



TOWN OF THESSALON COMPREHENSIVE ZONING BY-LAW 2510

Approved October 17, 2022 by By-law 2510

**TOWN OF THESSALON
COMPREHENSIVE ZONING BY-LAW**

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SECTION 1 ADMINISTRATION

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 No. 2510 of the Corporation of the Town of Thessalon.

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, lot coverage of existing and proposed structures; and,
- e)** a statement, signed by the owner or designate 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.

1.3 Certificate of Occupancy Change of Use

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, unless the proposed change complies with this By-law.

1.4 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Town of Thessalon, which shall include lands under water intended to be utilized for land uses accessory to abutting uplands by private landowners.

1.5 Enforcement

This By-law shall be administered by the Chief Building Official or 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.

1.6 Inspection of Land, Buildings and Structures

- a)** Subject to Section 49 of the Planning Act, 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.
- b)** 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.

- c) 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.

1.7 Penalty

- a) 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 insistence of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

1.8 Repeal and Relationship to Former By-laws

Insofar as it applies to the lands affected by this By-law, By-law 1490 and any By-laws passed under Section 34 of the *Planning Act* to amend By-law 1490 are hereby repealed.

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.

1.9 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 provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

1.10 Other By-laws, Licenses, Permits and Regulations

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.

1.11 Conflict

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

1.12 Interpretation

a) Definitions

Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

b) 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 Town of Thessalon"), its short title ("Town of Thessalon Zoning By-law No. 2510") or its by-law number, and any such citation is to be taken as meaning the By-law as amended.

c) Gender Neutrality

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

d) Mandatory Language

The word "shall" is mandatory.

The words "used" and "occupied" shall include the words "arranged" and "designed to be used or occupied" respectively.

e) Present and Future

Words used in the present include the future.

f) 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.

g) Measurement Units

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement.

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 Unlawful Uses

Any use established in violation of a predecessor of this By-law shall be deemed to have been established unlawfully and shall be in violation of this By-law.

1.15 Responsibility to Confirm Compliance or Conformity

It shall be the responsibility of the landowner to confirm lawful compliance or conformity with the regulations of this By-law and doing so may require a landowner to provide proof of the lawful establishment of a land use or to prepare a real property report (survey) of the land and buildings. The Town is under no obligation to confirm compliance or conformity of any land use or lot with the regulations of this By-law.

SECTION 2 CONFORMITY REQUIREMENTS

Explanatory Note

This short section establishes the authority and legitimacy of the By-law. It is composed of three statements which require all land uses, buildings and structures to conform with the zoning by-law.

- 2.1** No land, building or structure shall be used and no building or structure shall be erected or enlarged or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.
- 2.2** Subject to the granting of such minor variances as may be necessary, no lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-law.
- 2.3** If a use does not take place within a building but occupies an area on a property, and the regulation in this by-law requires the use to be in a building, the requirement applies as though the area occupied by the use was in a building

SECTION 3 DEFINITIONS

Abut

Shall mean having a common border with, or being separated from a common border by a right-of-way, alley or easement.

Accessory Use, Building or Structure

When used to describe a use, building or structure, shall mean a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

Adult Entertainment Establishment

Shall mean any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business, (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises, or (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

Aggregate – see Mineral Aggregate

Agricultural uses

Shall mean the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple-syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agriculture-related uses

Shall mean those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Alter

a) When used in reference to a building, structure or part thereof, shall mean:

- 1.** to change any one or more of the external dimensions of such building or structure; or
- 2.** to change the type of construction of the exterior walls or roof of such building or structures; or
- 3.** 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:

- 1.** to change the boundary of such lot with respect to a street or lane; or
- 2.** to change any dimension or area, relating to such lot; or
- 3.** to change the use of such lot or the number of uses located thereon.

c) When used in reference to a shoreline shall mean:

- 1.** to change, straighten, divert or interfere in any way with the channel of any watercourse.

Amusement Arcade - see Place of Amusement

Animal Hospital - see Veterinary Establishment

Animal Shelter

Shall mean a use, building or structure or part thereof used for the care of lost, abandoned, abused or neglected animals.

Artisan Shop or Studio - see Studio

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 upon a division wall or walls shared in common with an adjacent building or buildings.

Auditorium – see Place of Assembly

Automotive Body Shop

Shall mean a building with a service bay, where painting, refinishing, restoration or repairs to the coachwork of motor vehicles are performed for gain or profit.

Automotive Car Wash - see Car Washing Establishment

Automotive Commercial Garage - see Automotive Repair Garage

Automotive Repair Garage

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

Automotive Sales Establishment

Shall mean a building and/or lot used for the display and sale of new and used motor vehicles and may include the servicing, repair, and cleaning of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other automotive use defined in this By-law.

Automotive Service Station - see also Gasoline Bar or Gasoline Card Lock Facility

Shall mean a building and/or lot used for the sale of fuels for vehicles and may include the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and

related products, but shall not include any other automotive use defined in this By-law.

Bake Shop

Shall mean a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale or for wholesale on the premises only and may include a restaurant.

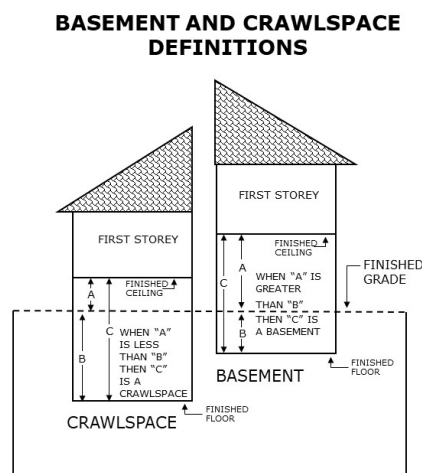
Bank

Shall mean a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

Basement

Shall mean that portion of a building, between two floors, which is partly underground but which has at least one-half of its height from floor to ceiling above the adjacent finished grade but in no case shall ("C") be less than 6' 11" in height (see Figure 1).

Figure 1: Basement and Crawlpace



Bed and Breakfast Establishment

Shall mean a private dwelling designed to be used in part for the short-term accommodation of the travelling or vacationing public, containing therein four (4) or fewer suites or guest rooms.

Berm

Shall mean a landscaped mound of earth. (See also **Landscaped Open Space**)

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. (See also **Place of Amusement**)

Boarder

Shall mean an individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodation and may be furnished meals or other services as part of the consideration.

Boarding House

Shall mean a dwelling in which not more than three habitable rooms are used or maintained for the mid to long term accommodation of the public, in which the owner resides on the premises and supplies lodgings with or without meals for the persons so accommodated.

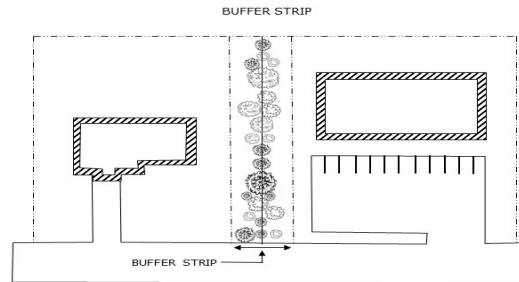
Boat House

A detached accessory building located in the shoreline setback or over the water or partially on-land and over water, the primary purpose of which is to store one or more vessel and is designed to have a prominent lake-facing door to permit easy ingress and egress of a vessel. A boathouse shall not include habitable space nor any accessory deck, dock, balcony or rooftop patio.

Buffer Strip

Shall mean an area to be used for the purpose of screening land, buildings, land uses or other structures by the planting and maintenance of trees or shrubs or by the construction and maintenance of a berm or fence, or a compatible intervening use that serves the foregoing purpose (see Figure 2).

Figure 2: Buffer Strip



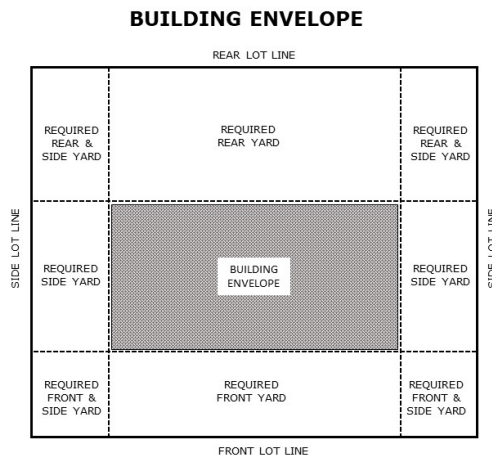
Building

Shall mean any structure used or intended for sheltering any use or occupancy. 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 buildable area on a lot, as determined by all of the required yards and setbacks and applicable regulations of this By-law (see Figure 3).

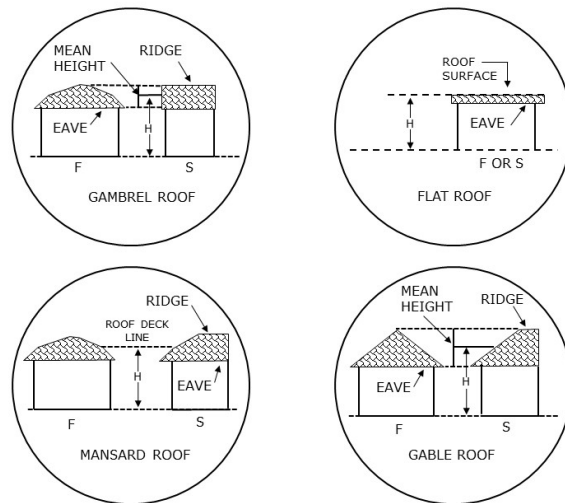
Figure 3: Building Envelope



Building Height

Shall mean the vertical distance between the average finished grade at the base of the building and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof (see Figure 4).

Figure 4: Building Height

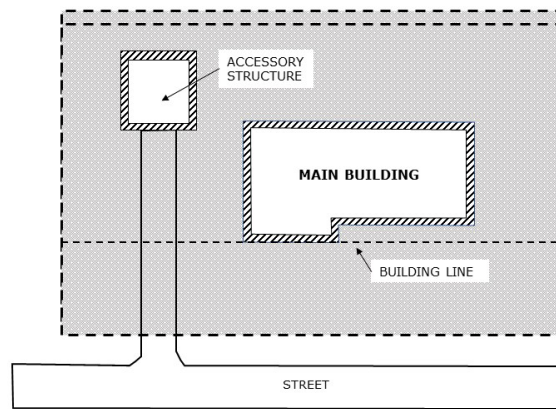


Building Line - see Established Building Line

Building, Main

Shall mean the building designed or used for the principal use on the lot (see Figure 5)

Figure 5: Main Building



Building Setback, see Setback

Building Supply Store

Shall mean a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a lumber yard or a salvage yard.

Business Office - see Office

Campground

Shall mean a commercial business operating on an area of land providing short term, recreational accommodation for tents, tent trailers, recreational vehicles or campers but shall not include mobile homes or a mobile home park and may include accessory uses such as a laundromat, convenience store, sale of propane fuels and recreational uses for persons using the campground where a fee is charged or paid for such accommodation.

Campsite

Shall mean a plot or parcel of land within a campground intended for the exclusive temporary occupancy by a recreational vehicle, tent or similar transportable accommodation together with all yards and open space and may include on-site services such as a fire pit, hydro, water and sewage disposal.

Cannabis

means:

- a.** A Cannabis plant including hemp or industrial hemp;
- b.** Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- c.** any substance or mixture of substances that contains or has on it any part of such a plant; and
- d.** any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Cannabis Facility

Shall mean a building or buildings, designed, used, or intended to be used for one or more of the following: cultivation, growing, cloning, propagation, production, processing, harvesting, testing, alteration, destruction, storage, research packaging, shipment or distribution of cannabis in accordance with applicable Federal law and regulation but does not include a building or part thereof solely designed, used, or intended to be used for the retail sale of cannabis.

Car Port

Shall mean a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

Car Washing Establishment

Shall mean a building or portion thereof used for washing or cleaning of motor vehicles for gain, and may include the sale of gas and oil to its customers.

Cemetery

Shall mean the land that is set apart or used as a place for the internment of the deceased or in which human bodies have been buried.

Chief Building Official

Shall mean an officer or employee of the Corporation of the Town of Thessalon appointed by by-law to administer the *Building Code Act*.

Child Care Centre

Means a premises operated by a person licensed under the *Child Care and Early Years Act*, as amended.

Child Care, Home

Means a home occupation operated in accordance with Section 6(2) of the *Child Care and Early Years Act*, as amended.

Church - see Place of Worship

Clinic

Shall mean a building used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club - see Private Club (See also Recreational Commercial Establishment)

Commercial Greenhouse

Shall mean a building 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 or cannabis.

Commercial Vehicle

Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

Communications Facility

Shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility.

Community Centre

Shall mean any parcel of land or building(s) used for community activities whether used for commercial purposes or not, and the control of which is vested in the municipality, a local board or agent thereof. (See also **Place of Assembly**)

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.

Construction Yard or Contractor's Yard

Shall mean the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and 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 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 building or part of a building used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise as is required to fulfil the day-to-day needs of a surrounding community.

Corporation

Shall mean the Corporation of the Town of Thessalon.

Council

Shall mean the Council of the Corporation of the Town of Thessalon.

Crawlspace

Shall mean the portion of a building, between two floors, which is partly underground, has more than one-half of its height from floor to ceiling below the finished grade, shall not be less than 5'11", and shall not be inhabited (see Figure 1).

Custom Workshop

Shall mean a building or part of a building where non-offensive, non-dangerous custom production of articles or things is carried out but does not include an establishment where the manufacturing of goods is performed on a large scale or assembly line basis or any industrial use otherwise defined in this By-law.

Deck

Shall mean a structure which may or may not be attached to a dwelling or building with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Detached

When used in reference to a building, shall mean a building which is not dependent on or physically connected to any other building 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*; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the *Drainage Act*.

Dock

Shall mean an accessory structure to a shoreline use which is used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the water body.

Driveway

Shall mean a vehicular access connected to a 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.

Dry Cleaning Establishment

Shall mean a building used for the purpose of dry cleaning, dry dyeing, cleaning, minor repairs or pressing articles of clothing or goods of fabric is carried on and may include the receiving and distribution of such articles of clothing or goods of fabric.

Dwelling, Accessory

Shall mean a dwelling which is incidental, subordinate and exclusively devoted to a main use and is located on the same lot therewith.

Dwelling, Apartment

Shall mean a building containing three (3) or more dwelling units but shall not include a row dwelling.

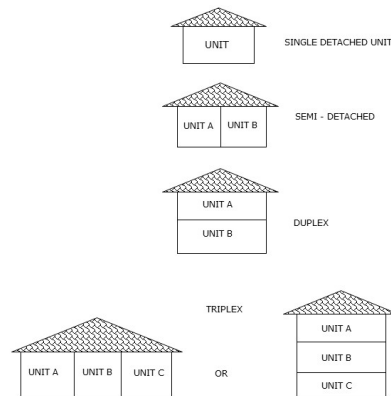
Dwelling, Boarding House - see Boarding House

Dwelling, Duplex

Shall mean a building divided horizontally into two (2) dwelling units (see Figure 6)

Figure 6: Dwelling Types

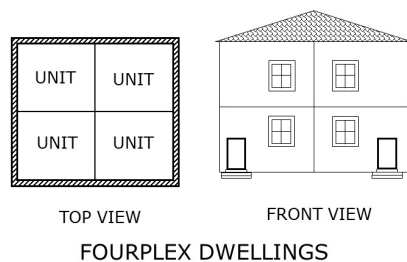
ILLUSTRATIONS OF DWELLING TYPES



Dwelling - Fourplex

Shall mean a detached building that is divided into four dwelling units but shall not include a row or town house dwelling. (See Figure 7)

Figure 7: Fourplex Dwelling



Dwelling, Mobile Home - See Mobile Home

Dwelling, Modular

Any dwelling that is substantially constructed off-site in accordance with CSA Standard A-277, and is transported to the building site in two or more pieces to be assembled onto a permanent foundation.

Dwelling, Seasonal

Shall mean a single detached dwelling constructed to a standard authorized by the Ontario Building Code which does not allow use during the winter months.

Dwelling, Semi-detached

Shall mean a building on a single foundation divided vertically into two (2) separate dwelling units by a common wall. (See Figure 6)

Dwelling, Single-detached

Shall mean a detached building containing one (1) dwelling unit, and shall include a modular home. (See Figure 6)

Dwelling, Row or Townhouse or Maisonnette

Shall mean a detached building that is divided vertically into three (3) or more dwelling units but not more than sixteen (16) dwelling units in a continuous row, each dwelling unit having two or more private entrances, provided that the maximum length of the building is not more than 55 m [180.4 ft.]. [See Figure 6]

Dwelling, Triplex

Shall mean a dwelling that is divided horizontally into three (3) separate dwelling units, each of which has an independent entrance either directly from the outside, or through a common vestibule. (See Figure 6)

Dwelling Unit

Shall mean a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, motel, rental cottage or cabin or similar commercial use of a private or semi-private institution and sleeping accommodation which meets the minimum net floor area for the applicable zones.

Dwelling Unit Area

Shall mean the habitable area contained within the inside walls of a dwelling unit. Excluding any private garage, car port, porch, verandah,

unfinished attic, crawlspace or sunroom (unless such sunroom is habitable in all seasons of the year), and excluding public or common halls, stairways and the thickness of the outside walls.

Dwelling Unit, Accessory

Shall mean a separate and self-contained dwelling unit (e.g. includes cooking, sanitation and sleeping facilities) in or added to a single detached dwelling unit or accessory storage building to a single detached dwelling unit and which has a separate entrance.

Easement

Shall mean land subject to a permanent registered interest in land which provides one or more landowners with the legal right to cross, travel, utilize, park or otherwise use land for a specified purpose and shall also include a right-of-way.

Eating Establishment - see Restaurant

Equipment Rental Establishment

Shall mean a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods.

Equipment and Vehicle Storage Yard, Industrial

Shall mean an uncovered area which is used for the storage of machinery and equipment for use in industrial and major construction undertakings, commercial vehicles, and other similar goods requiring large areas for outside storage. Limited repair of such machinery, equipment, vehicles and goods may be permitted in a building provided such repair is clearly incidental and secondary to the storage use.

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, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Established Grade

Shall mean:

- a)** when used with reference to a building, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps;
- b)** when used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
- c)** when used with reference to a street, road or highway, the elevation of the street, road or highway.

Existing

Shall mean lawfully existing as of the date of the passing of this By-law.

Factory Outlet - see Retail Outlet

Farm - see Agricultural Use

Farmer's Market

Shall mean an establishment or premises 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.

Floodline Elevation

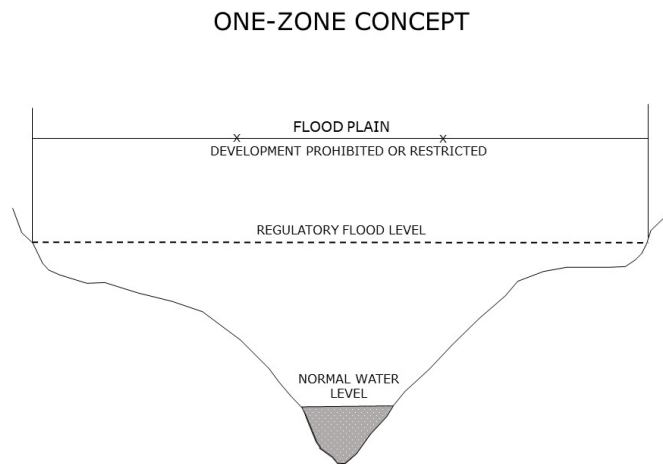
Shall mean a reference to a flood hazard elevation along the Lake Huron shoreline of 178.3 metres Canadian Geodetic Vertical Datum

(CGVD) which is a combination of the peak instantaneous flood elevation and a vertical wave uprush factor.

Flood Plain

Shall mean the area, usually low lands, adjoining a watercourse which has been, or may be covered by flood water. (See Figure 8)

Figure 8 – Flood Plain



Flood Proofing

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

Floor Area, Gross

Shall mean the total area of each floor measured between the exterior faces of the exterior walls of the building 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 including basements and upper floors, less common areas including public walkways, malls, public toilets, truck and service facilities, joint service facilities, elevator shafts and lobbies, boiler rooms, maintenance rooms, mechanical or electrical or utility rooms and parking for autos within the building.

Floor Area, Net

Shall mean usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure including a dwelling but shall not include:

- a)** any private garage, unenclosed porch or veranda, and non-habitable basement, crawlspace or attic; or
- b)** any part of the building or structure below grade which is used for building services, storage or laundry facilities; or
- c)** any part of the building or structure used for the storage or parking of motor vehicles.

Funeral Home

Shall mean a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, a chapel or parlour provided such activities are clearly secondary and incidental to the main undertaking service.

Furniture Showroom and Workshop - see Retail Store

Garage, Municipal

Shall mean a building which is used for the storage or servicing or minor repairs of equipment essential to the actual operation of motor vehicles owned and maintained by the Town of Thessalon and any department of the Government of Ontario or Canada.

Garage, Private

Shall mean an accessory building or portion of a main building including a carport which is designed or used for parking or storage of motor vehicles of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garage, Public - see Automotive Repair Garage

Garden Centre

Shall mean an outdoor area primarily used for the retail of gardening equipment, products and planting materials.

Garden Suite

Shall mean a one-unit detached residential structure containing sanitary and kitchen facilities that is accessory to an existing permanent residential structure and that is designed with the ability to be portable (relocated), but does not include a mobile home, a park model trailer or any type of a recreational vehicle [also known as a granny flat].

Gasoline Bar

Shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 10 m² (107.6 ft.²) which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles.

Gasoline Card Lock Facility

Shall mean one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

Gazebo

Shall mean a freestanding, roofed accessory structure which is not enclosed, except for screening and which is utilized as an amenity structure in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

Grade – see Established Grade**Granny Flat - see Garden Suite****Group Home**

Shall mean a single housekeeping unit in a residential dwelling, which is registered with the Municipality, in which three (3) to ten (10)

persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws.

Habitable Room

Shall mean a room in a dwelling used or intended to be used primarily for human occupancy.

Height – see Building Height

Hereafter

Shall mean after the date of the passing of this By-law.

Herein

Shall mean in this By-law, and shall not be limited to any particular section of this By-law.

High Water Mark

Shall mean the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual 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.

Highway

Shall mean a public road under the jurisdiction of the Province of Ontario. [See also **Public Street**]

Home for the Aged -see Nursing Home

Home Based Business

Shall mean any legal occupation for gain or support which is carried on as an accessory use either within a dwelling or dwelling unit. Such home occupation uses may include a service or repair shop, a personal service shop, the office or consulting room of a doctor, dentist,

chiropractor, drug-less practitioner, gunsmith, locksmith, lawyer, real estate agent, home child care, planner, accountant, architect, photographer, teacher, seamstress, hair care service, music or dance instructor, engineer, information technology services, but does not include a clinic, hospital, nursing home, a tea room, kennel or body or engine repair shop.

Hospital

Shall mean a hospital as defined in the *Public Hospitals Act* or the *Private Hospitals Act*.

Hotel

Shall mean a building designed or used for the accommodation of the travelling or vacationing public, containing therein (5) or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

Institutional Use

Shall mean land, buildings, structures or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, or for benevolent objectives or public service and which shall include a children's home, a home for the aged, a long term care facility, a monastery, a convent, a private hospital, a training centre and similar uses.

Kennel

Shall mean a building or structure where dogs, including dog-sled teams, are bred, raised and/or boarded as part of a commercial operation or for recreational purposes.

Landscaped Open Space

Shall mean:

- a)** a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use; but,

- b)** does not include parking areas, traffic aisles or driveways or ramps for 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 connecting public streets, open spaces or buildings.

Laundromat

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

Library

Shall mean a public, lending library.

Licensed Refreshment Sales Vehicle

Shall mean a vehicle which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling, or sale of foodstuffs or beverages within or from the vehicle and may include exterior seating e.g. picnic tables.

Liquor Licensed Premises

Means any building, structure or premise licensed under the *Liquor Licence Board of Ontario*.

Livestock Facility

Shall mean livestock barns where animals or poultry are housed, including beef feedlots, and the associated storage of manure.

Livestock Sales Outlet

Shall mean a building or structure where livestock such as cattle, goats, sheep, or the young thereof are bought and sold.

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 not necessarily in a straight line to a street.

Logging Hauler

Shall mean an area of land and/or building of a logging contractor where equipment and materials are stored and may include repairs to logging equipment belonging to the logging operator or contractor.

Long Term Care Facility - see Nursing Home

Lot

Shall mean a parcel or tract of land described in a deed or other legal document which is legally capable of being conveyed.

Lot Area

Shall mean the total length by the total width of the lot, both measured horizontally, equalling the total horizontal area measured within the limits of the lot lines of the lot ($L \times W = A$).

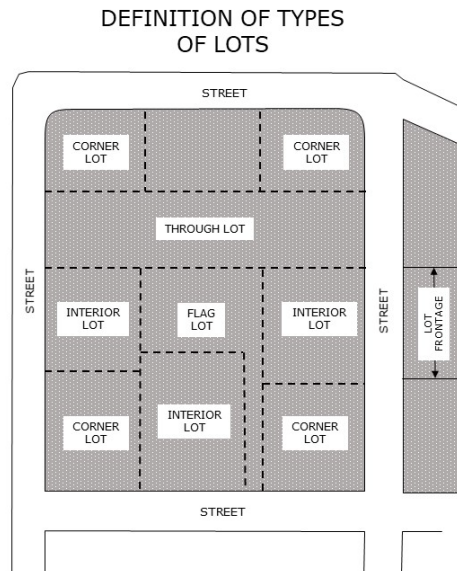
Lot, Corner

Shall mean a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees.

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of

the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents (see Figure 9).

Figure 9: Illustrations of Lots



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.

Lot Depth

Shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

Lot Frontage

Shall mean the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 7.5 m (24.6 ft.) back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines (see Figure 9).

Lot Interior

Shall mean a lot other than a corner or a through lot which has frontage on a public street (see Figure 9).

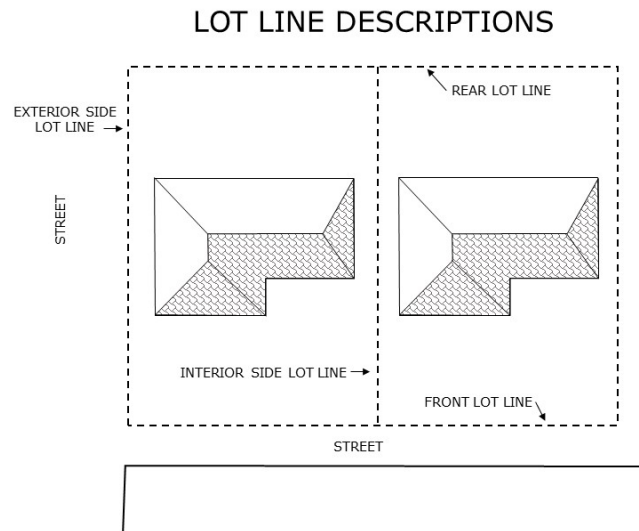
Lot Line

Shall mean a boundary line of a lot (see Figure 10).

Lot Line - Exterior Side

Shall mean a lot line located between the front and rear lot lines and dividing the lot from a street (see Figure 10).

Figure 10: Illustration of Lot Lines



Lot Line, Front

Shall mean:

- a)** In the case of an interior lot, the line dividing the lot from the street line or street allowance or private road. (See Figure 10)
- b)** In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be a side lot line.

- c)** In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial highway shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- d)** In the case of a corner lot abutting a 0.3 m (0.98 ft.) reserve or other reserve, the lot line so abutting the reserve shall be deemed an exterior lot line and the other lot line abutting the street shall be deemed to be the front lot line.
- e)** In the case of a private road, the lot line adjacent to the private road shall be deemed to be the front lot line.
- f)** In all other cases not described above, the front lot line shall be deemed to be where the principal access to the lot is approved.

Lot Line, Rear

Shall mean the lot line furthest from, and opposite to, the front lot line. (See Figure 9)

Lot Line, Side Interior

Shall mean a lot line other than a front, rear or side exterior lot line. (See Figure 9)

Lot, Through

Shall mean a lot having a frontage on two parallel or approximately parallel streets. (See Figure 9)

Lot, Width

Shall mean the shortest horizontal distance between the side lot lines measured through a point 7.5 m (24.6 ft.) back from the mid-point of the front lot line.

Lumber Yard

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

Main Wall

Shall mean any exterior wall of a building and all structural members essential to the support of a fully enclosed space of roof exclusive of permitted projections.

Marina

Shall mean a lot, building, structure on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an accessory use may be provided.

Marine Facility

Shall mean a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

Mineral Aggregate

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

Mini Warehouse and Public Storage

Shall mean a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Minimum Distance Separation

Shall mean formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Mobile Home

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence on a foundation and is certified in accordance with C.S.A. Standard Z240, but does not include a travel trailer, park model trailer or tent trailer or trailer otherwise designed.

Mobile Home Park

Shall mean land which has been provided and designed for the location thereon of two (2) or more occupied mobile homes.

Mobile Home Lot or Site

Shall mean an area, similar to a lot, located in a mobile home park, intended to be or occupied by a mobile home or a permitted accessory use.

Mobile Home Lot Line or Site Line

Shall mean a line similar to a front lot line, rear lot line, interior or exterior side lot line as if it were applied to a Mobile Lot or Site.

Motel

Shall mean a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment. (See also **Hotel, Tourist Establishment**)

Municipality

Shall mean the Municipality of the Town of Thessalon.

Museum

Shall mean a building or part thereof used for the storage and display of public archives and may include a public art gallery.

Mutual Driveway - see Driveway

Natural Heritage Features and Areas

Shall mean features and areas identified in the Thessalon Official Plan, such as significant wetlands, fish habitat, significant portions of the habitat of endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Navigable Waterway

Shall mean a navigable body of water or stream as deemed under the *Canadian Navigable Waters Act*.

Non-Complying

Shall mean any existing use, building, structure or lot which does not meet the minimum zone regulations and standards of this By-law. (see also **Non-Conforming**)

Non-Conforming

Shall mean any existing use, building, structure or lot which is not listed as a permitted use within the Zone categories in this By-law. (see also **Non-Complying**)

Nursery

Shall mean land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. (See also **Commercial Greenhouse**)

Nursing Home, Home for the Aged, or Long Term Care Facility

Shall mean a building or premises used in accordance with the provisions of the *Long-Term Care Homes Act*. (See also **Retirement Home**)

Obnoxious Uses

Shall mean any use which is a nuisance to the occupant or owner of any buildings by reason of the emission from the land or building or any part thereof, or the creation thereon, of odours, gases, dirt, radiation, smoke, noise, vibration, fumes, cinders, soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

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.

Open Space

Shall mean the open, unobstructed space on a lot including landscaped areas, 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 or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

Original Road Allowance

Shall mean the 20 m [65.6 ft.] wide allowance for any road or reserve in the original survey including that along the shore of a navigable stream, rivers and lakes.

Outfitter's Centre - see Tourist Outfitters Establishment

Park

Shall mean an area of land, whether enclosed or not, maintained by the Municipality or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge

and, for the purposes of this definition, includes a Provincial Park or Conservation Area with campground facilities.

Park, Private -see Recreational Commercial Establishment

Parking Area

Shall mean a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all zones, and shall include the storage or parking of not more than two (2) motor vehicles for hire and gain, display or for sale.

Parking Lot, Commercial

Shall mean a lot or portion thereof used for the temporary storage or parking of four (4) or more vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

Parking Space

Shall mean an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

Patio

Shall mean a surfaced, open space of land at grade adjacent or attached to a residential dwelling which is used as an extension to the interior of the home for private entertainment or leisure activities. In a commercial setting a patio means a surfaced open space area at grade used in conjunction with a restaurant or fast food establishment where seating accommodation is provided and where meals and beverages may be served and consumed.

Payday Loan Establishment

Shall mean a place of business, licensed by the Province of Ontario to loan money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature.

Person

Shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an 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 an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, or a dry cleaning distribution station or a similar use.

Pit

Shall mean land or land under water authorized for mineral aggregate extraction in accordance with this zoning by-law and the *Aggregate Resources Act*.

Place of Amusement

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

Place of Assembly

Shall mean a building specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

Place of Entertainment - see Recreational Commercial Establishment**Place of Worship**

Shall mean a building or an open area dedicated to religious worship.

Planning Advisory Committee

Shall mean a group of individuals duly appointed by Council for the purposes of advising Council on Land Use Planning matters.

Playground

Shall mean a park or part thereof which is equipped with active recreational facilities oriented to children.

Portable Asphalt/Concrete Plant

Shall mean a facility with equipment designed to mix or heat and dry aggregate and to mix aggregate with bituminous asphalt to produce concrete or asphalt paving materials and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction but is designed to be dismantled and moved to another location as required. Portable asphalt plants must comply with the Ministry of the Environment's separation distances and must obtain a certificate of approval from the Ministry of the Environment. (See also **Asphalt Manufacturing Plant**)

Printing and Publishing Establishment

Shall mean a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Privacy Fence

Shall mean a fence that will visually isolate, conceal or seclude objects, things, places or people.

Private Club

Shall mean a building or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

Private Road

Shall mean a privately owned access route over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

Public Access Point

Shall mean public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body. (See also **Marine Facility**)

Public Authority

Shall mean the Town of Thessalon and any Boards or Commissions thereof and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

Public Garage - see Automotive Repair Garage

Public Service Use

Shall mean a building, structure or lot used for public services by the Town of Thessalon and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, communications or railway company, any company supplying natural gas, Hydro One, Conservation Authority, Public Utilities Company or similarly recognized agencies.

Public Street

Shall mean a public or common highway affording the principal means of access to abutting properties which has been dedicated to and or assumed by a public authority. This may include an unassumed or unmaintained public street.

Public Storage - see Mini Warehouse and Public Storage

Public Utility

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

which is operated by a public authority or a publicly governed company.

Quarry

Shall mean a mineral aggregate operation authorized by this zoning By-law and the Aggregate Resources Act to extract mineral aggregates from consolidated rock.

Recreational Commercial Establishment

Shall mean an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shells or open theatres, and other similar uses but does not include a bingo hall.

Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term or seasonal basis for living, sleeping, eating or accommodation of persons. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, campers, a converted camper-bus, a park model trailer, but does not include recreational equipment such as, a boat or vehicle trailer, snowmobiles, personal water craft, all terrain vehicles or other equipment used for recreational purposes.

Recreational Vehicle Campground - see Campground

Recreational Vehicle Sales and Storage

Shall mean a building and/or lot which is used for the display, storage and/or sale of boats, trailers, campers and other recreational vehicles or recreational equipment.

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 may also include an area for the storage of composting material as well as an area to burn wood and brush. This definition does not include any other type of waste management system.

Redevelopment

Shall mean the removal or rehabilitation of buildings or structures and the construction, reconstruction or erection of other buildings or structures in their place.

Religious Education Facility - see Place of Worship or Campground, Recreational

Residence - see Dwelling

Resort - see Tourist Establishment

Restaurant

Shall mean a building or structure where food is prepared and offered for sale to the public for consumption within or outside the building or structure or off the premises.

Retail Store

Shall mean a building wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein.

Retirement Home

Shall mean a residence providing accommodation primarily for retired persons or couples where each private living unit (bedroom or suite) has a separate private bathroom and a separate entrance from a common hall, but where common facilities for the preparation and consumption of food are provided and common lounges, recreation facilities, medical services and social and recreational facilities for use by the inhabitants may be provided. (See also **Nursing Home, Home for the Aged, or Long Term Care Facility**)

Rifle Club - see Shooting Range

Right-of-Way – see Easement

Road - see Public Street

Room, Habitable

Shall mean a room which:

- a)** is located within a dwelling unit;
- b)** is designed for living, sleeping or eating or for sanitary purpose;
- c)** can be used at all times throughout the year; and
- d)** is not located within a Crawlspace

Room, Non-Habitable

Shall mean any room located within a dwelling that is not a habitable room, including but not limited to, a laundry room, a pantry, a lobby, a stairway, a closet, a verandah, a recreation room, a porch, a balcony, a private garage, an unfinished attic, a crawlspace, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

Rooming House - see Boarding House

Row House - see Dwelling, Row or Townhouse

Salvage Yard

Shall mean a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a scrap metal yard, a recycling depot and an automotive wrecking yard on the premises.

Sawmill or Planing Mill

Shall mean a building, structure or area 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 ft.²) wherein facilities are provided for the purpose of a steam bath and may include a change room.

School

Shall mean a public educational establishment operated by a School Board.

School, Private

Shall mean an educational establishment, other than a School, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts. (See **Studio**)

Seating Capacity

Shall mean the number of persons which can be accommodated in a building or structure or part thereof in a seated position on chairs, benches, forms or pews.

Separation Distance

Shall mean the horizontal distance between buildings or structures or physical features measured from the closest point of the exterior wall of such building or structure, or of such physical feature.

Septage

Shall mean untreated sanitary waste from a septic tank, privy or holding tank.

Service Outlet

Shall mean a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof. Automotive repairs and services are not permitted under this definition.

Setback

Shall mean:

- a)** With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.
- b)** With lots which abut the water, the frontage shall be taken from the travelled road and not the water.

Sewage and Water Systems

a) Full Municipal Sewage and Water Services or Piped Services:

Shall mean piped sewage and water services that are connected to a centralized water and waste water treatment facility. (Provincial Policy Statement)

b) Communal Services

Shall mean sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

- 1.** are not connected to full municipal sewage and water services;
- 2.** are for the common use of more than five residential units/lots;
- 3.** are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner. (Provincial Policy Statement)

c) Individual On-Site Systems

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 residential units/lots.

d) Partial Services

Shall mean connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Sewage System, Class 1

Shall mean a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth privy, a pail privy, a privy vault and a composting toilet system.

Shooting Range or Rifle Club

Shall mean land, buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization in accordance with Federal laws and regulations.

Shopping Centre

Shall mean a group of commercial and service establishments or retail stores which are designed, developed and managed as a unit, usually in a single building, having the off-street parking provided on the site.

Shoreline

Shall mean those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Shoreline Structure

Shall mean a boat house (wet or dry), a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

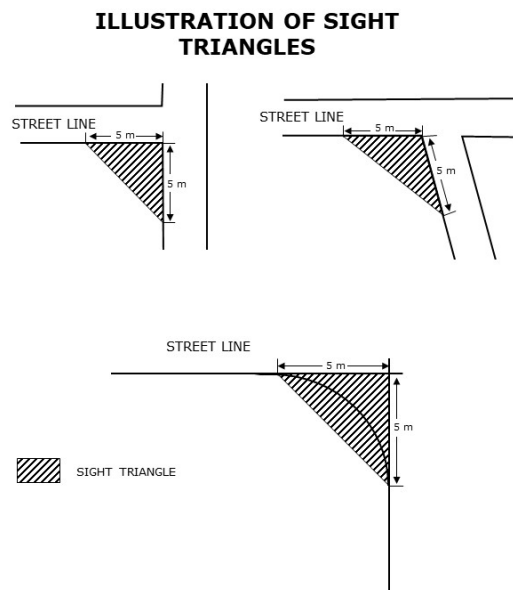
Short Term Accommodation

Shall mean a dwelling unit utilized for commercial accommodation purposes which is made available to the travelling or vacationing public for a periods not greater than 60 consecutive days.

Sight Triangle

Shall mean a triangular space, free of buildings, structures and obstructions, 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 the required sight distance from the point of intersection of the street lines as specified in this by-law (see Figure 10).

Figure 10 – Sight Triangle



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:

- a)** is a structure, or part of a structure, or which is attached thereto or mounted thereon; and
- b)** which is used to advertise, inform, announce, claim, give publicity or attract attention.

Sleep Cabin

Shall mean an accessory building or structure, not exceeding 40 m² (430.5 ft.²) in gross floor area, located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities.

Solid Waste Disposal Site - see Waste Management Facility**Storey**

Shall mean that portion of a building other than a crawlspace or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

Street - see Public Street**Street Allowance**

Shall have a corresponding meaning to that of Public Street or Private Road.

Street Line

Shall mean the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

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 and, without limiting the generality of the foregoing, includes a sewage disposal system, a recreational vehicle attached to a sewage disposal system but does not include a fence.

Studio

Shall mean a building or structure 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.

b) for the instruction of art, music, languages or similar disciplines.
(See also **School, Private**)

Swimming Pool

Shall mean an open or covered in-ground or above ground outdoor 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 or whirlpool but shall not include any inflatable-type or steel-frame pool which may be used on a temporary basis and removed in the winter months.

Telecommunications Establishment - see Communications Facility

Tourist Establishment

Shall mean premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, lodge or bed and breakfast, and rental cottage or cabin where more than 3 such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses.

Tourist Outfitters Establishment

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

Town

Shall mean the Corporation of the Town of Thessalon.

Trailer - see Recreational Vehicle

Trailer Park - see Campground

Trailer, Park Model

Shall mean a manufactured building designed and constructed in

conformance with CAN/CSA-Z241 Series M "Park Model Trailer, as set out in the *Building Code*, and is used or intended to be used for seasonal accommodation and is not a Dwelling Unit.

Transfer Station - see Recycling Station

Transportation Depot

Shall mean land, or a structure or a building 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 and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

Truck Terminal - see Transportation Depot

Use

Shall mean the purpose for which a lot or a building or a structure is designed, arranged, occupied or maintained.

Vehicle

Shall mean a motor vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or ATV.

Veterinary Establishment

Shall mean a building or part of a building used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment.

Warehouse

Shall mean a building or structure or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

Waste Management Facility

Shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or

industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped.

Water Frontage

Shall mean a lot which has one or more lot lines abutting a navigable watercourse, shoreline or shoreline road allowance, bay or lake.

Water Body

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

Wayside Pit

Shall mean land from which unconsolidated aggregate is removed by means of open excavation on a temporary basis for use by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wayside Quarry

Shall mean land from which consolidated aggregate is removed by means of open excavation on a temporary basis for use by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Welding Shop

Shall mean a building or structure or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

Wind Farm, Commercial

Shall mean a development of two or more wind turbines on one or more lots, together with any appurtenances, electrical transmission infrastructure and accessory facilities, where said development is connected to the provincial transmission grid and generating electricity for sale off-site.

Wind Farm Accessory Facilities

Shall mean those buildings, structures, equipment, machinery, and other devices required for the operation and maintenance of a wind farm, including but not limited to access roads, collector and feeder lines, transformers, transmissions lines, maintenance and control buildings, and sub stations.

Wind Turbine, Commercial

Shall mean a structure including a tower, nacelle, blades, internal transformers and related appurtenances which is designed to convert wind into useable energy for the purpose of inclusion into the electrical grid system.

Wind Turbine Height

Shall mean the distance measured from the uppermost vertical extension of any turbine blade to the average grade at the base of the tower.

Workshop or Custom 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.

Wrecking Yard - see Salvage Yard

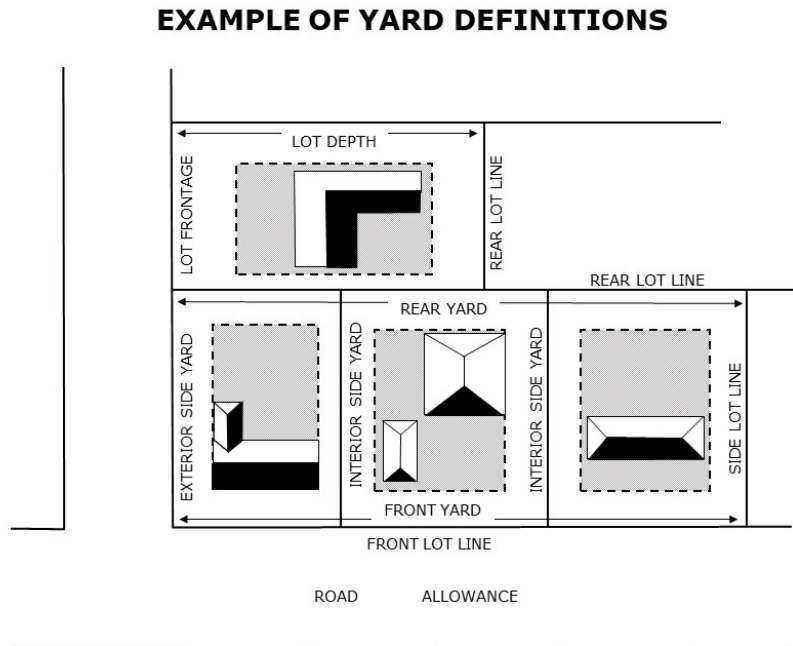
Yard

Shall mean an open space on the same lot with a building or structure or excavation, unoccupied and unobstructed except for such accessory buildings, structures or uses specifically permitted in this By-law.

Yard, Front

Shall mean a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line (see Figure 12).

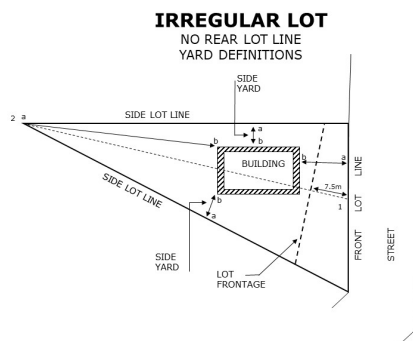
Figure 12: Illustration of Yards



Yard, Rear

Shall mean a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line (see Figure 12). 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 wall of the main building (see Figure 13).

Figure 13: Illustration of No Rear Lot Line



Yard, Side

Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line (see Figure 12).

Yard, Side Exterior

Shall mean a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street (see Figure 12).

Yard, Side - Interior

Shall mean a side yard other than an exterior side yard (see Figure 12).

Zone

Shall mean a designated area of land use shown on any Schedule to this By-law.

SECTION 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law states the regulations which apply regardless of the specific zoning. Whereas the zones provide site specific controls corresponding to such items as permitted uses and restrictions on location, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.

4.1 Accessory Buildings, Structures and Uses

4.1.1 Where a lot is devoted to a permitted use, accessory uses, buildings and structures are authorized subject to the following provisions:

a) Accessory Use to be on Same Lot

All accessory uses, buildings and structures to a permitted main principal use shall be located on the same lot and in the same zone as the principal use. Where a lot has been severed by a natural feature such as an unnavigable watercourse or ravine, such a lot may be used for an accessory use provided that the lot is under the same registered ownership as the lot upon which the principal use is located.

b) Accessory Building Location

Except as otherwise provided by this By-law, any accessory building which is not part of the main building, shall not be located in any front yard. No accessory building or structure shall be constructed closer to the front lot line than the minimum distance required by this By-law for main building on the lot and shall comply with the minimum yard requirements of the zone in which such accessory building is erected.

c) Maximum Lot Coverage

Accessory buildings, structures and uses, excluding in-ground swimming pools, shall be included within the calculation of total lot coverage for the purposes of conformity to Zone Requirements. The total lot coverage of all accessory buildings and structures shall not

exceed 10%. The maximum floor area for a private detached or attached garage shall not exceed the ground floor area of the main building on the lot.

d) Maximum Height and Setbacks

The maximum height of any accessory building shall not exceed 6 metres measured from finished grade to the highest point of the roof. Accessory buildings shall not include a second storey, loft or mezzanine unless expressly authorized in this By-law or the upper floor is intended to be utilized for an accessory dwelling unit in accordance with Section 4.6.2. Accessory buildings shall not be permitted in the front or exterior side yards but may be permitted in the interior side and rear yard provided subject to a minimum 2 metre setback for residential accessory buildings and a 5 metre setback for buildings in any other zone.

e) Keeping of Animals

The use of an accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any residential zone. For the purposes of this By-law, a domestic pet shall not include any hoofed animal or animal otherwise prohibited by the Town of Thessalon Animal Control By-law, as amended.

f) Marine Facility

Despite Section 4.1.1 (b) above, a shoreline structure such as a marine facility, dock, pumping station or pump house may be located in any yard, where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the marine facility is located not closer than 1 m [3.28 ft.] to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water.

g) Accessory Buildings Prior to Erection of Main Building

No accessory building shall be erected prior to the erection of the main building on the same lot, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the main building or structure for which a building permit has been issued, and no such accessory building shall, prior

to the erection of the main building, be used for any purpose other than storage and shall not exceed 10 m² in floor area.

h) Gate House

A gate house shall be permitted in the front or side yard of any industrial zone or in the area between the street line and the required setback.

4.2 Auto Service Station, Car Wash, Gasoline Bar or Gasoline Card Lock Facility

Despite any other provisions contained in this By-law, for all zones within which an auto service station, car wash, gasoline bar, and/or gasoline card lock facility is permitted the following shall apply:

a) Pump Island Location

The minimum distance between the pump island, pumps and their related overhead canopies and any lot line shall be 6 m [19.6 ft.] from any lot line. Where the lot is a corner lot, no portion of the pump island shall be located closer than 7 m [22.9 ft.] to the base of a sight triangle.

b) Overhead Canopy Setback

Overhead pump island canopies shall be located so as to ensure that a minimum separation distance of 2 m [6.56 ft.] exists between any lot line and the vertical overhead projection onto the ground of any such canopy.

c) Propane Tanks and Gasoline Storage Tanks

- 1)** No person shall erect or use a bulk propane storage tank at an auto service station, gasoline card lock facility or gas bar, or on any other property where vehicle fuel may be dispensed, unless a license has been obtained from the provincial body having jurisdiction and provided the location is in compliance with the requirements of the Ontario Propane Code and the Gasoline Handling Code, respectively.
- 2)** In addition to the above requirement, no propane storage tank may be located closer than the greater of 6 m [19.6 ft.] or the requirement of the applicable code from the property line of any

residential use, unless the said tank is separated by an unpierced wall or fence of non-combustible construction having a height of 1.75 m [5.74 ft.] above the level of the ground adjoining the tank.

d) Separation of Car Wash from Residential Zone

Where a car wash abuts a Residential Zone, the following requirements shall apply:

- 1)** Despite any other requirements of this By-law for a lot abutting lands zoned for residential use, a drive-through car wash shall not be permitted on any lot having a lot area of less than 3,000 m² [0.74 ac.] and shall not be located closer than 20 m [65.6 ft.] to any lot line abutting such Residential Zone;
- 2)** No washing or drying operations shall be permitted except within the building designed for the purpose of the car wash;
- 3)** For a drive-through mechanical car wash, the building shall be so designed that drying machinery and equipment within the building is furthest removed from the lot line(s) abutting a residential zone, and that cars exiting the building do so also from the side of the building which is furthest removed from the lot line(s) abutting a residential zone.

e) Required Vehicle Queue Space

On lots where a drive-through car wash is to be erected, off-street vehicle queue spaces shall be provided in accordance with the following provisions:

Required number and location of queue spaces:

Type of car wash	Before each wash Bay	After each wash Bay
conveyor or mechanical type	15	2
manual type	3	1

Each required queue space shall be at least 2.6 m [8.53 ft.] in width and 5.75 m [18.86 ft.] in length.

f) Landscaping

Where any lot which is used or intended to be used for the purpose of an auto service station, car wash, gas bar or gasoline card lock facility adjoins a street, then a strip of landscaped open space of a minimum width of 1 m [3.28 ft.] shall be provided along any lot line abutting a street and the said landscaped open space shall be continuous except for aisles or driveways required for access to the lot.

4.3 Bed and Breakfast Establishment

A bed and breakfast establishment shall be permitted in any residential zone in a single detached dwelling, or a semi-detached dwelling or a duplex dwelling subject to the following requirements:

- a)** That the number of guest suites does not exceed four (4).
- b)** That the use of the dwelling does not change the residential character of the dwelling.
- c)** That the requirements for the provision of off-street parking spaces can be met.
- d)** That the requirements of the local Health Unit, where applicable, can be met.

4.4 Buildings to be Moved

No building or structure shall be moved within the limits of the Municipality, 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 from the Chief Building Official.

4.5 Change of Use

The use of a lot, building or structure which, under the provisions hereof, is a legal non-conforming use within the zone in which such lot, building or structure is located, shall not be changed except to a

use which is permissible within such zone or where approved by the Planning Committee and a permit has been obtained from the Chief Building Official.

4.6 Accessory Dwelling Units

4.6.1 Accessory Dwelling Unit to a Single Detached Dwelling

Notwithstanding any other provisions of this By-law, one accessory dwelling unit is permitted in a detached dwelling in the RU, R1, R2 or R3 Zones provided:

- a)** the principle detached dwelling has a minimum ground floor area of 65 square metres and is otherwise compliant with the provisions of this By-law;
- b)** the floor area of the accessory dwelling unit is no greater than 50 square metres;
- c)** a minimum of three parking spaces are provided on the lot;
- d)** the resultant two-unit dwelling is compliant with the Ontario Building Code Act;
- e)** where applicable, both dwellings units are connected to the same septic system which is capable of sustaining both the principle dwelling and the accessory dwelling unit, confirmed by the issuance of a permit from the septic approval authority; and,
- f)** where required, a window opening in the accessory dwelling unit having an area of 0.30 square metres is located above grade.

4.6.2 Accessory Dwelling Unit to a Detached Private Garage

Notwithstanding any other provisions of this By-law, one accessory dwelling unit is permitted in a detached garage in the RU and R1 Zones provided:

- a)** the detached garage is otherwise compliant with the provisions of this By-law;
- b)** the floor area of the accessory dwelling unit is no greater than 50% of the ground floor area of the detached garage to a maximum of 50 square metres and is located entirely above grade;
- c)** a minimum of three parking spaces are provided on the lot;
- d)** the resultant structure is compliant with the Ontario Building Code Act;

- e) where applicable both dwelling units are connected to the same septic system which is capable of sustaining both the principle dwelling and the accessory dwelling unit, confirmed by the issuance of a permit from the septic approval authority; and,
- f) no accessory structures or uses shall be permitted in conjunction with the secondary dwelling unit.

4.7 Cumulative Standards

- a) Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

4.8 Dwelling Units Below Grade

- a) No dwelling unit shall in its entirety be located in a crawlspace. If any portion of a dwelling unit is located in a crawlspace, such portion of the dwelling shall be limited to use as a furnace room, laundry room, storage room, recreation room or utility room or a similar use but shall not be used for sleeping accommodation.
- b) A dwelling unit in its entirety shall be permitted in a basement provided that an exit or exits complies with Section 4.6 (c), and provided further, that the finished floor level of the dwelling unit is not located below the elevation of any sanitary or storm sewer service.

4.9 Accessory Dwelling Unit in a Non-Residential Building or on a Non-Residential Lot

Where an accessory dwelling unit is a permitted use in a non-residential building or on a non-residential lot, the following requirements shall apply:

- a) The accessory dwelling unit shall be connected to a municipal water supply and sewer service
- b) The accessory dwelling unit shall have a separate parking space as set out in Section 4.31.
- c) In a Commercial C1 or C2 Zone, no dwelling unit shall be permitted as a free standing building and no accessory dwelling unit shall be located in a non-residential building except on a second or higher

storey or to the rear of the commercial use, if on the ground or main level.

- d)** In a Commercial Zone, the total floor area of the accessory dwelling unit(s) shall not exceed 50 % of the lot area and at least 50% of the ground floor area of the building(s) shall be utilized as a commercial use.
- e)** No accessory dwelling unit shall be permitted in a commercial building used for an automotive service i.e. auto body shop, auto repair garage, auto service station, automotive sales establishment, car wash, gas bar, gasoline card lock facility or recreational vehicle sales, storage and repair establishment.

4.10 Fences

Any fence erected hereafter within the Municipality shall conform to the following provisions:

Maximum Height of a Fence

- a)** 1 m [3.2 feet] in any required front yard or exterior side yard of a residential zone.
- b)** 2 m [6.56 ft.] in any other required yard in a residential zone.
- c)** 2 m [6.56 ft.] in any required yard in a non-residential zone except a commercial or industrial zone.
- d)** 3 m [9.84 ft.] for any fence in any industrial or commercial zone.

4.11 Flood Plain Elevation

For the purposes of this By-law, the flood plain includes all lands below the elevation of 178.3 m CGD along the Lake Huron shoreline, Thessalon River, and lands within the Environmental Protection (EP) Zone. No building, structure or land use is authorized on lands below the flood plain elevation with the exception of docks and marine facilities. Modification of the flood plain through filling, excavation or by other means is prohibited unless otherwise permitted by the public authority having jurisdiction.

4.12 Frontage on a Public Street or Private Road and Exemptions

a) Public Street

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a public street (developed in accordance with municipal standards) as per the requirements of the respective zone within which the lot is situated. For the purposes of this By-law a public street does not include an unopened road allowance.

b) Exemptions

- 1)** For a public utility.
- 2)** For any passive outdoor recreational use or activity (*e.g. recreational trails or similar activities*).
- 3)** Lots that have a registered right-of-way.
- 4)** Certain non-residential uses which do not require frontage on a public road to satisfy their business needs and access is provided by way of a legal right-of-way.
- 5)** For lands which form part of a common element plan of condominium and where the road utilized for access is a common element.

c) Maintenance or Subdivision Agreement

Despite subsection (a) above, where a maintenance or subdivision agreement exists between the Municipality and a land owner(s) and is registered on title, frontage on an unopened or unmaintained public street or right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the zone standards set out in the corresponding zone or an exception thereto.

d) Provincial Highway

In addition to all the municipal requirements, any development adjacent to a provincial highway is also subject to the requirements and permits of the Ministry of Transportation.

4.13 Garden Suite

- a)** Subject to the passing of Site Specific Temporary Use By-law under Section 39 of the Planning Act, one Garden Suite only shall be

permitted as a separate dwelling unit to a permitted main residential use on the same lot, provided that the minimum lot area is 450 m² [4,844 ft²], that the maximum gross floor area of the Garden Suite is 60 m² [645.8 ft.²], that the maximum height of the Garden Suite is 6 m [19.7 ft.] or the average height of the main buildings on the subject and abutting lots, whichever is the lesser, that the Garden Suite is located in a rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone and is set back a minimum of 3 m [9.8 ft.] from any rear or side lot line.

b) A Garden Suite shall only be permitted where the owner of the property has entered into an agreement with the Municipality under the Municipal Act to register the name(s) of the occupant(s), to govern the appearance and maintenance of the structure and its removal when the dwelling has been vacated, the occupant(s) die or the temporary use By-law expires, whichever is applicable.

c) A Garden Suite shall comply with the Building Code.

4.14 Group Homes

a) Group Homes shall be permitted in all zones that allow residential uses, provided they are licensed by the Province and/or approved under Provincial Statutes and are in compliance with municipal by-laws.

b) No group home shall be located closer than 800 m [2,624 ft.] in a straight line distance to any another group home.

4.15 Height Exceptions

The height regulations set out in this By-law shall not apply to any of the following:

- a)** Air conditioning system
- b)** Chimney
- c)** Church spire or belfry
- d)** Drying tower
- e)** Elevator or stairway enclosure
- f)** Enclosed mechanical and electrical equipment
- g)** Flag pole
- h)** Hydro electric transmission tower
- i)** Lighting standards

- j) Lightning rods
- k) Mechanical equipment penthouse occupying less than twenty-five percent (25%) of the area of the roof of the building on which it is located
- l) Ornamental dome, cupola, turret or clock tower
- m) Receiving and transmitting antenna
- n) Receiving stations and communications or cellular towers
- o) School gymnasium
- p) Theatre or cinema auditorium
- q) Ventilating fan or skylight
- r) Water storage tower or tank

4.16 Home Based Businesses

Despite any other provisions contained in this By-law, for all residential zones within which home based businesses are permitted, the following provisions shall apply:

a) Scope of Permitted Businesses

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

1. professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, physician, teleworking, surveyor);
2. instructional services (examples: music lessons, dance, art and academic tutoring) with a limit of 5 pupils;
3. home craft businesses (examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly);
4. home child care;
5. distribution sales offices or mail order sales (examples: cosmetics, clothing or small household supplies);
6. offices for contractors and trades (examples: plumbing, heating, electrician);
7. repair services (examples: small appliance, computers);
8. high technology uses (Internet services, office call centre services, desk top publishing, hardware and software development);
9. personal care services (examples: hairdressing/cutting, massage therapist, esthetician).

b) Prohibited Uses

Prohibited uses include a retail or wholesale store, clinic, restaurant, nursing or convalescent home, adult entertainment parlour, video rental outlet, an automotive use including mechanical repairs and body work. The incidental and limited retailing of products specifically fabricated on site shall be permitted. Products sold by a distributor (distribution sales) shall be permitted provided there is no on-site storage.

c) General Regulations for Home Occupations

- 1.** The home based business 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. A home based business is only permitted as an accessory use where listed in a zone category in this By-law.
- 2.** The business may be conducted entirely within the practitioner's own residence wherein he/she must reside and/or in an accessory building.
- 3.** There shall not be more than one (1) business conducted within any one dwelling and/or accessory building (where permitted) which, in combination, shall not occupy more than 25 % up to a maximum of 47 m² [505.9 ft.²] of the floor area of the residential dwelling. Where the business is conducted in an accessory building, the accessory building shall be otherwise compliant with regulations of this By-law and shall not have a floor area greater than 47 m².
- 4.** No machinery or equipment shall be used that is not compatible with a residential area (e.g. back hoe, front end loader, transport tractor or trailer).
- 5.** No outdoor storage associated with the business shall be permitted.

d) Employees, Hours and Parking

- 1.** The business shall be operated by the owner or occupant of the dwelling who resides in the dwelling within which it is located and

shall not employ any persons to work on-site who do not reside therein.

2. The number of business vehicles parking on the premises shall be restricted to those operated by occupants of the dwelling unit and limited to a maximum of one.
3. The business shall not generate excessive traffic, noise, dust, odour, smoke and shall not create a traffic hazard.
4. All deliveries to the business shall take place on the same lot as the business.
5. There shall not be more than two (2) commercially licensed delivery vehicles parked at any one time on the property of the home based business and any commercial vehicles shall be parked behind the building line.
6. The business shall maintain reasonable hours of business, and shall be subject to full compliance with the Municipality's Noise By-law.
7. The business shall not receive clients or deliveries between the hours of 21:00 h and 07:00 h.

e) Signage

1. There shall be no external signage or advertising anywhere on the property to indicate the nature of the business, other than a maximum of one non-illuminated sign having a total display area not exceeding 0.3 m² [3.2 ft.²].
2. Such permitted sign 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 set back at least 3 m [9.84 ft.] from the street line.

4.17 Keeping of Animals

No animals other than domestic pets shall be kept in any zone except in association with a permitted kennel or animal hospital. For the purposes of this By-law, a domestic pet shall not include any hooved

animal or animal otherwise prohibited by the Town of Thessalon Animal Control By-law, as amended. This provision shall not be deemed to limit the keeping of livestock where an agricultural use is a permitted use.

4.18 Kennels

Despite any provisions in this By-law to the contrary, commercial or boarding kennels shall only be permitted in an Industrial or Rural Zone. The minimum separation distance between a kennel and any existing residential dwelling or any lot in a residential zone shall be 100 m [328 ft.].

4.19 Land Suitability For Use

Despite any other provision of this By-law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, slope, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction and the requirements of the *Ontario Water Resources Act* and the *Ontario Building Code* with respect to the installation of an individual on-site sewage and water system, where required, can be met.

4.20 Landscaped Area

Except where otherwise regulated by a valid Site Plan Control agreement, the following landscaped area shall apply:

a) Planting Strip Location and Purpose

Where, in a yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces abuts an existing residence or a lot in a Residential Zone, or where any lot in an Industrial or a Commercial Zone (except a marine commercial zone) abuts an existing residence or a lot in a Residential Zone, then a continuous strip of landscaped area having a minimum width of 3 m [9.84 ft.] for a commercial use and 4 m [13.1 ft.] for an industrial use shall be provided along the abutting lot line of the lot. Landscaped materials shall be of sufficient size and type to effectively provide a visual screen between the particular

properties. A combination of landscaped berms and fencing may also be used to effectively provide a visual screen. In any zone, any portion of any front yard which is not used for another permitted purpose shall be devoted to a landscaped area.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

b) Height of the Planting Strip

The required height of the planting strip where required as part of a landscaped area shall be 1 m [3.28 ft.] and shall be measured in relation to the edge of the adjacent area to be screened. In such cases where the established grade, of the location at which the screen is to be planted is less than the established grade of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the established grade of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall apply.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

c) Interruption of Planting Strip for Driveways, Lanes or Pedestrian Walks

In all cases, where ingress and egress driveways, lanes or pedestrian walks extend through a required planting strip, it shall be permissible to interrupt the strip.

d) Merchandise in Landscaped Areas

No commodity, merchandise, stock in trade or other article of trade or commerce shall be placed, maintained or allowed to remain at any place within a landscaped planting strip.

e) Residential Front Yards - R3 Zone

For residential uses in any R3 Zone, the use of the front yard shall be restricted to visitor parking, driveways and landscaped area and at least 50% of the front yard shall be devoted to the landscaped area.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

f) Landscaped Open Space and Lot Area Calculations

Any land use for landscaped open space shall be included in any calculations of lot area, yard requirements, housing density etc. as set out in this By-law.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

g) Existing Vegetation and Planting Conditions

Existing vegetation, in the form of mature trees and shrubs, shall be preserved on any lands in any zone to the maximum extent possible consistent with the siting of a building or structure on such lands.

The selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening adjacent properties, resistance to disease and insect attack, cleanliness and ease of maintenance. Planting materials shall be installed using acceptable horticultural practices and planting materials shall consist of healthy nursery stock.

All required plant materials shall be maintained in a healthy condition and wherever necessary replaced with new plant materials to ensure continued compliance with landscaping requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and wherever necessary they shall be repaired or replaced.

h) Site Plan Control

The provisions for a landscaped area as set out in this section, shall not be deemed to limit the Municipality's authority to impose other landscaping measures through the site plan control process.

4.21 Licenses, Permits and Other By-laws

Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality or from obtaining any permit, license,

permission, authority or approval required by this or any other By-law of the Municipality. When the regulations or requirements of any department of another governmental authority impose greater restrictions than imposed by this By-law, then the greater restrictions shall apply.

4.22 Loading Space Requirements

For every building or structure hereafter erected for a commercial, institutional or industrial use outside of the Commercial Core (C1 Zone), involving the frequent shipping, loading or unloading of persons, animals, wares, merchandise or other goods, there shall be provided and maintained loading facilities or spaces in accordance with the following requirements:

- a) Each loading space shall have a minimum height clearance of 4.0 m [13.1 ft.] and shall be at least 3.5 m [11.4 ft.] wide by 10 m [32.8 ft.] long if situated inside of or at right angles to a building or structure, or 13 m [42.6 ft.] long if situated parallel to the wall of a building or structure.
- b) Loading spaces shall be located in a rear or side yard, on the same lot on which the main use is located, and each such space shall be in an area whose distance from the lot line to a building or structure is not less than 13 m [42.6 ft.] and shall have unobstructed ingress and egress to and from a public street by means of a driveway, lane or manoeuvring aisle of a minimum width of 6 m [19.7 ft.].
- c) The number of recommended loading spaces shall be based on net floor area of the building or structure as follows:

1) Commercial and Institutional Uses

Net Floor Area	Loading Spaces Required
0 - 200 m ² [0 - 2,153 ft. ²]	1
200.1 - 900 m ² [2,154 - 9,688 ft. ²]	1
Over 900 m ² [9,688 ft. ²]	2 loading spaces plus 1 loading space for each 1,400 m ² [15,070 ft. ²] or fraction thereof in excess of 900 m ² [9,688 ft. ²]

In the case of a shopping centre, or grouped commercial uses in a single building, individual uses shall be considered as single buildings for the purposes of calculating the requirements for loading spaces unless the store is less than 200 m² [2,153 ft.²], in which case the total net floor area of the centre shall be used as the basis to calculate the number of loading spaces.

2) Industrial

Net Floor Area	Loading Spaces Required
0 - 450 m ² [0 - 4,844 ft. ²]	1
450.1 - 8000 m ² [4,845 - 86,114 ft. ²]	1
over 8000 m ² [86,114 ft. ²]	2 loading spaces plus one space for each 10,000 m ² [107,643 ft. ²] or fraction thereof in excess of 8000 m ² [86,114 ft. ²]

- d)** The loading space requirements stated in subsection (c) shall not apply to buildings or structures in existence as of the date of passing of this By-law where there is a deficiency but shall apply to areas of any expansion or enlargement to such buildings or structures for which building permits have been issued after the date of passing of this By-law.
- e)** The loading spaces and lanes shall be surfaced with a stable material such as concrete, asphalt, crushed stone, or gravel.

4.23 Minimum Distance Separation, Influence Areas and Special Setbacks

No person shall use any land, building or structure for a sensitive land use unless it complies with the following minimum distance separations, influence areas or special setbacks except where such distances have been waived or reduced by a public authority, where upon the revised distance, influence area or setback shall apply. Separation distances, influence areas or setbacks shall be measured as set out for the respective requirement.

a) Setback from Highway 17

The setback shall be the greater of 18 m (59 ft.), or a setback distance as determined by a noise and/or vibration study if such is required by Council or as determined by the Ministry of Transportation and shall be generally measured from the point source of the emission to the property line of the receptor land use.

b) Waste Management Facility

- 1.** The influence area shall be 500 m (1,640 ft.) of a sensitive land use measured from the boundary or perimeter of the (licensed) fill area to the nearest location of the sensitive land use. Within the influence area, no sensitive land use shall be permitted unless an Environmental Impact Assessment is undertaken, to the satisfaction of Council, to demonstrate that the proposed development will not be negatively impacted by the waste management facility (e.g. leachate migration, methane gas, rodents, vectors, vermin, odour, litter, noise, etc.). In no case shall the influence area be reduced to less than 30 m (98.4 ft.).
- 2.** No development or land use shall be permitted within 30 m (98.4 ft.) of the boundary or perimeter of the (licensed) fill area of an active waste management facility.
- 3.** No waste management facility shall be permitted within 30 m (98.4 ft.) from any water body, drainage or irrigation channel.

In addition no waste management facility shall be permitted on land covered by water or in any area subject to flooding.

c) Agricultural Use

Any livestock facility or dwelling or sensitive use shall comply with the Minimum Distance Separation Formulae I and II, where applicable.

d) Wastewater Treatment Lagoon (Town of Thessalon Lagoon)

The minimum separation distance between a wastewater treatment plant and any sensitive land use shall be 100 m [328 ft.] and shall be measured from the periphery or main wall of the noise/odour producing source-structure to the closest property line of the sensitive land use.

e) Quarry

The minimum separation distance between any quarry and any sensitive land use shall be 300 m [984.2 ft.] measured from the boundary or limit of the excavation and the closest property line of the sensitive land use. The separation distance shall apply on a reciprocal basis with respect to establishing a new quarry. This provision shall not apply to infill on any existing lot of record approved or zoned for a sensitive use as of the effective date of this by-law.

f) Setback from a Shoreline or Water Body

Except as otherwise permitted in this By-law, the minimum setback for a building or structure from the high water mark shall be 30 m.

g) Setback and Height Restrictions for a Wind Turbine

Minimum setback from Highway 17 right-of-way	125 m (410 ft.)
Minimum setback from all other property lines...	180 m (590.6 ft.)
Minimum setback from a waterbody	50 m (164 ft.)
Maximum turbine height, including rotor blades...	120 m (393.7 ft.)
Minimum setback between turbines	as determined by manufacturer and an engineering report.

4.24 Non-Conforming and Non-Complying Uses

a) Continuance of Existing Uses

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose. The non-conforming use of any land, building or structure, including non-conforming accessory buildings or structures, shall not be changed except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located, or without permission from the Committee of Adjustment pursuant to the *Planning Act*.

b) Reconstruction of Existing Use

If a legal non-conforming or legal non-complying building should be damaged or destroyed by a natural cause (i.e. ~~flood~~, fire, tornado), nothing in this By-law shall prevent the reconstruction or strengthening to a safer condition of any such non-conforming building or structure or any part thereof, provided that:

- 1.** the non-conforming/non-complying features of the original building are not worsened or aggravated by the strengthening or reconstruction.
- 2.** the reconstruction or repair is confined to the building or structure located on the foundations and footprint of the original non-conforming/non-complying building or structure.
- 3.** reconstruction of the building or structure is commenced within three (3) years.

c) Prior Building Permits

Nothing in this By-law shall prevent the erection or use of any building or structure for which a building permit has been issued under the *Building Code Act* prior to the passing of this By-law, 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*.

d) Road Widening

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

e) Addition to Existing Building or Structure

Nothing in this By-law shall prevent the renovation, extension or addition to a building or structure which is used for a purpose

specifically permitted within the zone in which such building or structure is located and which building or structure legally existed on the date of passing of this By-law, but which building or structure does not comply with one or more of the zone requirements of this By-law, provided such renovation, extension or addition does not contravene any other requirements of this By-law or cause new encroachments into required yards or setbacks. This Section also applies to any residential use in a non-residential building or zone.

f) Existing Undersized Lots

Despite anything else contained in this By-law, where a vacant lot having a lesser frontage and/or area and/or lot depth than is required by this By-law is:

- 1.** held under distinct and separate ownership from abutting lots, according to the register for land in the Land Titles Office, on or before the 1st day of June, 1979; or
- 2.** a lot on a registered plan of subdivision, except for a lot in a registered plan deemed not to be a plan of subdivision under the *Planning Act*; or
- 3.** created as a result of expropriation or highway widening, or other land acquisition by her Majesty the Queen in right of Ontario or Canada or any Crown agency or corporation or any Municipality, or any other authority having the statutory powers of expropriation;
- 4.** and the lot is serviced with a municipal water supply and municipal sewer service;
- 5.** the lot may be used for a purpose permitted in the zone in which the said lot is located provided all other applicable provisions of this By-law are complied with.

g) Change of Use

The use of any lot, building or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in the zone applicable to the lot.

4.25 Outdoor Sales and Displays

- a)** Where outdoor sales and displays are permitted as an accessory use, such sales and displays may take place on a required front or side yard provided that no encroachment of a public right-of-way (sidewalk or roadway) impedes the safe movement of pedestrians.
- b)** Outdoor sales and displays are not permitted on required parking areas except on a limited or temporary basis i.e. truck load sale, farm produce or farmer's market or flea market, firewood sales or Christmas trees.
- c)** No screening or buffering is required for outside sales and displays.
- d)** This provision does not apply to garage or yard sales.

4.26 Parking and Storage of Vehicles

a) Parking for Residential Uses

- 1.** Except as provided herein, no vehicles shall be parked or stored in conjunction with a residential use unless the vehicle is located within a garage, carport, driveway, designated parking area, or on a street as may be permitted by Municipal By-law and such driveway shall be exclusively devoted to the parking or storage of vehicles.
- 2.** No parking space for a residential use shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the residential use of the lot (i.e. home based business) on which it is parked or stored, and bears a motor vehicle license plate and sticker which is currently valid.

b) Parking of Commercial Vehicles in Residential Zones

Not more than one (1) commercial vehicle shall be parked on a residential lot in a Residential (R1) Zone. Such commercial vehicle shall not exceed a gross vehicle weight of 5,000 kg [11,023 lbs.]. Without limiting the foregoing, a commercial vehicle shall include buses seating more than fifteen (15) persons, tractors, front-end loaders, backhoes, a high-hoe or public utility vehicle.

c) Parking of Recreational Vehicles in Residential Zones

Any recreational vehicle, not exceeding 12 m [39.3 ft.] in length (exclusive of a hitch or tongue), which is self-propelled or does not require to be transported on a trailer (e.g. boat, camper, motor home) shall be permitted in a Residential Zone provided it/they is/are parked behind the front building line and 1.2 m [3.9 ft.] from an interior side lot line, or 7.5 m [24.6 ft.] from an exterior side lot line or rear lot line where the rear lot line abuts a lane or public street. [See also 4.30 (a).] Where lands are used for an apartment dwelling or group housing a recreational vehicle shall be located within a building and shall be in addition to the parking spaces required in Section 4.31 of this By-law.

d) Construction and Coverage of Parking Areas in Commercial and Industrial Zones

The driveway and parking space areas in Commercial and Industrial Zones shall be constructed of crushed stone, asphalt paving, concrete, paver stones or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones and similar potentially undesirable effects on adjoining properties.

e) Driveways, Entrances and Exits

Motor vehicle access to a street shall be over a driveway, ingress or egress conforming with the standards:

- 1.** Driveway Width shall mean the width of the driveway as measured from the street to its termination, and shall apply to the entirety of the length of the driveway.
- 2.** Ingress and egress, to and from any required parking space(s) and area(s) shall be provided by means of unobstructed driveways or passageways at least 3 m [9.84 ft.] but not more than 9 m [29.5 ft.] in perpendicular width. In the case of a two-way driveway, the minimum width shall be 6 m [19.6 ft.].
- 3.** The maximum width of any joint ingress driveway ramp measured along the street line shall be 9 m [29.5 ft.].

4. Parking spaces required for any apartment building shall not be provided in any required front yard, or any required exterior side yard abutting a public street.
5. The minimum angle of intersection between a driveway and the street line shall be 60 degrees.
6. The minimum distance between a driveway and intersecting street lines, measured along the street line intersected by such driveway shall be 7 m [22.9 ft.] and the minimum distance between the nearest points between any two access driveways on the same lot shall be 8 m [26.2 ft.].
7. Every lot shall be limited to up to two driveways for the first 30 m [98.4 ft.] of frontage and not more than one additional driveway for each additional 30 m [98.4 ft.] of frontage.
8. In addition to the above, all driveways shall be subject to the Municipality's requirements for entrances and/or the requirements for site plan control or other applicable standards.
9. Driveways to commercial and industrial uses shall not pass through a Residential Zone.

f) Parking Area For More Than Four Vehicles

In any zone, where a parking area is designed to accommodate more than four vehicles, the following provisions shall apply:

1. The parking area shall be constructed of crushed stone, asphalt paving, concrete, paving stones, or similar materials and shall be maintained and treated so as to reduce the raising of dust and scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the Municipality.
2. Parking areas shall be provided with at least one (1) entrance and one (1) exit for vehicles, and driveways, and aisles for the removal of a vehicle without the necessity of removing any other vehicle.
3. Illuminated parking areas shall have fixtures with a height of no greater than 9 m [29.5 ft.] and fixtures shall be designed to direct light downward and deflected away from any adjacent

lots, roads and streets.

4. Parking areas shall be located in the same zone and on the same lot as the use it is intended to serve except for uses on islands or those lots with water access only, in which case the parking may be zoned independently. See also Section 4.30 (I).

g) Dimensions of parking spaces

Each standard parking space shall have a minimum width of 3 m [9.84 ft.] and a minimum length of 6 m [19.6 ft.]. Each barrier-free parking space shall have a minimum width of 3.6 m [11.8 ft.] and a minimum length of 6 m [19.7 ft.].

h) Parking Requirements for Mixed-Use Buildings

Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be the required number of parking spaces.

i) Parking Requirements for Existing Buildings

The parking space requirements shall not apply to any building in existence with a legal non-complying parking deficiency at the date of passing of this By-law to the extent of the deficiency so long as the gross floor area, as it existed on such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs, then parking spaces for the addition or area changed in use shall be provided.

j) Alternative Location of Parking Space(s)

Where off-street parking required by this By-law cannot be provided for on the same lot, such parking may, at the discretion of the Municipality, be provided for on an alternative lot which is located within 100 m [328 ft.]. Where parking is provided on an alternative lot, such parking shall be secured by an agreement confirming the use of the parking spaces in respect of the lot proposed for the parking use and by restricting the use of the development lot to the continued provision of the alternate parking or provision of replacement parking. Where not permitted by the Municipality (e.g.

for lease of parking spaces in a municipal parking lot or commercial parking area or nearby private property) the required parking for all uses shall be provided on the same lot as the main use.

k) Calculation

Where the application of ratios result in a fraction of a parking space, the required number of spaces shall be rounded to the next highest whole number.

l) Barrier-free Parking

Barrier-Free Parking Spaces	No. of standard parking spaces:	No. of Barrier-free parking spaces required:
	<ul style="list-style-type: none"> • ≤ 25 • 26-50 • 51-75 • 76-100 • 101-150 • 151-200 • 201-300 • 301-400 • 401-500 • 501-1000 • Over 1000 	<ul style="list-style-type: none"> • 1 • 2 • 3 • 4 • 5 • 6 • 7 • 8 • 9 • 2% of total 20 + 1% over 1000

m) Parking in the Commercial Core – C1 Zone

The parking requirements as set out in Section 4.31 shall not apply within the Commercial Core (downtown) General Commercial (C1) Zone.

4.27 Parking Requirements (Schedule)

The provisions for parking space requirements shall apply to the uses as set out in the following Schedule:

Schedule for Parking Requirements

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: single detached, semi-detached or duplex, mobile home, converted dwelling, triplex	1 space per dwelling unit
Residential: apartment dwellings, fourplex, row or town house (Any building containing more than two (2) dwelling units including a mixed use building containing a residential use.)	1 space per dwelling unit, 15% of which shall be dedicated as visitor parking or 1 space per dwelling unit if located in a Commercial (C1) Zone
Residential: Long-term care facility	0.25 spaces per dwelling unit
General business: convenience store, retail store, personal service establishment and any commercial uses other than those specified.	5.4 spaces per 100 m ² [1,076.4 ft ²] of Gross Leasable Area (GLA)
Laundromat	2 spaces for every five washing machines or cleaning units
Shopping Centre	5.4 spaces per 100 m ² [1,076.4 ft ²] of Gross Leasable Area (GLA)
Funeral Home	1 space for each 5 seat capacity of the chapel with a minimum of ten (10) spaces
Office, Banks, Personal Service Establishment, Custom Workshop	3.5 spaces for each 100 m ² [1,076.4 ft. ²] of Gross Leasable Area (GLA)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Automotive Uses: Auto body shop, auto repair garage, auto service station	3 spaces per service bay plus 1 space per employee; minimum 4 spaces
Gas Bar, Card-lock Facility, Car Wash	2 spaces per pump or wash bay plus queuing spaces for a manual or an automated wash car wash [see also 4.2 (f)]
Automobile Sales Establishment, automotive sales establishment, recreational vehicle sales, storage and repair establishment	The greater of 25 spaces or one space per 32 m ² [344.4 ft. ²] of Gross Floor Area
Truck, Transport or Bus Terminal	20 spaces plus 10 designated spaces for (3 m by 13 m) [9.8 ft. by 42.6 ft.] transports or buses.
Place of Assembly: private clubs, auditorium, halls, arena, community centre, and similar places of public assembly, bingo hall, recreational commercial establishment, adult entertainment establishment, club, place of amusement	1 space for every 5 seats, fixed or otherwise or 3.6 m [11.8 ft.] of bench space; or where there are no seats, 1 space for every 20 m ² [215.2 ft. ²] of floor area devoted to public use.
Place of Worship	1 space per 8 seats or 5 m [16.4 ft.] of bench or pew space whichever is greater
Library, Museum, Art Gallery	1 space for each 50 m ² [538.2 ft. ²] of Gross Floor Area
Government Building	1.5 spaces for each 28 m ² [301.3 ft. ²] of Gross Floor Area plus 10 space for visitor parking
Bowling Alley/Curling Rink	4 spaces per lane/sheet
Bed & Breakfast establishment	1space per guest unit in addition to parking spaces required for a dwelling unit.

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Boarding or Rooming house, lodging/tourist home, tourist establishment (see hotel, motel)	1 space for every bedroom
Building supply store, lumber outlet, contractor's yard, garden centre, nursery, commercial greenhouse, salvage yard, factory outlet	1 space for each 40 m ² [430.5 ft. ²] of gross floor area
Marina	1 space for each 19 m ² [204.5 ft. ²] of Gross Leasable Area (GLA) plus one space for each boat slip
Marine	1 space for every 5 seats capacity of vessel(s)/aircraft using the facility
Golf Course	24 spaces for each 9 holes of golfing facilities
Driving Range	1 space per stall (tee) with a minimum of 10 spaces
Outdoor recreational uses, campground	10 spaces for each miniature golf facility, one space for each tee on a driving range, or 1 space per campground site
Park	1 space for each four visitors making up the total capacity of the park as shown on a site plan or declared by the owner
Clinic	4 spaces per practitioner
Day nursery	1 space per staff member: 2 spaces minimum

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Equipment rental, sales or service establishment	1 space per 50 m ² [538.2 ft. ²] of open storage or gross sales area plus 1 space per employee
Farmer's market	2.5 spaces per individual outdoor or indoor vendor table or booth
Group Home	1 space for every two beds
Hotel, motel	1 space per guest room or suite, plus 1 space per 10 m ² [107.6 ft. ²] of Gross Floor Area (GLA) devoted to public use such as dining rooms, licensed beverage rooms, banquet rooms.
Manufacturing, industrial use storage or wholesale, warehouse	1 space per 75 m ² [807.3 ft. ²] of Gross Floor Area or 0.6 spaces per employee whichever is the greater
Nursing home, convalescent home, home for the aged, long term care facility, retirement residence	1 space for every 3 beds
Hospital	3 spaces for every 4 beds
Physician, dentist, or other professional person, who has established an office for consultation or emergency treatment in their private residence	3 parking spaces in addition to parking spaces required for a dwelling unit.

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Restaurant, tavern, road house, liquor licensed premise	1 space for every 4 persons to be accommodated according to the maximum rated capacity or 20 spaces per 100 m ² [1,076.4 ft. ²] of floor area devoted to public use including terraces, patios, decks and similar areas.
School – elementary	1 space per staff member plus 1 space per 3.7 m ² [39.8 ft. ²] of floor area in a gymnasium, auditorium or assembly area
School - secondary or commercial	1 space per staff member plus 3 spaces per 3.7 m ² [39.8 ft. ²] of floor area in a gymnasium, auditorium or assembly area
Veterinary Establishment, animal shelter, Kennel	1 space for each 28 m ² [301.3 ft. ²] of Gross Floor Area
Uses not otherwise specified	1 space per 28 m ² [301.3 ft. ²] of Gross Floor Area

4.28 Permitted Projections

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any building or structure other than an accessory building or structure permitted elsewhere in this By-law, provided however, that those structures listed below shall be permitted to project into the required yards indicated for the distances specified.

Provisions for Permitted Projections	
Structure	Maximum Projection into required Yard
Belt courses, chimney breasts, cornices, minor eaves, gutters, pilasters, sills, or other ornamental structures, exterior staircases, stoops, landings - all yards	0.75 m [2.46 ft.]
Eaves - all yards	Front and rear yards - 1.2 m [3.93 ft.] Side yards - 0.6 m [1.9 ft.]
Window bays – all yards	1 m [3.28 ft.] including eaves and cornices. Maximum width - 3 m [9.8 ft.]
Balconies, canopies, unenclosed platforms and unenclosed porches at ground level or first storey extending into a front or rear yard. (Projection into a side yard or onto a driveway or pedestrian way shall not be permitted.)	0.75 m [2.46 ft.]
Balconies and canopies located above the first storey extending into a front or rear yard. (Projection into a side yard not permitted.)	1.2 m [3.9 ft.]
Open or roofed decks at ground level (excluding stairs) - front and rear yard only	Front - 2 m [6.56 ft.] including the eaves and cornices Rear - 3 m [9.84 ft.] including the eaves and cornices

Provisions for Permitted Projections	
Awnings, fences, garden trellises and similar landscaping features, all plant materials, clothes poles, flag poles, uncovered paved patios, retaining walls, landscaping features, similar accessories	No maximum into any yard
Barrier free architectural structures i.e. ramps	As set out in the <i>Ontario Building Code</i>
Fire escapes, antennae towers, satellite dishes	0.75 m [2.46 ft.] into a side or rear yard
Air conditioner	0.5 m [1.6 ft.] into any yard. In the C1 Zone, no air conditioner shall be permitted at the ground level or first storey.
Heat Pump	1.5 m [5 ft.] into a side or rear yard

4.29 Prohibited Uses

Except as specifically permitted in this By-law, the following uses are prohibited:

- a)** No use shall be permitted within the Municipality which, from its nature or the materials used therein, is declared under any *Act* or regulation thereunder to be a noxious trade, business or manufacture.
- b)** Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious or which creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.
- c)** An oil refinery, iron or steel mill or refinery.
- d)** A dwelling unit in a basement having a height of 2 m [6.56 ft.] or less.

4.30 Recreational Vehicles

One (1) licensed and operational Recreational Vehicle shall be permitted to be stored on any residential zoned lot provided the lot and existing dwelling is otherwise compliant with the regulations of this By-law. The Recreational Vehicle shall be owned by the owner or lessee of the lot on which it is stored, shall be compliant with minimum side yard setback requirements and shall not be used for habitable purposes at any time while it is situated on the lot.

4.31 Sight Triangle

a) Prohibited Uses

On any corner lot in any zone which abuts the lot within the sight triangle, the following uses are prohibited:

- 1.** a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- 2.** a fence, tree, hedge, bush or other vegetation greater than 1.0 m [3.28 ft.] above the elevation of the street except a chain link or wire fence;
- 3.** any portion of a delivery space, loading space, driveway or parking space;
- 4.** a berm or other ground surface which exceeds the elevation of the street by more than 1.0 m [3.28 ft.].

b) Sight Distances

For the purposes of this By-law, the following sight distances shall apply:

- 1.** no distance requirement in lands zoned General Commercial (CI) Zone;
- 2.** Five (5) m [16.4 ft.] in all other zones.

4.32 Signs

Unless otherwise stated in this By-law, signs shall be permitted only in accordance with the applicable by-law(s) of the Town.

4.33 Streets and Parks

In any zone established by this By-law, public streets, walkways, bike paths and parks are permitted.

4.34 Swimming Pools

A swimming pool is permitted as an accessory use to a permitted residential or agricultural use:

a) In the side yard of any lot if:

1. no part of such pool is located closer to any lot line than the minimum distance required for the principal building located on such lot;
2. the maximum height of such pool is not more than 2 m (6.56 ft.) above the average finished grade level of the ground adjoining and within 5 m (16.4 ft.) of such pool; and
3. any building or structure, other than a dwelling, required for changing clothing or pumping or filtering, or any similar purposes, complies with the provisions of this By-law respecting accessory buildings on such lot.

b) In the rear yard of any lot provided that no part of such pool shall be located closer to any lot line or street line than the minimum distance required for any accessory building located on such lot.

c) Swimming pools shall not be erected in any front yard.

1. The minimum setback from the inside edge of the water in a swimming pool to a lot line other than a street line shall be 1 m [3.28 ft.] plus 0.3 m [0.98 ft.] for each 0.5 m [1.6 ft.] of height of the swimming pool above the established grade around the pool and also abuts a municipal street, however, it shall be allowed in the side yard of such lots.

2. The minimum setback from the inside edge of the water in a swimming pool to a street line shall not be less than the minimum required setback required for the zone in which the dwelling is erected.

d) Fence or Enclosure

Every in-ground pool in a residential zone shall be totally enclosed by a fence constructed of suitable materials having a minimum height of 1.5 m [4.92 ft.] with a self-locking gate and located at a distance of not less than 1 m [3.28 ft.] and not more than 5 m [16.4 ft.] from the inside edge of the pool.

e) Accessory Structures

Any building or structure, other than a dwelling, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting accessory buildings, structures and uses (see **Section 4.1.1**).

4.35 Temporary Buildings or Structures During Construction

- a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required in the opinion of the Municipality. Abandoned, for the purposes of this clause, shall mean failure to proceed expeditiously with the construction of a work, specifically the discontinuance of construction for six months or where a building permit has been revoked under the *Building Code Act*.
- b) In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:
 1. such temporary accommodation is removed from the lot immediately upon completion of construction, abandonment of construction, or at such time as, in the opinion of the Municipality, it is no longer required.

4.36 Through Lots

Where a lot is a through lot, the requirements for front yards and setbacks contained in this By-law for the zone in which the lot is located shall apply to each yard abutting a street.

4.37 Truck, Bus, Coach and Other Occupancy Restrictions

No truck, bus, coach, sea container or streetcar body, vehicle of any kind (whether or not the same is mounted on wheels), private garage, accessory building (other than an accessory dwelling or accessory dwelling unit), unfinished building or structure for which an occupancy permit (per the Building Code Act) has not been issued, shall be used for human habitation within the Municipality. Marine vessels or structures of any kind shall not be used for the purposes of permanent human habitation except as customarily associated with marine recreational uses. The use of a tent, trailer or recreational vehicle for other than occasional accommodation of guests is not permitted.

4.38 Use by Public Authority or Public Utility

- a)** The provisions of this By-law shall not apply to the use of any land or to the erection or use of any utility or infrastructure installation for the purpose of public service by the Municipality, any public authority, any department of the Government of Ontario or Canada or any public utility including any Hydro One facilities pursuant to the *Planning Act*, provided that where such land, building or structure is located in a Residential Zone or on a lot adjacent to a Residential Zone:
- 1.** no goods, materials or equipment shall be stored in the open except in accordance with the relevant zone provisions;
 - 2.** the lot coverage, setback and yard requirements of the zone in which such land, building or above ground structure is located shall be complied with, except for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements);
 - 3.** any building or structure erected in a Residential Zone under the authority of this section shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone, and

- 4. the parking requirements as set out in the applicable zone shall be complied with.
- b) Nothing in this By-law shall prevent the use of any land for a site for a statue, monument, cenotaph or other memorial structure.

4.39 Water Supply and Sewage Disposal Services

No building permit shall be issued for any lot on the basis of a private well or private sewage disposal system where municipal water and/or sewer services are accessible and available to the lot proposed for development. Furthermore, Class 1 sewage systems are not permitted as a means of sewage disposal for any land use in the Town of Thessalon.

4.40 Yards

- a) Where any part of a lot is required by this By-law to be reserved as a yard, it shall continue to be used for such purposes regardless of any change in the ownership of the lot or any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.
- b) Despite the yard and setback provisions of this By-law, in an Industrial zone, a railway spur shall be permitted within any required yard or in the area between the street line and the required setback.

4.41 Zones

Where a lot is divided into more than one zone under the provisions of this By-law, each portion of the said lot shall be used in accordance with the zone requirements of this By-law for the applicable zone.

SECTION 5 ZONES

5.1 Zone Classification

For the purposes of zoning, the Municipality is divided into Zones which are applicable to the Town of Thessalon. These zones are named and described in the following sections, the boundaries of which are shown on the attached Zone Schedules, herein referred to as a 'zoning map, which forms part of this By-law. These zones may be referred to by the name or the symbol set opposite the name of the zone below:

<u>Zone</u>	<u>Zone Symbol</u>
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Residential Zones

Residential First Density_____	R1
Residential Second Density_____	R2
Multiple Residential_____	R3

Commercial Zones

General Commercial_____	C1
Highway and Tourist Commercial_____	C2
Marine Commercial_____	C3

Industrial Zone

General Industrial_____	M1
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Institutional Zone

Institutional_____	I
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Environmental Zones

Open Space_____	OS
Environmental Protection_____	EP
Hazard _____	HZ

Rural Zone

Rural_____	RU
Island_____	ISL

5.2 Use of Zone Symbols

The symbols listed in subsection 5.1 may be used to refer to any of the uses of land, buildings and structures permitted by this By-law in the said zones and whenever in this By-law the word "zone" is used, preceded by any of the said symbols, such zone shall mean any area delineated on the zoning map and designated thereon by the said symbol.

5.3 Holding "H" Designation

Any zone classification detailed in section 5.1 above may be placed in a "Holding" classification by adding to the zone designation the word "Holding" or the letter "H" as the case may be. *(For example, a Residential First Density "R1" Zone would become a Residential First Density - Holding "R1-H" Zone).*

5.4 Interpretation of Zone Boundaries

Where any zone boundary is uncertain on the Zoning Map, the following rules shall apply:

- a)** Unless otherwise shown, the boundaries of the zones as shown on the Zoning Map are the center lines of a highway, public street or lane or unopened road allowance and the projection thereof, including a public street, road or lane which has been closed whereupon the adjoining zone or zones shall extend to the center line of the closed public street, road or lane. Where a shoreline road allowance has been closed, the adjoining zone on the landward side shall extend and include all of the closed road allowance on the affected lot;
- b)** A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the center line of such watercourse, creek, stream or right-of-way;

- c)** A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- d)** A boundary indicated as following the limits of the Town of Thessalon shall follow such limits;
- e)** Where zoning boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zoning boundaries shall be construed as being parallel to such street lines and the distance therefrom shall be determined by the use of the scale shown on the zoning map;
- f)** Where any zone boundary or a dimension is left uncertain after application of the above provisions then the boundary or dimension shall be determined from the zoning map using the scale bar thereon.

6.0 RESIDENTIAL FIRST DENSITY (R1) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential First Density (R1) Zone except in accordance with the following provisions:

6.1 Permitted Uses

- 1) Single detached dwelling
- 2) Group Home
- 3) Day Nursery
- 4) Existing Institutional use

6.2 Zone Regulations

Regulations for Permitted Uses

Minimum Lot Area:	
• Municipal Water and Sewer	500 m ² (5,382 ft ²)
• Water Only	700 m ² (7,534.9 ft ²)
Minimum Lot Frontage:	
• Municipal Water and Sewer	15 m (49 ft)
• Water Only	23 m (75.4 ft)
Minimum Lot Depth:	
• Municipal Water and Sewer	26 m (85.3 ft)
• Water Only	26 m (85.3 ft)
Minimum Front Yard	6 m (19.7 ft)
Minimum Rear Yard	8 m (26.2 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft)
Minimum Exterior Side Yard:	
• Municipal Water and Sewer	3 m (9.8 ft)
• Water Only	6 m (19.6 ft)
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	50%
• Water Only	30%
Maximum No. Dwelling Units on lot (excluding accessory dwelling unit or a garden Suite)	1

6.3 Zone Exceptions

6.3.1 On lands described legally as Plan 1M-531 Lots 1 – 33 and Plan 1M-533 Lots 1-20 otherwise known as Phase 1 and Phase 2 of the Lighthouse Point Plan of Subdivision in the Town of Thessalon and located in the R1-5 Zone, the following provisions shall apply:

1. That the Zoning By-law creates the following site-specific zone regulations for lands described legally as Plan 1m-531 Lots 1 – 33 and Plan 1M-533 Lots 1-20 otherwise known as Phase 1 and Phase 2 of the Lighthouse Point Development:
 - a) No buildings shall be erected on each lot other than one (1) detached private single family dwelling house with garage, a maximum of one (1) detached garage and a maximum of one (1) accessory building;
 - b) Requests for additional accessory buildings are to be submitted in writing with plans to the Planning Advisory Committee for review and the Planning Advisory Committee does not guarantee approval;
 - c) No accessory building constructed on any lot shall remain without the exterior finishing thereof being completed, such finishing to be made of a grade and quality equivalent to the exterior finishing of the dwelling house on the same lot;
 - d) Requiring a minimum floor area of 1,000 ft² for a single storey dwelling;
 - e) Requiring a minimum floor area of 1,600 ft² for a two-storey dwelling;
 - f) Prohibiting radio transmission towers;
 - g) Prohibiting commercial vehicles in excess of 5,000 pounds;
 - h) Prohibiting the storage of construction equipment and building materials unless a building permit has been issued; and,
 - i) No recreational vehicles, trailers or mobile homes shall be placed, kept, stored or parked on the shore side on any lot.

6.4 Holding Provisions

- 6.4.1 Lands located in the R1-H Zone with frontage on Highway 17 are subject to a Holding (H) provision. The Holding (H) provision shall be removed in whole or in part upon confirmation that the lands are appropriately designated in the Town's Official Plan.

7.0 RESIDENTIAL SECOND DENSITY (R2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential Second Density (R2) Zone except in accordance with the following provisions.

7.1 Permitted Uses

- 1) Semi-Detached dwelling
- 2) Duplex dwelling
- 3) Triplex Dwelling
- 4) Boarding House
- 5) Home for the Aged, Nursing home, Long Term Care Facility
- 6) School
- 7) Place of Worship

7.2 Zone Regulations

7.2.1 Single Detached Dwelling

Regulations for Permitted Uses:

Minimum Lot Area:	
• Municipal Water and Sewer	500 m ² (5,382 ft ²)
• Water Only	500 m ² (5,382 ft ²)
Minimum Lot Frontage:	
• Municipal Water and Sewer	15 m (49 ft)
• Water Only	15 m (49 ft)
Minimum Lot Depth:	
• Municipal Water and Sewer	24 m (78.7 ft)
• Water Only	24 m (78.7 ft)
Minimum Front Yard:	
• Municipal Water and Sewer	6 m (19.6 ft)
• Water Only	6 m (19.6 ft)
Minimum Rear Yard:	
• Municipal Water and Sewer	8 m (26.2 ft)
• Water Only	8 m (26.2 ft)
Minimum Interior Side Yard:	
• Municipal Water and Sewer	2 m (6.56 ft)
• Water Only	2 m (6.56 ft)
Minimum Exterior Side Yard:	
• Municipal Water and Sewer	3 m (9.8 ft)
• Water Only	3 m (9.8 ft)

Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	50%
• Water Only	50%
Maximum No. Dwelling Units on lot	1

7.2.2 Semi-Detached Dwelling (per dwelling unit)

Regulations for Permitted Uses:

Minimum Lot Area:	
• Municipal Water and Sewer	300 m ² (3,229.2 ft ²)
• Water Only	700 m ² (7,534.9 ft ²)
Minimum Lot Frontage:	
• Municipal Water and Sewer	10 m (32.8 ft)
• Water Only	23 m (75.4 ft)
Minimum Lot Depth:	
• Municipal Water and Sewer	24 m (78.7 ft)
• Water Only	24 m (78.7 ft)
Minimum Front Yard:	
• Municipal Water and Sewer	6 m (19.6 ft)
• Water Only	7.5 m (24.6 ft)
Minimum Rear Yard:	
• Municipal Water and Sewer	8 m (26.2 ft)
• Water Only	8 m (26.2 ft)
Minimum Interior Side Yard:	
• Municipal Water and Sewer	2 m (6.56 ft)
• Water Only	4 m (13.1 ft)
Minimum Exterior Side Yard:	
• Municipal Water and Sewer	3 m (9.8 ft)
• Water Only	7.5 m (24.6 ft)
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	50%
• Water Only	50%
Maximum No. Dwelling Units on lot	1

7.2.3 Duplex Dwelling, Triplex Dwelling

Regulations for Permitted Uses:

Minimum Lot Area – Duplex:	
• Municipal Water and Sewer	550 m ² (5,920.3 ft ²)
• Water Only	1,440m ² (15,500.5 ft ²)
Minimum Lot Area – Triplex:	
• Municipal Water and Sewer	650 m ² (6,996.7 ft ²)
• Water Only	1440 m ² (15,500.5 ft ²)
Minimum Lot Frontage:	
• Municipal Water and Sewer	18 m (59.0 ft)
• Water Only	30 m (98.4 ft)
Minimum Lot Depth:	
• Municipal Water and Sewer	24 m (78.7 ft)
• Water Only	30 m (98.4 ft)
Minimum Front Yard:	
• Municipal Water and Sewer	6 m (19.6 ft)
• Water Only	7.5 m (24.6 ft)
Minimum Rear Yard:	
• Municipal Water and Sewer	8 m (26.2 ft)
• Water Only	7.5 m (24.6 ft)
Minimum Interior Side Yard:	
• Municipal Water and Sewer	2.5 m (8.20 ft)
• Water Only	2.5 m (8.20 ft)
Minimum Exterior Side Yard:	
• Municipal Water and Sewer	5 m (16.4 ft)
• Water Only	7.5 m (24.6 ft)
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	50%
• Water Only	50%
Maximum No. Dwelling Units on lot:	
• Duplex	2
• Triplex	3

7.2.4 Boarding House

Regulations for Permitted Uses:

Minimum Lot Area:	
• Municipal Water and Sewer	550 m ² (5,920.3 ft ²)
• Water Only	not permitted
Minimum Lot Frontage:	
• Municipal Water and Sewer	15 m (49.2 ft)
• Water Only	not permitted
Minimum Lot Depth:	
• Municipal Water and Sewer	24 m (78.7 ft)
• Water Only	not permitted
Minimum Front Yard:	
• Municipal Water and Sewer	6 m (19.6 ft)
• Water Only	not permitted
Minimum Rear Yard:	
• Municipal Water and Sewer	8 m (26.2 ft)
• Water Only	not permitted
Minimum Interior Side Yard:	
• Municipal Water and Sewer	2 m (6.56 ft)
• Water Only	not permitted
Minimum Exterior Side Yard:	
• Municipal Water and Sewer	3 m (9.84 ft)
• Water Only	not permitted
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	50%
• Water Only	not permitted
Maximum No. Dwelling Units on lot	1

7.2.5 Home for the Aged, Nursing Home , Long Term Care Facility and Non-residential uses, School, Place of Worship

Regulations for Permitted Uses:

Minimum Lot Area:	
• Municipal Water and Sewer	1,650 m ² (17,761 ft ²)
• Water Only	
Minimum Lot Frontage:	
• Municipal Water and Sewer	36.5 m (119.7 ft)
• Water Only	not permitted
Minimum Lot Depth:	
• Municipal Water and Sewer	40 m (131.2 ft)
• Water Only	not permitted
Minimum Front Yard:	
• Municipal Water and Sewer	9 m (29.5 ft)
• Water Only	not permitted
Minimum Rear Yard:	
• Municipal Water and Sewer	10 m (32.8 ft)
• Water Only	not permitted
Minimum Interior Side Yard:	
• Municipal Water and Sewer	3 m (9.84 ft)
• Water Only	not permitted
Minimum Exterior Side Yard:	
• Municipal Water and Sewer	6 m (19.6 ft)
• Water Only	not permitted
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	50%
• Water Only	not permitted
Maximum No. Dwelling Units on lot	n/a

7.3 Zone Exceptions

8.0 MULTIPLE RESIDENTIAL (R3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Multiple Residential (R3) Zone except in accordance with the following provisions.

8.1 Permitted Uses

- 1) Row or Townhouse or Maisonette Dwelling
- 2) Fourplex Dwelling
- 3) Apartment Dwelling
- 4) Lodging/Tourist Home
- 5) Rooming House
- 6) Retirement Residence

8.2 Zone Regulations

8.2.1 Row, Townhouse or Maisonette Dwelling

Regulations for Permitted Uses:

Minimum Lot Area:	
• Interior Unit	210 m ² (2,260.4 ft ²)
• End Unit	300 m ² (3,229.2 ft ²)
• Internal Townhouse development	770 m ² (8,288.4 ft ²)
Minimum Lot Frontage:	
• Interior Unit	7 m ² (22.9 ft ²)
• End Unit	10 m ² (32.8 ft ²)
• Internal Townhouse development	30 m ² (98.4 ft ²)
Minimum Lot Depth	30 m (98.4 ft)
Minimum Front Yard	7 m (22.9 ft)
Minimum Rear Yard	10 m (32.8 ft)
Minimum Interior Side Yard:	
• For an internal townhouse development See Section 8.3 b	2.5 m (9.84 ft)
Minimum Exterior Side Yard	5 m (16.4 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage	50%
Maximum No. Dwelling Units on lot	n/a

8.2.2 Fourplex Dwelling

Regulations for Permitted Uses:

Minimum Lot Area	800 m ² (8,611.4 ft ²)
Minimum Lot Frontage:	20 m (65.6 ft)
Minimum Lot Depth:	30 m (98.4 ft)
Minimum Front Yard:	6 m (19.6 ft)
Minimum Rear Yard:	10 m (32.8 ft)
Minimum Interior Side Yard:	2.5 m (9.84 ft)
Minimum Exterior Side Yard:	5 m (16.4 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage:	50%
Maximum No. Dwelling Units on lot	4

8.2.3 Apartment Dwelling, Retirement Residence

Regulations for Permitted Uses:

Minimum Lot Area – Apartment Dwelling:	
• For first 5 units	900 m ² (9,687.8 ft ²)
• for each additional unit	+130 m ² (1,399.3 ft ²)
Minimum Lot Area – Retirement residence	900 m ² (9,687.8 ft ²)
• for each bedroom over 12 units	80 m ² (861.1 ft ²)
Minimum Lot Frontage:	30 m (98.4 ft)
Minimum Lot Depth:	40 m (131.2 ft)
Minimum Front Yard:	7.5 m (14.6 ft)
Minimum Rear Yard:	10 m (32.8 ft)
Minimum Interior Side Yard:	6 m (19.6 ft)
Minimum Exterior Side Yard:	6 m (19.6 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage:	50%
Maximum No. Dwelling Units on lot	n/a

8.2.4 Lodging, Tourist Home, Boarding House, Rooming House

Regulations for Permitted Uses:

Minimum Lot Area:	550 m ² (5,920 ft ²)
Minimum Lot Frontage:	15 m (49.2 ft)
Minimum Lot Depth:	24 m (78.7 ft)
Minimum Front Yard:	6 m (19.6 ft)
Minimum Rear Yard:	10 m (32.8 ft)
Minimum Interior Side Yard:	2 m (6.56 ft)
Minimum Exterior Side Yard:	3 m (9.84 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage:	50%
Maximum No. Dwelling Units on lot	1

8.3 Zone Exceptions

9.0 GENERAL COMMERCIAL (C1) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Commercial (C1) Zone except in accordance with the following provisions.

9.1 Permitted Uses

9.1.1. Commercial Uses:

- 1) Automotive Sales Establishment
- 2) Auto Repair Garage
- 3) Auto Service Station
- 4) Bakery
- 5) Bank
- 6) Boarding House
- 7) Building Supply Store
- 8) Car Washing Establishment
- 9) Clinic
- 10) Club
- 11) Commercial School
- 12) Custom Workshop
- 13) Dry Cleaning Establishment
- 14) Equipment Rental Establishment
- 15) Funeral Home
- 16) Gasoline Bar
- 17) Hotel
- 18) Laundromat
- 19) Liquor Store
- 20) Liquor Licensed Premises
- 21) Mini Warehouse and Public Storage
- 22) Motor Vehicle Rental Establishment
- 23) Nursery or Garden Centre
- 24) Office
- 25) Parking Garage, Structure or Lot
- 26) Payday Loan Establishment
- 27) Personal Service Establishment
- 28) Place of Amusement
- 29) Place of Worship
- 30) Printing Establishment
- 31) Private Club
- 32) Recreational Vehicle Sales, Storage and Repair
- 33) Restaurant
- 34) Retail Store

- 35) Service Outlet/Shop
- 36) Shopping Centre
- 37) Tourist Establishment
- 38) Tourist Outfitters Establishment
- 39) Training Centre
- 40) Veterinary Clinic

Institutional Use, Public Service Use:

- a) All uses permitted in the Institutional (I) Zone
- b) Office in conjunction with any permitted use

9.2 Zone Regulations

9.2.1 Commercial Use, Institutional Use, Public Service Use

Regulations for Permitted Uses:

Minimum Lot Area:	
• Municipal Water and Sewer	n/a
• Water Only	1,850 m ² (19,913.8 ft ²)
Minimum Lot Frontage:	
• Municipal Water and Sewer	15 m (49.2 ft)
• Water Only	30 m (98.4 ft)
Minimum Lot Depth:	
• Municipal Water and Sewer	n/a
• Water Only	46 m (150.9 ft)
Minimum Front Yard	0.6 m (2 ft)
Minimum Rear Yard	n/a
Minimum Interior Side Yard if next to residential zone	nil or 3 m (9.84 ft)
Minimum Exterior Side Yard	n/a
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	75%
• Water Only	50%
Only one payday loan establishment shall be permitted in the Town of Thessalon	

9.3 Zone Exceptions

10.0 HIGHWAY and TOURIST COMMERCIAL (C2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Highway and Tourist Commercial (C2) Zone except in accordance with the following provisions.

10.1 Permitted Uses

10.1.1 Permitted Commercial Uses

- 1) Automotive Sales Establishment
- 2) Auto Repair Garage
- 3) Auto Service Station
- 4) Bakery
- 5) Bank
- 6) Building Supply Store
- 7) Campsite
- 8) Campground
- 9) Car Washing Establishment
- 10) Clinic
- 11) Club
- 12) Commercial School
- 13) Custom Workshop
- 14) Driving Range
- 15) Dry Cleaning Establishment
- 16) Farmer's Market
- 17) Funeral Parlour
- 18) Gas Bar
- 19) Gasoline Card Lock Facility
- 20) Hotel
- 21) Laundromat
- 22) Lodging/Tourist Home
- 23) Mini Warehouse and Public Storage
- 24) Motel
- 25) Nursery or Garden Centre
- 26) Office
- 27) Parking Garage, Structure or Lot
- 28) Personal Service Establishment
- 29) Place of Amusement
- 30) Printing and Printing Establishment
- 31) Recreational Vehicle Sales, Storage and Repair
- 32) Recreational Commercial Establishment
- 33) Restaurant

- 34) Retail Store
- 35) Service Outlet/Shop
- 36) Shopping Centre
- 37) Tourist Establishment
- 38) Tourist Outfitters Establishment
- 39) Transportation Depot
- 40) Veterinary Establishment

10.2. C2 Zone Regulations

Regulations for Permitted Uses:

Minimum Lot Area	736 m ² (7,922.2 ft ²)
Minimum Lot Frontage:	20 m (65.6 ft)
Minimum Lot Depth	30 m (98.4 ft)
Minimum Front Yard:	3 m (9.84 ft)
Minimum Rear Yard:	10 m (32.8 ft)
Minimum Interior Side Yard:	3 m (9.84 ft)
Minimum Exterior Side Yard:	3 m (9.84 ft)
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage	75%
Maximum Gross Floor Area	3,720 m ² (40,043 ft ²) Including the floor area occupied by any accessory use

10.3 Zone Exceptions

11.0 MARINE COMMERCIAL (C3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Marine Commercial (C3) Zone except in accordance with the following provisions.

11.1 Permitted Uses

- 1) Marina
- 2) Marine Facility
- 3) Recreational Commercial Establishment
- 4) Restaurant

11.2 C3 Zone Regulations

Regulations for Permitted Uses:

Minimum Lot Area	800 m ² (8,611.4 ft ²)
Minimum Lot Frontage	20 m (65.6 ft)
Minimum Lot Depth	30 m (98.4 ft)
Minimum Setback from Water	15 m (49.2 ft) except where use is a marine facility
Minimum Front Yard:	6 m (19.6 ft)
Minimum Rear Yard:	9 m (29.5 ft)
Minimum Interior Side Yard	3 m (9.84 ft)
Minimum Exterior Side Yard	4.5 m (17.76 ft)
Maximum Height	10 m (32.8 ft)
Maximum Lot Coverage	50%
Maximum Gross Floor Area	3,720 m ² (40,043 ft ²) including the floor area occupied by an accessory use

11.3 Zone Exceptions

12.0 GENERAL INDUSTRIAL (M1) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Industrial zone (M1) except in accordance with the following provisions:

12.1 Permitted Uses

- 1) Automotive Repair Garage
- 2) Bakery
- 3) Building Supply Outlet
- 4) Communications Facility
- 5) Contractor's Yard
- 6) Custom Workshop
- 7) Equipment Rental Establishment
- 8) Gasoline Card Lock Facility
- 9) Kennel
- 10) Laundromat
- 11) Mini Warehouse and Public Storage
- 12) Manufacturing
- 13) Printing and Publishing Establishment
- 14) Public Service Use
- 15) Public Utility
- 16) Rental Establishment
- 17) Restaurant
- 18) Service Outlet
- 19) Warehouse
- 20) Welding Shop
- 21) Workshop

12.2 Zone Regulations

Regulations for Permitted Uses:

Minimum Lot Area	6000 m ² (64,585.5 ft ²)
Minimum Lot Frontage	20 m (65.6 ft)
Minimum Lot Depth	0 m (0 ft)
Minimum Front Yard:	9 m (29.5 ft)
Minimum Rear Yard:	7.5 m (24.6 ft)
• where the yard abuts a residential zone	15 m (49.2 ft)
Minimum Interior Side Yard:	3 m (9.84 ft)
• where the yard abuts a residential zone	15 m (49.2 ft)

Minimum Exterior Side Yard	7.5 m (24.6 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage	40%

12.3 Zone Exceptions

12.3.1 Notwithstanding the permitted uses of the M1 Zone, on lands described legally as Part Lot 84, East Part Lot 84 and Lot 85, Plan 871 and located in the M1-1 Zone the only permitted use shall be a crematorium.

12.3.2 Notwithstanding the permitted uses of the M1 Zone, on lands located in the M1-2 the only permitted use shall be a wastewater treatment lagoon facility.

12.4 Holding Provisions

12.4.1 Lands located in the M1-H with frontage on boundary road are subject to a Hold provision which shall be removed upon the approval of an official plan amendment and the owner entering into a site plan agreement with the Town.

13.0 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 following provisions.

13.1 Permitted Uses

- 1) Arena
- 2) Cemetery
- 3) Day Nursery
- 4) Nursing Home, Home for the Aged, or Long Term Care Facility
- 5) Hospital
- 6) Library
- 7) Museum
- 8) Park or Playground
- 9) Place of Assembly
- 10) Place of Worship
- 11) Private Club
- 12) School

13.2 Zone Regulations Institutional

Regulations for Permitted Uses:

Minimum Lot Area:	
• Municipal Water and Sewer	460 m ² (4,951.5 ft ²)
• Water Only	1,400 m ² (15,069.9 ft ²)
Minimum Lot Frontage:	
• Municipal Water and Sewer	15 m (49.2 ft)
• Water Only	30 m (98.4 ft)
Minimum Lot Depth	n/a
Minimum Front Yard:	7.5 m (24.6 ft)
Minimum Rear Yard:	10 m (32.8 ft)
Minimum Interior Side Yard:	6 m (19.6 ft)
Minimum Exterior Side Yard:	3 m (9.84 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage:	
• Municipal Water and Sewer	45%
• Water Only	25%
• Individual On-site Services	20%

13.3 Zone Regulations Accessory Use

Regulations for Permitted Uses:

Minimum Lot Area:	n/a
Minimum Lot Frontage:	n/a
Minimum Lot Depth:	n/a
Minimum Front Yard:	7.5 m (24.6 ft)
Minimum Rear Yard:	3 m (9.84 ft)
Minimum Interior Side Yard:	6 m (19.6 ft)
Minimum Exterior Side Yard:	3 m (9.84 ft)
Maximum Height	4 m (13.1 ft)
Maximum Lot Coverage:	Total of all accessory structures
• Municipal Water and Sewer	10%
• Water Only	
• Individual On-site Services	

14.0 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 following provisions.

14.1 Permitted Uses

- 1) Areas of Archeological Potential
- 2) Built Heritage Resource
- 3) Cemetery
- 4) Conservation Use
- 5) Cultural Heritage Landscape
- 6) Driving Range
- 7) Golf Course
- 8) Municipal Arena and Swimming Pool
- 9) Museum
- 10) Park
- 11) Place of Assembly which is municipally owned
- 12) Playground

14.2 Zone Regulations

Regulations for Permitted Uses

Minimum Lot Area:	n/a
Minimum Lot Frontage:	n/a
Minimum Lot Depth	n/a
Minimum Front Yard:	12 m (39.3 ft)
Minimum Rear Yard:	12 m (39.3 ft)
Minimum Interior Side Yard:	12 m (39.3 ft)
Minimum Exterior Side Yard:	12 m (39.3 ft)
Maximum Height	7.5 m (24.6 ft)
Maximum Lot Coverage:	5%

14.3 Zone Exceptions

14.3.1 Notwithstanding the permitted uses of the OS Zone, on lands identified as OS-1 on Schedule A to this By-law, the only permitted use shall be a recycling depot or transfer station.

14.3.2 Notwithstanding the permitted uses of the OS Zone, on lands identified as OS-2 on Schedule A to this By-law and known as Lakeside Park, the only permitted use shall be a campground.

14.3.3 Notwithstanding the permitted uses of the OS Zone, on lands identified as OS-3 on Schedule A to this By-law, the only permitted use shall be a municipal surface water treatment plant.

15.0 ENVIRONMENTAL PROTECTION (EP)

No person shall use any land or erect, alter or use any building or structure in the Environmental Protection (EP) Zone except in accordance with the following provisions.

15.1 Permitted Uses

- 1) Buildings or structures intended for flood or erosion control or slope stabilization
- 2) Conservation use without buildings or structures
- 3) Parks without buildings or structures
- 4) Parking area
- 5) Hydro-electric generating facilities or a utility corridor
- 6) Marine Facility

15.2 Prohibited or Restricted Uses

- 1) Any building or structure which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities
- 2) Any institutional use
- 3) Any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works and/or erosion.

15.3 Zone Regulations

Regulations for Permitted Uses:

Minimum Lot Area:	n/a
Minimum Lot Frontage:	n/a
Minimum Lot Depth	n/a
Minimum Front Yard:	12 m (39.3 ft)
Minimum Rear Yard:	12 m (39.3 ft)
Minimum Interior Side Yard:	12 m (39.3 ft)
Minimum Exterior Side Yard:	12 m (39.3 ft)
Maximum Height	5.5 m (18.0 ft)
Maximum Lot Coverage:	5%

16.0 RURAL (RU) ZONE

No person shall use any land or erect, alter or use any building or structure in the Rural (RU) Zone except in accordance with the following provisions.

16.1 Permitted Uses

- 1) Agricultural Use and Agricultural Related Uses
- 2) Existing Uses

16.3 Zone Regulations Rural/Residential Uses

Regulations for Permitted Uses:

Minimum Lot Area:	1 ha (2.47 ac)
Minimum Lot Frontage:	100 m (328 ft)
Minimum Lot Depth	100 m (328 ft)
Minimum Front Yard:	20 m (65.6 ft)
Minimum Rear Yard:	20 m (65.6 ft)
Minimum Interior Side Yard:	10 m (32.8 ft)
Minimum Exterior Side Yard:	20 m (65.6 ft)
Maximum Height	10.5 m (34.4 ft)
Maximum Lot Coverage:	
• Total of all structures	10%
Maximum Number of dwelling units per lot	1

16.4 Zone Exceptions

17.0 HAZARD (HZ) ZONE

No person shall use any land or erect, alter or use any building or structure in the Hazard (HZ) Zone except in accordance with the following provisions.

17.1 Permitted Uses

- 1) Existing uses
- 2) Conservation uses without buildings or structures
- 3) Parks without buildings or structures
- 4) Marine facility

17.2 Zone Regulations

Any development or site alteration involving buildings or structures shall be subject to a planning approval.

18.0 ISLAND (ISL) ZONE

No person shall use any land or erect, alter or use any building or structure in the Island (ISL) Zone except in accordance with the following provisions.

18.1 Permitted Uses

- 1) Existing uses

18.2 Zone Regulations

Any development or site alteration shall be subject to a planning approval which shall address the policy criteria of Section C9.4.1 of the Thessalon Official Plan.

ENACTMENT

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

By-law read a first and second time this 17th day of October, 2022.

By-law read a third and final time and passed this 17th day of October, 2022.

Clerk

Mayor