heavy Industrial |
| OS | Open Space |
| I | Institutional |
| HL | Hazard Land |
| MM | Mineral Mining |

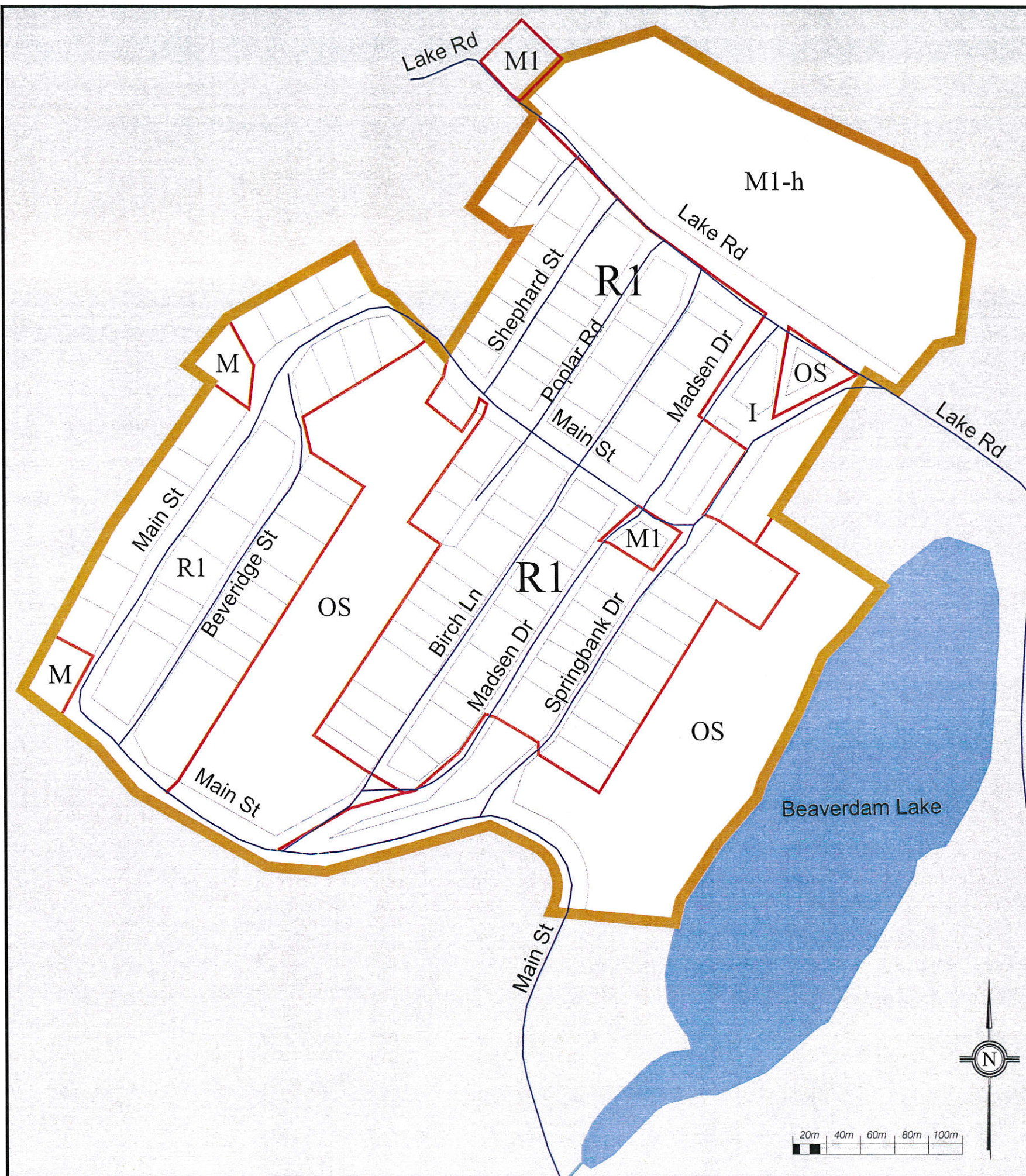
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MUNICIPALITY OF RED LAKE **ZONING BY-LAW** **SCHEDULE A4** **TOWNSITE of MADSEN**

| | |
|---------------------|--------------------------------|
| Townsite Boundary | |
| Transportation | |
| Local Roads | |
| Zoning Designations | |
| R1 | Townsite Residential Density 1 |
| R2 | Townsite Residential Density 1 |
| R3 | Mobile Home Residential |
| R5 | Recreational Residential |
| C1 | Townsite Commercial |
| C2 | Local Commercial |
| C3 | Highway Commercial |
| C4 | Rural Commercial |
| M1 | Light Industrial |
| M2 | General Industrial |
| M3 | Heavy Industrial |
| OS | Open Space |
| I | Institutional |
| HL | Hazard Land |

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