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**Common Structure Enquiries – Comprehensive Zoning By-law 2024-10**

1. Is your preferred structure / use permissible in the zoning allocated to your property?

Structure/Use	Zone (Zone Code) Section of By-law for your further review
Dwelling, Garden Suite* (Additional Dwelling Unit 5.2)	Agricultural (A) 6.1.1.2, Rural (RU) 6.2.1.2, Residential (R1) 6.3.1.1, Multiple Residential (RM) 6.4.1.1, Commercial Recreational (CR) 6.7.1.1, Institutional (I) 6.9.1.1,
Dwelling, Tiny Home* (Dwelling, Single Detached)	Agricultural (A) 6.1.1.2, Rural (RU) 6.2.1.2, Residential (R1) 6.3.1.1, Multiple Residential (RM) 6.4.1.1, Shoreline Residential (SR) 6.5.1.1, Commercial Recreational (CR) 6.7.1.1
Sleeping Cabin*	Shoreline Residential (SR) 6.5.1.1

\*Terms defined on page 16 & 30 in the attached package from the Comprehensive Zoning By-law 2024-10 [Where a Tiny Home is the first primary structure on a lot, will greatly impact deciding to build other larger structures in the future.]

2. If your answer to question one above is yes, proceed to read the portions of the Comprehensive Zoning By-law excerpts included in this package. These are the General Provisions for all properties. This is meant to give you a basic review, you should be fully aware of all matters pertaining to what is and is not permissible on your property.

Highlighted Colour	Structure / Use
Yellow	Dwelling, Garden Suite
Blue	Dwelling, Tiny Home
Orange	Sleeping Cabin

3. If your answer to question one above is yes, proceed to read the portions of the Comprehensive Zoning By-law in the zone applicable to your property. Here you will locate the setback requirements among other notable parameters.

Should you have any questions with your enquiries, please contact the office 705-859-3196.

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**CONSERVATION USE** shall mean the preservation and protection of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

**CORNER LOT** see **LOT, CORNER**

**COUNCIL** shall mean the Council of the Township of Assiginack.

**COURT** shall mean an open and uncovered space from ground to sky bounded on two or more sides by the walls of the principal building.

**COVERAGE** shall mean the percentage of lot area covered by all buildings.

**DAY LIGHTING TRIANGLE** shall mean an area free of buildings or structures, which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "day lighting triangle".

**DEVELOPMENT** shall mean the construction, erection or placing of one or more buildings or structures on land in the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot. The term "development" shall also 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*.

**DRIVE-IN RESTARUANT** see **RESTAURANT, DRIVE-IN**

**DRY INDUSTRY** shall mean an industry which by nature of its operation, process, or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located, does not discharge effluent from the limits of the lot upon which the use is located and from which the only sewage effluent to be disposed of within the limits of the said lot will be that produced from normal sanitary and break room required for the employees.

**DUPLEX DWELLING** see **DWELLING, DUPLEX**

**DWELLING** shall mean a *building* or part of a building occupied or capable of being occupied, in whole or in part, as the home, residence or sleeping place of one or more persons.

**DWELLING, ADDITIONAL** shall mean a separate and complete dwelling unit that is contained within the structure of a single detached, semi-detached, or rowhouse residential dwelling or within a secondary building on the same property as a principal dwelling unit.

**DWELLING, APARTMENT** shall mean a building consisting of 5 or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use in common halls and/or stairs and/or elevators and yards.

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**DWELLING, CONDOMINIUM TOWNHOUSE** shall mean a townhouse dwelling unit, as defined in this By-Law, constructed and maintained under the provisions of the *Condominium Act*.

**DWELLING, DUPLEX** shall mean a building of 2 or more storeys that is divided horizontally into 2 dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**DWELLING, GARDEN SUITE** means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and that is designed to be portable.

**DWELLING, MOBILE HOME** shall mean any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons, in accordance with Canadian Standards Association (C.S.A.) Standard Z240 or Z241 for mobile homes, but does not include a travel trailer or tent trailer or trailer otherwise designed.

**DWELLING, MULTIPLE** shall mean a building designed and intended to contain three or more dwelling units independent of each other but shall exclude an apartment dwelling or townhouse dwelling.

**DWELLING, SEASONAL** shall mean a dwelling constructed as a secondary place of residence for seasonal vacations and recreational purposes and not as a year round principal place of residence of the owner or occupant thereof.

**DWELLING, SEMI-DETACHED** shall mean a building that is divided vertically into 2 dwelling units each of which has an independent entrance either directly or through a common vestibule.

**DWELLING, SINGLE DETACHED** shall mean a completely detached dwelling unit.

**DWELLING, TINY HOME** shall mean a small, self-contained dwelling unit with a minimum area that complies with Ontario Building Code. A tiny home shall be considered a single detached dwelling.

**DWELLING, TOWNHOUSE** shall mean a building that is divided vertically into 3 or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

**DWELLING UNIT** shall mean one room or a group of rooms in a building used or designed or intended to be used only as a single, independent and separate housekeeping establishment and,

- a) in which food preparation and sanitary facilities are provided for the exclusive use of the residents of the dwelling unit, and
- b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
- c) does not mean or include a tent, travel trailer, or a room or suite of rooms in a boarding or rooming house, in a hotel, motel, motor hotel, tourist cabin establishment, bed and breakfast establishment, sleeping cabin or hunt camp.

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**SETBACK** shall mean the distance between the lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

**SEWAGE DISPOSAL FACILITIES** shall mean a system of underground pipes or conduits and related pumping and treatment appurtenances operated by the Township and under license of the Ministry of the Environment, Conservation and Parks for public use and works within the meaning of Section 1 of the *Ontario Water Resources Act* and Ontario Reg. 332/12, under the *Building Code Act* 1992.

**SHIPPING CONTAINER** shall mean a reusable enclosed metal structure manufactured to be utilized in the transporting, shipping, and storing of goods and having the original intended benefit to be transferred from one mode of transport to another without the requirement of being unloaded. This shall include intermodal shipping containers, sea containers, storage containers, transport truck trailers, and straight truck trailer boxes, but does not include any vehicle defined herein. This shall also include those containers where the original doors and/or door closures have been removed, leaving the container not fully enclosed.

**SIDE LOT LINE** see **LOT LINE, SIDE**

**SIDE YARD** see **YARD, SIDE**

**SINGLE DETACHED DWELLING** see **DWELLING, SINGLE DETACHED**

**SIGN, LEGAL** shall mean a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot which directs attention to an object, product, place, activity, person, institute, organization, or business and which does not contravene any By-law of the Township or any regulation of the Government of Ontario or Canada.

**SITE PLAN** shall mean a scaled drawing showing the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

**SLEEPING CABIN** shall mean a seasonal non-commercial building for sleeping accommodation accessory to a seasonal dwelling in the Shoreline Residential Zone only. A Sleeping Cabin shall not include food preparation facilities.

**SOLAR COLLECTOR** shall mean a ground mounted or rooftop mounted or wall mounted device with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun.

**SOLAR COLLECTOR, COMMERCIAL** shall mean ground mounted device =with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun that is used for commercial purposes only

**SPECIALIZED USE FARM** see **FARM, SPECIALIZED USE**

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- c) is not upon or partly upon any street or lane; and
- d) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

**LONG-TERM CARE HOME** shall mean a premises licensed as a long-term care home under the [Long-term Care homes Act, 2007](#), and its successors.

**LOT** shall mean a parcel of land, whether such parcel is described in a registered deed or is shown on a registered plan of subdivision including any of its parts which are subject to right-of-way or easement that is capable of being legally conveyed.

**LOT AREA** shall mean the total horizontal area within the lot lines of a lot and, in the case of a corner lot having street lines rounding at the corner with a radius of 6 metres or less, the lot area of such lot shall be calculated as if the lot lines were projected to their point of intersection.

**LOT, CORNER** shall mean a lot situated at the intersection of and abutting on 2 or more streets provided that the angle of intersection of such streets is not more than 135 degrees.

**LOT COVERAGE** shall mean that percentage of the lot area, covered by all buildings above ground level, and shall not include that portion of such lot which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

**LOT FRONTAGE** shall mean the horizontal distance between the side lot lines measured at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured by a line 7.5 metres back from and parallel to the chord of the lot frontage. For the purpose of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.

**LOT, INTERIOR** shall mean a lot situated between adjacent lots and having access to one street.

**LOT LINE** shall mean any boundary of a lot.

**LOT LINE, FLANKAGE** shall mean a side lot line which abuts the street on a corner lot.

**LOT LINE, FRONT** shall mean the lot line that divides the lot from the street, but:

- a) in the case of a corner lot, the shortest of the lot lines that divides the lot from the street shall be deemed to be the front lot line;

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- b) a corner lot where two such lots lines are of equal length, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the Township may designate either street line as the front lot line;
- c) in the case of a corner lot abutting a 0.3 metre reserve, the lot so abutting the 0.3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;
- d) in the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length, the Township may designate either street line as the front lot line;
- e) in the case of a lot with frontage on a navigable stream, river or lake, or **shore road allowance** the front lot line shall be either the line of the established high water mark of such stream, river or lake, or the line of the inner limit of the original marine road allowance along the shore of such stream, river or lake; and
- f) in the case of a lot with frontage on a navigable stream, river or lake, or **shore road allowance** and an open and maintained road allowance, the front lot line shall be either the line of the high water mark of such stream, river or lake, or the inner line of the original marine road allowance along such stream, river or lake or the lot line adjacent to the open and maintained municipal road allowance.

**LOT LINE, REAR** shall mean the lot line opposite the front lot line.

**LOT LINE, SIDE** shall mean the lot line other than a front or rear lot line.

**LOT OF RECORD** shall mean a lot or parcel of land that can legally be conveyed and which includes lots on a registered plan of subdivision, parcels created by consent in accordance with the Planning Act or other distinct and separate holding, the deed/transfer to which is registered in the Land Registration office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, lots of record shall not include those lots on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision for the purposes of [Section 50 \(4\) of the Planning Act R.S.O. 1990](#), as amended.

**LOT, THROUGH** shall mean a lot bounded on two opposite sides by streets, provided however, that if any lot qualifies as being both a "lot, corner" and a "lot, through" as hereinbefore defined, such lot shall be deemed a "lot, corner" for the purpose of this By-law.

**LOT, WATER ACCESS** shall mean a lot that has frontage on a waterbody and is not capable of obtaining access from a Provincial highway, road, or private road.

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

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**STORAGE AREA, OPEN** shall mean land used for the outside storage of equipment, good or materials in conjunction with a non-residential use located on the same lot. This definition shall not include a parking area, a delivery space or a loading space or any use otherwise defined in the By-law.

**STORAGE, OUTDOOR** shall mean any accessory storage outside of a principal or main building or structure on the lot.

**STOREY** shall mean that portion of a building between the surface of one floor and the ceiling above.

**STOREY, ONE HALF** shall mean that portion of a building situated above the first storey that is wholly or in part within the roof and when used with reference to a one and one half storey detached garage, means that portion of the detached garage situated between a sloping roof and a floor above the first storey below, of a detached garage.

**STOREY, FIRST** shall mean the storey with its floor closest to the finished grade and having its ceiling at least 1.5 metres above finished grade, but is not a basement.

**STRAIGHT TRUCK TRAILER**, see **SHIPPING CONTAINER**

**STREET OR ROAD** shall mean a public highway as defined by [The Municipal Act](#) and [The Highway Traffic Act](#) and shall exclude a lane or right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 50(4) of [The Planning Act, R.S.O. 1990](#), as amended, or which has not been assumed by the Township.

**STREET LINE** shall mean the boundary line of a *street*.

**STRUCTURE** shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. For the purposes of this By-law, a fence not exceeding 1.8 metres shall not be deemed to be a structure.

**SWIMMING POOL** shall mean an artificial body of water, either in ground or above ground, intended and used primarily for bathing, swimming and diving but shall not include a natural dug or dammed pond which is intended primarily for aesthetic or agricultural purposes.

**TINY HOME** see **DWELLING, TINY**

**TOURIST CABIN ESTABLISHMENT** shall mean an establishment comprising land and buildings under single ownership where individual cabins are offered for rent to tourists on a short-term basis. Such cabins may include food preparation facilities. In addition, a permanent residence for the owner or proprietor may be located on the site.

**TOWNHOUSE DWELLING** see **DWELLING, TOWNHOUSE**

**TOWNSHIP** shall mean the Township of Assiginack.

## SECTION 5: GENERAL PROVISIONS

### 5.1 ACCESSORY BUILDINGS, STRUCTURES, AND USES

#### 5.1.1 Permitted Uses

- a) Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a principal building or structure is already in existence on the lot.
- b) Accessory buildings or structures shall not be used for any occupation for gain or profit conducted within or accessory to a dwelling unit or lot except as specifically permitted in accordance with this By-law.
- c) With the exception of a Sleeping Cabin, Garden Suite or Additional Dwelling Unit, human habitation is not permitted within an accessory building.
- d) The use of any accessory building or structure for the keeping of animals, other than domestic pets, is only permitted in the Rural and Agricultural Zones.
- e) One sleeping cabin having a gross floor area with a maximum of 60 square metres may be erected and used on the same lot as a dwelling in the Shoreline Residential (SR) Zone.
- f) Travel trailers may only be used in accordance with this section in zones that permit residential use and in accordance with By-Law 20-14 Trailer Licensing, as may be amended from time to time.

#### 5.1.2 Setback and Yard Requirements

Except as otherwise provided by this By-law, any accessory building or structure shall comply with the yard requirement of the zone within which it is located. This provision shall not apply to prevent the construction of land-based and water-based accessory structures in the front yard as may otherwise be permitted in this By-law

#### 5.1.3 Lot Coverage

The total lot coverage of all accessory buildings and structures shall not exceed 15% of the lot area.



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**5.1.4 Maximum Floor Area**

The maximum floor area of an accessory building or structure shall be 89 square metres unless otherwise stated in this By-law.

**5.1.5 Accessory Building or Structure Height**

The maximum height of accessory buildings or structures shall be 6.5 metres unless otherwise stated in this By-law.

**5.1.6 Accessory Building or Structure Encroachments**

Notwithstanding the yard and setback provisions of this By-law to the contrary, chimneys, overhangs, un-enclosed porches, balconies, steps, patios, drop awnings, clothes poles, flag poles, garden trellises, retaining walls less than 1.0 metres in height, fences 2.0 metres or less in height, signs or similar uses which comply with this By-law may project into any required yard a maximum distance of 1.0 metres. Fences shall not be permitted in the required front yard of lots that abut a waterbody. Abutting a street, the maximum height of a fence shall be 1 metre within the required front yard.

**5.1.7 Accessory Building or Structure Yard Requirements**

Notwithstanding the yard and setback provisions of this By-law to the contrary, an accessory building or structure may be erected and used in an interior side or rear yard, and in the front yard where specifically permitted below, provided that the following yard requirements are met

a) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 2.0 metres to the side lot line.

b) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 4.0 metres to the rear lot line.

c) Front Yard and Exterior Side Yard

Where such accessory building or structure is located in a front yard or exterior side yard, it shall not be closer than 20 meters to the lot line or behind the front yard setback of the principal building, whichever is less, and shall comply with the other yard requirements of the zone in which it is situated.

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- d) No accessory building shall be built within 2 metres of the principal building in all zones.

### 5.1.8 Shoreline Accessory Buildings or Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, a boathouse, boatport or dock may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any other government authority having jurisdiction has been obtained and provided that the boathouse, boatport or dock is located not closer than 6 metres to the side lot line or does not encroach on adjacent frontage when the lot boundaries are extended into the water. Where a shore road allowance exists, a boathouse or boatport shall only be permitted where a Letter of Comfort Agreement has been registered on the adjacent land's title.

### 5.1.9 Sleeping Cabins

Sleeping cabins shall be permitted on lands within the Shoreline Residential Zone subject to the following regulations:

- a) One sleeping cabin shall be permitted on a lot as an accessory use to the residential dwelling.
- b) Sleeping cabins shall meet all required yards for the residential dwelling.
- c) The maximum floor area of a sleeping cabin shall be 60 square metres.
- d) The maximum height shall not exceed 4.5 metres.
- e) A sleeping cabin shall not include food preparation facilities.
- f) A sleeping cabin shall be limited to 1 storey.

## 5.2 ADDITIONAL DWELLING UNITS

- a) Where an additional dwelling unit is a permitted use in accordance with Section 6.0 of this By-law, the following provisions apply:
  - i. A maximum of two additional dwelling units shall be permitted per lot including a maximum of one additional dwelling unit in the principal dwelling on the lot and a maximum of one additional dwelling unit as a detached accessory structure (excluding a sleeping cabin, hunt camp, and/or boathouse on the lot).

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- ii. An additional dwelling unit shall only be permitted on a lot containing a single detached dwelling unit, semi-detached dwelling unit or a townhouse dwelling unit.
- iii. Where the principal dwelling unit is a townhouse dwelling, an additional dwelling unit is only permitted provided the lot on which the principal townhouse dwelling unit is located has a minimum frontage of 11 metres.
- iv. Where municipal water services are available, the principal dwelling unit and the additional dwelling unit(s) must be separately connected to such services. Confirmation from the Township is required to ensure that there is sufficient capacity in the water system for the additional dwelling unit(s).
- v. An additional dwelling unit shall not be permitted on a lot with a bed and breakfast, group home, or on a lot with a boarding and rooming house.
- vi. A garden suite is considered an additional dwelling unit.
- vii. An additional unit's gross floor area may not exceed 112 square metres.

b) Where an additional dwelling unit is permitted within the principal dwelling on a residential lot in accordance with Section 5.2 a), the following additional provisions shall apply:

- i. The additional dwelling unit shall be located entirely within the same building as the principal dwelling unit;
- ii. The maximum gross floor area of the additional dwelling unit may not exceed 45% of the gross floor area of the principal dwelling unit; and,
- iii. Notwithstanding Section 5.2 b) ii), where the additional dwelling unit occupies the lowest floor of the principal dwelling unit, it may exceed the maximum size standards of this subsection.

c) Where an additional dwelling unit as a detached accessory building is permitted in accordance with Section 5.2 d) of this By-law, the following additional provisions shall apply:

- i. The accessory building containing the additional dwelling unit shall not be located in the front yard unless in the Agricultural (A), or Rural (RU) Zones;
- ii. The maximum gross floor area of an additional dwelling unit in an accessory building shall not exceed 45% of the gross floor area of the principal dwelling unit;
- iii. An additional residential unit within a detached accessory building/structure shall be located no more than 30 metres from the principal dwelling unit unless located in the Agricultural (A), or Rural (RU) Zones where the maximum distance from the principal dwelling shall be 50 metres;

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- d) Additional dwelling units are only permitted in accessory buildings where the following criteria are satisfied:
  - i. The accessory building must be located in the rear yard or side yard of the lot.
  - ii. Additional dwelling units shall only be permitted in accessory buildings that comply with the minimum yard requirements of the zone in which it is located.
- e) An additional dwelling unit is not permitted in the shoreline residential zone.

### 5.3 AUTOMOBILE SERVICE STATIONS

Where automobile service stations are permitted in this By-law, the following provisions shall apply:

- a) Minimum lot frontage
  - i. Interior Lot: 60 metres.
  - ii. Corner Lot: 60 metres.
- b) Minimum lot depth
  - i. Interior Lot: 45 metres.
  - ii. Corner Lot: 60 metres.
- c) No portion of any pump island on an automobile service station lot shall be located closer than 6 metres from the street line of any street.
- d) The minimum distance from the intersection of 2 street lines lot and the nearest ingress or egress ramp shall be not less than 9 metres.
- e) The maximum width of a curb ramp at the street line shall be not more than 9 metres and the minimum width not less than 8 metres.
- f) The minimum distance between ramps shall not be less than 9 metres.
- g) The minimum distance between the lot line of the lot at the street line and the nearest ramp shall be 3 metres.

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**5.11 DWELLING UNITS IN A NON-RESIDENTIAL ZONE**


No person shall use any lot, or erect, alter or use any building or structure for the purpose of a separate Dwelling Unit on a lot zoned other than for residential uses, or within a portion of a non-residential building except in accordance with the following regulations:

- a) One single dwelling unit per building for use by the owner or operator shall be permitted with a private water supply and sewage system where such have been approved by the Ministry of the Environment, Conservation and Parks, health unit or other responsible authority.
- b) The dwelling unit shall have a separate washroom or bathroom and kitchen facilities from those of the non-residential use.
- c) The dwelling unit shall have a separate parking space as provided by Section 5.28 b) hereto.
- d) The dwelling unit shall have a separate building entrance to that of which is provided for non-residential use.
- e) The gross floor area of the residential portion of a non-residential building in a Commercial Zone shall not exceed 60 percent of the building area.
- f) Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a non-residential building that is used for an automobile service station as defined within Section 4.

**5.12 ENCROACHMENTS INTO REQUIRED YARDS**

- a) Minor encroachments may encroach into any required yard no more than 1.0 metre for:
  - i. Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, or roof overhangs;
  - ii. Cantilevered window bays (not cantilevered floor area);
- b) Stairs and landings used to access a main building, roofed, unenclosed porches, patios and balconies may encroach into the required front and/or exterior side lot line a distance of no more than 1.0 metre;
- c) Drop awnings, clothes poles, flagpoles, garden trellises, fences, ground air conditioners and generators or other similar accessory structures may be permitted in any required yard;

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- d) Where a front yard abuts an unopened shore road allowance a deck is permitted to encroach 4 metres into any required yard.
  - e) Bridges may be permitted in any required yard. All bridges shall meet the requirements of the applicable Provincial and Federal legislation.



**5.13**

**FRONTAGE ON A MUNICIPALLY MAINTAINED ROAD, PRIVATE ROAD OR NAVIGABLE WATERWAY**

- a) No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon a year-round municipally maintained road. Notwithstanding this provision, a seasonal dwelling may be permitted on a seasonally maintained road.
- b) The provisions of Section 5.13 a) shall not prevent the erection of a permitted building or structure on a lot in a registered plan of subdivision or plan of condominium where a properly executed Subdivision Agreement or Condominium Agreement has been entered into with the Township, notwithstanding that the subdivision road or roads will not be assumed by the Township until the end of the maintenance period.
- c) The provisions of Section 5.13 a) shall not apply to prevent the expansion, renovation, reconstruction, replacement or other structural alteration of a legally existing building or structure, which is located on a lot which does not have frontage upon a municipally maintained road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located and complies with all other applicable provisions of the By-law.
- d) Notwithstanding Section 5.13 a) and b), where an existing lot of record does not front onto a municipally maintained road, a building permit may be issued for a building or structure provided that the lot meets all of the other requirements of this By-law and has access by way of a legal private right-of-way, which may include a condominium.
- e) Notwithstanding 5.13 a), where a lot is accessed only by navigable water, a building permit may be issued provided that the lot in question meets all other requirements of this By-law and is a lot as defined herein.

**5.14 GREATER RESTRICTIONS**

This By-law shall not reduce or breach any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

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- a) no person, other than a resident of the dwelling unit is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers;
- b) there is no display, other than an unilluminated sign not greater than 1 square metre in size, to indicate to persons outside that any part of the dwelling, dwelling units or lot is being used for a purpose other than a dwelling or dwelling unit;
- c) such home occupation is clearly secondary to the principal residential use and does not change the residential character of the dwelling or dwelling unit nor create or become a public nuisance, particularly regarding noise, noxious odours or emission of smoke, traffic or parking;
- d) the sale of goods produced on site is only permitted if the sales are conducted by telephone, internet, or mail order. The maximum display area for goods is 20 square metres.
- e) such home occupation does not interfere with television or radio reception;
- f) there is no outside storage of goods or materials;
- g) not more than 75 square metres of the dwelling unit is used for the purposes of home occupation uses; and,
- h) such home occupation uses may be carried out in an accessory building and are limited to a service or repair shop, a personal service shop or an office.

**5.18**

**LEGAL NON-COMPLYING LOTS, BUILDINGS, AND STRUCTURES**

- a) Legally Existing Buildings and Structures

Where a legally existing building or structure is located on a lot having less than the minimum required frontage and/or lot area, and/or having less than the minimum required front yard and/or side yard and/or rear yard required by this By-law, the said legally existing building or structure may be expanded, reconstructed or replaced provided that:

- i. The expansion, reconstruction or replacement does not further encroach into a required yard as outlined in this Zoning By-law,
- ii. The expansion, reconstruction or replacement does not increase the amount of gross floor area more than 40 square metres or the height more than 1 metre.
- iii. The legally existing building or structure is being used for a purpose permitted within the Zone in which it is located; and,
- iv. All other applicable Provisions of this By-law are complied with.

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**5.22 BOARDING KENNEL**

Where a boarding kennel is a permitted use in accordance with Section 6.0 of this By-law, the following provisions apply:

- a) The kennel must employ at least one person who dwells on the property and may employ two additional employees;
- b) A kennel must be appropriate for rural servicing and be compatible with rural uses;
- c) A kennel must comply with all applicable by-laws and regulations such as noise and parking regulations;
- d) Notwithstanding Section 6.2.2 of this By-law, a kennel and all associated structures must be set back 30 metres from all property lines;
- e) The minimum lot size for a kennel shall be 1 hectare;
- f) The combined area of any portion of a building or buildings shall not exceed 93 square metres.

**5.23 MINIMUM DISTANCE SEPARATION**

Notwithstanding any other yard or setback provision in this By-law to the contrary, no building housing livestock or manure handling facility shall be erected or expanded and no new lot shall be created unless it complies with the Minimum Separation Distance Formulae as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as amended.

The MDS Formulae will not be applied to approved residential development proposed by building permit on existing lots of record.

**5.24 MINIMUM DWELLING SIZE**

The minimum size of a single detached dwelling, semi-detached dwelling or a townhouse shall be 37 square metres.



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**5.25 MULTIPLE USES ON ONE LOT**

Where any land, building or structure is used for more than one permitted use, the applicable Zone Provisions of this By-law which serve to regulate each such use shall be complied with.

**5.26 MULTIPLE ZONES ON ONE LOT**

Where an existing lot is divided into more than one zone the provisions of the applicable zone, except for those provisions that apply to the required yards, lot area, and lot frontage for the applicable Zone and except for the setback requirement from a Conservation Zone, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 15 metres.

Notwithstanding any other provision of this By-law to the contrary, where a portion of a lot is zoned Conservation, those lands zoned Conservation may be used in calculating the minimum lot area and minimum lot frontage requirements.

**5.27 OUTDOOR STORAGE**

Where outdoor storage is permitted by the By-law, the following provisions shall be met:

- a) Such outdoor storage is accessory to the use of the main building on the lot;
- b) Outdoor storage is behind the front or exterior wall of the main building facing any road and complies with all yard requirements;
- c) Such outdoor storage does not cover more than 15 percent of the lot area; and,
- d) Any portion of a lot used for outdoor storage is screened from adjacent uses and roads adjoining the lot, by a building, landscaping strip, and/or fence of at least 2.0 metres in height.

**5.28 PARKING AREA REGULATIONS**

- a) Applicability
  - i. No person shall use any land, building or structure in any Zone for any purpose permitted by this By-law, unless parking spaces are provided in accordance with the provisions of this Section of the By-law.
  - ii. The parking, loading and delivery space requirements of this section of the By-law shall not apply to any building or structure legally in existence at 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 the use or number of dwelling units does not change.

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- iii. If an addition is made to the building or structure that increases its gross floor area, then additional parking and loading spaces shall be provided for the addition to the building or structure as required by the regulations of this By-law.
- iv. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of this By-law.

**b) Parking Space Requirements**

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF BUILDING	MINIMUM PARKING REQUIRED
All other residential units	2.0 parking spaces per dwelling unit
Additional Unit	1.0 parking space per additional unit
Residential dwelling unit in a non-residential building	1.0 parking space per dwelling unit
Apartment dwelling, condominium townhouse and maisonette dwelling	1.5 parking spaces per dwelling unit of which 10% shall be designated for guest parking areas
Bed & Breakfast	1.0 parking space per guest room
Medical, Dental or Drugless Practitioners Office or Clinic	5.0 parking spaces for each practitioner
Church, Funeral Home, Auditorium, Restaurant, Theatre, Arena, Hall, Private Club or other Places of Assembly.	Where there are fixed seats, 1 parking space for every 5 seats or 3 metres of bench space, where there are no fixed seats, 1 parking space for each 9.0m <sup>2</sup> of floor area devoted to public use.
Hospitals or Institution, including a Nursing Home	1 parking space for every 2 beds or 40m <sup>2</sup> of floor area which ever is greater <u>plus</u> 1 additional space for each resident doctor or resident employee.
Hotel, Motel and Tourist Cabins	1 parking space per suite or guestroom, <u>and</u> 1 additional parking space for each 9.5m <sup>2</sup> of floor area devoted to public use.
Office, Including a Home Occupation	1 parking space per 28m <sup>2</sup> of office floor area.
Other Commercial Uses	1 parking space for every 19m <sup>2</sup> of total floor area.
Schools	1.5 parking spaces for each teaching area <u>plus</u> 1 separate bus loading area per 2 teaching areas.
Industrial including Home Industry	At least 1 parking space for every of total area up to 1858m <sup>2</sup> plus 1 additional space for every 450m <sup>2</sup> of total floor area over the 1858m <sup>2</sup> , including any basement area if used for industrial use.

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use privately-owned lands or to use or erect any building or structure on privately-owned land without the consent of the landowner.

**5.33 REDUCTION OF REQUIREMENTS**

No person shall change the purpose for which any land, building or structure is used or erect any building or structure or construct an addition to any existing building or structure, or receive consent to sever any lands, if the effect of such action is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

**5.34 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS**

Notwithstanding any other provision of this By-law to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes.

**5.35 SETBACK FROM NATURAL GAS PIPELINE**

No permanent buildings, structures or excavations shall be located closer than 7.0 metres from a gas pipeline right-of-way.

**5.36 SETBACK FROM RAILWAYS**

No sensitive land uses shall be located closer than 30.0 metres to a railway right-of-way.

**5.37 SETBACK FROM SLOPES**

Notwithstanding any other provision in this By-law and notwithstanding that the slope may not be identified on the schedules to this By-law, no building or structure shall be located within 15.0 metres of the toe and top of a slope or embankment that exceeds 3 to 1 (33%).

This provision does not apply to slopes directly associated with municipal roadside ditches.

Notwithstanding the minimum setback of this Section, a lesser setback may be permitted, without the need to amend this By-law, where permission has been granted by the Township and any other applicable agency or authority through the submission of studies and/or reports deemed acceptable to the Director of Public Works or designate.

**5.38 SETBACK FROM WATERBODIES AND WATERCOURSES**

The minimum required setback from a waterbody or watercourse shall be 20.0 metres, unless otherwise permitted by this By-law.

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**5.39 SHORELINES**

**5.39.1 Shoreline Buildings or Structures**

Notwithstanding any other provisions of this By-law, no building other than a marina, boathouse or boatport, where permitted, shall be constructed within 30 metres of a waterbody unless a natural yard extending back from the shore a distance of 20 metres is left in its natural state, in which case the building setback may be reduced to 20 metres.

**5.39.2 Lake Huron Shoreline**

No person shall erect any habitable building or structure in any zone abutting Lake Huron less than 15 metres measured horizontally from the 100 year flood elevation identified on Schedules A1 to A2 of this By-law unless:

- a) The building or structure is located at least 61 metres from the high water mark; and
- b) The building or structure is flood-proofed to 179.6 m Canadian Geodetic Vertical Datum (CGVD1928).

**5.40 SIGNS**

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Township.

**5.41 SHIPPING CONTAINERS**

**5.41.1 Shipping Containers in a Residential Zone**

No person shall place a shipping container in any Residential Zone except in accordance with the following:

- a) Shipping containers shall require a building permit and foundation and will only be permitted as an accessory use on a lot where a principal use already exists;
- b) 1 shipping container shall be permitted based on lot area at a rate of 1 shipping container or part thereof per 0.4 hectares to a maximum of 3 shipping containers;
- c) A shipping container shall be prohibited on a lot comprising of less than 0.4 hectares;
- d) The dimensions of the shipping container shall not exceed 6 metres in length, 2.4 metres in width or 3 metres in height;
- e) No stacking of shipping containers shall be permitted;

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- f) The shipping container shall be located in the rear yard only and shall not be located any closer than 3.0 metres to any street line;
- g) The minimum distance from any other building shall be 4 metres;
- h) The shipping container shall comply with all other yard setbacks in the zone in which the shipping container is located;
- i) A shipping container shall not be used for the purpose of display or advertising or as a component of a fence;
- j) A shipping container not exceeding the dimensions in the Ontario Building Code shall be permitted in a driveway on a residential property for a period not to exceed 5 days and only for the purpose of loading or unloading household items during the process of moving, but in no case shall encroach upon a public sidewalk or create a site line obstruction to traffic;
- k) A shipping container shall not be used for the storage of fuels or hazardous materials;
- l) No shipping container shall be used for human habitation.

**5.41.2 Shipping Containers in a Non-Residential Zone**

No person shall place a shipping container in any Non-Residential or Rural Zone except in accordance with the following:

- a) Shipping containers shall require a building permit and foundation and will only be permitted as an accessory use on a lot where a principal use already exists;
- b) Up to 3 shipping containers shall be permitted in a Non-Residential or Rural Zone;
- c) The dimensions of the shipping container shall not exceed 13.7 metres in length, 2.4 metres in width or 3 metres in height;
- d) No stacking of shipping containers shall be permitted;
- e) No shipping container shall be used for human habitation;
- f) The shipping container shall be located in an interior side yard or the rear yard only;