

ZONING BY-LAW
VILLAGE OF SOUTH RIVER

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THE PLANTARIO GROUP LTD.
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THE CORPORATION OF THE VILLAGE OF SOUTH RIVER
BY-LAW NO. 17-95..

A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE VILLAGE OF SOUTH RIVER

WHEREAS the Planning Act provides that the council of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

NOW THEREFORE the Council of the Corporation of the Village of South River ENACTS as follows:

SECTION 1

INTRODUCTION

(1) TITLE OF BY-LAW

This By-law may be cited as the "Zoning By-law".

(2) SCOPE OF BY-LAW

(a) LANDS SUBJECT TO BY-LAW:

The provisions of this By-law shall apply to all lands within the corporate limits of the Village of South River.

(b) CONFORMITY WITH BY-LAW:

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

(c) EXISTING USE CONTINUED:

Nothing in this By-law shall 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 passing of this By-law, so long as it continues to be used for that purpose.

(d) BUILDING PERMIT ISSUED:

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if a permit for such building or structure

was issued by the Chief Building Official prior to the date of passing of this By-law provided:

- (i) when the building or structure is erected, it shall be used and shall continue to be used for the purpose for which the building permit was issued;
- (ii) the erection of such building or structure is commenced within six months of the date of passing this By-law and provided the erection of such building or structure is completed within eighteen months after the erection thereof is commenced; and
- (iii) such permit has not been revoked by the Chief Building Official.

(e) COMPLIANCE WITH OTHER RESTRICTIONS:

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

(3) INTERPRETATION OF BY-LAW

(a) SINGULAR AND PLURAL WORDS:

In this By-law, unless the context requires otherwise, words used in the singular number include the plural and words used in the plural include the singular number.

(b) SHALL IS MANDATORY:

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

(c) USED AND OCCUPIED:

In this By-law, unless the context requires otherwise, the word "used" shall include "designed to be used" and "arranged to be used" and the word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

(d) BUILDING, STRUCTURE AND USE CLASSIFICATION:

In this By-law, all buildings, structures and uses named as permitted uses and classified under the headings "RESIDENTIAL USES" or "NON-RESIDENTIAL USES" may be referred to as Residential or Non-Residential buildings, structures, or uses respectively.

(4) SCHEDULE TO BY-LAW

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

SECTION 2

DEFINITIONS

In this By-law, unless the context requires otherwise, the following definitions shall apply:

- (1) **ALTER**, when used in reference to a building, structure or part thereof, means:

to change any one or more of the external dimensions of such building or structure; or

to change the type of construction of the exterior walls or roof of such building or structure; or

to change the use of such building or structure; or

to change the number of uses or dwelling units contained therein.

"Alter", when used in reference to a lot, means:

to change the boundary of such lot with respect to a street or lane; or

to change any dimension or area relating to such lot which is covered herein by a zone provision;

to change the use of such lot; or

to change the number of uses located thereon.

"Altered" and "alteration" shall have corresponding meanings.

- (2) **AUDITORIUM**, means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an assembly hall, community centre, gymnasium, stadium, theatre or similar use and for the consumption of food and drink, but not for any commercial purposes.
- (3) **AUTOMOTIVE STORE**, means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing repair or maintenance work on motor vehicles.
- (3) **BALCONY**, means a partially enclosed platform attached to or extending horizontally from one or more main walls of a building and used as an outdoor porch or sundeck.

SECTION 2(4)

DEFINITIONS

- (4) **BODY SHOP**, means a building or premises used for the painting or repair of motor vehicle bodies, exteriors or undercarriages. Accessory uses may include a towing service and the rental of motor vehicles to customers who motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.
- (5) **BUILDING**, means any structure, consisting of walls and a roof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials.
- (a) **ACCESSORY BUILDING**, means a detached building which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.
- (b) **MAIN BUILDING**, means the building which contains the principal use of the lot on which such building is located.
- (6) **BUILDING AREA**, means that portion of the lot area of a lot permitted to be covered by one or more building envelopes.
- (7) **BUILDING BY-LAW**, means any by-law of the Corporation passed pursuant to the Building Code Act.
- (8) **BUILDING ENVELOPE**, means the total horizontal area of a building calculated by perpendicular projection onto a horizontal plane. This definition shall not include:
- sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or similar ornamental structures unless such structure projects more than 0.75 metres horizontally from an exterior wall of the building; or
- unenclosed porches, balconies or steps unless such structure projects more than 2.0 metres horizontally from an exterior wall of the building.
- (9) **BUILDING HEIGHT**, means the vertical distance between the finished grade of the lot on which the building is situated and the highest point of the building proper.

SECTION 2 (10)

DEFINITIONS

- (10) **BUILDING PERMIT**, means a permit required by the Building By-law.
- (11) **BUILDING SEPARATION**, means the least horizontal distance permitted between the nearest portions of any building envelopes on a lot.
- (12) **BUILDING SETBACK**, means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope or excavation on such lot.
- (a) **FRONT BUILDING SETBACK**, means the building setback on a lot measured from each front lot line of such lot.
- (b) **FLANK BUILDING SETBACK**, means the building setback on a lot measured from each flank lot line of such lot.
- (c) **REAR BUILDING SETBACK**, means the building setback on a lot measured from each rear lot line of such lot.
- (d) **SIDE BUILDING SETBACK**, means the building setback on a lot measured from each side lot line of such lot.
- (13) **BUILDING SUPPLY OUTLET**, means an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.
- (14) **BUSINESS OFFICE**, means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for repairing equipment, goods, materials or vehicles.
- (15) **CARPORT**, means a roofed structure, supported by columns, piers, or not more than two walls, which is used for the sheltering of permitted vehicles.

SECTION 2 (16)

DEFINITIONS

- (16) **CAR WASH**, means an establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices. This definition may also include a self-service operation.
- (17) **CHIEF BUILDING OFFICIAL**, means the employee appointed by Council for the purpose of enforcing the Building By-law.
- (18) **CLINIC**, means a building or part of a building used solely by medical doctors, dentists and/or drugless practitioners, as well as by their staff and their patients, for the purposes of consultation, diagnosis and office treatment. This definition shall not include a hospital or home profession.
- (19) **CLUB**, means a building or premises used as an athletic, recreational, service or social club. This definition may include the premises of a fraternal organization.
- (20) **CONVENIENCE STORE**, means an establishment where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale.
- (21) **CORPORATION**, means the Corporation of the Village of South River.
- (22) **COUNCIL**, means the Council of the Corporation of the Village of South River.
- (23) **DAY CARE CENTRE**, means a day nursery within the meaning of the Day Nurseries Act.
- (24) **DEPARTMENT STORE**, means a building wherein various commodities are kept for retail sale in separate parts of such buildings.
- (25) **DETACHED**, when used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.

SECTION 2(26)

DEFINITIONS

- (26) **DINING ROOM**, means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.
- (27) **DRIVEWAY**, means an unobstructed passageway used to provide vehicular access to a lot from a street or lane.
- (28) **DWELLING HOUSE**, means a detached building occupied or capable of being occupied as the home or residence of one or more persons. This definition shall not include any part of any vehicle as defined herein.
- (a) **ACCESSORY DWELLING HOUSE**, means a single detached dwelling house which is accessory to a permitted Non-Residential use and is occupied either by the owner of such Non-Residential use or by a person employed on the lot where such dwelling house is located.
- (b) **APARTMENT BUILDING**, means a dwelling house containing three or more separate dwelling units. This definition shall not include any dwelling house otherwise defined herein or specifically named elsewhere in this By-law.
- (c) **BOARDING HOUSE**, means a dwelling house, erected prior to the date of passing of this By-law, which contains not more than ten guest rooms wherein, for gain or profit, lodgings, with or without meals, are provided to the public.
- (d) **CONVERTED DWELLING HOUSE**, means a dwelling house, erected prior to the date of passing of this By-law, the interior of which has been altered so as to provide therein not more than two dwelling units.
- (e) **DUPLEX DWELLING HOUSE**, means the whole of a dwelling house divided horizontally into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.
- (f) **GARDEN SUITE**, means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

- (g) **GROUP HOME**, means the use of a dwelling house for a residential care facility, licenced, or approved by the appropriate Provincial agency, accommodating up to ten persons, excluding resident staff, who, by reason of their emotional, mental, social or physical condition, require specialized residential care in a group living arrangement.
- (h) **MOBILE HOME**, means a prefabricated building, designed to be transported on its own chassis (notwithstanding that its running gear is or may be removed), or by other means, and designed and equipped for year-round occupancy. This definition shall not include any tourist vehicle nor any trailer which has a gross floor area of less than 30.0 square metres.
- (i) **SEMI-DETACHED DWELLING HOUSE**, means the whole of a dwelling house divided vertically by a common wall above finished grade into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.
- (j) **SENIOR CITIZENS APARTMENT**, means an apartment building operated by or for the Corporation or the Ontario Housing Corporation and occupied by elderly persons.
- (k) **SINGLE DETACHED DWELLING HOUSE**, means a dwelling house containing only one dwelling unit.
- (l) **TOWNHOUSE**, means the whole of a dwelling house divided vertically into three or more separate dwelling units, each such dwelling unit having two independent entrances directly from outside the building.
- (29) **DWELLING UNIT**, means a suite of two or more habitable rooms occupied by not more than one household unit, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance either directly from outside the building or through a common corridor or vestibule inside the building. This definition shall not include any part of any vehicle as defined herein.

SECTION 2(29)(a)

DEFINITIONS

- (a) **ACCESSORY DWELLING UNIT**, means a dwelling unit which is part of, and accessory to, a permitted Non-Residential building other than a service station or a commercial garage. Such dwelling unit shall be occupied either by the owner of such Non-Residential building or by a person employed on the premises where such dwelling unit is located, except in the Downtown Commercial (C1) Zone.
- (b) **BACHELOR DWELLING UNIT**, means a dwelling unit, consisting of one bathroom and not more than two habitable rooms, designed to provide living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- (30) **ENTRANCE**, when used with reference to a lot, means the area of intersection between a driveway and a street line.
- (31) **ENTRANCE SETBACK**, means the least horizontal distance permitted between an intersection of street lines and the nearest portion of any entrance, measured along the street line.
- (32) **ENTRANCE WIDTH**, means the horizontal distance permitted between the extremities of an entrance, measured along the street line.
- (33) **ERECT**, means to build, construct, place, reconstruct or relocate and, without limiting the generality of the word, also includes:
- any preliminary operation such as excavating, filling or draining;
- altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- any work which requires a building permit.
- "Erected" and "erection" shall have corresponding meanings.
- (34) **EXISTING**, means existing on the date of passing of this By-law.

SECTION 2 (35)**DEFINITIONS**

- (35) **FACTORY OUTLET**, means a building or part of a building, accessory to a permitted industrial use, where the products manufactured by that industry are kept for wholesale or retail sale.
- (36) **FARM**, means land used for the tillage of soil or the growing of vegetables, fruits, grains, legumes, hays or other crops. This definition may also apply to land used for beekeeping, livestock and/or fish raising, dairying or woodlots.
- (37) **FINANCIAL OFFICE**, means the premises of a bank, trust company, finance company, mortgage company, investment company or credit union.
- (38) **FINISHED GRADE**, means the median elevation between the highest and lowest points of the finished surface of the ground (measured at the base of a building or structure), but exclusive of any embankment in lieu of steps.
- (39) **FLOOR AREA**, means the horizontal area of a storey, measured between the exterior faces of the exterior walls at the floor level of such storey.
- (a) **DWELLING UNIT AREA**, means the aggregate of the floor areas of all habitable rooms in a dwelling unit.
- (b) **GROSS FLOOR AREA**, means the aggregate of all floor areas of a building and structure.
- (c) **NET FLOOR AREA**, means that portion of the gross floor area of a building which is used by a Non-Residential use defined herein or specifically named elsewhere in this By-law, but excluding:
- (i) any part of such building used by another Non-Residential use which is defined herein or specifically named elsewhere in this By-law;
 - (ii) any part of such building used as a dwelling unit;
 - (iii) any part of such building used for the parking or storage of motor vehicles;
 - (iv) any part of such building used for equipment to heat such building or a portion thereof; and

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- (v) the thickness of any exterior walls of such building.
- (40) **FUEL PUMP ISLAND**, means a structure which is an accessory use intended to provide fuel for vehicles.
- (41) **FUEL PUMP ISLAND, PRIVATE**, means a fuel pump island used to dispense fuel solely to vehicles owned or leased by the occupant of the lot where such fuel pump island is located. This definition shall not include a service station or any other facility for the sale of fuels.
- (42) **FUNERAL HOME**, means a building or premises used for the furnishing of funeral supplies and services to the public and may include facilities for the preparation of the dead human body for interment or cremation.
- (43) **GARAGE, COMMERCIAL**, means an establishment or premises where vehicles owned by the general public are repaired or maintained. Accessory uses may include a towing service and the rental of motor vehicles to customers who motor vehicles are being repaired.
- (44) **GARAGE, DUAL**, means the whole of a building that is divided vertically along a lot line into two separate private garages.
- (45) **GARAGE, MAINTENANCE**, means an establishment or premises where vehicles owned or leased by the occupant of such premises are repaired or maintained.
- (46) **GARAGE, PRIVATE**, means an accessory building or portion of a dwelling house which is fully enclosed and used for the sheltering of permitted vehicles. This definition shall not include a carport or other open shelter.
- (47) **GOLF COURSE**, means a private premises which is used for the purpose of playing golf. This definition may include a par-3 golf course but shall not include a driving range, a miniature golf course or any similar use.

SECTION 2(48)

DEFINITIONS

- (48) **GRAVEL PIT**, means any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include:
- any excavation incidental to the erection of a building or structure for which a building permit has been issued;
 - any excavation incidental to the construction of any public works;
 - any asphalt plant, cement manufacturing plant or concrete batching plant; and
 - any wayside pit as defined herein.
- (49) **HABITABLE ROOM**, means a room designed to provide living, dining, sleeping or kitchen accommodation for persons. This definition may include a bathroom, den, library or enclosed sun room, but shall not include any private garage, carport, porch, verandah, unfinished attic, unfinished basement or unfinished cellar.
- (50) **HIGH WATER MARK**, means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and continued so long that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side.
- (51) **HOME INDUSTRY**, means a use accessory to a permitted farm, or lot existing at the time of passing of the By-law located in the Rural (RU) Zone which may include a carpentry shop, a craft shop, a metal working shop, a plumbing shop, an electrical shop, a welding shop, a storage building for school buses, boats or snowmobiles, or similar uses.
- (52) **HOME OCCUPATION**, means any occupation conducted for gain or profit within a dwelling unit. This definition may include dressmaking; hairdressing; instruction in arts, crafts, dancing or music to not more than six pupils at any one lesson; molding; painting; sculpting; weaving; or the making

or repairing of garden or household ornaments, clothing, personal effects or toys.

- (53) **HOME OCCUPATION, RURAL**, means any occupation conducted for gain or profit as an accessory use on a permitted farm. This definition may include a retail outlet for farm supplies or farm produce or a produce grading station.
- (54) **HOME PROFESSION**, means any profession practised within a dwelling unit. This definition may include the offices of an accountant, architect, auditor, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary, realtor, or town planner.
- (55) **HOUSEHOLD UNIT**, means one or more human beings living together as a single housekeeping unit. This definition may also include domestic servants and not more than two roomers or boarders. This definition shall not include a group home.
- (56) **LANDSCAPING AREA**, means that portion of the lot area of a lot required for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, surfaced patio, play facility, or similar area, but shall not include any driveway or ramp (whether surfaced or not) or any curb, retaining wall, parking area or any open space beneath or within a building or structure.
- (57) **LANE**, means a public thoroughfare, whether or not improved for use, which has a right-of-way width of 10.0 metres or less and which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.
- (58) **LOT**, means a parcel of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act.
- (a) **CORNER LOT**, means a lot having four or fewer lot lines and situated at the intersection of two street lines which contain an angle of not more than 135 degrees.

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

- (b) **EXISTING LOT**, means a lot which, on the date of passing of this By-law, was capable of being legally conveyed in accordance with the Planning Act.
 - (c) **INTERIOR LOT**, means a lot, other than a corner lot or a through lot, which has street access, but has no water access.
 - (d) **MOBILE HOME LOT**, means a lot used for the placement of a mobile home in a mobile home park.
 - (e) **PARTLY SERVICED LOT**, means a lot which is served by a public water system.
 - (f) **STANDARD WATERFRONT LOT**, means a lot which has water access on one shoreline and has a lot area of less than 2.0 hectare.
 - (g) **THROUGH LOT**, means a lot, other than a corner lot, which has street access on two or more street lines, but has no water access.
 - (h) **UNSERVICED LOT**, means a lot which is not served by a public water system or a sanitary sewer system.
- (59) **LOT AREA**, means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain located on such lot.
- (60) **LOT FRONTAGE**, means, in the case of a corner lot, an interior lot or a through lot, the horizontal distance between the two lot lines which intersect the front lot line of a lot, such distance being measured along a line which is parallel to the front lot line and distant from the front lot line a distance equal to the minimum front building setback required herein for the specified use in the zone where such lot is located.

In the case of a standard waterfront lot, "lot frontage" means the straight line horizontal distance between the two most widely separated points on the front lot line.

- (61) **LOT LINE**, means any boundary of a lot or the vertical projection thereof.
- (a) **FRONT LOT LINE**, means, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line except where the lot lines abutting a street are the same length, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a standard waterfront lot, the shoreline shall be deemed to be the front lot line.
- (b) **FLANK LOT LINE**, means any lot line other than a front lot line which is also a street line.
- (c) **REAR LOT LINE**, means any lot line which is not a front lot line, a flank lot line or a side lot line.
- (d) **SIDE LOT LINE**, means a lot line which intersects a front lot line or a flank lot line provided that, if any side lot line or portion thereof is the rear lot line of an abutting lot, such lot line or portion thereof shall be deemed to be a rear lot line.
- (62) **MARINE FACILITY**, means a building or structure which is used to place a boat into, or take a boat out of, a waterbody; or to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse, or any boat service, repair or sales facility.
- (63) **MOBILE HOME PARK**, means land which has been provided and designed for the location thereon of two or more occupied mobile homes.

SECTION 2(64)

DEFINITIONS

- (64) **NON-COMPLYING**, when used in reference to a lot, building or structure, means a lot, building or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.
- (65) **NON-CONFORMING**, when used in reference to a use, building or structure, means a use, building or structure which is not a permitted use in the zone where such use, building or structure is located.
- (66) **NOXIOUS USE**, means a use which, by its nature or the materials used or produced therein, is declared to be a noxious trade, business or manufacturer.
- (67) **OPEN STORAGE AREA**, means land used for the outside storage of equipment, goods or materials. This definition shall not include a storage use located in a building, a salvage yard, a vehicle agency, a parking area, or a parking space.
- (68) **PARK**, means an area, consisting largely of open space, which may include a recreational area, trails, playground, playfield or similar use, but shall not include a mobile home park or tourist camp.
 - (a) **PUBLIC PARK**, means a park owned or operated by the Corporation, any local board of the Corporation or any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada.
 - (b) **PRIVATE PARK**, means a park other than a public park.
- (69) **PARKING AREA**, means an area or structure provided for the parking of motor vehicles and includes any related driveways and parking spaces, but shall not include any part of a street or lane. This definition may include a carport or private garage.
- (70) **PARKING LOT**, means any area used for the parking of motor vehicles other than a parking area, as defined herein, which is accessory to a permitted use and located on the same lot therewith.

SECTION 2(71)

DEFINITIONS

- (71) **PARKING SPACE**, means a portion of a parking area, exclusive of any driveways, which may be used for the temporary parking or storage of a motor vehicle.
- (72) **PERMITTED**, means permitted by this By-law.
- (73) **PERMITTED USE**, means a use which is permitted in the zone where such use is located.
- (74) **PERSON**, means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- (75) **PLACE OF WORSHIP**, means a building owned or occupied by a religious congregation or religious organization dedicated exclusively to worship and other religious activities. Accessory uses may include a hall, auditorium, Sunday school or parish hall accessory to a place of worship.
- (76) **PLANTING STRIP**, means an area which shall be used for no purpose other than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting trees, shrubs, flowers, grass or similar vegetation.
- (77) **PLANTING STRIP WIDTH**, means the least horizontal dimension of a planting strip measured perpendicularly to the lot line abutting such planting strip.
- (78) **PLAY FACILITY**, means a fenced or enclosed space, above ground, which is designed for use by children.
- (79) **PLAY FACILITY AREA**, means that portion of the lot area of a lot required to be used for all play facilities on such lot.

SECTION 2(80)

DEFINITIONS

- (80) **PROFESSIONAL OFFICE**, means any building where professionally qualified persons, technical assistants and clerical staff are employed and where clients or patients go for advice, consultation or treatment. A business which is an accessory to the above uses will be permitted.
- (81) **PUBLIC USE**, means a building, structure or lot used for public services by the Corporation, any local board of the Corporation, any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, any public utility corporation or any railway company authorized under the Railway Act, R.S.C. 1991.
- (82) **RESTAURANT**, means a building or part of a building where food is offered for sale or sold to the public for immediate consumption in the dining room of such building or for consumption off the premises.
- (83) **RESTAURANT, TAKE-OUT**, means an establishment where food is offered for sale or sold to the public solely for consumption off the premises of the establishment.
- (84) **RETAIL STORE**, means a building or part of a building where goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public. This definition shall not include any establishment otherwise defined herein, or specifically named elsewhere in this By-law.
- (85) **SALVAGE YARD**, means an establishment or premises where bones, bottles, hides, junk, rags, scrap metals, wrecked vehicles or parts therefrom are stored wholly or partly in the open.
- (86) **SCHOOL**, means a school under the jurisdiction of a Board as defined in the Education Act.

SECTION 2 (87)**DEFINITIONS**

- (87) **SERVICE SHOP, MERCHANDISE**, means an establishment wherein articles or goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles.

- (88) **SERVICE SHOP, PERSONAL**, means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

- (89) **SERVICE STATION**, means an establishment primarily engaged in the retail sale of fuels or lubricants for motor vehicles, farm implements and machinery or recreational vehicles. Accessory uses may include the sale of motor vehicles or vehicle accessories and minor maintenance or repair operations for such vehicles, other than bodywork or painting.

- (90) **SHORELINE**, means any lot line or portion thereof which abuts a waterbody.

- (91) **SIGHT TRIANGLE**, means the triangular space on a lot formed by two intersecting street lines and a line drawn from a point in one street line across such lot to a point in the other street line, each such point being a distance from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

- (92) **SIGN**, means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.

- (93) **STONE QUARRY**, means any open excavation made for the removal of any limestone, sandstone, shale or consolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include:
- any excavation incidental to the erection of a building or structure for which a building permit has been issued;
 - any excavation incidental to any public works;
 - any asphalt plant, cement manufacturing plant or concrete batching plant; and
 - any wayside quarry as defined herein.
- (94) **STOREY**, means that portion of a building or structure between any floor level of such building or structure and the floor, ceiling or roof next above such floor level.
- (a) **FIRST STOREY**, means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres above finished grade.
 - (b) **ONE-HALF STOREY**, means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 metres (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.
 - (c) **ATTIC**, means that portion of a building situated wholly or partly within the roof, but which is not a one-half storey.
 - (d) **BASEMENT**, means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).
 - (e) **CELLAR**, means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

- (95) **STREET**, means a public thoroughfare under the jurisdiction of either the Corporation or the Province of Ontario. This definition shall not include a lane, a private right-of-way, or a registered right-of-way.

"Street allowance" shall have a corresponding meaning.

- (a) **IMPROVED STREET**, means a street defined herein as a "Provincial Highway" or a "Municipal Road" which is maintained on a year-round basis and shown on Schedule A hereto.
- (b) **PROVINCIAL HIGHWAY**, means Highway No. 11.
- (c) **MUNICIPAL ROAD**, means a street, other than a Provincial Highway.
- (d) **UNIMPROVED STREET**, means a street defined herein as a "Township Road" which is not maintained on a year-round basis and shown on Schedule A hereto.

- (96) **STREET ACCESS**, means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

- (97) **STREET LINE**, means the limit of a street allowance and is the dividing line between a lot and a street.

- (98) **STREET SETBACK**, means the least horizontal distance required between the centreline of a street allowance and the nearest part of any building envelop or excavation on a lot (measured at right angles to such centreline).

- (99) **STRUCTURE**, means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.

- (100) **SUPERMARKET**, means a store in which various kinds of foodstuffs are kept for retail sale, including fresh, frozen, prepared and preserved groceries, meats, fish, fruit, beverages, garden produce, dairy produce and bakery products;

and as an accessory use, manufactured goods or merchandise may be kept for retail sale, including hardware, patent medicines, toilet preparations, personal hygiene products, household supplies and magazines.

(101) **TOURIST TRAILER**, means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (notwithstanding that its running gear is or may be removed).

(102) **TOURIST VEHICLE**, means a self-propelled vehicle capable of being used for the temporary living, sleeping or eating accommodation of persons. This definition may include a bus, motor home, truck or van.

(103) **TRAILER**, means any vehicle designed to be towed by a motor vehicle.

(104) **USE**, when used as a noun, means the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained.

"Uses" shall have a corresponding meaning.

"Use" (when used as a verb), "used" and "to use" shall have corresponding meanings.

(a) **ACCESSORY USE**, means a use which is incidental, subordinate and exclusively devoted to a main building, main structure or main use and located on the same lot therewith.

(b) **MAIN USE**, means the principal use of a lot.

(105) **VEHICLE**, means an all-terrain vehicle, an automobile, a boat, a commercial motor vehicle, a farm implement, a motorcycle, a snowmobile, a truck, a tourist vehicle or a trailer.

(106) **VEHICLE AGENCY**, means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of vehicles.

SECTION 2(107)

DEFINITIONS

- (107) **WAREHOUSE**, means a building or part of a building used only for the bulk storage of goods, wares, merchandise or materials and accessory office space and shall include a wholesale establishment.
- (108) **WATER ACCESS**, means, when referring to a lot, that such lot has a lot line or portion thereof which is also a shoreline.
- (109) **WATERBODY**, means any bay, lake, natural watercourse or canal, other than a drainage ditch or irrigation channel.
- (110) **WATER SETBACK**, means the straight line horizontal distance from a high water mark of a waterbody to the nearest part of any excavation, building, structure or open storage area on the lot.
- (111) **WATER SUPPLY PLANT**, means a building or structure, approved by the Ministry of Environment and Energy, where water is treated for human consumption.
- (112) **WATER SYSTEM, PUBLIC**, means a distribution system of underground piping and related storage, including plumbing and purification appurtenances, owned and operated by the Ministry of Environment and Energy.
- (113) **WAYSIDE PIT**, means a temporary open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock, opened and used by a public authority solely for the purpose of a particular project or contract of construction. Portable asphalt plants with a certificate of approval from the Ministry of Environment and Energy shall be permitted with a wayside pit.
- (114) **WAYSIDE QUARRY**, means a temporary open excavation made for the removal of any limestone, sandstone, shale or consolidated rock, opened and used by a public authority solely for the purpose of a particular project or contract of construction. Portable asphalt plants with a certificate of approval from Ministry of the Environment and Energy shall be permitted with a wayside pit.

- (115) **YARD**, means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.
- (a) **FRONT YARD**, means a yard located between the front lot line and the nearest part of any excavation or main building on the lot and extending across the full width of the lot.
- (b) **FLANK YARD**, means a yard located between a flank lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such flank lot line, but excluding any front yard.
- (c) **REAR YARD**, means a yard located between a rear lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such rear lot line, but excluding any front yard or flank yard.
- (d) **SIDE YARD**, means a yard located between a side lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such side lot line, but excluding any front yard, flank or rear yard.
- (116) **ZONE**, means a designated area of land use shown on Schedule A hereto and includes any special zone used in this By-law.
- (117) **ZONE PROVISION**, means any provision of this By-law which is listed under the heading "ZONE PROVISIONS" and includes anything contained in Section 3 hereof which is applicable to the zone or use.
- (118) **ZONED AREA**, means all the lands within the corporate limits of the Village of South River.
- (119) **ZONING ADMINISTRATOR**, means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

SECTION 3

GENERAL PROVISIONS

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

(1) ACCESSORY USES

Any use, building or structure which is accessory to a permitted use in a zone shall be permitted in such zone, except that none of the following accessory uses shall be permitted in any zone unless such accessory use is listed as a permitted use in such zone:

a building, or portion thereof used for human habitation;

a fuel pump island, or a private fuel pump island;

a marine facility;

any occupation for gain or profit conducted within or accessory to a dwelling unit; and

an open storage use.

(2) ACCESS REGULATIONS

No person shall erect any building or structure in any portion of a Zoned Area unless the lot upon which such building or structure is to be erected fronts on and has access to an Improved Street as defined herein. This provision shall not apply to a lot on a registered plan of subdivision registered subsequent to the date of passing of this By-law.

For a lot which does not front on an Improved Street, but contains a legally existing building or structure, the rebuilding or repair of such building or structure shall be permitted in accordance with Section 3(15) and accessory buildings and structures may be permitted in accordance with Section 3(1).

(3) CONSTRUCTION USES

A building or structure incidental to construction on a lot, where such building or structure is situated, shall be permitted in any portion of the Zoned Area, but only for as long as it is necessary for the work in progress and until

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the work is completed or abandoned. "Abandoned" in this subsection means the failure to proceed expeditiously with the construction work, or the failure to undertake any construction work during any continuous six month period.

(4) DWELLING UNITS

(a) LOCATION IN PRIVATE GARAGE:

No dwelling unit shall be located in a private garage.

(b) LOCATION IN CELLAR:

No habitable room shall be located in any cellar.

(c) LOCATION IN BASEMENT:

No dwelling unit shall be located in the basement of a Non-Residential building. A dwelling unit may be located in the basement of a Residential building, provided that the finished floor level of such basement is not more than 1.2 metre below finished grade.

(d) LOCATION IN FIRST STOREY:

No dwelling unit shall be located on the first storey of any Non-Residential building, except a place of worship.

(e) PEDESTRIAN ACCESS:

New dwelling units in Non-Residential buildings shall be provided with pedestrian access directly to an adjacent street for the sole use of the dwelling units.

(5) FLOOD PLAIN REGULATIONS

(a) USE OF FLOOD PLAINS:

No person shall, within any flood plain, use any lot or erect, alter or use any building or structure for any

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purpose except one or more of the following uses:

an agricultural use, other than a building;

a forestry use, other than a building;

a marine facility;

a parking lot; and

a public use, other than a building, unless constructed for the purpose of flood or erosion control, or as a water plant.

(b) FILL RESTRICTIONS:

No fill shall be placed in or removed from any land, whether originating on the site or elsewhere, except with the written approval of the Ministry of Natural Resources (in shoreland areas), or the Municipality (in all other areas).

"Flood Plain" in this subsection means those lands within 20.0 metres of the high water mark of any stream or body of water.

(6) GRAVEL PITS AND STONE QUARRIES

No gravel pit or stone quarry shall be established or made in any portion of the Zoned Area.

(7) GROUP HOME

A group home is only permitted within a dwelling house and must be spaced at least 300.0 metres from another similar facility.

(8) HEIGHT EXCEPTIONS

The building height provisions of this By-law shall not apply to the following uses:

a barn;

a belfry;

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GENERAL PROVISIONS

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- a bridge;
- a chimney;
- a church spire;
- a clock tower;
- a communications tower;
- an electric power facility, other than a building;
- an elevator lifting devise;
- a flagpole;
- a piece of heating, cooling or ventilating equipment;
- a skylight;
- a stack;
- a transmission tower, or a television or radio antennae;
- a water tower; and
- a windmill.

(9) HOME INDUSTRY AND RURAL HOME OCCUPATIONS

No home industry or rural home occupation shall be permitted in any portion of the Zoned Area unless such home industry or rural home occupation complies with the following provisions:

(a) EMPLOYMENT:

Not more than three persons, other than an occupant of the premises, shall be employed in a home industry or rural home occupation.

(b) ADVERTISING:

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the lot is being used for a home industry or rural home occupation purpose.

(c) USES PROHIBITED:

No rural home occupation shall be permitted which interferes with television or radio reception. The rural home occupation shall not create or become a public nuisance, in particular, in regard to noise, traffic or parking.

(10) HOME OCCUPATIONS AND HOME PROFESSIONS

No home occupation or home profession shall be permitted in any portion of the Zoned Area unless such home occupation or home profession complies with the following provisions:

(a) SIZE:

Not more than 25% of the dwelling unit area shall be used for purposes of home occupation or home profession uses.

(b) ACCESSORY BUILDING:

No accessory building shall be erected, altered or used for purposes of a home occupation or home profession.

(c) EMPLOYMENT AND OCCUPANCY:

No person, other than an occupant of the dwelling unit containing the home occupation or home profession, shall be engaged in the home occupation or home profession.

(d) ADVERTISING:

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the dwelling house or lot is being used for a purpose other than residential.

(e) OPEN STORAGE AREA:

No part of any lot containing a home occupation or home profession shall be used as an open storage area, accessory to that home occupation or home profession use.

(f) USES PROHIBITED:

No home occupation or home profession shall be permitted which interferes with television or radio reception. The

home occupation or home profession shall not create or become a public nuisance, in particular, in regard to fumes, noise, traffic or parking.

(11) ILLUMINATION

Lighting fixtures, which are not public uses and which are designed for exterior illumination, shall be installed with the light directed downward and deflected away from adjacent lots and streets. Such lighting fixtures shall not be more than 9.0 metres above ground and no closer than 4.5 metres to any street line.

(12) LANES AS YARDS

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such land may be considered part of the lot for the purpose of computing the lot area and the rear building setback for such lot.

(13) LOTS CONTAINING MORE THAN ONE USE

Where a lot contains more than one use, the lot area requirement and the lot frontage requirement shall be no less than the greater of the lot area and the lot frontage requirements, respectively for each individual use in the zone where such lot is located.

Where a building, structure or lot accommodates more than one use, the parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

(14) LOTS DIVIDED INTO MORE THAN ONE ZONE

Where a lot is divided into more than one 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. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.

(15) NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS

(a) ALTERATIONS TO NON-COMPLYING BUILDINGS AND STRUCTURES:

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, repair or replacement of an existing, non-complying building or structure provided such enlargement, reconstruction, renovation, repair or replacement shall not:

- increase the portion of the lot area covered by building envelopes if such coverage exceeds the applicable maximum building area permitted herein;
- reduce the size of any yard adjoining that portion of such building or structure which is less than the applicable minimum building setback required herein;
- reduce the distance between building envelopes if such distance is less than the applicable minimum building separation required herein;
- increase the overall vertical dimension of such building or structure if such dimension exceeds the applicable maximum building height permitted herein;
- reduce the dwelling unit area of any dwelling unit if it is less than the applicable minimum dwelling unit area required herein;
- increase the number of dwelling units in the replacement building over those of the original number of dwelling units;
- reduce the gross floor area of any building or structure if it is less than the applicable minimum gross floor area required herein;
- reduce the portion of the lot used for landscaping purposes if such portion is less than the applicable minimum landscaping area required herein;
- reduce the size of any planting strip required herein; or

- contravene any other zone provisions.

(b) USE OF UNDERSIZED VACANT LOTS:

Nothing in this By-law shall prevent the use of a vacant lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and/or minimum lot frontage required herein, provided such lot is an existing lot as defined herein, the proposed use of such lot is a permitted use and the proposed use shall not contravene any other zone provisions.

Nothing in this By-law shall prevent the use of a lot created by expropriation or street widening which has a lesser area and/or frontage than the applicable minimum lot area and/or minimum lot frontage required herein.

Nothing in this By-law shall prevent the change of use for a lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and /or minimum lot frontage required herein, where the use of the lot is being changed to a permitted use

(16) NON-CONFORMING BUILDINGS AND STRUCTURES

(a) REBUILDING, REPAIR OR REPLACEMENT PERMITTED:

Nothing in this By-law shall prevent the rebuilding, repair or replacement of an existing non-conforming building or structure that is damaged or destroyed subsequent to the date of passing of this By-law, provided that the external dimensions of the original building or structure are not increased, the size and number of dwelling units of the original building are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

Notwithstanding the above, where a building or structure is destroyed by flood, such rebuilding or replacement shall not be permitted unless in conformity with this By-law.

(b) STRENGTHENING PERMITTED:

Nothing in this By-law shall prevent the strengthening to a safe condition of an existing non-conforming building or structure, provided that the external dimensions of

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the original building or structure are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

(17) OBNOXIOUS USES

No person shall within the Zoned Area use any lot or erect, alter or use any building or structure for any of the following purposes:

an abattoir;

an animal or fish glue manufacturing use;

a blood boiling use;

a fertilizer manufacturing or storage use;

a fowl killing establishment;

a gas manufacturing use;

a noxious use;

a salvage yard; or

a tannery.

(18) OCCUPANCY OF PARTIALLY COMPLETED DWELLING HOUSES

No dwelling house shall be used for human habitation before the main walls and roof have been erected, the external walls and roofing has been completed, and services and utilities have been approved and installed, and are operable.

(19) PARKING AREA REGULATIONS

(a) SIZE:

Each parking space shall be at least 6.0 metres long, 3.0 metres wide and have a vertical clearance of at least 2.0 metres.

(b) LOCATION:

The required parking area shall not form part of any street or lane. The required parking area shall be provided on the lot occupied by the building, structure or use for which the said parking area is required. No part of any parking area shall be located closer than 1.5 metres to any street line, or 5.0 metres to any other lot line, except in a Residential zone where the dimension shall be 1.2 metres.

(c) EXEMPTIONS FOR CENTRAL BUSINESS DISTRICT:

Notwithstanding the provisions of clause (b) of this subsection to the contrary, where parking spaces are required for any lot in the Central Business District, any and all of the required parking spaces may be off-site parking spaces located not more than 90.0 metres from the lot requiring such parking spaces if both lots are subject to a development agreement which provides that the use of the building, structure or lot which requires such parking spaces shall cease if the required number of off-site parking spaces is in any way reduced.

(d) SURFACE:

Each parking area and driveway 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.

(e) ADDITION TO OR CHANGE OF EXISTING USE:

When a building or structure has insufficient parking spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, if such addition does not increase the gross floor area of such building or structure by more than 10%. However, no addition may be built and no change of use may occur if the effect of an addition or change of use would be to increase such deficiency.

(f) RESTRICTIONS IN RESIDENTIAL ZONES:

No person shall use any parking area or parking space in a Residential zone to park a vehicle, unless such vehicle bears a vehicle license plate or sticker which is currently valid, or to park more than one commercial motor vehicle as defined by the Highway Traffic Act.

(20) PLANTING STRIPS**(a) LANDSCAPING AREA:**

A planting strip referred to in this subsection may form part of any landscaping area required by this By-law.

(b) INTERRUPTION FOR DRIVEWAY OR WALKWAY:

Where a driveway or walkway extends through a planting strip, it shall be permissible to interrupt the planting strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

(c) PLANTING STRIP WIDTH:

All planting strips shall be at least 3.0 metres wide.

(21) PUBLIC USES**(a) STREETS AND INSTALLATIONS:**

Nothing in this By-law shall prevent the use of land for a street, or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, overhead or underground electrical or telephone line or other supply line or communication line or structure clearly ancillary to the foregoing, provided that the location of such street, main, line, fixture or structure has been approved by the Corporation. Notwithstanding the generality of the foregoing, this approval by the Corporation shall not be required for any public works project which has been authorized pursuant to the Environmental Assessment Act.

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(b) ZONES WHERE PERMITTED:

Except as provided in clause (a) hereof, the only public uses permitted in a specific zone shall be those public uses listed as permitted uses in the said zone.

(c) REQUIREMENTS IN RESIDENTIAL ZONES:

Any above-ground, non-residential public use which is located in a Residential zone shall be enclosed in a building designed, located and maintained in general harmony with the Residential buildings permitted in such zone.

(22) RAILWAY SETBACKS

No person shall erect any building in any portion of the Zoned Area unless such building is setback 30.0 metres from the railway right-of-way provided that in the case of residential dwellings, a safety berm is also constructed.

(23) SATELLITE DISHES

(a) USES PERMITTED:

Satellite signal broadcast receiving dishes and their supporting towers are permitted in all zones.

(b) HEIGHT:

When located on lands in or abutting a Residential zone, they shall not exceed a height of 10.0 metres measured from their base to the top of their uppermost element. This restriction shall not apply to Federally licensed installations.

(c) LOCATION:

Satellite signal broadcast or receiving dishes shall not be permitted in front of the front wall, or its projection, of the main building or structure on a lot, provided such dishes are not located closer to any side, flank or rear lot line than a distance equal to the

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greater of the diameter of the satellite signal broadcast or receiving dish or the minimum yards required.

(24) SIGHT TRIANGLES

(a) SIZE:

The distance from the point of intersection of the street lines shall be 10.0 metres, and from the point of intersection of a street line and railway right-of-way shall be 30.0 metres.

(b) USES PERMITTED:

Within any area defined as a sight triangle, the following uses shall be prohibited:

a building, structure or use which would obstruct the vision of drivers of motor vehicles;

a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the street;

any portion of a parking space;

a berm or other ground surface which exceeds the elevation of the street by more than 0.5 metre; and

a sign, other than a pole sign, the body of which is not less than 2.0 metres above the elevation of the centreline of the street.

(25) SIGNS

Nothing in this By-law shall apply to prevent the erection, alteration or use of any sign, provided such sign complies with the by-laws of the Corporation regulating signs and provided such sign is not located in a sight triangle, except as provided in Section 3(24).

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(26) STORAGE OF SPECIAL VEHICLES

(a) VEHICLES PERMITTED:

No person shall use any lot in any Residential zone for the purpose of parking or storing more than:

two boats;

one tourist vehicle;

three snowmobiles; and

one tourist trailer.

(b) YARDS WHERE PERMITTED:

In any Residential zone, the parking or storage of a boat, tourist vehicle, snowmobile or tourist trailer shall only be permitted in a garage, carport or other building and not in any parking space or sight triangle. Parking or storage shall also be permitted in any side yard or rear yard, but no closer than 3.0 metres to any lot line. In a zone, other than a Residential zone, or any special zone thereto, the parking or storage may take place in any interior side yard or rear yard, but no closer than 1.5 metres to any lot line.

(27) STREET SETBACKS

No person shall erect any building in any portion of the Zoned Area unless such building complies with the following street setback requirements:

Provincial Highway: - 23.0 metres,
plus the minimum front building setback required
for such use in the zone where it is located.

Municipal Road: - 10.0 metres
plus the minimum front building setback required
for such use in the zone where it is located.

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(28) SWIMMING POOLS

(a) LOCATION IN RESIDENTIAL ZONES:

In a Residential zone, a swimming pool may be erected and used in a side yard or rear yard, provided no interior wall surface of any such swimming pool and no water circulating or treatment equipment, such as pumps or filters are located closer than 3.0 metres to any lot line.

(b) COMPLIANCE WITH OTHER BY-LAWS:

Nothing in this By-law shall apply to prevent the erection, alteration or use of any swimming pool, provided such swimming pool complies with the by-laws of the Corporation regulating swimming pools.

(c) BUILDING AREA EXEMPTION:

A swimming pool shall be considered as part of the building area, unless no part of the swimming pool or its railing protrudes more than 1.5 metres above the ground level surrounding the swimming pool.

(29) WATER SETBACKS

No building or structure, other than a marine facility shall be located closer than 20.0 metres to the high water mark of a waterbody.

SECTION 4

ZONES

(1) ZONE CLASSIFICATION

For the purpose of this By-law, all lands within the Zoned Area are divided into zones and are classified as Residential, Institutional, Commercial, Industrial or Restricted zones. Following each zone name is a corresponding alpha or alpha-numeric symbol referred to herein as a "zone symbol".

(a) RESIDENTIAL ZONES:

First Density Residential zone	R1
Second Density Residential zone	R2
Third Density Residential zone	R3
Rural Residential zone	R4

(b) INSTITUTIONAL ZONES:

Institutional zone	I
--------------------	---

(c) COMMERCIAL ZONES:

Downtown Commercial zone	C1
Highway Commercial zone	C2

(d) INDUSTRIAL ZONES:

General Industrial zone	M1
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(e) RESTRICTED ZONES:

Open Space zone	OS
Environmental Protection zone	EP
Rural zone	RU

(2) ZONE SYMBOLS

The zone symbols listed in Section 4(1) hereof may be used to refer to buildings and structures, and the uses of lots, buildings and structures permitted in this By-law in the said zones, and whenever in this By-law the word "zone" is used,

preceded by any of the said zone symbols, such reference shall mean any portion of the Zoned Area delineated on Schedule A hereto and designated thereon by the said zone symbol.

(3) ZONE BOUNDARIES

The extent and boundaries of all zones and special zones are shown on Schedule A hereto. When determining the location of a zone boundary on Schedule A or on any schedule which amends Schedule A, the following provisions shall apply.

(a) CORPORATION BOUNDARIES:

All boundaries of the Corporation shall be zone boundaries.

(b) FORMER TOWNSHIP LOT OR CONCESSION LINES:

A zone boundary indicated as approximately following a former Township lot or concession line shall be deemed to follow such former Township lot line or concession line.

(c) STREET LINES:

A zone boundary indicated as approximately following a street line shall be deemed to follow such street line.

(d) RIGHTS-OF-WAY:

A zone boundary indicated as approximately following a right-of-way for a private road, laneway, railroad, power line, pipeline, etc., shall be deemed to follow such right-of-way.

(e) SHORELINES:

A zone boundary indicated as approximately following a shoreline of a waterbody shall be deemed to be the present controlled high water mark of such waterbody.

(f) SUBDIVISION LOT LINES:

A zone boundary indicated as approximately following a lot line on a plan of subdivision shall be deemed to follow such lot line.

(g) OTHER PROPERTY LINES:

A zone boundary indicated as approximately following any other property line shall be deemed to follow such property line.

(h) DIMENSIONS AND MEASUREMENTS:

If the location of a zone boundary cannot be determined using any of the preceding methods, its location shall be according to the dimensions shown on the schedule. If such dimensions are not shown, its location shall be as measured on the schedule at the original size and scale of such schedule.

(4) PERMITTED USES AND ZONE PROVISIONS

For each zone listed in Section 4(1) hereto, there shall be a section of this By-law which sets out the permitted uses and the zone provisions for such zone.

(5) SPECIAL ZONES

Where a zone symbol is followed by a dash and a number (for example "M1-1"), this denotes a special zone. The permitted uses and the zone provisions for such special zone shall be set out in subsections of the Section of this By-law applicable to the said zone symbol.

FIRST DENSITY RESIDENTIAL (R1) ZONE

(1) USES PERMITTED

No person shall within any R1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

(a) RESIDENTIAL USES:

- a converted dwelling;
a group home;
a single detached dwelling house.

(b) NON-RESIDENTIAL USES:

- a home occupation;
a home profession;
a public park.

(2) ZONE PROVISIONS

No person shall within any R1 zone use any lot or erect, alter or use any building or structure, unless such lot is served by a public water system and in accordance with the following provisions:

- | | |
|--|-----------------------|
| (a) LOT AREA (minimum): | - 800.0 square metres |
| (b) LOT FRONTAGE (minimum): | - 20.0 metres |
| (c) DWELLING HOUSES PER LOT (maximum): | - 1 only |
| (d) BUILDING AREA (maximum): | - 30% |
| (e) BUILDING SETBACK, FRONT (minimum): | - 8.0 metres |
| (f) BUILDING SETBACK, FLANK (minimum): | - 8.0 metres |
| (g) BUILDING SETBACK, REAR (minima): | |
| (i) main building | - 12.0 metres |
| (ii) accessory building | - 1.5 metres |
| (h) BUILDING SETBACK, SIDE (minima): | |
| (i) with private garage or carport | - 1.5 metres |

SECTION 5(2)(h)(ii)

FIRST DENSITY RESIDENTIAL (R1) ZONE

- (ii) without private garage or carport - 6.0 metres
on driveway
side; 1.5 metre
on other side
- (iii) other accessory buildings - 1.5 metres
- (i) BUILDING SEPARATION (minimum): - 3.0 metres
- (j) BUILDING HEIGHT (maximum): - 2 storeys, provided a
maximum of 10.0 metres
is not exceeded
- (k) DWELLING UNIT AREA (minimum): - 80.0 square metres
- (l) LANDSCAPING AREA (minimum): - 30%
- (m) ENTRANCE SETBACK (minimum): - 8.0 metres
- (n) PARKING SPACES (minima):
 - (i) Residential uses - 1 for each dwelling unit
 - (ii) Non-Residential uses - the greater of: 2 per
lot or 1 for each 20.0
square metres of net floor
area or portion thereof
- (o) GENERAL PROVISIONS:
In accordance with the provisions of Section 3 hereof.

(1) USES PERMITTED

(a) RESIDENTIAL USES:

- (b) NON-RESIDENTIAL USES:

- (2) ZONE PROVISIONS

(a) LOT AREA (minimum): - 800.0 square metres

(b) LOT FRONTAGE (minimum): - 20.0 metres

(c) DWELLING HOUSES PER LOT (maximum): - 1 only

(d) BUILDING AREA (maximum): - 40%

(e) BUILDING SETBACK, FRONT (minima):

(i) marine facility - nil

(ii) main building and other
accessory buildings - 8.0 metres

(f) BUILDING SETBACK, FLANK (minimum): - 8.0 metres

(g) BUILDING SETBACK, REAR (minima):

(i) main building - 12.0 metres

(ii) accessory building - 3.0 metres

SECTION 6(2)(h)**SECOND DENSITY RESIDENTIAL (R2) ZONE**

- (h) **BUILDING SETBACK, SIDE (minima):**
- (i) with private garage or carport - 1.5 metres
 - (ii) without private garage or carport - 6.0 metres
on driveway side; 1.5 metre on other side
 - (iii) dual garage - nil
 - (iv) other accessory buildings - 1.5 metres
- (i) **BUILDING SEPARATION (minimum):** - 3.0 metres
- (j) **BUILDING HEIGHT (maximum):** - 2 storeys, provided a maximum of 10.0 metres is not exceeded
- (k) **DWELLING UNIT AREA (minimum):** - 80.0 square metres
- (l) **LANDSCAPING AREA (minimum):** - 30%
- (m) **ENTRANCE SETBACK (minimum):** - 8.0 metres
- (n) **ENTRANCES PER LOT (minima):**
- (i) single detached dwelling house
converted dwelling house, duplex
dwelling house and group home - 1
 - (ii) semi-detached
dwelling house - 2
- (n) **PARKING SPACES (minima):**
- (i) Residential uses - 1 for each dwelling unit
 - (ii) Non-Residential uses - the greater of: 2 per lot or 1 for each 20.0 square metres of net floor area or portion thereof
- (o) **GENERAL PROVISIONS:**
In accordance with the provisions of Section 3 hereof.

SECTION 7**THIRD DENSITY RESIDENTIAL (R3) ZONE****(1) USES PERMITTED**

No person shall within any R3 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R3 uses, namely:

(a) RESIDENTIAL USES:

- a apartment building;
- a senior citizens apartment;
- a townhouse.

(b) NON-RESIDENTIAL USES:

prohibited.

(2) ZONE PROVISIONS

No person shall within any R3 zone use any lot or erect, alter or use any building or structure, unless such lot is served by a public water system and in accordance with the following provisions:

- (a) LOT FRONTAGE (minimum): - 40.0 metres
- (b) DWELLING HOUSES PER LOT (maximum): - 1 only
- (c) BUILDING AREA (maximum): - 40%
- (d) BUILDING SETBACK, FRONT (minimum): - 8.0 metres
- (e) BUILDING SETBACK, FLANK (minimum): - 8.0 metres
- (f) BUILDING SETBACK, REAR (minima):
 - (i) main building - 12.0 metres
 - (ii) accessory building - 3.0 metres
- (g) BUILDING SETBACK, SIDE (minima):
 - (i) with private garage or carport - 1.5 metres

- (ii) without private garage or carport - 6.0 metres
on driveway
side; 1.5 metre
on other side
- (iii) other accessory buildings - 1.5 metres
- (h) BUILDING SEPARATION (minimum): - 3.0 metres
- (i) BUILDING HEIGHT (maximum): - 2 storeys, provided a
maximum of 19.0 metres
is not exceeded
- (j) DWELLING UNIT AREAS (minima):
 - (i) bachelor dwelling unit - 40.0 square metres
 - (ii) other dwelling units - 40.0 square metres, plus
15.0 square metres
for each bedroom
- (k) LANDSCAPING AREA (minimum): - 30%
- (l) PRIVACY YARD REGULATIONS:
No privacy yard shall be required on any lot containing
10 or fewer dwelling units.
- (m) PRIVACY YARD DEPTH (minimum): - 7.5 metres
- (n) PLAY FACILITIES (minima):
 - (i) senior citizen apartment - nil
 - (ii) other apartment buildings
or townhouse - 1 for each lot
containing more than
10 dwelling units
- (o) PLAY FACILITY AREA (minimum): - 4% of lot area
- (p) PLAY FACILITY LOCATION:
Play facilities shall be permitted only in a rear yard or
side yard, but not in any portion of a privacy yard.
- (q) ENTRANCE SETBACK (minimum): - 8.0 metres
- (r) ENTRANCES PER LOT (minimum): - 2
- (s) PARKING SPACES (minima):
 - (i) senior citizen apartment - 0.5 for each
dwelling unit

- (ii) other apartment buildings
or townhouse

- 1.5 for each
dwelling unit

(t) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 8**RURAL RESIDENTIAL (R4) ZONE****(1) USES PERMITTED**

No person shall within any R4 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R4 uses, namely:

(a) RESIDENTIAL USES:

- a group home;
- a single detached dwelling house.

(b) NON-RESIDENTIAL USES:

- a home occupation;
- a home profession;
- a marine facility;
- a public park.

(2) ZONE PROVISIONS

No person shall within any R3 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

- (a) LOT AREA (minimum): - 1,400.0 square metres
- (b) LOT FRONTAGE (minimum): - 40.0 metres
- (c) DWELLING HOUSES PER LOT (maximum): - 1 only
- (d) BUILDING AREA (maximum): - 15%
- (e) BUILDING SETBACK, FRONT (minima):
 - (i) marine facility - nil
 - (ii) main building and other accessory buildings - 8.0 metres
- (f) BUILDING SETBACK, FLANK (minimum): - 8.0 metres
- (g) BUILDING SETBACK, REAR (minima):
 - (i) main building - 12.0 metres
 - (ii) accessory building - 3.0 metres
- (h) BUILDING SETBACK, SIDE (minima):
 - (i) with private garage or carport - 3.0 metres

- (ii) without private garage or carport - 7.5 metres
on driveway
side; 3.0 metre
on other side
- (iii) other accessory buildings - 3.0 metres
- (i) BUILDING SEPARATION (minimum): - 5.0 metres
- (j) BUILDING HEIGHT (maximum): - 2 storeys, provided a
maximum of 10.0 metres
is not exceeded
- (k) DWELLING UNIT AREA (minimum): - 80.0 square metres
- (l) LANDSCAPING AREA (minimum): - 30%
- (m) ENTRANCE SETBACK (minimum): - 8.0 metres
- (n) PARKING SPACES (minima):
 - (i) Residential uses - 1 for each dwelling unit
 - (ii) Non-Residential uses - the greater of: 2 per
lot or 1 for each 20.0
square metres of net floor
area or portion thereof
- (o) GENERAL PROVISIONS:
In accordance with the provisions of Section 3 hereof.

SECTION 9

INSTITUTIONAL (I) ZONE

(1) USES PERMITTED

No person shall within any I zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:

(a) RESIDENTIAL USES:

a single detached dwelling, accessory to a place of worship.

(b) NON-RESIDENTIAL USES:

an education administration centre;
an arena;
an auditorium;
a clinic;
a club;
a curling club;
a day care centre;
a fire hall;
a museum;
a place of worship;
a school.

(2) ZONE PROVISIONS

No person shall within any I zone use any lot or erect, alter or use any building or structure, unless such lot is served by a municipal water system and in accordance with the following provisions:

- | | |
|--|---------------|
| (a) LOT FRONTAGE (minimum): | - 20.0 metres |
| (b) DWELLING UNITS PER LOT (maximum): | - 1 only |
| (c) BUILDING AREA (maximum): | - 50% |
| (d) BUILDING SETBACK, FRONT (minimum): | - 8.0 metres |
| (e) BUILDING SETBACK, FLANK (minimum): | - 8.0 metres |
| (f) BUILDING SETBACK, REAR (minimum): | - 10.0 metres |
| (g) BUILDING SETBACK, SIDE (minima): | |
| (i) one side | - 3.0 metres |
| (ii) other side | - 1.0 metres |

SECTION 9(2)(h)

INSTITUTIONAL (I) ZONE

- (h) BUILDING SEPARATION (minimum): - 3.0 metres
- (i) BUILDING HEIGHT (maximum): - 10.0 metre
- (j) DWELLING UNIT AREA (minimum): - 80.0 square metres
- (k) LANDSCAPING AREA (minimum): - 20%
- (l) PLANTING STRIP LOCATION:
A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line which abuts a Residential zone.
- (m) ENTRANCE SETBACK (minimum): - 10.0 metres
- (n) ENTRANCES PER LOT (maximum): - 2
- (o) PARKING SPACES (minima):
 - (i) Residential uses - 1 for each dwelling unit
 - (ii) arena, auditorium, clinic, club, curling club, fire hall or museum - 1 for each 50.0 square metres of net floor area or portion thereof
 - (iii) place of worship - 1 for each 10.0 square metres of net floor area or portion thereof
 - (iv) education administration centre, a day care centre or school - 8
- (p) GENERAL PROVISIONS:
In accordance with the provisions of Section 3 hereof.

SECTION 10

DOWNTOWN COMMERCIAL (C1) ZONE

REVISED: 10 May 1995

(1) USES PERMITTED

No person shall within any C1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:

(a) RESIDENTIAL USES:

- a dwelling unit;
- a boarding house.

(b) NON-RESIDENTIAL USES:

- a bakery;
- a business office;
- a club;
- a convenience store;
- a dance hall;
- a department store;
- a dining room;
- a financial office;
- a funeral home;
- a laundromat;
- a merchandise service shop;
- a municipal office;
- a parking lot;
- a personal service shop;
- a post office;
- a professional office;
- a public library;
- a restaurant;
- a retail store;
- a senior's drop-in centre;
- a supermarket;
- a take-out restaurant;
- a tavern.

(2) ZONE PROVISIONS

No person shall within any C1 zone use any lot or erect, alter or use any building or structure, unless such lot is served by a municipal water system and in accordance with the following provisions:

(a) LOT FRONTAGE (minimum): - 20.0 metres

(b) DWELLING UNITS PER LOT (maximum): - 6 only

SECTION 10(2)(c)

DOWNTOWN COMMERCIAL (C1) ZONE

REVISED: 10 May 1995

- (c) BUILDING AREA (maximum): - 75%
- (d) BUILDING SETBACK, FRONT (minimum): - nil
- (e) BUILDING SETBACK, FLANK (minimum): - 8.0 metres
- (f) BUILDING SETBACK, REAR (minimum): - 10.0 metres
- (g) BUILDING SETBACK, SIDE (minimum): - 2.0 metres
- (h) BUILDING SEPARATION (minimum): - 3.0 metres
- (i) BUILDING HEIGHT (maximum): - 10.0 metres
- (j) DWELLING UNIT AREAS (maxima):
 - (i) bachelor dwelling unit - 40.0 square metres
 - (ii) other dwelling units - 40.0 square metres,
plus an additional
10.0 square metres
for each bedroom
- (k) LANDSCAPING AREA (minimum): - 20%
- (l) ENTRANCE SETBACK (minimum): - 8.0 metres
- (m) ENTRANCE WIDTH (minima):
 - (i) Where buildings are setback from the
street to provide parking in front - 10.0 metres
 - (ii) Where buildings are built at the
street line and a shared driveway
exits, each portion shall be - 2.0 metres
- (n) PARKING SPACES (minima):
 - (i) Residential uses - 1 for each
dwelling unit
 - (ii) Non-Residential - nil
- (o) SPECIAL PROVISION:
A dwelling unit in a non-residential building shall not
be located on or below the first storey.
- (p) GENERAL PROVISIONS:
In accordance with the provisions of Section 3 hereof.

SECTION 11 HIGHWAY COMMERCIAL (C2) ZONE

REVISED: 15 July 1995

(1) USES PERMITTED

No person shall within any C2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

a business office, accessory to another permitted use;
a car wash;
a convenience store, accessory to a service station;
a dining room;
a farmer's market;
a fuel pump island;
a furniture store;
a private fuel pump island;
a police station;
a retail store for alcohol products;
a restaurant;
a service station;
a supermarket;
a take-out restaurant;
a vehicle agency.

(2) ZONE PROVISIONS

No person shall within any C2 zone use any lot or erect, alter or use any building or structure, unless such lot is serviced with a municipal water system and in accordance with the following provisions:

- | | |
|--|-----------------------|
| (a) LOT AREA (minimum): | - 800.0 square metres |
| (b) LOT FRONTAGE (minimum): | - 32.0 metres |
| (c) DWELLING UNITS PER LOT (maximum): | - 1 only |
| (d) BUILDING AREA (maximum): | - 50% |
| (e) BUILDING SETBACK, FRONT (minimum): | - 16.0 metres |
| (f) BUILDING SETBACK, FLANK (minimum): | - 8.0 metres |

SECTION 11(2)(g)

HIGHWAY COMMERCIAL (C2) ZONE

- (g) BUILDING SETBACK, REAR (minima):
- (i) main building - 7.5 metres
provided that, where a rear lot line abuts a Residential Zone the minimum rear setback shall be - 10.0 metres
 - (ii) accessory buildings - 3.0 metres
- (h) BUILDING SETBACK, SIDE (minima):
- (i) main building - 7.5 metres
provided that, where a side lot line abuts a Residential Zone the minimum side setback shall be - 10.0 metres
 - (ii) accessory buildings - 5.0 metres
- (i) BUILDING SEPARATION (minimum): - 5.0 metres
- (j) BUILDING HEIGHT (maximum): - 10.0 metres
- (k) DWELLING UNIT AREA (minimum): - 80.0 square metres
- (l) LANDSCAPING AREA (minimum): - 35%
- (m) PLANTING STRIP LOCATION:
A planting strip shall be required along any portion of a rear lot line.
- (n) ENTRANCE SETBACK (minimum): - 10.0 metres
- (o) ENTRANCE WIDTH (minimum): -10.0 metres
(maximum): - 15.0 metres
- (p) PARKING SPACES (minima):
- (i) Residential uses - 1 for each dwelling unit
 - (ii) vehicle agency - 1 for each 5.0 square metres of gross floor area or portion thereof
 - (iii) other Non-Residential - 1 for each 50.0 square metres of gross floor area or portion thereof

(q) PARKING SPACE LOCATION:

No part of any parking space shall be located closer than:

- (i) 1.5 metres to any street line; or
- (ii) 4.0 metres to any lot line which abuts a Residential zone.

(r) FUEL PUMP ISLAND OR PRIVATE FUEL PUMP ISLAND LOCATION:

No part of any fuel pump island or private fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.

(s) VEHICLE WAITING LINES FOR CAR WASHES:

The following provisions shall apply to vehicle waiting lines on any lot used as a car wash:

- (i) Every car wash shall provide at least 10 vehicle waiting spaces in not more than 2 vehicle waiting lines.
- (ii) A vehicle waiting space shall be not less than 6.0 metres in length and 3.0 metres in width.

(t) SPECIAL PROVISIONS:

No accessory dwelling unit shall be permitted with a commercial garage, service station or vehicle agency.

(u) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

(3) USES PERMITTED IN C2-1 ZONE

No person shall within any C2-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

a business office, accessory to another permitted use;
a commercial garage;
a convenience store, accessory to a service station;
a farmer's market;
a fuel pump island;
a heliport;

a private fuel pump island;
a service station;
a tourist information centre;
a vehicle agency.

(4) ZONE PROVISIONS FOR C2-1 ZONE

No person shall within any C2-1 zone use any lot or erect, alter or use any building or structure unless in accordance with the following provisions:

- (a) LOT AREA (minimum): - 800.0 square metres
- (b) LOT FRONTAGE (minimum): - 20.0 metres
- (c) DWELLING UNITS PER LOT (maximum): - 1 only
- (d) BUILDING AREA (maximum): - 50%
- (e) BUILDING SETBACK, FRONT (minimum): - 10.0 metres
- (f) BUILDING SETBACK, FLANK (minimum): - 8.0 metres
- (g) BUILDING SETBACK, REAR (minimum): - 7.5 metres
- (h) BUILDING SETBACK, SIDE (minimum): - 7.5 metres
- (i) BUILDING SEPARATION (minimum): - 5.0 metres
- (j) BUILDING HEIGHT (maximum): - 10.0 metres
- (k) DWELLING UNIT AREA (minimum): - 80.0 square metres
- (l) LANDSCAPING AREA (minimum): - 35%
- (m) PLANTING STRIP LOCATION:
A planting strip shall be required along any portion of a rear lot line.
- (n) ENTRANCE SETBACK (minimum): - 10.0 metres
- (o) ENTRANCE WIDTH (minimum): - 10.0 metres
(maximum): - 15.0 metres

(p) PARKING SPACES (minima):

- (i) Residential uses - 1 for each dwelling unit
- (ii) vehicle agency - 1 for each 5.0 square metres of gross floor area or portion thereof
- (iii) other Non-Residential - 1 for each 50.0 square metres of gross floor area or portion thereof

(q) PARKING SPACE LOCATION:

No part of any parking space shall be located closer than 5.0 metres to any lot line.

(r) FUEL PUMP ISLAND OR PRIVATE FUEL PUMP ISLAND LOCATION:

No part of any fuel pump island or private fuel pump island shall be located closer than 15.0 metres to any street line, or 6.0 metres to any other lot line.

(s) SPECIAL PROVISIONS:

No accessory dwelling unit shall be permitted with a commercial garage, service station or vehicle agency.

(t) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 12

GENERAL INDUSTRIAL (M1) ZONE

(1) USES PERMITTED

No person shall within any M1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1 uses, namely:

(a) RESIDENTIAL USES:

- an accessory dwelling house;
- an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

- an assembly plant;
- a body shop;
- a building supply outlet;
- a business office, accessory to another permitted use;
- a commercial garage;
- a contractor's yard;
- an electric power substation;
- an equipment storage building;
- a factory outlet;
- a gas regulating station;
- a maintenance garage;
- a manufacturing plant;
- an open storage area;
- a parking lot;
- a private fuel pump island;
- a railroad use;
- a telephone switching station;
- a transport terminal;
- a vehicle storage building;
- a warehouse;
- a water storage tank;
- a water supply plant.

(2) ZONE PROVISIONS

No person shall within any M1 zone use any lot or erect, alter or use any building or structure, unless such lot is served by a municipal water system and in accordance with the following provisions:

(a) DWELLING UNITS PER LOT (maximum): - 1 only

(b) BUILDING AREA (maximum): - 60%

SECTION 12(2)(c)

GENERAL INDUSTRIAL (M1) ZONE

- (c) BUILDING SETBACK, FRONT (minimum): - 8.0 metres
- (d) BUILDING SETBACK, FLANK (minimum): - 8.0 metres
- (e) BUILDING SETBACK, REAR (minimum): - 10.0 metres
except where a railway use abuts
another industrial use the rear
setback shall be - nil
- (f) BUILDING SETBACK, SIDE (minimum): - 9.0 metres
- (g) BUILDING SEPARATION (minimum): - 5.0 metres
- (h) BUILDING HEIGHT (maximum): - 10.0 metres
- (i) DWELLING UNIT AREA (minimum): - 65.0 square metres
- (j) LANDSCAPING AREA (minimum): - 10%
- (k) PLANTING STRIP LOCATION:
A planting strip shall be required along any portion of
a rear lot line or any portion of a side lot line which
abuts a Residential zone.
- (l) ENTRANCE SETBACK (minimum): - 10.0 metres
- (m) ENTRANCE WIDTH (minimum): - 10.0 metres
(maximum): - 15.0 metres
- (n) PARKING SPACES (minima):
- (i) Residential uses - 1 for each dwelling unit
 - (ii) business office - 1 for each 30.0 square metres of net floor area or portion thereof
 - (iii) warehouse - 1 for each 100.0 square metres of net floor area or portion thereof
 - (iv) other Non-Residential uses - the greater of:
5 per lot; or
1 for each 100.0 square metres of gross floor area or portion thereof

(o) **PARKING SPACE LOCATION:**

No part of any parking space shall be located closer than:

- (i) 1.5 metres to any street line; or
- (ii) 4.0 metres to any lot line which abuts a Residential zone.

(p) **PRIVATE PUMP ISLAND LOCATION:**

No part of any private fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.

(q) **OPEN STORAGE AREA REGULATIONS:**

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage area shall be permitted in a front yard or a flank yard;
- (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (iii) no open storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone;
- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 2.0 metres in height and constructed of uniform material; or a berm not less than 2.0 metres in height with planting along the slope of the berm;
- (v) no portion of any open storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

(r) **GENERAL PROVISIONS:**

In accordance with the provisions of Section 3 hereof.

(3) **USES PERMITTED IN M1-1 ZONE**

No person shall within any M1-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-1 uses, namely:

(a) **RESIDENTIAL USES:**

- an accessory dwelling house;
- an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

an assembly plant;
an automotive store;
a body shop;
a business office, accessory to another permitted use;
a commercial garage;
a contractor's yard;
an electric power substation;
an equipment storage building;
a factory outlet;
a gas regulating station;
a maintenance garage;
a manufacturing plant;
an open storage area;
a parking lot;
a private fuel pump island;
a railroad use;
a transport terminal;
a vehicle storage building;
a warehouse.

(4) ZONE PROVISIONS

No person shall within any M1-1 zone use any lot or erect, alter or use any building or structure, unless in accordance with the following provisions:

- | | |
|--|--------------------|
| (a) DWELLING UNITS PER LOT (maximum): | - 1 only |
| (b) BUILDING AREA (maximum): | - 60% |
| (c) BUILDING SETBACK, FRONT (minimum): | - 8.0 metres |
| (d) BUILDING SETBACK, FLANK (minimum): | - 8.0 metres |
| (e) BUILDING SETBACK, REAR (minimum): | - 10.0 metres |
| (f) BUILDING SETBACK, SIDE (minimum): | - 9.0 metres |
| (g) BUILDING SEPARATION (minimum): | - 5.0 metres |
| (h) BUILDING HEIGHT (maximum): | - 10.0 metres |
| (i) DWELLING UNIT AREA (minimum): | 65.0 square metres |
| (j) LANDSCAPING AREA (minimum): | - 10% |

(k) PLANTING STRIP LOCATION:

A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line which abuts a Residential zone.

(l) ENTRANCE SETBACK (minimum): - 10.0 metres

(m) ENTRANCE WIDTH (minimum): - 10.0 metres
(maximum): - 15.0 metres

(n) PARKING SPACES (minima):

- (i) Residential uses** - 1 for each dwelling unit
- (ii) business office** - 1 for each 30.0 square metres of net floor area or portion thereof
- (iii) warehouse** - 1 for each 100.0 square metres of net floor area or portion thereof
- (iv) other Non-Residential uses** - the greater of:
 - 5 per lot; or
 - 1 for each 100.0 square metres of gross floor area or portion thereof

(o) PARKING SPACE LOCATION:

No part of any parking space shall be located closer than 5.0 metres to any lot line.

(p) PRIVATE PUMP ISLAND LOCATION:

No part of any private fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.

(q) OPEN STORAGE AREA REGULATIONS:

No open storage area shall be permitted except in accordance with the following provisions:

- (i)** no open storage area shall be permitted in a front yard or a flank yard;
- (ii)** no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;

- (iii) no open storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone;
- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 2.0 metres in height and constructed of uniform material; or a berm not less than 2.0 metres in height with planting along the slope of the berm;
- (v) no portion of any open storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

(u) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 13

OPEN SPACE (OS) ZONE

(1) USES PERMITTED

No person shall within any OS zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following OS uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

- a cemetery;
- a conservation use;
- a fairground;
- a golf course;
- a public forest;
- a public park.

(2) ZONE PROVISIONS

No person shall within any OS zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) BUILDING SETBACK, FRONT (minimum): - 10.0 metres
- (b) BUILDING SETBACK, FLANK (minimum): - 10.0 metres
- (c) BUILDING SETBACK, REAR (minimum): - 10.0 metres
- (d) BUILDING SETBACK, SIDE (minimum): - 5.0 metres
- (e) BUILDING SEPARATION (minimum): - 3.0 metres
- (f) BUILDING HEIGHT (maxima): - 10.0 metres
- (g) LANDSCAPING AREA (minimum): - 75%
- (h) ENTRANCES PER LOT (maximum): - no maximum
- (i) ENTRANCE SETBACK (minimum): - 10.0 metres
- (j) PARKING SPACES (minimum): - 5 for each hectare of lot area or portion thereof in excess of 0.5 hectares

(k) PARKING SPACE LOCATION:

No part of any parking space shall be located closer than 5.0 metres to any lot line.

(l) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 14 ENVIRONMENTAL PROTECTION (EP) ZONE

REVISED: 10 May 1995

(1) USES PERMITTED

No person shall within any EP zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EP uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

an archaeological site;

a conservation use;

a flood control and erosion use;

? an outdoor recreational use, other than a building;

a public park;

a wildlife and/or fish management use.

(2) ZONE PROVISIONS

No person shall within any EP zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) BUILDING AREA (maximum): - 30%

(b) BUILDING SEPARATION (minimum): - 3.0 metres

(c) BUILDING HEIGHT (maximum): - 10.0 metres

(d) ENTRANCE SETBACK (minimum): - 10.0 metres

(e) SPECIAL PROVISIONS:

No accessory buildings or structures are permitted except a parking lot and a restroom. Buildings or structures shall be permitted where they are related to a flood control or erosion use.

(f) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 15

RURAL (RU) ZONE

REVISED: 10 May 1995

(1) USES PERMITTED

No person shall within any RU zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RU uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling house;
a group home.

(b) NON-RESIDENTIAL USES:

a commercial greenhouse;
a conservation use;
an equipment storage building;
a farm;
a home industry;
a home occupation;
a home profession;
a livestock building;
a marine facility;
an open storage area;
a private fuel pump island;
a produce building;
a rural home occupation;
a wayside pit;
a wayside quarry;
a woodlot.

(2) ZONE PROVISIONS

No person shall within any RU zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (minimum): - 24.0 hectares

(b) LOT FRONTAGE (minimum): - 100.0 metres

(c) DWELLING HOUSES PER LOT (maxima):

- (i) lot used as a farm - 3, provided such dwelling houses are accessory dwelling houses
- (ii) lot used for other uses - 1 only

- (d) BUILDING AREA (maximum): - 2%
- (e) BUILDING SETBACK, FRONT (minimum): - 25.0 metres
- (f) BUILDING SETBACK, FLANK (minimum): - 20.0 metres
- (g) BUILDING SETBACK, REAR (minimum)
 - (i) marine facility- nil
 - (ii) main building and other accessory buildings - 30.0 metres
- (h) BUILDING SETBACK, SIDE (minimum): - 15.0 metres
- (i) BUILDING SEPARATION (minimum): - 5.0 metres
- (j) BUILDING HEIGHT (maximum): - 10.0 metres
- (k) DWELLING UNIT AREA (minimum): - 85.0 square metres
- (l) LANDSCAPING AREA (minimum): - 10%
- (m) ENTRANCE SETBACK (minimum): - 10.0 metres
- (n) PARKING SPACES (minima):
 - (i) Residential uses - 1 for each dwelling unit
 - (ii) home occupation, home profession or rural home occupation
 - the greater of:
2 per lot; or 1 for each 20.0 square metres of net floor area or portion thereof
 - (iii) other Non-Residential - 1
- (o) SEPARATION DISTANCES BETWEEN AGRICULTURAL AND NON-AGRICULTURAL USES:
 Where a non-agricultural use is established or expanding in close proximity to existing livestock buildings, or where livestock facilities are being constructed, enlarged or remodelled near an existing non-agricultural use, the separation distances between the existing and proposed use shall be the minimum distance as computed from the Agricultural Code of Practice, as revised from time to time.

(p) PRIVATE FUEL PUMP ISLAND LOCATION:

No part of any private fuel pump island shall be located closer than 20.0 metres to any street line, or 10.0 metres to any other lot line.

(q) OPEN STORAGE AREA REGULATIONS:

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage area shall be permitted in a front yard or a flank yard;
- (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (iii) no open storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone;
- (iv) no portion of any open storage area for combustible materials shall be located closer than 10.0 metres to any lot line.

(r) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

(1) ZONING ADMINISTRATOR

This By-law shall be administered by the Zoning Administrator.

(2) ISSUANCE OF PERMITS AND LICENSES

Notwithstanding any provision of the Building By-law or any other by-law of the Corporation to the contrary, no permit or license shall be issued where the proposed building, structure or use would be in violation of any provision of this By-law.

(3) REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-law shall be accompanied by three (3) copies of the Corporation's "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW".

(4) INSPECTION

(a) CONDITIONS FOR ENTRY:

Subject to clause (b) of this subsection, the Zoning Administrator, Chief Building Official or any other officer or employee of the Corporation, acting under the direction of Council, is hereby authorized to enter, at reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

(b) RESTRICTIONS FOR ENTRY OF DWELLING UNITS:

Notwithstanding any provision of clause (a) of this subsection to the contrary, no officer or employee of the Corporation shall enter any room or place being used as a dwelling unit or part thereof without the consent of the occupant, except under the authority of a search warrant issued pursuant to the Provincial Offences Act.

(5) VIOLATIONS AND PENALTIES

Every person who uses any lot, or erects, alters or uses any

building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this by-law, or who causes or permits such use, alteration or erection, or who violates any provision of this By-law or causes or permits a violation, shall be guilty of an offence and, upon conviction therefor, shall forfeit and pay a penalty, at the discretion of the presiding justice, not exceeding Twenty Thousand Dollars (\$20,000.00), exclusive of costs, on the first conviction and on a subsequent conviction a fine of not more than Ten Thousand Dollars (\$10,000.00) for each day or part thereof upon which the person was first convicted. Where a corporation is convicted under the above, the maximum penalty that may be imposed may not exceed fifty Thousand Dollars (\$50,000.00) on the first conviction and on a subsequent conviction a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted. Every such penalty shall be recoverable under the Planning Act.

(6) REMEDIES

In case any building or structure is to be erected or altered or any part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the Planning Act or the Municipal Act, in their behalf.

(7) VALIDITY

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

SECTION 17

REPEALS AND APPROVALS

All by-laws of the Corporation passed under Section 34 of the Planning Act, or a predecessor thereof are hereby repealed.

This By-law shall become effective on the date hereof subject to:

- (i) the expiration of the time period specified for the filing of objections by the notice of the passing of this By-law, provided that no notice of objection has been filed within the time period specified, or
- (ii) the determination or direction of the Ontario Municipal Board where an objection to the approval of this by-law has been filed within the time period specified in the notice of the passing of this By-law; or
- (iii) the Lieutenant Governor-in-Council confirming, varying or rescinding the decision of the Ontario Municipal Board where a notice was filed by the Minister of Municipal Affairs that a Provincial interest is, or is likely to be, adversely affected by this By-law, not later than thirty (30) days before the date fixed by the Ontario Municipal Board for a hearing of an appeal.

THIS BY-LAW read a first and second time this .10th day of ...July..... 1995.

THIS BY-LAW read a third time and passed this .28th day of ..August..... 1995.

Signed: _____

(Reeve)

Signed: _____

(Clerk)