

Section 3 General Provisions

Explanatory Note

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

3.1 Application

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

3.2 Accessory Uses, Buildings and Structures

Where a **lot** is devoted to main **use**, **accessory uses**, **buildings** and **structures** that are customary to that main use are permitted provided that:

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



(g) **Accessory Building Height**

- (i) **Accessory buildings** and **structures** do not exceed 4.5 m (14.76 ft) in **height** or one (1) **storey**, whichever is lesser, except for permitted **accessory dwelling units** in accessory buildings, ~~**garden suites**~~ or accessory buildings containing a ~~**loft-above-a-garage**~~, in which case such accessory building shall not exceed 6 m (19.69 ft) in height or two (2) stories, whichever is lesser. **The heights of *garden suites*, *guest cabins* and *lofts-above-a-garage* are governed by Section 3.3 of this By-Law;**
- (ii) Despite paragraph (g)(i), no **accessory building** or **structure** shall exceed the **height** of the **main building** on the **lot**.

(h) **Accessory buildings** and **structures**, not including hot tubs, are not **erected** less than ~~2 m (6.56 ft)~~ **1.5 m (4.92 ft)** from a **main building** or another accessory building or structure on the **lot** therewith;

(i) **Temporary shelters** are considered to be **accessory structures** for the purposes of this By-Law and shall comply with the provisions of this ~~section~~ **By-Law regarding accessory structures;**

~~(i) **Temporary shelters** shall not be located in any required **yard** as defined herein, and shall only be located on a **parking space** or **driveway**;~~

(i) A maximum of one (1) *temporary shelter* shall be permitted per *lot*, and such temporary shelter shall not exceed 25 m² (269.1 ft²) in *gross floor area*.

(j) **Portable Storage Buildings**

(i) **Portable storage buildings** shall only be permitted as accessory buildings and structures in the Industrial (M1), **Heavy Industrial (M2) Zone**, Extractive Industrial (MX), Mineral Mining (MM), and Natural Resources (NR) zones;

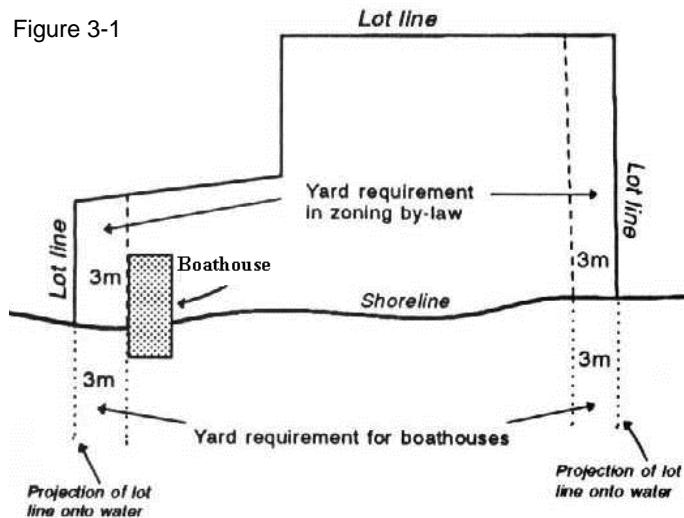
(k) A **building** or **structure** that is attached to the **main building** shall not be considered an **accessory building** or **structure**;

(l) A **building** or **structure** located completely underground shall not be considered an **accessory building** or **structure**;

(m) **Boat houses**, **docks** and other such permitted **accessory structures** requiring, by their nature, placement on the water's edge are not **erected** less than 3 m (9.84 ft) from the nearest adjacent **lot line** and does not encroach on adjacent **frontage** when the **lot** boundaries are extended into the water (see Figure 3-1);



- (n) A **dock** shall not be rented out for remuneration by property owner who is not a **public authority** unless a marina is permitted in the **zone** in which the dock is located;
- (o) **Accessory uses, buildings and structures** are not **erected** or established prior to the erection or establishment of the **main building or use**, except where it is necessary for the storage of tools and materials for the use in connection with the construction of the main use, building or structure, or where the main building or use and the accessory use, building or structure are permitted by the same building permit and the main building or use is erected or established within 12 months of the erection or establishment of the accessory uses, buildings or structures.;



- (p) **Boat houses, docks** and other such permitted **accessory structures** requiring, by their nature, placement on the water's edge and **waterfront structures** shall not contain sanitary facilities, unless approved by the Ministry of the Environment or their designate;
- (q) Open **swimming pools** are totally enclosed by a **fence** constructed of suitable materials, having a minimum **height** of 1.5 m (4.92 ft) with a locking gate;
- (r) No part of an open **swimming pool** shall be constructed closer to an **exterior side lot line** or a **front lot line** than **exterior side yard setback** or the **front yard** setback of the **main building**, nor closer to an **interior side lot line** or a **rear lot line** than 1.5 m (~~3.28~~ 4.92 ft). Further, swimming pools shall be setback a minimum of 1.5 m (4.92 ft) from **fences** required to enclose them as required by paragraph (q).
- (s) The maximum **lot coverage** zone requirements for **accessory buildings and structures** in each **zone** shall not apply to **guest cabins and garden suites**. These **uses** are governed by Section 3.3 and their maximum lot coverage is in addition to the maximum lot coverage of accessory buildings and structures stated in each zone. **Lofts-above-a-garage** are located above detached



garages. The entire building is subject to the maximum lot coverage stated for accessory buildings and structures in a given zone.

- (t) Accessory residential uses located in **accessory buildings** or **structures** shall be in accordance with Section 3.3 of this By-Law.

3.3 Accessory Residential Uses

- (a) **Guest cabins, lofts-above-a-garage** and **garden suites** shall not be considered **dwelling units** and shall not be rented out to the public for gain or profit.
- (b) **Accessory dwellings** to commercial and resource-based **uses** shall be considered **dwelling units** for the purposes of this By-Law.
- (c) **Accessory residential uses** to commercial, institutional and resource-based uses shall be governed by the Additional Provisions section of each respective **zone** in this By-Law.
- (d) One (1) **guest cabin** shall be permitted as an **accessory use** to a main **residential use** in the Recreational Residential (R5) Zone and shall conform to the following:
- (i) A guest cabin shall not be **erected** less than 3 m (9.84 ft) from a **lot line** or less than 2 m (6.56 ft) from a **main building**, and shall meet any **yard** requirements for **accessory buildings** and **structures** of the **zone** in which the guest cabin is located;
- (ii) The **net floor area** of a guest cabin shall not exceed 55 m² (592.02 ft²);
- (iii) The **height** of a guest cabin shall not exceed 4.5 m (14.76 ft) or one (1) **story** or the height of the main **dwelling**, whichever is lesser;
- (iv) Guest cabins shall not be **erected** closer to the **front lot line** or **exterior lot line** than the **front yard** and **external side yard setbacks** of the **main dwelling** on the lot, except for lots with **water frontage**
- (v) ~~The erection of a guest cabin shall not cause the underlying zone's maximum **lot coverage** for accessory buildings and structures to be exceeded~~ **Despite the maximum **lot coverage** provisions of the R5 zone for **accessory buildings** and **structures**, a **guest cabin** shall not occupy more than 1% of the **lot area** of a **lot** in the R5 zone. Guest cabins shall not be subject to the maximum lot coverage requirements of the R5 zone;**
- (vi) The provisions for servicing under Section 3.25, the provisions for parking under Section 3.23 and all other relevant provisions of this By-Law shall be met.
- (vii) A **loft-above-a-garage** shall not be erected on a lot occupied by a **guest cabin** or a **garden suite**;



- (e) Notwithstanding paragraph (a), one (1) loft for sleeping accommodation may be permitted above a detached garage (**loft-above-a-garage**) instead of a permitted **guest cabin in the Recreational Residential (R5) Zone** and shall conform to the following:
- (i) An **accessory building** containing a **loft-above-a-garage**, shall not be **erected** less than 3 m (9.84 ft) from a **lot line** or less than 2 m (6.56 ft) from a **main building**, and shall meet any **yard** requirements for **accessory buildings** and **structures** of the **zone** in which the guest cabin is located;
 - (ii) The **net floor area** of a loft shall not exceed 55 m² (592.02 ft²);
 - (iii) The **height** of an accessory building containing a loft-above-a-garage shall not exceed 6 m (19.7 ft) in height or the height of the main **dwelling**, whichever is lesser;
 - (iv) An **accessory building** containing a **loft-above-a-garage** shall not be **erected** closer to the **front lot line** or **exterior lot line** than the **front yard** and **external side yard setbacks** of the **main dwelling** on the lot, except for lots with **water frontage**
 - (v) The erection of an **accessory building** containing a **loft-above-a-garage** shall not cause the underlying zone's maximum **lot coverage** for accessory buildings and structures to be exceeded;
 - (vi) A **loft-above-a-garage** shall not be erected on a lot that is occupied by a **guest cabin** or a **garden suite**;
 - (vii) The provisions for servicing under Section 3.25, the provisions for parking under Section 3.23 and all other relevant provisions of this By-Law shall be met.
- (f) Where permitted by a temporary use by-law under Section 39 of the *Planning Act*, **garden suites** shall conform to the following:
- (i) A **garden suite** shall be permitted as an **accessory use** to a main permitted **single detached dwelling or semi-detached dwelling residential use** in the **Townsite Residential Density 1 (R1) Zone** and the **Rural Residential (R4) Zone**.;
 - (ii) A maximum of one (1) **garden suite** shall occupy a **lot**. **Where a lot is occupied by two semi-detached dwelling units, this shall not preclude both dwelling units from having a garden suite**;
 - (iii) A **garden suite** shall not occupy a **lot** where the main **use** is a **seasonal dwelling**;



- (iv) The **net floor area** of a garden suite shall not exceed **50% of the gross floor area of the main dwelling unit** or 74 m² (800 ft²), whichever is lesser;
- (v) The **height** of a **garden suite** shall not exceed 6 m (19.69 ft) or two (2) **stories** or the height of the main **dwelling**, whichever is lesser;
- (vi) A **garden suite** shall only be located in a **rear yard** or **interior side yard**;
- (vii) ~~The erection of a garden suite shall not cause the underlying zone's maximum lot coverage for accessory buildings and structures to be exceeded~~ Despite the maximum **lot coverage** provisions of the R1 zone for **accessory buildings** and **structures**, a **garden suite** shall not occupy more than 20% of the **lot area** of a **lot** in the R1 zone. Despite the maximum lot coverage provisions of the R4 zone for accessory buildings and structures, a garden suite shall not occupy more than 2% of the lot area of a lot in the R4 zone. Garden suites shall not be subject to the maximum lot coverage requirements of the R1 and R4 zones;
- (viii) A **garden suite** shall not be located less than 3 m (9.84 ft) from any **lot line**, or less than 2 m (6.56 ft) from a **main building**, and shall meet all **yard** requirements for accessory buildings and of the **zone** in which the garden suite is located;
- (ix) The provisions for servicing under Section 3.25, the provisions for parking under Section 3.23 and all other relevant provisions of this By-Law shall be met.
- (x) A **mobile home** or a **recreational vehicle** shall not be permitted as a **garden suite**.
- (xi) A **garden suite** shall not be **erected** on a **lot** occupied by a **guest cabin** or a **loft-above-a-garage**;

3.4 Automobile Service Stations and Gasoline Bars

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

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



- (d) The minimum distance between ramps for ingress and egress to and from an **automobile service station** or **gasoline bar** at the **street line** shall not be less than 9 m (29.53 ft).

3.5 Bed and Breakfast Establishments

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

- (a) The operation of a **bed and breakfast establishment** shall be incidental and secondary to the main **use** of the **single detached dwelling**;
- (b) The operation of a **bed and breakfast establishment** shall not change the residential character of the **dwelling** or in any way **alter** the exterior appearance of the **dwelling** other than a **sign** in accordance with paragraph (g);
- (c) The **bed and breakfast establishment** shall only employ or be operated by persons whose principal residence is the **dwelling unit** containing the bed and breakfast establishment;
- (d) The requirements for off-street parking for **bed and breakfast establishments** of Section 3.23 shall be met;
- (e) The operation of a **bed and breakfast establishment** is not permitted in conjunction with the rental of accommodation to roomers or boarders as part of a **boarding house, rooming house** or **tourist home**;
- (f) A **bed and breakfast establishment** shall not be subject to the **home based business** requirements of Section 3.15 of this By-Law;
- (g) **Signage**
 - (i) There shall be no external signage or advertising anywhere on the **lot** occupied by the bed and breakfast establishment to indicate the nature of the business, other than a non-illuminated **sign** having a total display area not exceeding 0.5 m (5.38 ft²).
 - (ii) Signs may be mounted, affixed, painted or imprinted onto the **building** where the business is being conducted, or erected perpendicular to a **street** or road (e.g. free standing sign) up to a maximum **height** of 2 m (6.56 ft). A permitted sign **erected** along a street or road shall be **setback** at least 2 m (6.56 ft) from the **street line**.
 - (iii) In addition to the above provisions, any sign erected shall conform to the provisions of any Signs By-Law as may from time to time be enacted by the **municipality** under the *Municipal Act*.

3.6 Buffer Strips



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

3.7 Buildings to be Moved

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

3.8 Change of Use

A **use** of a **lot, building or structure** which, under the provisions of this By-Law is not permissible 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 as otherwise authorized by the Committee of Adjustment under Section 45(2) of the *Planning Act*.

3.9 Corner Lot Sight Restrictions

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

- (a) no **buildings** or **structures** shall be **erected** which would obstruct the view of a driver of a **vehicle** approaching the intersection;



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

3.10 Cumulative Standards

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

3.11 Dangerous Uses

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

3.12 Dwelling Unit Floor Areas

- (a) No **dwelling unit** in a **single detached dwelling, semi-detached dwelling** or **double wide modular dwelling** shall have a **gross floor area** less than 75 m² (807.29 ft²). **This shall not apply to seasonal dwellings.**
- (b) The combined **gross floor area** of all **dwelling units** in a **duplex dwelling, triplex dwelling** or **converted dwelling** shall not be less than 75 m² (807.29 ft²).
- (c) No **dwelling unit** in the Mobile Home Residential (R3) Zone shall have a **gross floor area** less than 42 m² (452.08 ft²).
- (d) The minimum **gross floor area** of a **group home** or **crisis house** shall be 42 m² (452.08 ft²) plus an additional 7 m² (75.35 ft²) for each resident, exclusive of staff or receiving family.

3.13 Existing Vacant Lots

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

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

3.14 Height Exceptions



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

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

3.15 Home Based Businesses

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

(a) Permitted Uses

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

- (i) professional and consulting services (*examples: architect, financial advisor, accountant, consultant, legal services, physician, telemarketing, surveyor*);
- (ii) instructional services (*examples: music lessons, dance, art and academic tutoring*);
- (iii) home craft businesses (*examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly*);
- (iv) private daycare;
- (v) distribution sales offices or mail order sales (*examples: cosmetics, clothing or small household supplies*);
- (vi) offices for contractors and trades (*examples: plumbing, heating, electrical, carpentry*);
- (vii) repair services (*examples: small appliance, computers*);



- (viii) high technology uses (*examples: internet services, office call centres, desktop publishing, hardware and software development*);
 - (ix) a taxi service;
 - (x) personal care services (*examples: hairdressing/cutting, massage therapist, esthetician*);
 - (xi) sold by a distributor (distribution sales)
- (b) A **restaurant, clinic, kennel**, laundry services, any retail or wholesale store or vending outlet, **animal hospital**, multiple chair personal care service, **place of amusement, funeral home**, small engine repair, automobile repair, **tourist commercial establishment**, workshop, **storage yard**, machine shop, **automobile repair garage**, convalescent home, mortuary, or any **use** that cannot be categorized under Subsection (a) shall not be permitted as a **home based business**.
- (c) **General**
- (i) **Home based businesses** shall be clearly secondary to the main permitted **residential use** and shall not create nor become a public nuisance with regard to noise, traffic, parking or health safety.
 - (ii) A **home occupation** shall be permitted as an **accessory use** in the Townsite Residential Density 1 (R1), Townsite Residential Density 2 (R2) and the Rural Residential (R4) zones.
 - (iii) A **home industry** shall be permitted as an **accessory use** in the Rural Residential (R4) Zone. All home industries shall be located on the same **lot** and in the same **zone** as the **dwelling unit**.
 - (iv) Not more than one (1) **home based business** shall be conducted within any one (1) **dwelling unit** and/or **accessory building**.
 - (v) **Home based businesses** shall not occupy more than 25% of the combined **gross floor area** of the **dwelling unit** and any **accessory building** or **structure** used as part of the business, up to a maximum of 50 m² (505.9 ft²).
 - (vi) No machinery or equipment shall be used as part of a **home based business** that is not compatible with a residential area (e.g. back hoe, front end loader, transport tractor or trailer).
 - (vii) No outdoor storage or outside waste associated with the business shall be permitted.
 - (viii) Where instruction is carried on (e.g. instructional services), there will be not more than five (5) pupils accommodated at any given time.
 - (ix) Taxi services shall be limited to a maximum of two (2) licensed taxis.



- (x) **Home based businesses** classified as distribution sales shall not have any on-site storage.
- (d) **Employees, Hours and Parking**
- (i) **Home based businesses** shall be operated by the occupant of the **dwelling unit** in which it is located and shall not employ more than two (2) **employees** on-site who do not reside therein.
 - (ii) Not more than 15% of the **lot area** shall be used as **parking area** for the home based business, and off-street parking associated with the home based business shall not be permitted in the **front yard**. A maximum of four (4) home based business related **parking spaces** shall be permitted on a lot occupied by a home based business, including one (1) per employee and up to two (2) commercial spaces. The aforementioned parking spaces shall be in addition to the parking spaces required for the **residential use** of the dwelling unit.
 - (iii) The business shall not generate excessive traffic and shall not create a traffic hazard.
 - (iv) All deliveries shall take place on the same lot as the home based business, and in no case shall any on-street delivery be permitted.
 - (v) Home based businesses shall conform to any Noise By-Law enacted by the **municipality**.
 - (vi) The home based business shall not receive clients or deliveries between the hours of 9:00 pm (2100 hours) and 7:00 am (0700 hours).
- (e) **Signage**
- (i) There shall be no external signage or advertising anywhere on the **lot** occupied by the **home based business** to indicate the nature of the business, other than a non-illuminated **sign** having a total display area not exceeding 0.5 m (5.38 ft²).
 - (ii) **Signs** may be mounted, affixed, painted or imprinted onto the **building** where the business is being conducted, or erected perpendicular to a **street** or road (e.g. free standing sign) up to a maximum **height** of 2 m (6.56 ft). A permitted sign **erected** along a street or road shall be **setback** at least 2 m (6.56 ft) from the **street line**.
 - (iii) In addition to the above provisions, any **sign** erected shall conform to the provisions of any Signs By-Law as may from time to time be enacted by the **municipality** under the *Municipal Act*.

3.16 Loading Spaces



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

Commercial Uses:

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

Industrial Uses:

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

- (b) The **loading space** requirements stated in paragraph (a) shall not apply to **buildings** or **structures** in existence as of the date of passing of this By-Law



but shall apply to areas of any expansion or enlargement to such buildings or structures after the date of passing of this By-Law.

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

3.17 Main Building on a Lot and Mixed Use Buildings

- (a) Not more than one (1) **main building** shall be **erected** on a **lot** unless specifically allowed in the **zone** in which the lot is located.
- (b) Paragraph (a) shall not apply to:
 - (i) commercial buildings in **commercial zones**;
 - (ii) industrial buildings in the Industrial (M1) Zone, **Heavy Industrial (M2) Zone** or the Mineral Mining (MM) Zone;
 - (iii) institutional buildings in the Institutional (I) Zone; and
 - (iv) farm-related buildings located on an active farm.
- (c) **Mixed Use Buildings**



- (i) In the Townsite Commercial (C1), Local Commercial (C2), Highway Commercial (C4) and Institutional (I) Zone, **buildings** may take the form of a single use building or a **mixed use building**. A mixed use building shall only contain **uses** permitted in the given **zone**.
- (ii) Despite paragraph (c)(i), a **mixed use building** shall not contain a **gasoline bar, automobile service station, automobile body repair shop or automobile repair garage**. A mixed use building containing a **hospital** or a **school** shall not include a **fire station** or police station.

3.18 Mobile and Modular Homes

Only those **single wide** and **double wide mobile homes** and **modular homes** with a CAN/CSA-A277 certification shall be **erected** in the Municipality of Red Lake as **dwelling units**. Only such units with a manufactured date of five (5) years or less from application to install date will be permitted in the Municipality.

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

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

(b) Strengthening and Restoration

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

(c) Legal Non-conforming Use

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

(d) Prior Building Permits



The provisions of this By-Law shall not apply to prevent the **erection** or **use** of any **lot**, **building** or **structure** for a purpose prohibited by this By-Law if any building or structure, the plans for which, prior to the date of passing of this By-Law, have been approved by the **Chief Building Official**, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected, and provided the erection of such building or structure is commenced within one (1) year after the date of the approval of the building permit, and provided the permit has not been revoked under the *Building Code Act*.

(e) Cease of Non-conforming Use

Where, for any reason, the **use** of land, **building** or **structure** for a use not permitted by this By-Law, but which was in existence on the date of passing of this By-Law, has ceased and is not resumed within a twelve (12) month period of the date of ceasing, such **non-conforming** use shall not be resumed, and any use of the land, building or structure shall be in conformity with the provisions of the **zone** in which the land, building or structure is located.

(f) Lot Made Non-conforming

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

(g) Lot Made Non-conforming by Public Authority

No part of any existing **lot** shall be reduced in **lot area** or **lot frontage** by the conveyance or alienation of any portion of the lot so as to create a situation of **non-conformity** or increase the degree of non-conformity with this By-Law, except where any such reduction is caused by the conveyance or acquisition of part of the lot by a **public authority**, in which case the lot or any **building** or **structure** that is located upon the lot shall be deemed to remain in conformity with this By-Law.

(h) Act of God

If a **non-conforming building** or **structure** is damaged or destroyed by an act of God to an extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this By-Law.

3.20 Obnoxious Uses



Nothing in this By-Law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose:

- (a) That is likely to become offensive or a nuisance:
 - (i) by the creation of noise or vibrations;
 - (ii) by reason of emission of gas, fumes, dust or objectionable odour; or
 - (iii) by reason of unsightly storage of goods, wares, merchandise, equipment, salvage, refuse matter or other such material.
- (b) Which by its nature or by the materials used therein, is declared under the *Health Protection and Promotion Act* as amended from time to time, or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

3.21 Occupancy of Vehicles and Partially Completed Buildings

- (a) No **building** or **structure**, except in the case of an **apartment building dwelling**, shall be occupied before the main side walls and roof have been **erected** and the external siding and roofing have been completed, sanitary conveniences installed, and where applicable, kitchen and heating facilities have been installed. Any **dwelling unit** in an apartment building dwelling may be occupied provided that all of the above conditions are satisfied notwithstanding the fact that one (1) or more of the dwelling units in the building have not been completed.
- (b) Human habitation shall not be permitted in anything, including **buildings, structures** and vehicles (e.g. buss, railroad car, truck), that does not meet the Ontario Building Code or before an occupancy permit has been issued. This does not apply to **travel trailers** and tents.

3.22 Parks, Paths, Streets and Heritage Sites

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

3.23 Parking and Drive-through Facility Requirements

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

Use	Minimum Number of Parking Spaces Required
Residential Uses and Uses Accessory to Residential Uses:	
Single Detached Dwelling Semi-detached Dwelling Duplex and Double Duplex Dwelling	2 spaces per dwelling unit



Use	Minimum Number of Parking Spaces Required
Triplex Dwelling Converted Dwelling Seasonal Dwelling Row or Townhouse Dwelling Modular and Double Wide Modular Single Wide and Double Wide Mobile Home	
Apartment Building Dwelling	1.5 spaces per dwelling unit (1.25 space per Bachelor Apartment Unit), 15% of which shall be reserved as visitor parking
Garden Suite, Loft-Above-a-Garage, Guest Cabin	1 space per unit
Bed and Breakfast	1 space for each guest room in addition to the required residential spaces
Home Based Business	1 space in addition to the required residential spaces, plus 1 space per on-site employee who is not a household member
Group Home, Crisis Housing	1.25 spaces per receiving family
Boarding House, Rooming House, Tourist Home	1 space for every two (2) rooms offered for rent
Other Uses:	
Animal Hospital, Art Gallery, Library, Museum, Place of Amusement, Studio, Workshop, Welding Shop	1 space per 45 m ² [484.4 ft ²] of gross floor area , minimum 3 spaces
Automobile Body Repair Shop, Automobile Repair Garage	2 spaces per service bay
Automobile Rental Establishment, Automobile Sales Establishment, Recreational Vehicle Sales Establishment, Equipment Rental Establishment	1 space per 20 m ² [215.3 ft ²] of gross floor area , minimum 3 spaces
Automobile Service Station, Gasoline Bar	3 spaces per bay
Contractor's Yard, Lumber Yard, Salvage Yard	1 space for every 30 m ² [322.92 ft ²] of gross floor area of bulk storage
Camp	0 parking spaces
Campground, Tourist Cabin Establishment	1 space per rental unit or campsite, plus the required spaces for any associated use (e.g. restaurant , conference facility)



Use	Minimum Number of Parking Spaces Required
Car Wash (self service)	1 waiting spaces per wash bay excluding the wash bay
Car Wash (automatic service)	2 waiting spaces per wash bay excluding the wash bay
Clinic, office	1 space per 28 m ² [301.39 ft ²]
Day Care Centre, Greenhouse, Nursery	1 space for every 40 m ² [430.56 ft ²] of gross floor area
Golf Course	5 spaces per tee
Heliport	1 space
Hospital	1.5 spaces per bed
Hotel, Motel	1.25 spaces per guest room or suite
Industrial Use (not including warehouse), Sawmill or Planing Mill	1 space for every 93 m ² [1,001.04 ft ²] of floor area up to 279 m ² [3,003.13 ft ²], plus 1 additional space for every 200 m ² [2,159.9 ft ²] of floor area thereafter
Laundromat	1 space for every 20 m ² [215.3 ft ²] of gross floor area
Marina	1 space for every seasonal boat slip, plus 1 space for every 4 transient boat slip
Miniature Golf Course	1 spaces per course
Nursing Home	1 space per 3 beds
Place of Assembly, Place of Worship, Theatre, Bingo Hall	1 space per 5 persons accommodated according to the maximum permitted seating capacity; or 1 space per 10 m ² [107.64 ft ²] where there are no fixed seats
Restaurant, Tavern	1 space per 9 m ² [96.88 ft ²]
Retail Store, Retail Food Store, Building Supply Outlet, Farm Produce Outlet,	1 space per 28 m ² [301.39 ft ²] of the gross floor area of the retail area of the use
Retirement Home	1 space per unit
Shopping Centre	1 space per 25 m ² [269.1 ft ²] of rentable floor area
School (elementary)	1 space per classroom (includes portables)
School (secondary)	3 per classroom (includes portables)
Post-secondary Educational Institution	1 per 100 m ² [1,076 ft ²] plus 1 per 20 students
Seaplane base	3 spaces plus 1 space per seaplane dock plus 1 space per seaplane service bay
Self Storage Facility	1 space per rentable storage unit
Warehouse	1 space per 200 m ² [2,152.78 ft ²] of gross floor area
All other uses not listed above	1 space per 30 m ² [322.9 ft ²] of gross floor area

- (b) Where in this By-Law **parking areas** are required or permitted, all drainage, surfacing and illumination shall be constructed in accordance with the requirements of the Municipality. Each **parking space, driveway** and **aisle**



connecting the parking area with a **street** shall be maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles.

(c) Size of Parking Spaces

All standard **parking spaces**, unless specified elsewhere in this By-Law, shall be a minimum of 3 m (9.84 ft) in width by 6 m (19.69 ft) in length. All **barrier-free parking spaces** shall be a minimum of 3.7 m (12.14 ft) in width by 6 m (19.69 ft) in length.

(d) Barrier-Free Parking Spaces

(i) Where five (5) or more standard **parking spaces** are required in accordance with paragraph (a), **barrier-free parking spaces** shall be provided in accordance with the following provisions:

Number of Parking Spaces Required by this By-Law	Corresponding Number of Barrier-free Parking Spaces Required
5-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201 or more	4% of the number of standard parking spaces required

(ii) Where **barrier-free parking spaces** are required by paragraph (d)(i), each barrier-free parking space shall be designated by a sign mounted on a post or wall that is visible during winter months. Such sign shall be mounted at least 1.5 m (4.92 ft) above grade **and shall not be located more than 1.5 m (4.92 ft) from the parking space.**

(e) Cumulative Standards

Unless permitted otherwise elsewhere in this By-Law, where two (2) or more **uses** are permitted in any one (1) **building** or **structure** or on any (1) **lot**, then the off-street parking requirements of this By-Law for each of the uses shall be combined and the total number of off-street **parking spaces** so calculated shall be provided.

(f) Notwithstanding the precise number of **parking spaces** required by this By-Law, if the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number. (e.g. 7.23 *spaces shall be deemed to require 8 parking spaces*)

(g) Parking Space Exemptions



For those lands so designated with a zone symbol followed by a dash and the symbol “p” (e.g. C1-p) with **frontage** on Howey Street in the Townsite of Red Lake and Fifth Street in the Townsite of Balmertown, there shall be no minimum number of **parking spaces** required for non-residential uses (not including non-residential uses that provide overnight accommodation, e.g. **hotel, motel**), notwithstanding any other provision of this By-Law to the contrary.

- (h) Notwithstanding any other provisions of this By-Law to the contrary, the parking space requirements shall not apply to any **building, structure** or **use** in existence on the date of passing of this By-Law so long as the **gross floor area**, as it existed at such date, is not increased and no change in use occurs. If an addition to the building, structure or use increases the floor area, or a change in use occurs, then parking space for the addition or area changed in use shall be provided. This provision shall not apply to additions, enlargement or **alterations** to individual **dwelling units** or to those lands exempted by paragraph (g).
- (i) **Location of Parking Spaces**
- (i) Required off-street parking for **residential uses** or in a **residential zone** shall be provided on the same **lot** as the **dwelling unit(s)** for which the **parking spaces** are intended to serve. Parking spaces required for **bed and breakfast establishments** and **home based businesses** shall be provided on the same lot. In all other **zones**, all required off-street parking spaces shall be provided within 150 m (492.13 ft) of the **building, structure** or **use** for which the parking spaces are intended to serve, but such off-street parking spaces shall not be permitted in any residential zone.
- (ii) Where required parking is not provided on the same **lot** in accordance with paragraph (i)(i), the lot or part of the lot where the parking is located shall be in the same ownership as the owner of the lot for which the off-street **parking spaces** are required, or shall be leased by a long-term renewable agreement by the owner of the lot for which the off-street parking spaces are required, and such parking spaces shall be retained for the duration of the **use** of the lot for which the off-street parking spaces are required.
- (iii) Access to all required off-street **parking spaces** for institutional, **commercial** and **industrial uses** shall be provided by means of unobstructed **driveways** and **aisles** at least 7 m (22.97 ft) in width, or **3.25 m (10.66 ft) for one-way traffic driveways**. Access to parking spaces for all other **uses** shall be provided by means of unobstructed driveways and aisles at least 3 m (9.84 ft) in width.
- (iv) Where **parking spaces** are provided for the exclusive use of **dwelling units** in a **converted, duplex, modular, double wide modular, row or townhouse, seasonal, semi-detached, single detached** or **triplex**, the **parking area** shall not cover more than 50% of the **front yard** or **exterior side yard**.



(j) Where required **parking spaces** in a non-residential zone lie adjacent to a **residential zone** or lands where the main use is residential, a 3 m (9.84 ft) wide **buffer strip** shall be provided on the non-residential lands along the abutting **lot line** with the lands in a residential zone or the lands where the main use is residential. This buffer strip shall not be interrupted except for **driveways, lanes, aisles, walkways** or pathways.

(k) Drive-through Facilities

(i) Where a **use** in any **zone** includes a permitted **drive-through facility** according to the Additional Provisions of the given zone, off-street **motor vehicle** queuing space shall be provided for that drive-through leading both to and from each service bay, window, kiosk or booth in accordance with the following:

Use		Minimum Number of Queuing Spaces Required	
		Leading to Use	Leaving Use
Bank or bank machine		3 before/at each machine/window	1 after each machine/window
Car Wash	Conveyor Type	3 before each wash bay	1 after each wash bay (if wash bay is a through bay)
	Automatic Type	5 before each wash bay	
	Manual Type (through bay)	1 before each wash bay	1 after each wash bay
	Manual Type (not a through bay)	2 before each wash bay	n/a
Restaurant		No order board: 4 before/at first service window	
		With order board: 6 before/at order board and 4 between/at order board and first window	
All other cases		3 spaces before/at service machine/window	

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

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

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

3.24 Public Uses Permitted



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

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

3.25 Services Required

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

3.26 Special Setbacks and Separation Distances

(a) Agricultural Uses

- (i) Any new **livestock facility** or **manure or material storage** shall comply with the **Minimum Distance Separation Formulae II** as amended by the Province from time to time, where applicable.
- (ii) Any new **sensitive land use** shall comply with the **Minimum Distance Separation Formulae I** as amended by the Province from time to time, where applicable. The Minimum Distance Separation Formulae I shall not apply to lots of record in existence on December 18th, 2006.
- (iii) The **Minimum Distance Separation Formulae I** shall not apply to the new **sensitive land uses** in the townsites of Red Lake, Balmertown, Cochenour, McKenzie Island Townsite, Madsen and Starratt-Olsen.
- (iv) Nothing in this By-Law shall prevent the reconstruction of any **sensitive land use** that does not comply with the **Minimum Distance Separation Formulae I** which is unintentionally damaged by fire or other natural cause, provided the **height** and bulk are not increased, the new **building** or **structure** is located no closer to a **livestock facility** than prior to the catastrophe, and provided that reconstruction is commenced within two (2) years from the date of destruction. The reconstruction of any non-conforming or **non-complying** building which is unintentionally damaged by fire or other natural cause shall be encouraged to occur on lands that



meet the requirements of the Minimum Distance Separation Formulae I and all other requirements of this By-Law.

- (v) The reconstruction of any **non-conforming sensitive land use** initiated by the owner of the non-conforming sensitive land use shall comply with all provisions of **the Minimum Distance Separation Formulae I** and all other requirements of this By-Law.

(b) Group Homes and Crisis Housing

- (i) Notwithstanding any other provision of this By-Law, no **group home** shall be located less than 200 m (656.17 ft) from another group home or crisis house. Notwithstanding any other provision of this By-Law to the contrary, no **crisis house** shall be located less than 200 m (656.17 ft) from another group home or crisis house. **This separation distance shall be measured from the closest point of each property line.**
- (ii) **Despite paragraph (b)(i), the minimum required separation distance shall be reduced to 200 m (656.17 ft.) between group homes where the group homes are located on opposite sides of the Chukuni River. This separation distance shall be measured from the closest point of each property line.**

(c) Industrial Uses

- (i) The minimum separation distance between a **sensitive land use** and a **Class I Industrial Use** shall be ~~20~~ **70 m (229.66 ft.)** and shall be measured from the nearest **lot line** of the sensitive land use to nearest **lot line** of the Class I Industrial Use, or vice versa. **This separation distance may be reduced where supported by a Feasibility Study in accordance with the Municipality of Red Lake Official Plan, but shall not be reduced to less than 20 m (65.62 ft).**
- (ii) The minimum separation distance between a **sensitive land use** and a **Class II Industrial Use** shall be ~~70~~ **300 m (984.25 ft)** and shall be measured from the nearest **lot line** of the sensitive land use to nearest **lot line** of the Class II Industrial Use, or vice versa. **This separation distance may be reduced where supported by a Feasibility Study in accordance with the Municipality of Red Lake Official Plan, but shall not be reduced to less than 70 m (229.66 ft).**
- (iii) The minimum separation distance between a **sensitive land use** and a **Class III Industrial Use** shall be ~~300~~ **1,000 m (984.3 3,280.84 ft)** and shall be measured from the nearest **lot line** of the sensitive land use to nearest **lot line** of the Class III Industrial Use, or vice versa. **This separation distance may be reduced where supported by a Feasibility Study in accordance with the Municipality of Red Lake Official Plan, but shall not be reduced to less than 300 m (984.25 ft).**
- (iv) Paragraphs (i) to (iii) shall not apply to prevent the **use** of land and the **erection of buildings and structures** on lots of record in existence on December 18th, 2006.



(d) Aggregate Pits and Quarries

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

(e) Roads

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

(f) Sewage Lagoon

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

(g) Water bodies and Watercourses

- (i)** No *buildings* or *structures* and no *accessory buildings* or *structures* shall be *erected* less than 30 m (98.4 ft) from the *high water mark* of any *water body* or *watercourse*.
- (ii)** No *sewage disposal system* shall be located less than 30 m (98.4 ft) from the *high water mark* of any *water body* or *watercourse*.
- (iii)** Notwithstanding paragraph (i), *waterfront structures* (not including sheds, *garages*, storage buildings or *saunas*, or *docks*, *boat houses*, *viewing decks* or other such structures, requiring, by their nature, placement on the water's edge) shall be *setback* a minimum of 15 m (49.2 ft) from the *high water mark* of any *water body* or *watercourse*;
- (iv)** Notwithstanding paragraphs (i) and (iii), *docks*, boat houses, *viewing decks* and other such *structures* requiring, by their nature, placement on the water's edge, may be located on the *high water mark* of a *water body* or *watercourse*.



- (v) The **setbacks** required by paragraphs (i) to (iv) shall be measured as the shortest horizontal distance from the nearest part of the **building** or **structure** or the edge of the filter bed/tile bed/leaching bed of a **sewage disposal system** to the **high water mark** of the **water body** or **watercourse**.
- (vi) The Ontario Ministry of Natural Resources should be contacted for uses permitted on Crown Shoreline Reserves.

(h) Hazard Lands and Top of Bank

- (i) Notwithstanding any other provisions of this By-Law, no **building** or **structure** shall be **erected** less than 15 m (49.21 ft) from the **top-of-bank** of any **watercourse** or **water body**.
- (ii) Notwithstanding any other provisions of this By-Law, no **building** or **structure** shall be **erected** less than 15 m (49.21 ft) from lands zoned Hazard Land (HL) Zone.
- (iii) Notwithstanding any other provisions of this By-Law, for those lands along the shoreline of on Red Lake, no **building** or **structure** shall be **erected** less than 15 m (49.2 ft) from a flood elevation of 356.7 m C.G.V.D. 1927 for sheltered areas not exposed to wave action, or from a flood elevation of 357.3 m C.G.V.D. 1927 for exposed areas.

(i) Waste Disposal Sites

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

3.27 Special Temporary Uses

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

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



3.28 Storage Containers

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

3.29 Street Frontage Requirements

- (a) No **building** or **structure** shall be **erected** and no land shall be **used** unless the **lot** upon which such building or structure is to be erected or such use is to take place, except as otherwise specifically permitted in this By-Law, has lot frontage upon a **street** which is opened and maintained by the Municipality of Red Lake, the Province of Ontario or some other public road authority.
- (b) Notwithstanding paragraph (a), frontage upon a **street** which is opened and maintained by the Municipality of Red Lake, the Province of Ontario or some other road authority shall not be required for the following:
- (i) **lots** in the Recreational Residential (R5) and Tourist Commercial (C5) zones where frontage is on a **private road** or the lot is a **water access lot**;
 - (ii) permitted **uses** on an island where parking is available through a legal agreement on the mainland and the **lot** is a **water access lot**;
 - (iii) **hunt camps** and **fishing camps**;
 - (iv) **parks** and passive outdoor recreational uses (e.g. skiing, hiking, mountain biking, etc);
 - (v) **quarries** and **aggregate pits**;
 - (vi) **public service** uses and **public utilities**;
 - (vii) **conservation uses**;
 - (viii) **forestry**;
 - (ix) mineral exploration;
 - (x) **mineral mining operations**; and
 - (xi) hydro-electric facilities.
- (c) Notwithstanding paragraphs (a) and (b), **buildings** and **structures** may be **erected** upon, and land may be **used** on, a **lot** within a registered plan of subdivision in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision notwithstanding that the streets or roads within such plan of subdivision have not been assumed by the Municipality of Red Lake and are not being maintained by the **municipality**.

3.30 Structures in Water

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

3.31 Yard Encroachments



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

Structure	Yard in which Projection is Permitted	Maximum Projection Permitted
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, heat pumps, ventilators, shutters, parapets, or other ornamental structures or features	Any Yard	0.5 m (1.64 ft)
Fire escapes and exterior staircases	Rear Yard	1.5 m (4.92 ft)
Window bays, window awnings	Front and Rear Yard	1 m (3.28 ft)
Balconies (all dwelling types except apartment building dwellings)	Front and Rear Yard	2 m (6.56 ft)
Balconies (apartment building dwellings)	Any Yard	1.5 m (4.92 ft)
Unenclosed porch, uncovered platform landing, or steps	Any Yard	2.5 m (8.2 ft)
Clothes poles, signs, garden trellises, light standards, security cameras and similar accessories	Any Yard	No Maximum
Deck or patio	Side and Front Yard	3 m (9.84 ft), but must be setback 2 m (6.56 ft) from front lot line

3.32 More Than One Zone Applying to a Property

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

