



**THE CORPORATION OF THE  
TOWN OF DESERONTO  
COMPREHENSIVE ZONING  
BY-LAW 27-2023**

April 2023

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The Corporation of the Town of Deseronto  
Comprehensive Zoning By-law \_\_-2023

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A by-law to regulate the use of land, and the character, location and use of buildings and structures in the Town of Deseronto.

**WHEREAS** the County of Hastings Official Plan was approved on August 3, 2018 by the Ministry of Municipal Affairs and Housing;

**AND WHEREAS** Section 26 of the *Planning Act* requires that the Zoning By-law of the Town of Deseronto be amended to conform to the Official Plan of the County of Hastings;

**AND WHEREAS** the Town of Deseronto now deems it desirable and in the public interest to rescind By-law 13-93, and all Amendments thereto, and enact a new Comprehensive Zoning By-law under Section 34 of the Planning Act, S.O. 1990 c P. 13, as amended, which will serve to regulate the use of the land and the character, location and size of buildings and structures within the boundaries of the Town of Deseronto;

**NOW THEREFORE BE IT RESOLVED** that the Town of Deseronto enacts By-law No. \_\_-2023 as follows:

READ a first, second and third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Dan Johnston, Mayor

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Gail Maracle, Clerk

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# 1.0 INTERPRETATION

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## 1.1 TITLE

The By-law may be cited as the "Town of Deseronto Zoning By-law".

## 1.2 DECLARATION

The Schedule "A" contained herein is declared to form part of this By-law.

## 1.3 APPLICATION

This By-law shall apply and be enforceable with respect to the lands within the limits of the Corporation of the Town of Deseronto. For the purposes of this By-law, the definitions and interpretations given herein shall govern, unless the context requires otherwise.

## 1.4 INTERPRETATION

For the purposes of this By-law, words used in the present tense include the future; words in singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "may" is permissive; the words "used" and "occupied" shall include the words, "arranged" and "designed to be used or occupied". The terms "Town" and "Corporation" are used interchangeably and refer to the Town of Deseronto.

## 1.5 ZONE SYMBOLS

The zone symbols used herein refer to lots, buildings, structures and excavations and to the use of lots, buildings, structures and excavations permitted by this By-law in the Zones.

Whenever, within the context of this By-law, the word "Zone" is used, preceded by any of the symbols, such Zone shall mean any area within the Corporation of the Town of Deseronto within the scope of this bylaw, delineated on Schedule "A" and designated thereon by the symbol.

## 1.6 SPECIAL ZONE SYMBOLS

### 1.6.1 EXCEPTION ZONES

Where the Zone Symbol designating certain lands, as shown within this By-law is followed by a dash and a number, for example C1-1, special zone provisions apply to such lands. Such special provisions are found by reference within each zone in Section 6 entitled "EXCEPTIONS". Lands designated in this manner shall be subject to all the restrictions of the Zone, except as may otherwise be provided by the Special Zone Provisions.

### 1.6.2 HOLDING ZONES

Where the Zone symbol designating certain lands, as shown on Schedule "A" is followed by a dash and the letter "h", Holding Zone provisions apply to such lands and the permitted uses and relevant zone provisions applicable to that zone do not apply until the Holding

## Section 1: Interpretation

Zone symbol "h" is removed in accordance with the requirements of the Planning Act, R.S.O. 1990, as amended.

Prior to the removal of the Holding Zone symbol "h", only uses which existed as of the date of the adoption of the Holding Zone provisions are permitted.

The Holding Zone provision shall only be removed in accordance with Section 36 of the Planning Act, R.S.O. 1990, as amended and only when Council is satisfied that the criteria described below have been met in a manner and form acceptable to Council.

The criteria to be satisfied prior to the removal of the Holding Zone symbol "h" from an area shown on Schedule "A" shall be either the provision of adequate municipal roads, electricity, piped water, storm and sanitary sewer services to a specific area, an agreement entered into between the owner, the applicable agency or public utility, and the Corporation of the Town of Deseronto to provide the aforementioned municipal roads, electrical and piped services, or the satisfaction of conditions for development including the provision of specific design features.

For areas within the flood plain, Council must be satisfied that development can be adequately protected from flooding and erosion, and that detrimental environmental effects would not result. Council shall consult the Quinte Conservation Authority in this regard. In addition, building or construction plans, submitted in accordance with Section 3 of this By-law, must incorporate floodproofing measures, and be presented to Council.

### 1.7 FLOODPRONE LANDS

The "f" symbol, which is intended to identify lands within the flood plain, shall not be removed unless engineering data satisfactory to the municipal Council and The Quinte Conservation Authority warrants a change in the location of the floodline.

The "f" symbol runs with the land and the requirement to incorporate floodproofing construction measures into building plans shall apply to all future projects for which a building permit under Section 3 of this By-law is required.

Provisions related to development and floodproofing and flood protection measures are described in more detail in Section 5.8 of this By-law.

### 1.8 INTERPRETATION OF ZONE BOUNDARIES

Where possible, the extent and boundaries of all Zones, as shown on Schedule "A" shall be construed to be lot lines, street lines, centre lines of streets, railway rights-of-way or boundaries of registered plans. In the case where uncertainty exists as to the boundary of any Zone, then the location of such boundary shall be determined in accordance with the scale of Schedule "A".

In the event that a street delineated on Schedule "A" is closed, the land formerly within such street or road shall be included within the Zone of the adjoining land on either side of such closed street. Where a closed street is the boundary between two or more different zones,

## **Section 1: Interpretation**

the former road allowance shall assume the zone of the property to which it has been added.

Where a lot is divided into more than one zone on the map schedules attached to and forming part of this By-Law, each such portion of the lot shall be used in accordance with the Zone Provisions of this By-Law for that portion of the lot.

Where a zone boundary is indicated as following the corporate limits of the Corporation of the Town of Deseronto, then such limits shall be the zone boundary.

### **1.9 RESIDENTIAL AND NON-RESIDENTIAL USES**

For the purpose of reference, all buildings, structures and excavations and all uses and activities of or in relation to buildings, structures, excavations and lots named as uses or activities permitted and classified under the headings of "Residential" and "Non-Residential" may be referred to as residential and non-residential buildings, structures, excavations or uses and activities respectively.

### **1.10 LOCATION OF ZONE PROVISIONS**

All the Zone Provisions of this By-law which are applicable to a use or activity, building, structure or excavation shall be provided within the zone in which such use or activity, building, structure or excavation is located, unless a specific provision of this By-law provides otherwise.

### **1.11 HEADINGS**

The captions appearing at the headings of the parts, sections and clauses of this By-law or on Schedule "A" of this By-law together with the illustrations, examples and explanatory notes appearing at various places throughout this By-law have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this By-law or any of its provisions.

## **2.0 COMPLIANCE WITH THE BY-LAW**

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### **2.1 CONFORMITY**

No land, building, structure, excavation, lot or premises shall be used or occupied and no building, structure or excavation shall be erected, altered or made, in whole or in part, for any purpose EXCEPT in conformity with the provisions of this By-law.

### **2.2 INTERPRETATION**

The provisions of this By-law shall be held to be the minimum requirements EXCEPT where the word maximum is used, in which case the maximum requirement shall apply.

### **2.3 CHANGE IN LOT SIZE**

No lot shall be changed in area, depth or width, either by the conveyance of land or otherwise, so that the lot coverage exceeds the maximum permitted by this By-law, or so that the existing or resulting lot area, lot width or yards will be less than the minimum permitted by the provisions of this By-law.

### **2.4 CHANGE IN USE**

A use or occupation of land, building, structure, excavation, lot or premises or any activity in connection therewith which, under the provisions of this By-law, is not permissible within the zone in which such land, building, structure or excavation, lot or premises is located shall not be changed except to a use, occupation or activity connected therewith which is permissible within such zone.

### **2.5 PUBLIC ACQUISITION**

No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

### **2.6 COMMITTEE OF ADJUSTMENT**

Nothing in this By-law shall be deemed to detract from the powers of a Committee of Adjustment appointed under the provisions of the Planning Act, R.S.O. 1990.

## Section 3: Administration, Enforcement and Enactment

# 3.0 ADMINISTRATION, ENFORCEMENT AND ENACTMENT

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### 3.1 ADMINISTRATION

#### 3.1.1 BY-LAW ENFORCEMENT

This By-law shall be administered and enforced by such person, persons, or public body appointed by the Council of the Corporation of the Town of Deseronto.

#### 3.1.2 BUILDING AND OTHER PERMITS

Notwithstanding the provisions of the Building Code Act, as amended and the Regulations passed thereunder or any other By-law of the Corporation, no building permit or occupancy permit shall be issued where the proposed building, structure, excavation or use or activity would be in violation of any of the provisions of this By-law. No such permit shall be deemed to authorize the violation of any provision of this By-law.

#### 3.1.3 APPLICATION FOR PERMITS

In addition to all the requirements of the Building Code Act and Regulations or any other by-law of the Corporation, every application for a building permit shall be accompanied by a plan in duplicate, drawn to scale and showing the following:

- a) the true dimensions of the lot to be built upon or otherwise used;
- b) the proposed location, height, floor area and dimensions of any building, structure or activity proposed for such lot;
- c) the proposed locations and dimensions of any yards, setbacks, landscaped open space, off-street parking or off-street loading facilities required by this By-law;
- d) the location of all existing buildings or structures on the lot shown on the plan;
- e) a statement signed by the owner or his duly authorized agent disclosing the exact use proposed for each aforesaid building, structure, use or activity and giving all information necessary to determine if such proposed or existing building, structure, use or activity conforms with the requirements of this By-law.

#### 3.1.4 CERTIFICATE OF OCCUPANCY

Upon request by an owner or authorized agent, a Certificate of Occupancy may be issued by the person, persons, or public body appointed by the Town, to the effect that the proposed use or activity on the specified property complies with this bylaw.

#### 3.1.5 OCCUPANCY OF UNCOMPLETED DWELLING HOUSES

No dwelling shall be used for human habitation until the Building Code Act, as amended, and the Regulations passed thereunder have been complied with and, in any event, not before the main side walls and roof have been erected, the o, external siding and roofing



## **Section 3: Administration, Enforcement and Enactment**

completed and kitchen, heating and sanitary conveniences have been installed and the structure rendered usable, safe and fit for human habitation.

### **3.1.6 BUILDINGS OR STRUCTURES TO BE MOVED**

In all zones, no building or structure, residential or otherwise, normally requiring a building permit for construction shall be moved within the area affected by this By-law without a permit issued by the person, persons, or public body appointed by the Town.

## **3.2 ENFORCEMENT**

### **3.2.1 INSPECTION**

The person, persons, or public body appointed by the Town, or any officer or any employee of the Corporation acting under the direction of Council is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law provided such entry is otherwise lawful.

### **3.2.2 VIOLATION AND PENALTIES**

In accordance with Section 67 of the Planning Act, R.S.O. 1990, as amended, every person who uses any lot or erects or uses any building, structure or excavation in a manner contrary to any requirement of this By-law or who causes or permits such use, activity 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 thereof shall forfeit and pay a penalty not exceeding the limits prescribed in Section 67 (1), (2), and (3) of the Planning Act, R.S.O. 1990, exclusive of costs, for each offence and every such penalty shall be recoverable under the Municipal Act,

R.S.O. 1990, as amended, and the Provincial Offences Act, R.S.O. 1990, as amended.

### **3.2.3 CONTRAVENTION RESTRAINED BY ACTION**

In the case where any building or structure is to be erected, altered, reconstructed, extended or 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 request of any ratepayer or of the Corporation, pursuant to the provisions of the Municipal Act, R.S.O. 1990, as amended.

### **3.2.4 VALIDITY**

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

## **Section 3: Administration, Enforcement and Enactment**

### **3.3 ENACTMENT**

#### **3.3.1 ZONE SCHEDULE**

The provisions of this By-law shall apply to all lands within the limits of the Corporation of the Town of Deseronto. For the purposes of this By-law, such lands are divided into various zones which are delineated on Schedule "A" attached hereto and forming part of this By-law:

- Residential Type 1 (R1) Zone
- Residential Type 2 (R2) Zone
- Residential Type 3 (R3) Zone
- General Commercial (C1) Zone
- Main Street Core Commercial (C2) Zone
- Waterfront Development (C3) Zone
- General Industrial (M1) Zone
- Waste Disposal Industrial (M2) Zone
- Community Facility (CF) Zone
- Hazard (H) Zone
- Future Development (FD) Zone

#### **3.3.2 REPEAL OF OTHER ZONING BY-LAWS**

All By-laws in force within the Corporation regulating the use of land and the character, location, bulk, height and use of buildings and structures, be and the same are hereby amended insofar as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern.

Without limiting the generality of the foregoing, By-law No. 13-93 and all amendments thereto are hereby repealed in their entirety.

#### **3.3.3 ADOPTION OF BY-LAW**

This By-law shall come into force on the date of passing by the Council of the Corporation of the Town of Deseronto.

The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 34, Subsection 18 of the Planning Act, R.S.O. 1990.

## **4.0 DEFINITIONS**

---

### **4.1 ACCESSORY BUILDING OR STRUCTURE**

Shall mean a detached building or structure the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.

### **4.2 ACCESSORY USE**

Shall mean a use customarily incidental and subordinate to, and exclusively devoted to the main use of the lot, building or structure and located on the same lot as such main use.

### **4.3 ALTER**

Shall mean when used in reference to a building or part thereof, to change any one or more of the internal or external dimensions of such building, or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease the width, depth or area or any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.

### **4.4 APARTMENT**

See Dwelling: Dwelling, Apartment.

### **4.5 ARENA**

Shall mean a building or structure constructed around an ice rink, including spectator seating, two or more seating areas for visiting teams and provisions made for storage and access of ice cleaning equipment and all other required equipment used for the purpose of organized activities, including sports and other group functions.

### **4.6 ASSEMBLY HALL**

Shall mean a building, part of a building or a structure in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall, private club or fraternal organization hall.

### **4.7 ATTACHED**

When used to describe any building or structure shall mean that the roof of such building or structure is supported by a wall of the principal building.

### **4.8 ATTIC**

Shall mean the portion of a building situated between the roof and the ceiling of the top storey, which is not a one-half storey.

## Section 4: Definitions

### 4.9 BANK

Shall mean a building or structure used for purposes as defined under the Chartered Bank Act.

### 4.10 BASEMENT

Shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to the undersides of the floor joists for the next storey, above the average grade level adjacent to the exterior walls of the building.

### 4.11 BASEMENT, WALKOUT

Shall mean that portion of a building which is partly underground, but which has more than 50% of the floor area not greater than 0.5 metres below grade and which has an entrance or exit at grade level.

### 4.12 BED & BREAKFAST ESTABLISHMENT

Shall mean a dwelling containing not more than three guest rooms used or maintained for the overnight accommodation of the travelling public, in which the proprietor supplies lodging, with or without meals, in return for monetary compensation, but shall not include short term accommodation as defined in this By-law.

### 4.13 BEDROOM

Shall mean a room in a dwelling unit that does not include:

- i) Common areas open to all occupants of the unit;
- ii) Areas used for sanitary (such as a washroom) or cooking purposes such as a kitchen); and
- iii) Areas occupied by mechanical equipment, such as a furnace, hot water heaters and laundry equipment.

For the purpose of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.

### 4.14 BEST MANAGEMENT PRACTICES

Strategies employed on a site to minimize negative impacts to the natural environment, both in the short and long term, which may involve structural or planning techniques.

### 4.15 BLOCK

Shall mean the smallest unit of land, the boundaries of which consist entirely of public streets, rivers, railway lines, public parks or any combination thereof.

### 4.16 BOARDING OR LODGING HOUSE

Shall mean a dwelling containing not more than four guest rooms in which the proprietor supplies lodging, with or without meals, in return for monetary compensation. For the

## **Section 4: Definitions**

purposes of this By-law, a boarding or lodging house shall not include a motel, hotel, bed and breakfast establishment, special needs housing, hospital or any other similar use defined or classified herein.

### **4.17 BOAT HOUSE, PRIVATE**

Shall mean a detached accessory building or portion of a dwelling which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the residential occupancy.

### **4.18 BUILDING**

Shall mean a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.

### **4.19 BUILDING HEIGHT**

See Height of Building.

### **4.20 BUILDING PERMIT**

Shall mean a building permit issued by the Chief Building Official of the Corporation of the Town of Deseronto under the Ontario Building Code.

### **4.21 BUILDING, PRINCIPAL**

Shall mean a building or structure in which the primary use is conducted.

### **4.22 BUILDER'S SUPPLY OUTLET**

Shall mean a building or structure in which construction, building and home improvement materials are offered or kept for sale at retail or wholesale, but does not include any establishment otherwise defined or classified herein.

### **4.23 BULK STORAGE TANK**

Shall mean a tank for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane or flammable liquid or fuel but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

### **4.24 BUSINESS AND/OR PROFESSIONAL OFFICE**

Shall mean any building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may also include the administrative offices of a non-profit or charitable organization.

### **4.25 BY-LAW**

Shall mean the Corporation of the Town of Deseronto Zoning By-law.

## Section 4: Definitions

### 4.26 BY-LAW ENFORCEMENT OFFICER

Shall mean the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the By-law of the Corporation.

### 4.27 CABIN, PRIVATE

Shall mean a detached accessory building or structure located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which sanitary facilities may be provided but shall not contain cooking facilities.

### 4.28 CABIN, TOURIST

Shall mean a detached building for the sleeping accommodation of guests in which sanitary facilities may be provided but shall not contain any facilities for the preparation or cooking of food.

### 4.29 CARPORT

Shall mean a portion of a dwelling which is a roofed enclosure designed for the storage or parking of a motor vehicle with at least 40 percent of the total perimeter open and unobstructed.

### 4.30 CARTAGE OR TRANSPORT DEPOT

Shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire or stored or parked for remuneration or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers and which may include a bonded or sufferance warehouse.

### 4.31 CELLAR

Shall mean that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height from finished floor to the undersides of the floor joists of the storey next above below the average finished grade level adjacent to the exterior walls of the

### 4.32 CEMETERY

Shall mean land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried, within the meaning of the Cemeteries Act, as amended.

### 4.33 CERTIFICATE OF OCCUPANCY

Shall mean a certificate issued by the Chief Building Official for the occupancy of any land, building, excavation or structure to the effect that the proposed use or activity complies with this By-law.

### 4.34 CHIEF BUILDING OFFICIAL

Shall mean the officer employed by the Corporation of the Town of Deseronto as is appointed under the Building By-law and shall include any inspector likewise appointed.

## **Section 4: Definitions**

### **4.35 CLINIC**

Shall mean a building or portion of a building used solely for the purpose of consultation, diagnosis and treatment of patients by two or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners together with their qualified assistants and, without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories and pharmacies used in connection with and forming part of the practices but shall not include accommodation for in-patient care or operating rooms for major surgery.

### **4.36 COMMERCIAL CLUB**

Shall mean a building or part of a building where a club is operated for gain or profit and may include facilities for physical fitness and recreation.

### **4.37 COMMERCIAL VEHICLE**

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

### **4.38 COMMUNITY CENTRE**

Shall mean any tract of land, or building or buildings or any part of any building used for community, recreational and/or social activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, including any building, structure, or facility established as a Community Recreation Centre within the meaning of the Community Recreation Centres Act, as amended.

### **4.39 CONSERVATION**

Shall mean the preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by the local Conservation Authority or other public authority for individual or public use and may include bird sanctuaries and wildlife preserves.

### **4.40 CONTRACTOR'S YARD**

Shall mean a yard of any contractor or building trade where equipment and material are stored or where the contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

### **4.41 CONVENIENCE STORE**

Shall mean a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

### **4.42 COUNCIL**

Shall mean the Municipal Council of the Corporation of the Town of Deseronto.

## **Section 4: Definitions**

### **4.43 COUNTY**

Shall mean the Corporation of the County of Hastings.

### **4.44 COURT**

Shall mean an open and unoccupied space from ground to sky appurtenant to a building and bounded on two or more sides by the wall of the building.

### **4.45 CRAFT SHOP**

Shall mean a building or part of a building where crafts, souvenirs and other similar items are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified herein.

### **4.46 CUSTOM WORKSHOP**

Shall mean a building or part of a building used by a trade, craft or guild for the manufacturing in small quantities of made-to-measure clothing or articles including the sale of such products at retail and for the purposes of this By-law shall include upholstering but does not include metal spinning, woodworking or furniture manufacture or any use or activity otherwise defined or classified herein.

### **4.47 DAY NURSERY**

Shall mean a day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, as amended.

### **4.48 DRIVE THROUGH SERVICE FACILITY**

Shall mean an accessory or main use of a business that provides or dispenses products or services through an attendant or a window or automated machine to patrons remaining in motorized vehicles, including any associated stacking lanes, speaker system, microphone system, order board or other such structures. Despite the above, a drive-through service facility does not include a motor vehicle wash, automatic, automobile service station or a gas bar.

### **4.49 DRIVEWAY**

Shall mean an area of land which provides vehicular access from the travelled portion of a street to a parking area or garage.

### **4.50 DRY CLEANERS ESTABLISHMENT**

Shall mean a building or part of a building used for the purpose of collection, distribution, pressing and storage of articles or goods or fabric to be subjected to the process of dry cleaning, dry dyeing, cleaning and spotting and stain removing.

### **4.51 DWELLING UNIT**

Shall mean living accommodation for a person or persons living together as a single household unit, in which both food preparation and sanitary facilities are provided for the



**Section 4: Definitions**

exclusive use of the occupants of the unit. This definition shall not include a mobile home, travel trailer or a motor home.

**4.51.1 SINGLE DETACHED DWELLING**

Shall mean a building that includes a primary building with only one dwelling unit.

**4.51.2 SEMI-DETACHED DWELLING**

Shall mean a building that has two dwelling units, and no dwelling unit is entirely or partially above another.

**4.51.3 DUPLEX DWELLING**

Shall mean a building that has two dwelling units, where one dwelling unit is entirely or partially above another.

**4.51.4 TRIPLEX DWELLING**

Shall mean a building that has three dwelling units, with at least one dwelling unit entirely or partially above another. A single detached dwelling or semi-detached dwelling that has one or more additional residential units is not a triplex.

**4.51.5 FOURPLEX DWELLING**

Shall mean a building that has four dwelling units, with at least one dwelling unit entirely or partially above another. A single detached, semi-detached or townhouse dwelling that has one or more additional residential units is not a fourplex.

**4.51.6 TOWNHOUSE DWELLING (STREET)**

Shall mean a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another. The dwelling units share a sidewall with a neighbouring unit and typically have a front yard and a rear yard. The front yard, and main entrance abut a public street, and vehicular access is provided directly to the unit from a public street.

**4.51.7 TOWNHOUSE DWELLING (BLOCK)**

Shall mean a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another. They share a sidewall with a neighbouring unit and typically have a front yard and a rear yard. The front yard, and main entrance abut a private road or laneway.

**4.51.8 APARTMENT DWELLING**

Shall mean a self-contained residential dwelling unit in an apartment building, or incorporated into a mixed-use building.

**4.51.9 ACCESSORY DWELLING UNITS**

Shall mean a dwelling unit accessory to a permitted non-residential use.

**4.51.10 STAFF DORMITORY DWELLING**

Shall mean an accessory sleeping accommodation for employees.

**4.52 DWELLING UNIT AREA**

Shall mean the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, verandah, unfinished attic, cellar or sunroom, unless such sunroom is habitable in all seasons of the year, and excluding public or common halls or areas, stairways and the thickness of outside walls.

**4.53 EATING ESTABLISHMENT**

Shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand but does not include a boarding or lodging house.

**4.53.1 EATING ESTABLISHMENT, TAKE-OUT**

Shall mean a building or part of a building designed, intended for or used for the sale of food and refreshments to the general public but which does not include any provisions for consumption of the food by the customer while in his vehicle, within the building or elsewhere on the site.

**4.54 EAVE**

Shall mean a roof overhang, free of enclosing walls, without supporting columns.

**4.55 EQUIPMENT SALES/RENTAL AND REPAIR ESTABLISHMENT**

Shall mean a building or part of a building, structure or yard in which articles, machinery and equipment, including heavy machinery are offered for rent and may be serviced or repaired, and may be offered or kept for rent, lease or hire under agreement for compensation.

**4.56 ERECT**

Shall mean building construction, reconstruction and relocation and, without limiting the generality of the term, also includes:

- a) any preliminary physical operation, such as excavating, filling or drainage,
- b) altering any existing building or structure by an addition;
- c) any work for the doing of which a building permit is required under the Building Code Act or regulations; and,
- d) erect, erected and erection shall have a corresponding meaning.

## **Section 4: Definitions**

### **4.57 ESTABLISHED BUILDING LINE**

Shall mean the average setback from the streetline of existing buildings on one side of one block where more than one half of the frontage of the said side of the block has been built upon.

### **4.58 EXISTING**

Shall mean existing, being a reality or an actuality on the date of passing of the By-law.

### **4.59 FARM IMPLEMENT AND SUPPLY DEALER**

Shall mean a building, structure or area where farm equipment and farm supplies are kept for sale at retail but shall not include any other establishment otherwise defined or classified herein.

### **4.60 FERMENT ON PREMISES FACILITY**

Shall mean a premises where equipment for the making of beer or wine on the premises is provided to individuals.

### **4.61 FILL LINE**

A line, plotted on Quinte Conservation Authority flood plain mapping, denoting steep and/or erosive slopes, or the extent of a pond, swamp, marsh or other wetland and delineating limits within which the placement or removal of fill may either affect the control of flooding or the conservation of land, or result in the pollution of a watercourse.

### **4.62 FIRE HALL**

Shall mean a building or structure in which are stored materials and equipment used in fire prevention and protection and may include accommodation for fire fighters.

### **4.63 FLEA MARKET**

Shall mean a building or part of a building where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified herein.

### **4.64 FLOOD LINE, REGULATORY**

Shall mean a set of lines on either side of a river, lake or watercourse showing the highest level which may be reached in the event of a 1:100 year flood event.

### **4.65 FLOODPLAIN**

Shall mean the area, equally low land, adjoining a watercourse which has been or may be covered by flood water.

### **4.66 FLOOR AREA, GROSS**

Shall mean the total floor area, as defined herein exclusive however of;

## Section 4: Definitions

- a) any part of the building or structure below finished grade which is used for heating, the storage or parking of motor vehicles, locker storage and laundry facilities, children's play areas and other accessory uses, or used as living quarters by the caretaker, guard or other supervisor of the building or structure; and
- b) in the case of a dwelling house, any private garage, carport, porch, or verandah, sunroom (unless such sun-room is habitable at all seasons of the year).

### 4.67 FLOOR AREA, GROUND

Shall mean the maximum ground floor area of a building measured to the outside walls, excluding, in the case of a residence, any private garage, carport, porch, verandah, or sunroom (unless such sunroom is habitable at all seasons of the year).

### 4.68 FLOOR AREA, RETAIL

Shall mean that portion of the gross floor area of an establishment which is used for retail sales purposes but does not include areas for storage of finished products or offices.

### 4.69 FLOOR AREA, TOTAL

Shall mean the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.

### 4.70 FOOD SUPERMARKET

Shall mean a building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

### 4.71 FUNERAL HOME

Shall mean a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

### 4.72 GARAGE, PRIVATE

Shall mean a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

### 4.73 GARAGE, PUBLIC

See Motor Vehicle Repair Garage

### 4.74 GOLF COURSE

Shall mean a public or private area operated for the purpose of playing golf and includes a par 3 golf course but does not include any driving ranges, miniature courses or similar uses.

## Section 4: Definitions

### 4.75 GOVERNMENT ADMINISTRATION

Shall mean any building or structure used by or in conjunction with government activity of any level, from that of the Town of Deseronto to that of the Government of Canada, for the purpose of supplying and/or administering any and all services provided by the relevant level of government.

### 4.76 GRADE, FINISHED

Shall mean the average elevation of the finished surface of the ground level of a building or structure.

### 4.77 GUEST

Shall mean a person, other than a boarder, who contracts for accommodation and includes all the members of the person's party.

### 4.78 GUEST ROOM

Shall mean a room or suite of rooms used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.

### 4.79 HABITABLE ROOM

Shall mean a room designed for living, sleeping, eating, or food preparation, including a den, library, sewing-room or enclosed sunroom, but does not include any space in a dwelling unit used as a bathroom, pantry, corridor or hallway, closet, stairway or lobby.

### 4.80 HEIGHT OF BUILDING

Shall mean the vertical distance, measured between the finished grade at the front of the building and

- a) in the case of a flat roof, the highest point of the roof surface,
- b) in the case of a mansard roof, the deck roof line and
- c) in the case of a gable, slanted, hip or gambrel roof, the average height between the eaves and ridge.

Accessory roof construction such as chimneys, towers, steeples or television antennas shall be disregarded in calculating the height of a building.

### 4.81 HIGHWAY

Shall mean a highway within the meaning of the Highway Traffic Act, as amended.

### 4.82 HOME OCCUPATION

Shall mean a use which is clearly incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an inhabitant thereof, such as hairdressing, dressmaking, the making of crafts or repairs, the refinishing of furniture and includes the offices of professionals. For the purposes of this By-law, a professional shall mean a legally qualified physician, dentist, optometrist, chiropodist, drugless practitioner,

## Section 4: Definitions

lawyer, engineer, architect, planner, accountant, Ontario Land Surveyor, or similar profession.

### 4.83 HOTEL

Shall mean a building or group of buildings used for the purpose of catering to the needs of the travelling public by providing short-term (generally less than one month) commercial accommodation, with or without meals, or with small dinettes, and includes a motel, but shall not include short term accommodation, as defined in this By-law.

### 4.84 LANDSCAPED OPEN SPACE

Shall mean the open unobstructed space from ground to sky at grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

### 4.85 LANE

Shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

### 4.86 LAUNDRY ESTABLISHMENT

Shall mean a building or structure used for the purpose of cleaning articles or goods of fabric by means of coin-operated machines, open to the public, and/or by means of collection and distribution service, in either case using only water, detergents and additives.

### 4.87 LIQUOR LICENCED PREMISES

Shall mean any building, structure or premises licensed by the Liquor Licence Board of Ontario.

### 4.88 LOADING SPACE

Shall mean an off-street space on the same lot as the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which abuts upon a street, lane or other appropriate means of access.

### 4.89 LOT

Shall mean a parcel of land, with frontage on a public street, separate in ownership from any abutting land.

#### 4.89.1 LOT AREA

Shall mean the total horizontal area within the lot lines of a lot. In the case of a corner lot having street lines rounding at the corner with a radius of six (6) metres, or less, the lot area

## Section 4: Definitions

of such land shall be calculated as if the lot lines were produced to their point of intersection.

### 4.89.2 LOT, CORNER

Shall mean a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than 135 degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that, in the latter case, the corner of the lot shall be deemed to be that point on the street lines nearest to the point of intersection of the said tangents.

### 4.89.3 LOT COVERAGE

Shall mean the percentage of the lot area covered by buildings, including accessory buildings.

### 4.89.4 LOT DEPTH

Shall mean:

- The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
- The horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or,
- The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.

### 4.89.5 LOT FRONTAGE

Shall mean the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein distant equal to the required depth of the front yard from the front lot line.

### 4.89.6 LOT, INTERIOR

Shall mean a lot other than a corner lot.

### 4.89.7 LOT, THROUGH

Shall mean a lot bounded on two opposite sides by streets.

## 4.90 LOT LINE

Shall mean any boundary of a lot or the vertical projections thereof.

### 4.90.1 LOT LINE, FRONT

Shall mean in the case of an interior lot, the line dividing the-lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the

## Section 4: Definitions

longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In the case of a lot fronting on a navigable waterway, the shorter lot line directly adjacent to the navigable waterway shall be deemed to be the front lot line. In the case of a lot fronting on a navigable waterway and on a street, the lot line abutting the street shall be deemed the front lot line.

### **4.90.2 LOT LINE, REAR**

Shall mean the lot line farthest from and opposite to the front lot line.

### **4.90.3 LOT LINE, SIDE**

Shall mean a lot line other than a front or rear lot line.

### **4.91 LUMBER YARD**

Shall mean an area where finished and unfinished lumber is stored but does not include an establishment or area otherwise defined in this By-law.

### **4.92 MANUFACTURING/ASSEMBLY/FABRICATING/PROCESSING PLANT**

Shall mean a plant in which the process of producing a product suitable for use by hand and/or mechanical power and machinery is carried on systematically with division of labour.

### **4.93 MARINA**

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

### **4.94 MARINE FACILITY**

Shall mean an accessory building or structure which is used to take a boat into or out of a waterbody to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse but shall not include any building used for human habitation or any boat service, repair, or sales facility.

### **4.95 MARINE/SNOWMOBILE DEALER**

Shall mean any building or structure used for the purpose of supplying and selling of marine and snowmobile products and may include repair facilities for the purpose of repairing only those items either sold by or related to the products supplied by the dealer.

### **4.96 MOTOR VEHICLE**

Shall mean an automobile, truck, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.



**4.96.1 MOTOR VEHICLE, COMMERCIAL**

Shall mean any commercial motor vehicle within the meaning of the Highway Traffic Act.

**4.96.2 MOTOR VEHICLE BODY SHOP**

Shall mean a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage and in conjunction with which there may be a towing service and motor vehicle rental for customers while the motor vehicle is under repair, but shall not include another use or activity otherwise defined or classified in this By-law.

**4.96.3 MOTOR VEHICLE DEALERSHIP**

Shall mean a building or structure where a licensed dealer displays new or used motor vehicles for sale or rent in conjunction with which there may be a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or motor vehicle body shop.

**4.96.4 MOTOR VEHICLE GASOLINE BAR**

Shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than ten (10) square metres, and may include facilities for the refilling of propane tanks and the changing of oil, greasing and lubricating of motor vehicles including the sale of automobile accessories, anti-freeze and additives, but shall not include any other use or activity otherwise defined or classified in this By-law.

**4.96.5 MOTOR VEHICLE REPAIR GARAGE**

Shall mean a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired but shall not include any other establishment otherwise defined or classified in this By-law.

**4.96.6 MOTOR VEHICLE SERVICE STATION**

Shall mean a building or structure where propane, gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles or similar automotive products are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.

## Section 4: Definitions

### 4.96.7 MOTOR VEHICLE WASH, AUTOMATIC

Shall mean a building or structure containing facilities for washing motor vehicles for compensation either using production line methods and mechanical devices or by a self-service operation, but does not include any other motor vehicle establishment herein defined where car washing is done only as an incidental to the principal operation.

### 4.97 MOTORIZED MOBILE HOME

Shall mean any motor vehicle so constructed as to be a self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.

### 4.98 MOTORIZED SNOW VEHICLE

Shall mean a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act.

### 4.99 MUNICIPAL/PUBLIC UTILITIES YARD

Shall mean a lot which may include a building or structure and also associated storage structures used for the storage, maintenance or repair of equipment, machinery or motor vehicles used in connection with civil works and shall include a public works yard.

### 4.100 NON-CONFORMING

Shall mean the use of land, a building or structure which does not comply with the provisions of this By-law for the zone or zones in which such building, land or structure is located.

### 4.101 NOXIOUS

Shall mean when used with reference to any use of land, building or structure, a use which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, machinery parts, salvage, junk, waste or other material, a condition which may become hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of the use of any land, building or structure.

### 4.102 NURSERY/GARDEN CENTRE

Shall mean a place where young trees or plants are grown for transplanting for sale and may also include the sale of related accessory supplies as well as the sale of fruits and vegetables provided such sale is subordinate to the production and sale of select nursery stock.

### 4.103 NURSERY SCHOOL

Shall mean a day nursery within the meaning of the Day Nurseries Act, R.S.O. 1990, as amended, and shall include a day care centre.

## Section 4: Definitions

### 4.104 NURSING HOME

Shall mean a nursing home within the meaning of the Nursing Home Act, R.S.O. 1990, as amended.

### 4.105 OFFICE, BUSINESS, ADMINISTRATIVE OR PROFESSIONAL

Shall mean a building or structure primarily designed and used for the purpose of providing accommodation for the offices of professional persons, such as legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, drugless practitioners, barristers, solicitors, planners, engineers, architects, Ontario Land Surveyors, Chartered Accountants and for any purpose incidental thereto; the administrative office or offices of a nonprofit organization, a business administrative office or offices.

### 4.106 OPEN SPACE

Shall mean the open, unobstructed space on a lot, including the open unobstructed space accessible to all occupants of any residential or commercial building or structure on the lot which is suitable and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, patio, pools or similar area but does not include any driveway, ramp or parking spaces, parking aisles, loading spaces, maneuvering space or similar spaces.

### 4.107 ORNAMENTAL STRUCTURE

Shall mean any ornamental fountain, statue, monument, cenotaph or other memorial or decorative structure not being part of or accessory to any other structure.

### 4.108 OUTSIDE STORAGE

Shall mean storage outside a building or structure which is accessory to the principal use on the site.

### 4.109 OWNER

Shall mean a mortgagee, lessee, tenant, occupant or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, administrator or guardian.

### 4.110 PARK, PRIVATE

Shall mean any open space other than a public park which is owned, operated and maintained on a commercial or private member basis and which may include therein one or more of the following facilities and activities:

- a) swimming
- b) wading
- c) boating facilities
- d) picnic area
- e) facilities for serving meals

## Section 4: Definitions

- f) retail sale of sports equipment
- g) accessory health and fitness facilities

### 4.111 PARK, PUBLIC

Shall mean any open space or recreational area, owned or controlled by the Corporation or by any board, commission or other authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, golf courses or similar uses.

### 4.112 PARKING AREA

Shall mean an area provided for the parking of motor vehicles and includes aisles, parking spaces, and related ingress and egress lanes in accordance with Off-Street Parking Provisions of this By-law, but shall not include any part of a public street. A parking area may include a private garage.

### 4.113 PARKING LOT

Shall mean any parking area other than a parking area accessory to a permitted use.

### 4.114 PARKING SPACE

Shall mean an area of not less than 18.5 square metres, exclusive of any aisles, ingress or egress lanes, for the temporary parking or storage of motor vehicles and may include a private garage.

### 4.115 PERSON

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

### 4.116 PIT

Shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply material for construction, industrial or manufacturing purposes but does not include a wayside pit as defined by the Aggregate Resources Act, as amended.

### 4.117 PLACE OF ENTERTAINMENT

Shall mean a motion picture or other theatre, public hall, billiard or pool room, a bowling alley, ice or roller rink, dance hall or music hall.

## Section 4: Definitions

### 4.118 PLACE OF WORSHIP

Shall mean a building dedicated to religious worship and includes a church, synagogue or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, and monastery or parish hall.

### 4.119 PLAZA COMPLEX

Shall mean a group of commercial or industrial establishments which is planned, developed, managed and operated as a unit with shared on-site parking and containing three or more separated spaces for lease and/or occupancy.

### 4.120 PRINTING/PUBLISHING ESTABLISHMENT

Shall mean a building or part of a building in which the business of producing books, newspapers or periodicals by mechanical means and reproducing techniques such as photocopying is carried on and may include the sale of newspapers, books, magazines, periodicals or the like to the general public.

### 4.121 PROVINCIAL HIGHWAY

Shall mean a street or road under the jurisdiction of the Ministry of Transportation.

### 4.122 PUBLIC AUTHORITY

Shall mean Federal, Provincial, County or Municipal agencies and includes any commission, board, authority or department established by such agency.

### 4.123 PUBLIC LIBRARY

Shall mean a public library within the meaning of the Public Libraries Act, as amended.

### 4.124 QUARRY

Shall mean a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes but does not include a wayside quarry or open pit metal mine as defined in the Aggregate Resources Act, as amended.

### 4.125 RECREATION, ACTIVE

Shall mean the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course and a sports field, and motorized vehicle trails.

### 4.126 RECREATION, PASSIVE

Shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a playlot with activity equipment for children.

## Section 4: Definitions

### 4.127 RENTAL ESTABLISHMENT

Shall mean a building or part of a building or structure in which articles are offered or kept for rent, lease or hire under agreement for compensation.

### 4.128 RETAIL COMMERCIAL ESTABLISHMENT

Shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail or on a rental basis but does not include any establishment otherwise defined or classified herein.

### 4.129 RIGHT-OF-WAY

Shall mean a private road which affords access to abutting lots and does not include a lane, street, road or highway as herein defined.

### 4.130 ROOM, HABITABLE

Shall mean a room which:

- i) is located within a dwelling unit;
- ii) is designed for living, sleeping or eating or for sanitary purposes;
- iii) can be used at all times throughout the year; and
- iv) is not located within a cellar.

### 4.131 ROOM, NON-HABITABLE

Shall mean any room located within a dwelling unit that is not a habitable room, including, but no so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a stairway, a closet, a verandah, a recreation room, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

### 4.132 SALVAGE YARD

Shall mean an establishment where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and may include a junk yard, a scrap metal yard and a motor vehicle wrecking yard or premises.

### 4.133 SANITARY SEWER

Shall mean an adequate system of underground conduits, operated either by the Corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.

### 4.134 SAW AND/OR PLANING MILL

Shall mean a building, structure or area where timber is cut, sawed or planed, either to finished lumber or as an intermediary step and may include facilities for the kiln drying and

## Section 4: Definitions

storage of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

### 4.135 SCHOOL

Shall mean a school under the jurisdiction of a Board as defined by the Ministry of Education.

### 4.136 SENSITIVE LAND USE

Shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effect(s) from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, daycare centres, and educational and health facilities.

### 4.137 SEPARATION DISTANCE

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

### 4.138 SERVICE SHOP

Shall mean a building or part of a building, not otherwise defined or classified herein and whether conducted in conjunction with a retail store or not, for the servicing or repairing of articles, goods or materials, other than heavy machinery or equipment or motor vehicles.

### 4.139 SETBACK

Shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on the lot.

### 4.140 SHOPPING PLAZA

Shall mean a group of commercial and service establishments or uses, related in size and type, primarily to the day to day needs of a residential area and designed, developed and managed as a unit, whether by a single owner, a group of owners or tenants in collaboration. Access to individual functions generally may be from an open mall area.

### 4.141 SHORT TERM ACCOMMODATION

Shall mean a dwelling unit or any part thereof that operates or offers a place of temporary residence, lodging or occupancy within the principal residence of the short-term accommodation operator, by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than a month, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a hotel, bed and breakfast establishment, lodging house, hospital, or similar residential or commercial use.

**Section 4: Definitions****4.142 SIGHT TRIANGLE**

Shall mean the triangular space formed on a corner lot by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 metres measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

**4.143 SIGN**

Shall mean a structure or advertising device having illustrations affixed thereto or displayed thereon in any manner, which is used to identify, advertise or attract attention to any object, project, place, activity, person, institution, organization, firm, group, profession, enterprise, industry or business, or which display or include any letter, work, model number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement.

**4.144 SOLAR COLLECTOR**

Shall mean any structure subordinate to a principal structure, designed specifically for the collection of solar energy and converting such energy for heating, lighting, water production or any other domestic, industrial, or commercial use that may be obtained from such source.

**4.145 SPECIAL NEEDS HOUSING**

Shall mean any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Special needs housing includes communal housing and housing for seniors. Examples of special needs housing may include, but are not limited to:

**4.145.1 LONG-TERM CARE FACILITY**

Shall mean premises used to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas;

**4.145.2 RESIDENTIAL CARE HOME**

Shall mean supervised living accommodation that may include associated support services, and:

- Is licensed or funded under Province of Ontario or Government of Canada legislation;
- Is for persons requiring semi-independent or supervised group living arrangements; and,
- Is for more than ten persons, exclusive of staff.



**Section 4: Definitions****4.145.3 GROUP HOME**

Shall mean supervised living accommodation that may include associated support services, and:

- Is licensed or funded under Province of Ontario or Government of Canada legislation;
- Is for persons requiring semi-independent or supervised group living arrangements; and,
- Is for ten persons or less, exclusive of staff.

**4.145.4 RESPITE CARE FACILITY**

Shall mean premises used for the provision of short-term, non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A respite care facility may include the provision of services, such as:

- Preventive medicine;
- Counselling;
- Social, recreational or educational programs; and/or,
- Day or overnight care.

**4.145.5 EMERGENCY HOUSING FACILITY**

Shall mean premises used for the provision of short-term, emergency services for the supervised care of people of any age. An Emergency Housing Facility may include the provision of services, such as:

- Preventive medicine;
- Counselling; and/or,
- Day or overnight care.

**4.145.6 COMMUNITY HOUSE**

Shall mean a premises providing semi-independent living accommodation for residents primarily in bed-sitting rooms, if there is:

- A maximum of two persons for each bed-sitting room;
- Accommodation for one staff person per five bedsitting rooms; and,
- A common lounge and dining area.

**4.146 STACKED TOWNHOUSE**

Shall mean a building, other than a townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally, and each dwelling unit having an entrance to grade shared with no more than 3 other units.

**4.147 STACKING LANE**

Shall mean an onsite queuing lane for motorized vehicles.

**4.148 STAFF DORMITORY**

See Dwelling: Dwelling, Staff Dormitory.

**4.149 STOREY**

Shall mean the portion of a building, other than an attic, basement or cellar, included between any floor level and the floor, ceiling or roof next above it.

**4.149.1 STOREY, ONE HALF**

Shall mean the portion of a building situated wholly or in part within the roof and having its floor level not lower than 1.2 metres below the line where roof and outer wall meet and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 metres over a floor area equal to at least 50 percent of the floor next below.

**4.150 STORM SEWER**

Shall mean a sewer which carries storm sewage or surface runoff but excludes any sanitary sewer or any combination of sanitary and storm sewers.

**4.151 STREET OR ROAD**

Shall mean a public street or road as defined by the Municipal Act, as amended, and the Highway Traffic Act, as amended, which affords the principal means of access to abutting lots but does not include a lane or private right-of-way as defined in this By-law.

**4.151.1 STREET, IMPROVED PUBLIC**

Shall mean a street or road under jurisdiction of the Corporation of the Town of Deseronto, the County of Hastings or the Province of Ontario which is maintained so as to allow normal vehicular access to adjacent properties throughout all seasons of the year.

**4.152 STREET LINE**

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

**4.153 STRUCTURE**

Shall mean anything constructed or erected the use of which requires location on the ground or attached to something having location on the ground.

**4.154 SWIMMING POOL**

Shall mean a privately-owned outdoor body of water contained in part or in whole by artificial means, which holds water in excess of 0.6 metres (2 feet) and is designed or intended for the use of swimming, bathing, diving or wading, but does not include a pond

## Section 4: Definitions

or reservoir to be utilized for farming purposes, landscaping ponds and public swimming pools as defined by the Ontario Building Code.

### 4.155 TOURIST ESTABLISHMENT

Shall mean any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:

- a) a camp operated by a charitable organization approved under the Charitable Institutions Act, as amended,
- b) a summer camp within the meaning of the regulations made under the Health Protection and Promotion Act, as amended,
- c) a club owned by its own members and operated without gain or profit, or
- d) short term accommodation as defined in this By-law.

### 4.156 TOURIST HOME

Shall mean a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are at least five rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

### 4.157 TRAILER

Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, shall not include a mobile home dwelling unit as defined herein.

#### 4.157.1 TRAILER, MOBILE CAMPER

Shall mean any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for living, shelter and sleeping accommodation with or without cooking facilities, which is collapsible and compact while being drawn by a motor vehicle.

### 4.158 TRUCK CAMPER

Shall mean any unit so constructed that it may be attached upon a motor vehicle as a separate unit, and capable of being utilized for the living, sleeping or eating accommodation of persons.

### 4.159 TRUCK TERMINAL

See Cartage or Transport Depot.

## Section 4: Definitions

### 4.160 USE

Shall mean, when used as a noun, the purpose for which a lot or building or structure or any combination thereof is designed, arranged, intended, occupied or maintained "USES" and "USE" when used as a verb, or "TO USE" shall have corresponding meanings.

### 4.161 WAREHOUSE

Shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things and may include facilities for a wholesale or retail commercial outlet but shall not include a truck terminal.

### 4.162 WASTE DISPOSAL AREA

Shall mean a place where garbage, refuse or domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped and shall include a sewage treatment plant or sewage lagoons.

### 4.163 WATERCOURSE

Shall mean a water body or the natural channel for a perennial or intermittent stream of water.

### 4.164 WATER FRONTAGE

Shall mean the boundary between the water and land fronting on and providing access to a watercourse, bay or lake.

### 4.165 WATER SUPPLY

Shall mean an adequate distribution system of underground piping and related storage, including pumping and purification appurtenances operated by a municipal corporation and/or the Ministry of the Environment and/or any public utilities commission for public use.

### 4.166 WATER SUPPLY PLANT

Shall mean a building or structure approved by the Ministry of the Environment where water is treated for human consumption.

### 4.167 WAYSIDE PIT OR QUARRY

Shall mean a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

### 4.168 WELL

Shall mean an underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped system from a surface water source.

## Section 4: Definitions

### 4.169 WORKSHOP

Shall mean a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpentry shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar use.

### 4.170 YARD

Shall mean a space, appurtenant to a building or structure, located on the same lot as the building or structure, 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 elsewhere in the By-law.

#### 4.170.1 YARD, FRONT

Shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

#### 4.170.2 YARD, FRONT, DEPTH

Shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

#### 4.170.3 YARD, REAR

Shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

#### 4.170.4 YARD, REAR, DEPTH

Shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

#### 4.170.5 YARD, REQUIRED

Shall mean the minimum yard required by the provisions of this By-law.

#### 4.170.6 YARD SIDE

Shall mean a side yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

#### 4.170.7 YARD, SIDE, EXTERIOR

Shall mean a side yard immediately adjoining a public street.

#### 4.170.8 YARD, SIDE, INTERIOR

Shall mean a side yard other than an exterior side yard.

## **Section 4: Definitions**

### **4.170.9 YARD, SIDE, WIDTH**

Shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

### **4.171 ZONE**

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

### **4.172 ZONE PROVISIONS**

The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of building, minimum parking requirements, and all other zone provisions as are set out within the By-law for the respective zones.

## **5.0 GENERAL PROVISIONS**

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### **5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES**

#### **5.1.1 PERMITTED USES**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use but shall not include the following:

- a) any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as in this By-law is specifically permitted or;
- b) any building used for human habitation, except as in this By-law is specifically permitted.

#### **5.1.2 LOCATION**

Except as otherwise provided herein, any accessory building or structure which is not part of the main building shall be erected to the rear of the front yard and shall comply with the yard and setback requirements for the zone in which such building or structure is situated.

#### **5.1.3 LOT COVERAGE AND HEIGHT**

The total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 5 percent of the lot area, nor shall the height of any, accessory building or structure exceed 5 metres.

#### **5.1.4 ENCROACHMENTS**

Notwithstanding the yard and setback requirements of this By-law to the contrary, drop awnings, flag poles, light standards, garden trellises, retaining walls, fences which comply with the Corporation's Fence By-law, signs which comply with the Corporation's Sign By-law or similar uses shall be permitted in any required yard or in the area - between the street line and the required setback.

Clothes poles and dish antennas shall be permitted only in the rear or side yard.

#### **5.1.5 ADDITIONAL DWELLING UNIT**

- a) A maximum of two (2) Additional Residential Units (one (1) attached and one (1) detached) may be permitted in association with a single detached dwelling, semi-detached dwelling, or townhome dwelling in accordance with the regulations specified by the Zone category in which the Additional Residential Unit is permitted.
- b) Additional Residential Unit (Attached)
  - i) A maximum of one Additional Residential Unit (attached) shall be permitted within the same building as a single detached dwelling or semi-detached dwelling, with or without an Additional Residential Unit (detached);

## Section 5: General Provisions

- ii) The Additional Residential Unit (attached) shall be built in accordance with all relevant regulations within both the Building Code and Fire Code;
  - iii) The primary dwelling and the Additional Residential Unit (attached) shall be connected to full municipal sanitary sewer and water services;
  - iv) The gross floor area of the Additional Residential Unit (attached) shall be limited to a maximum of 70 percent of the gross floor area of the primary dwelling unit, measured prior to the development of the Additional Residential Unit (attached); and,
  - v) A maximum of one pedestrian entrance to the primary dwelling and/or the Additional Residential Unit (attached) shall be located on each public street façade.
- c) Additional Residential Units (Detached)
- i) The Additional Residential Unit (detached) shall only be permitted on the same lot as a single detached dwelling, or semi-detached dwelling, with or without one Additional Residential Unit (attached);
  - ii) The Additional Residential Unit (detached) shall not be severed from the lot containing the single detached dwelling, or semi-detached dwelling;
  - iii) The Additional Residential Unit (detached) shall be built in accordance with all relevant regulations of both the Building Code and Fire Code;
  - iv) The primary dwelling and the Additional Residential Unit (detached) shall be connected to full municipal sanitary sewer and water services;
  - v) The gross floor area of the Additional Residential Unit (detached) shall be limited to a maximum of 75 square metres;
  - vi) The additional Residential Unit (detached) shall be placed upon a permanent footing/foundation; and,
  - vii) Tenants of an Additional Residential Unit (detached) must not be required to access the unit through the primary dwelling unit.

An Additional Residential Unit (detached) must have direct pedestrian access from a public street or laneway. A direct pedestrian access may be by an unobstructed walkway that is built in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act.

### 5.1.6 GARAGE OR OTHER ACCESSORY BUILDING OR STRUCTURE

Notwithstanding any other provisions of this By-law to the contrary, an attached or detached private garage or other accessory building may be erected and used in an interior side or rear yard provided that:

#### 5.1.6.1 INTERIOR SIDE YARD

When such accessory building is located in an interior side yard, it shall not be closer than 1 metre to the interior side lot line, EXCEPT where a common semi-detached garage is being erected simultaneously on both sides of the lot line, as



one building, in which case no interior side yard to the accessory building is required.

**5.1.6.2 REAR YARD**

When such accessory building is located in a rear yard, it shall not be closer than 1 metre to the interior side lot line or rear lot line EXCEPT where a common semi-detached garage is being erected simultaneously on both sides of the interior lot line as one building in which case no interior side yard to the accessory building is required.

**5.1.6.3 REAR YARD WITH LANE ACCESS**

When such accessory building is located in a rear yard, it shall not be closer than 1 metre to the interior side lot line or rear lot line EXCEPT where a single detached private garage is being erected with direct access from the lane, in which case the structure shall not be located closer than 1 metre to the interior side lot line and 2.5 metres to the rear lot line or EXCEPT where a common semidetached garage is being erected simultaneously on both sides of the interior lot line, as one building with direct access from the lane, in which case no interior side yard is required but the structure shall not be located closer than 2.5 metres to the rear lot line.

**5.1.6.4 RELATION TO STREET**

All accessory buildings shall comply with the setback provisions applicable to the principal or main building on the lot.

**5.1.7 GATE HOUSE IN INDUSTRIAL ZONE**

Notwithstanding the yard and setback provisions of this By-law to the contrary, in an Industrial zone, a gate house shall be permitted in a front or side yard or in the area between the street line and the required setback.

**5.1.8 RAILWAY SPUR IN INDUSTRIAL ZONE**

Notwithstanding any yard and setback provisions of this By-law to the contrary, in an Industrial zone, a railway spur shall be permitted within any required side or rear yard, but not within a required planting strip area except for necessary ingress and egress. Where, however, such side or rear yard abuts a Residential zone, then such railway spur shall conform to the yard and setback requirements of the zone in which it is located.

**5.1.9 ORNAMENTAL STRUCTURES**

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard or the area between the street line and the required setback a maximum distance of 6 metres.

**5.1.10 UNENCLOSED PORCHES, BALCONIES, STEPS OR PATIOS**

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required

## Section 5: General Provisions

yard a maximum distance of 1.5 metres, but not closer than 1 metre (3.281ft) to any lot line provided that in the case of porches, steps or patios, such uses are not more than 2 metres (6.56 ft) above grade.

### 5.1.11 FIRE ESCAPES

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist of hand rails and structural members necessary to their support may project into any required setback a maximum of 1.5 metres.

### 5.1.12 SWIMMING POOLS

Notwithstanding the yard provisions of this By-law to the contrary, an outdoor swimming pool shall only be permitted within the rear or side yard of a lot and shall be within a swimming pool enclosure. Such outdoor swimming pool shall not be located within 1 metre of the rear or interior side lot lines. In the case of a corner lot, such outdoor swimming pool or pool enclosure shall conform to the minimum exterior side yard requirement of the main or principal building on the lot. The maximum area covered by an outdoor swimming pool shall not exceed fifteen (15) percent of the total lot area. For the purposes of this subsection, "pool enclosure" shall mean a fence, wall or other structure, occluding doors or gates, surrounding an outdoor swimming pool designed to restrict access thereto.

## 5.2 DRIVE-THROUGH SERVICE FACILITY

A new "Drive-Through Service Facility" for any permitted use, excluding a motor vehicle wash, automatic, automobile service station or gas bar, shall be constructed or established in accordance with the following provisions:

- i) No drive-through service facility shall be constructed or established within 30 metres of a residential use or zone that permits a residential use.
- ii) A minimum 3 metres wide planting strip shall be provided along the lot line between the property containing the drive-through service facility and a residential use or zone that permits a residential use.
- iii) All drive-through service facilities shall be subject to Site Plan Control approval.

## 5.3 CANNABIS PRODUCTION AND PROCESSING

Cannabis Production and processing, as defined herein, shall only be permitted within the General Industrial (M1) Zone. Notwithstanding any other provision of this By-law, any Cannabis Production and Processing shall be subject to the following provisions:

- i) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment may be located closer than 70 metres to any Residential Zone (R1, R2, and R3) or Community Facility (CF) Zone.

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- ii) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control may be located closer than 150 metres to any dwelling on a separate lot or other sensitive land use.
- iii) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with air treatment control may be located closer than 300 metres to any dwelling on a separate lot or other sensitive land use.
- iv) A building or structure used for security purposes for Cannabis Production and Processing may be located in the required front yard.
- v) Outdoor storage is prohibited on the property in which the Cannabis Production and Processing is located.
- vi) Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law.
- vii) All development in relation to the establishment of or expansion to Cannabis Production and Processing shall be subject to Site Plan Control.

### 5.4 DWELLING UNIT BELOW GRADE

#### 5.4.1 CELLAR

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room or a similar use only.

#### 5.4.2 BASEMENT OR WALKOUT BASEMENT

A dwelling unit in its entirety may be located in a basement or walkout basement provided the finished floor level of such basement is not more than 5 metres below the adjacent finished grade.

### 5.5 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line or the centreline of the street, as the case may be, than required by this By-law provided that such permitted building or structure is not erected closer to the street line or centreline, as the case may be, than the established building line on the date of passing of this By-law.

### 5.6 EXISTING BUILDINGS, STRUCTURES AND USES

#### 5.6.1 CONTINUATION OF EXISTING USES

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

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### 5.6.2 PERMITTED EXTERIOR EXTENSION

A building which at the date of passing of this By-law was used for a purpose not permissible within the zone in which it is located, shall not be enlarged or extended unless such building is thereafter to be used for a purpose permitted within such zone and complies with all requirements of this By-law for such zone.

### 5.6.3 PERMITTED INTERIOR ALTERATION

The interior of any building lawfully used on the date of passing of this By-law for a use which is not permitted within the zone in which such building is located may be reconstructed or structurally altered in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law, such building was used.

### 5.6.4 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof lawfully used on the date of passing of this By-law provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure.

### 5.6.5 RECONSTRUCTION OF DAMAGED EXISTING BUILDING OR STRUCTURE

Nothing in this By-law shall apply to prevent the reconstruction of any lawful non-conforming building or structure which is damaged by causes beyond the control of the owner. All reconstruction of buildings below the flood line shall be built not to exceed the previous area and flood proofed to meet all Quinte Conservation Authority regulations.

### 5.6.6 BUILDING PERMIT ISSUED

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this bylaw of any building or structure the plans for which have, prior to the date of passing of this By-law, been approved by the Building Inspector so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

### 5.6.7 CHANGE OF USE

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

### 5.6.8 PERMITTED NON-COMPLYING BUILDINGS OR STRUCTURES

Nothing in this By-law shall prevent the enlargement, extension, reconstruction, renovation, repair or alteration of a building or structure which existed at the date of passing of this By-law which is used for a purpose specifically permitted within the zone in which such or

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structure is located where such building or structure does not comply with the setback of one or more yards that is or are less than required under the provisions of this By-law provided that the setback or yard or yards that is or are less than required are not further reduced and that all other provisions of this By-law are complied with.

### 5.6.9 FLOOR AREA LESS THAN REQUIRED

Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling which existed at the time of passing of this By-law but which has a gross floor area or dwelling unit area less than that required by this By-law provided such extension or addition does not contravene any other provisions of this By-law.

## 5.7 EXTERNAL DESIGN

The following building materials shall not be used for more than 5 percent of the exterior vertical facing on any wall of any residential building within the Corporation of the Town of Deseronto:

- a) building paper,
- b) asphalt roll-type siding,
- c) insulbrick

## 5.8 FRONTAGE ON A STREET OR ROAD

### 5.8.1 PUBLIC STREET

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street and further, that such building or structure complies with the setback provisions of the By-law.

### 5.8.2 UNASSUMED ROAD

Notwithstanding the provisions of Section 5.8.1 hereof to the contrary, the provisions of this by-law shall not apply to prevent the erection of a permitted building or structure on a lot in a registered plan of subdivision where a properly executed subdivision agreement has been entered into with the municipal Corporation whereunder the street or streets will not be assumed by the municipality until such time as specified in the said agreement.

## 5.9 HAZARD LANDS

All new development and site alteration shall be set back a minimum of 30 metres from the high water mark or outside the regulatory flood elevation of lakes, rivers, streams or creeks, whichever is greater.

### 5.9.1 DESERONTO WAVE UPRUSH AND FLOOD HAZARD AREA

The Deseronto Wave Uprush and Flood Hazard Area is located along the Bay of Quinte (Lake Ontario) shoreline and is labelled with the floodprone ("f") suffix symbol, as shown on Schedule "A" to this By-law. This Hazard Area includes lands within the static 100-year flood elevation for Bay of Quinte (Lake Ontario) plus an allowance for wind set-up, wave uprush

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and other water related hazards. No new development shall be permitted within this area, which the exception of uses listed in Section 5.9.1.1, and provided such development is appropriately floodproofed to the satisfaction of Quinte Conservation Authority and in accordance with the provisions of 5.9.1.2.

### **5.9.1.1 PERMITTED USES**

The following shall be permitted within zones with the floodprone (“f”) symbol, subject to all other provisions of the underlying zone:

- a) Land uses such as agriculture (no livestock), nursery and market gardening and forestry may be permitted within areas of natural hazard adjacent to a shoreline, river or stream system.
- b) Buildings and structures which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows are also permitted.
- c) Buildings and structures other than those required for conservation purposes are prohibited in a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Open space recreational uses may be permitted where they are compatible with adjacent land uses.
- d) Development is only permitted in those portions of erosion hazard lands where the effects and risk to public safety are minor, so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:
  - i) Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards described in Section 5.8.1.3 and elsewhere in this By-law;
  - ii) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - iii) New hazards are not created and existing hazards are not aggravated; and
  - iv) No adverse environmental impacts will result.

### **5.9.1.2 PROHIBITED USES**

The following shall not be permitted within the Hazard-Floodprone (H-f) Zone:

- a) Institutional uses such as a community centre, day care/nursery centre, education facility, firehall, hospital, law enforcement establishment, library, school, or special needs housing.
- b) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

### **5.9.1.3 REQUIREMENTS FOR FLOODPROOFING AND FLOOD PROTECTION**

Floodproofing and flood protection measures required for all uses permitted within the H-f Zone may include such measures as the following:

- a) the design of the structure to withstand hydrostatic forces;

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- b) the strength of structural materials and components to ensure that the materials used will not be subject to deterioration;
- c) the elevation of the living space and building openings relative to flood levels and wave uprush levels;
- d) the location and elevation of electrical and heating equipment relative to flood levels and wave uprush levels;
- e) the location, elevation and design of municipal services and public utilities; and
- f) such other additional shoreline protection and flood damage reduction measures as may be warranted in the context of the location and nature of the proposed building, structure or site development.

### 5.10 HOME OCCUPATION

The following regulations shall apply to a home occupation where such a use is permitted in a single-unit dwelling or other residential unit.

#### 5.10.1 SECONDARY USE

Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance, in particular in regard to noise, noxious odours, emission of smoke, traffic or parking. In no circumstances shall any yard be used in conjunction with the home occupation except in accordance with Section 5.1 of this By-law.

#### 5.10.2 SIGN

There is no display other than a sign of a maximum size of 0.3 square metres to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. Furthermore, such a sign shall be set back a minimum of 3 metres from any lot line.

#### 5.10.3 EMPLOYEES

No person other than those resident in the dwelling shall be employed except in the case of a professional office in which instance no more than two (2) persons not resident in the dwelling shall be employed.

#### 5.10.4 FLOOR AREA

No more than 25 percent of the gross floor area of the dwelling is used for the purpose of a home occupation use except in the case of a doctor, dentist, chiropractor, physiotherapist, licensed massage therapist or osteopath, where the home occupation shall not exceed 40 percent of the gross floor area of the dwelling.

#### 5.10.5 PROFESSIONAL OFFICE

The office for a professional person shall be located in the same dwelling in which the professional person resides.

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### 5.10.6 PROHIBITED USES

Such home occupation shall not include a medical clinic, a private hospital, nursing home, eating establishment, veterinary clinic, service shop or real estate office.

### 5.10.7 EQUIPMENT

No mechanical or other equipment shall be used which would interfere with the television or radio reception of others in adjacent buildings or structures.

### 5.10.8 OUTSIDE STORAGE

There shall be no outside display or storage of goods or materials associated with a home occupation use.

### 5.10.9 PARKING REQUIREMENTS

On-site parking is provided in accordance with the provisions of Section 5.17 of this By-law.

## 5.11 HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration or use of the following accessory buildings or structures provided the principal use is a use permitted within the zone in which it is located: a church spire, belfry, flag pole, light standard, clock tower, chimney, water tank, windmill, radio or television antenna, air conditioner duct, incidental equipment required for processing and external equipment associated with internal building equipment.

## 5.12 ILLUMINATION

Lighting fixtures designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots.

## 5.13 LOADING SPACE REQUIREMENTS

### 5.13.1 LOADING SPACE

For every building or structure erected or used for any purpose involving the receiving, shipping or loading of animals, goods, wares, merchandise or raw materials, loading and unloading spaces in accordance with the Loading Space Requirement Table hereof shall be provided and maintained on the lot.

### 5.13.2 LOADING SPACE REQUIREMENT TABLE

Gross Floor Area	Number of Loading Spaces
Up to and including 2,300 square metres	One Loading Space
Over 2,300 square metres to and including 7,400 square metres	Two Loading Spaces
Over 7,400 square metres to and including 14,000 square metres	Three Loading Spaces



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Over 14,000 square metres to and including 22,500 square metres	Four Loading Spaces
Over 22,500 square metres to and including 30,000 square metres	Five Loading Spaces
Over 30,000 square metres, for each additional 9,000 square metres	One Loading Space

**5.13.3 DIMENSIONS**

Each loading space shall be not less than 12 metres long and 4 metres wide and have a vertical clearance of not less than 5 metres.

**5.13.4 LOCATION**

The loading space or spaces required shall be located in the interior side or rear yard unless such space or spaces are set back from the street line a minimum distance of 20 metres.

**5.13.5 LIGHTING**

Where the loading area is adjacent to a Residential zone, any lighting facilities shall be arranged as to deflect the light away from the Residential zone.

**5.13.6 SCREENING**

Where the loading area is adjacent to a Residential zone, a barrier at least 2.0 metres in height shall be erected on the lot line where it abuts the Residential zone. Such barrier shall be constructed of material and in a manner to effect complete visual screening of the loading area.

**5.13.7 ACCESS**

Access to loading or unloading spaces shall be by means of a driveway at least 9 metres wide situated on the lot in which the spaces are located and leading to a street or lane located within the zone in which the use is located.

**5.13.8 LOADING SPACE SURFACE**

The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete or Portland cement binder and with provisions for drainage facilities.

**5.13.9 ADDITIONS TO BUILDINGS**

The loading requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading shall be provided as required by Section 5.13.2 hereof for such addition.

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### 5.14 EXISTING LOTS HAVING LESS AREA AND/OR FRONTAGE

Where a lot having a lesser lot area and/or lot frontage than required herein is held under distinct and separate ownership from abutting lots as shown by a conveyance of title properly executed prior to the date of passing of this By-law or where such lot is created as a result of an expropriation, such smaller lot may be used or a building or structure may be erected, altered or used on such lot provided that all other applicable zone requirements of this By-law are met.

### 5.15 MULTIPLE USES ON ONE LOT

Where a lot is used for more than one use and the lot lies within more than one zone, all the provisions for each zone shall be complied with.

### 5.16 NOXIOUS USES

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which from its nature or the materials used therein, is declared by the local Health Unit or Council of the Corporation to be a noxious trade, business or manufacture under the Health Protection and Promotion Act, as amended, and the Regulations promulgated thereunder and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive or both by:

- a) the creation of noise or vibration, or
- b) the emission of gas, fumes, smoke, dust or objectionable odour, except in the case of agricultural uses operating in compliance with the Agricultural Code of Practice, or
- c) the unsightly storage of goods, wares, merchandise, salvage, refuse matter, automobiles, trailers or parts of vehicles or trailers, machinery or other such material.

### 5.17 PARKING AREA REQUIREMENTS

Parking spaces and areas are required under this By-law in accordance with the Parking Space Requirement Table and the owner of every building or structure erected or used for any of the purposes set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time the required parking spaces and areas.

#### 5.17.1 PARKING SPACE REQUIREMENT TABLE

Type or Nature of Use	Minimum Off-Street Parking Requirements
Additional Dwelling Unit	1 space per additional dwelling unit
Assembly Hall, Place of Entertainment, Place of Worship, Arena, Community Centre and other similar places of assembly	The greater of: <ol style="list-style-type: none"> <li>a) 1 parking space per 6 fixed seats or fraction thereof</li> <li>b) 1 parking space per 9 sq. m. of gross floor area</li> </ol>

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	c) 1 parking space for each 4 persons that can be accommodated at any one time
Boarding, Lodging House	1 parking space per dwelling unit plus 1 parking space per guest room
Bowling Alley	3 parking spaces for each alley
Business or Professional Office, Retail Commercial establishment, Personal Service establishment	1 parking space per 28 sq. m. of gross floor area
Hospital, Long Term Care Facility, Respite Care Facility, Group Home, Community House, Emergency Housing Facility	1 parking space for each 4 beds
Eating Establishment	1 parking space per 9 sq. m. of gross floor area
Home Occupation	1 parking space for every 37 sq. m. of floor area devoted to the use
Liquor Licensed Premises	1 parking space for each 4 persons that may be legally accommodated at one time
Manufacturing or Processing Plant	1 parking space per 36 sq. m. of manufacturing floor area
Medical or Dental Clinic	4 parking spaces per doctor
Hotel, Tourist Establishment	1.2 parking spaces per guest room, cottage or cabin
Post Office, Public Library, Museum	1 parking space per 36 sq. m. of gross floor space
Residential, other than listed herein	2 parking spaces per dwelling unit
School	1.5 parking spaces per classroom
Trailer Camp or Park	1 parking space for each tent or trailer space
Uses permitted by this By-law other than those listed in this table	1 parking space per 36 sq. m. of gross floor area
Workshop	1 parking space per 36 sq. m. of gross floor area

\* In addition to the minimum off-street parking requirements for the use permitted, if Liquor Licensed Premises are contained within a portion thereof, then additional parking spaces shall be provided in accordance with the minimum off-street parking requirements for Liquor Licensed Premises.

**5.17.2 PARKING AREA 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.

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They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities.

**5.17.3 INGRESS AND EGRESS****5.17.3.1**

Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3 metres but not more than 9 metres in perpendicular width.

**5.17.3.2**

The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.

**5.17.3.3**

The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 9 metres (29.52 ft).

**5.17.3.4**

The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

**5.17.4 MORE THAN ONE USE ON A LOT**

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use.

**5.17.5 PARKING AREA LOCATION ON LOT**

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the required setback as set out in the Parking Area Location Table. Further, in all zones except Residential, no driveway or parking area is permitted within 7.5 metres of the boundary of a Residential zone.

**5.17.6 PARKING AREA LOCATION TABLE**

Zone	Yard in Which Required Parking Area Permitted
Community Facility	All yards provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.
Residential Zones	Interior side and rear yard and one space may be provided in the driveway provided that no part of any parking area, other than a driveway is located closer than 1 metre to any street line and provided further that

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	a parking area, other than a driveway, for a Residential use containing three or more dwelling units is located in no other yard than the rear yard.
Industrial Zones	Interior side and rear yards only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.

**5.17.7 ADDITIONS TO EXISTING BUILDINGS**

The parking space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area as it existed at such date is not increased. If an addition is made to the building or structure which increases the floor area, then parking space for the addition shall be provided as required by the Parking Space Requirement Table.

**5.17.8 USE OF PARKING SPACES AND AREAS**

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted, provided however, that no person shall use any lot in any Residential zone for the parking or storage of more than one of any commercial vehicle in excess of 500 kilograms capacity, except that one commercial motor vehicle not exceeding 1,000 kilograms capacity may be stored in a private garage.

**5.17.9 ABANDONED EQUIPMENT**

Unused and discarded motor vehicles, farm implements and similar abandoned equipment shall not be located or stored in any zone in a location where they will be visible from a street or road or from adjacent lots.

**5.17.10 PARKING SPACE LOCATED ON OTHER LOT**

Where the owner of a building or structure proposes to provide the required parking spaces and areas in a location other than the same lot as the use which requires such spaces and areas, said spaces and areas shall be located within the same zone as the said lot.

**5.17.11 PARKING AREA DESIGN REQUIREMENTS**

The following parking area design requirements shall apply to all required parking areas in all zones except for single detached, semi-detached, duplex, triplex, four-plex, and townhome, and additional dwellings:

**5.17.11.1**

The minimum width of parking spaces shall be 3 metres and the minimum length shall be 6 metres (19.69 ft),

**5.17.11.2**

Where a parking space has a parking angle of 30 degrees or less, such parking space shall be at least 7 metres in length where the aisle width is at least 4 metres,

**5.17.11.3**

Where the parking angle is less than 50 degrees, the minimum aisle width shall be at least 4 metres,

**5.17.11.4**

Where the parking angle is equal to or greater than 50 degrees but less than 70 degrees, the minimum aisle width shall be at least 5.5 metres,

**5.17.11.5**

Where the parking angle is equal to or greater than 70 degrees but less than or equal to 90 degrees, the minimum aisle width shall be at least 7 metres.

**5.17.12 ACCESSIBLE PARKING**

In any zone, the required number of parking spaces shall include the provision of accessible parking spaces in the minimum quantity specified below:

**5.17.12.1 Residential:**

Accessible parking spaces are provided at a rate of 4% of the required parking spaces;

**5.17.12.2 Residential Exception:**

Accessible parking is not required for single detached, semi-detached, duplexes, triplexes and row houses (townhouses) that do not have a shared parking arrangement;

**5.17.12.3 Commercial and residential:**

Accessible parking spaces are provided at a rate of 4% of the required parking spaces;

**5.17.12.4 Industrial:**

Accessible parking spaces are provided at a rate of 4% for the first 200 required parking spaces and 3% for the additional required parking spaces, including a minimum of one Type A (Van accessible) required accessible space, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type;

**5.17.12.5 Institutional:**

Accessible parking spaces are provided at a rate of 10% of the required parking spaces;

**5.17.12.6 All other uses:**

Accessible parking spaces are provided at a rate of 4% of the required parking spaces;

**5.17.12.7**

When determining the required number of parking spaces in accordance with the above provisions, any fraction derived from the calculation shall be rounded up to the nearest whole number;

**Section 5: General Provisions****5.17.12.8**

Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of the zoning By-law, an equal number of parking spaces that meet the requirements of Type A Parking space and Type B parking space must be provided; and

**5.17.12.9**

Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the zoning By-law the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd numbered space, may be a Type B parking space.

**5.17.12.10 Design Standards**

The following regulations shall apply to accessible parking spaces:

- a) Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length and must have signage specifying that they are van-accessible;
- b) Type B spaces shall have minimum rectangular dimensions of 2.4 metres width by 6.0 metres length;
- c) An access aisle with a minimum rectangular dimensions of 1.5 in width and 6.0 metres in length and marked with a high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between spaces;
- d) All accessible parking spaces shall be marked by an identifying marker on the pavement consisting of the international symbol of access as a 1.5 metre by 1.5 metre white border and a symbol with a blue background field colour centred on the parking stall;
- e) All accessible parking spaces shall be appropriately signed in accordance with provincial regulation;
- f) A minimum vertical clearance of 2.1 metres shall be provided at accessible parking spaces, passenger loading zones and along routes to accessible parking spaces;
- g) Maximum gradient for a barrier free vehicle parking space shall be five (5) percent, or as required by the Ontario Building Code (OBC), as amended;
- h) Accessible parking spaces shall be located and distributed in a manner that provides substantially equivalent or greater accessibility in terms of distance from an entrance or user convenience; and
- i) Curb ramps, where required shall be provided to permit access from the parking area to a sidewalk.

## **5.18 PLANTING STRIPS AND SCREENS**

### **5.18.1 LOCATION**

Where the interior side or rear lot line in a Commercial or Industrial zone abuts a Residential zone, a planting strip or screening adjoining such abutting lot line or portion thereof shall be provided on the Commercial or Industrial lot. A screen or planting strip shall be required where a higher density residential use is located adjacent to one of lower density.

### **5.18.2 PREREQUISITE**

Where a planting strip or screening is required on a lot, such lot shall be used for no other purpose than that which existed at the date of passing of this By-law unless and until the required planting strip is planted or provided.

### **5.18.3 CONTENTS**

A planting strip shall consist of a continuous unpierced hedgerow of trees, evergreens or shrubs not less than 2 metres high and 3 metres wide immediately adjoining the lot line or portion thereof along which such planting strip is required. A screen may include a fence or berm which provides a visual screen having a minimum height of 1.6 metres. Where an earth berm is to be constructed, it shall have slopes no greater than 3:1 horizontal to vertical ratio.

### **5.18.4 MAINTENANCE**

Where a planting strip is required, it shall be planted, nurtured and maintained by the owner of the lot on which the strip is located.

### **5.18.5 LANDSCAPED OPEN SPACE**

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

### **5.18.6 INTERRUPTION FOR DRIVEWAYS OR PEDESTRIAN WALKS**

In all cases where ingress and egress driveways or walks extend through a planting strip or screen, it shall be permissible to interrupt the strip or screen within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walk.

## **5.19 PUBLIC USES**

### **5.19.1 PUBLIC USE**

Except as otherwise provided in Section 5.19.3 hereof, the provisions of this By-law shall not apply to the use of any lot under the jurisdiction of any Public Authority or to the erection or use of the services provided by a Public Authority.



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### **5.19.2 STREETS AND INSTALLATIONS**

#### **5.19.2.1**

Nothing in this By-law shall prevent land from being used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, overhead or underground electric, telegraph, telephone or other supply and/or communication line including their distribution, transformer, pumping and/or regulating stations but not including their offices and maintenance facilities provided that the location of such main, line or station has been approved by the Corporation.

#### **5.19.2.2**

Nothing in this By-law shall prevent land from being used for a wayside pit or quarry, portable asphalt plant, or portable concrete plant used on Public Authority contracts except in those lands zoned Hazard (H).

#### **5.19.2.3**

Notwithstanding Subsection 5.19.2.1, the approval by the Council of the Corporation shall not be required for any public use which has received prior approval pursuant to the provisions of the Environmental Assessment Act, as amended.

### **5.19.3 LOCATION**

A public use shall be permitted in all zones, subject to the provisions of Section 5.19.2.

### **5.19.4 PROVISIONS**

Notwithstanding any other provisions of this By-law to the contrary, where a public use is not restricted to a specific zone, the provisions of the zone in which the use is located shall apply except as provided in Section 5.19.2.1.

### **5.19.5 OUTSIDE STORAGE**

No goods, materials or equipment shall be stored outside the building or structure located on a lot except as may otherwise be permitted under this By-law.

## **5.20 SETBACKS FROM HIGH WATER MARK**

All new development shall include a 30 metre setback from the annual high water mark as determined by the Ministry of Natural Resources and Forestry, or other similar agency. Only those buildings, structures and uses requiring proximity to water, such as docks, boat houses or similar accessory uses, may be located within 30 metres of the high water mark of the water body.

## **5.21 SHORT TERM ACCOMMODATION**

Short Term Accommodation, as defined herein, shall be permitted within the Municipality subject to the following provisions:

- a) Short term accommodation uses are only permitted within the R1, R2, or R3 Zones only.

## Section 5: General Provisions

- b) A short term accommodation use shall have a maximum of three (3) bedrooms.
- c) One (1) enclosed waste/recycling depot consisting of a self-enclosed building, structure or container, located outside of the short term accommodation, of sufficient size that it will store the garbage and waste generated by the premises until such garbage and waste is disposed of.
- d) A minimum of 1 parking space is required for each bedroom rented.
- e) Short term accommodation within the entire municipality may be subject to a licensing system under the Municipal Act.

### 5.22 SIGHT TRIANGLES

On a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in the Highway Traffic Act shall be parked, or no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected and no land shall be used for the purposes of growing shrubs or trees in excess of 1 metre in height. Such triangular space may hereinafter be called a "sight triangle". 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.

### 5.23 SPECIAL USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all zones within the Corporation on the lot where construction is being undertaken and only for so long as it is necessary for the work in progress and until such work is completed

### 5.24 THROUGH LOTS

Where a lot which is not a corner lot has frontage on more than one street, the setback and front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

### 5.25 TRAILERS, CAMPER TRAILERS AND TENTS

#### 5.25.1 PARKING-AND STORAGE

The parking and storage of trailers, motorized mobile homes, truck campers and camper trailers shall be prohibited in all zones, EXCEPT where such vehicle is parked or stored on the owner's lot. (See Municipal Vehicle Parking & Storage By-law 14-98)

#### 5.25.2 HUMAN OCCUPATION

The use of tents and trailers for human habitation or for business or other purposes is prohibited provided, however, that this provision shall not prevent the use of tents for children's play or for picnics.

**5.25.3 TRUCK, BUS AND COACH BODIES**

No truck, bus, coach or streetcar body or structure of any kind, other than a dwelling unit erected and used in accordance with this By-law, the Building Code Act, as amended, and the regulations thereunder and all other bylaws of the Corporation, shall be used for human habitation or storage of goods and materials within any area affected by this By-law whether or not the same is mounted on wheels.

## 6.0 ZONE PROVISIONS

### 6.1 RESIDENTIAL TYPE 1 (R1) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Residential Type 1 (R1) zone, subject to the general provisions set out in Section 5 of this by-law.

#### 6.1.1 PERMITTED USES

##### 6.1.1.1 RESIDENTIAL USES

- single detached dwelling
- additional dwelling unit in accordance with the provisions of Section 5.1.5
- group home
- a home occupation in accordance with the provisions of Section 5.10
- a bed and breakfast establishment (2 rooms)

##### 6.1.1.2 ACCESSORY USES

Uses, buildings or structures accessory to any of the permitted uses herein in accordance with the provisions of this By-law.

#### 6.1.2 REGULATIONS FOR RESIDENTIAL USES ON FULL MUNICIPAL SERVICES

<b>Minimum Lot Area</b>	550 m <sup>2</sup>	for single detached dwelling
	650 m <sup>2</sup>	for duplex dwelling
	325 m <sup>2</sup>	for semi-detached dwelling (per unit)
<b>Minimum Lot Frontage</b>	15.0 m	for single detached dwelling
	21.0 m	for duplex dwelling
	9.0 m	for semi-detached dwelling (per unit)
<b>Maximum Lot Coverage</b>	30%	for single detached dwelling
	35%	for duplex dwelling or semi-detached dwelling (per unit)
<b>Minimum Landscaped Open Space</b>	30%	
<b>Minimum Front Yard</b>	6.0 m	
<b>Minimum Rear Yard</b>	7.5 m	
<b>Minimum Exterior Side Yard</b>	3.0 m	
<b>Minimum Interior Side Yard</b>	1.5 m	

**Section 6: Zone Provisions**

<b>Maximum Building Height</b>	11.0 m	
<b>Minimum Setback from Street Centreline</b>	21.0 m	County Road
	17.7 m	Town Street

**6.1.3 REGULATIONS FOR RESIDENTIAL USES ON PARTIAL MUNICIPAL OR PRIVATE SERVICES**

<b>Minimum Lot Area</b>	1,100 m <sup>2</sup>	for single detached dwelling on public water and private sewage disposal
	4,000 m <sup>2</sup>	for single detached dwelling on private well and private sewage disposal
<b>Minimum Lot Frontage</b>	24 m	for single detached dwelling on public water and private sewage disposal
	45 m	for single detached dwelling on private well and private sewage disposal
<b>All other lot regulations of Section 6.1.2 shall apply.</b>		

**6.1.4 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS****6.1.4.1 Interior side yard width:**

1.5 metres except as provided in Section 5.1 of this by-law

**6.1.4.2 Exterior side yard width:**

4.5 metres

**6.1.4.3 Rear yard depth:**

1.5 metres

**6.1.5 EXCEPTIONS**

(RESERVED)

## Section 6: Zone Provisions

### 6.2 RESIDENTIAL TYPE 2 (R2) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Residential Type 2 (R2) zone, subject to the general provisions set out in Section 5 of this by-law.

#### 6.2.1 PERMITTED USES

##### 6.2.1.1 RESIDENTIAL USES

- all uses permitted in the Residential Type 1 (R1) zone
- semi-detached dwelling
- duplex dwelling
- triplex dwelling
- fourplex dwelling
- additional dwelling unit in accordance with Section 5.1.5.
- boarding or lodging house

##### 6.2.1.2 NON-RESIDENTIAL USES

- public uses or utilities in accordance with the provisions of this By-law

##### 6.2.1.3 ACCESSORY USES

Uses, buildings or structures accessory to any of the permitted uses and in accordance with the provisions of this By-law.

#### 6.2.2 RESIDENTIAL USES PERMITTED IN THE RESIDENTIAL TYPE 1 (R1) ZONE

All regulations for residential uses permitted in the Residential Type 1 (R1) zone as set out in Section 6.1 of this By-law shall also apply to these uses within the Residential Type 2 (R2) zone.

#### 6.2.3 REGULATIONS FOR TRIPLEX, FOURPLEX AND BOARDING OR LODGING HOUSES

<b>Minimum Lot Area</b>	836 m <sup>2</sup>	for triplex dwelling
	1,114 m <sup>2</sup>	for fourplex dwelling
	925 m <sup>2</sup>	for boarding or lodging house
<b>Minimum Lot Frontage</b>	15.0 m	for single detached dwelling
	21.0 m	for duplex dwelling
	9.0 m	for semi-detached dwelling (per unit)
<b>Maximum Lot Coverage</b>	30%	for single detached dwelling
<b>Minimum Landscaped Open Space</b>	30%	

## Section 6: Zone Provisions

<b>Minimum Front Yard</b>	6.0 m	
<b>Minimum Rear Yard</b>	7.5 m	
<b>Minimum Exterior Side Yard</b>	3.0 m	
<b>Minimum Interior Side Yard</b>	1.5 m	
<b>Maximum Building Height</b>	11.0 m	
<b>Minimum Setback from Street Centreline</b>	21.0 m	County Road
	17.7 m	Town Street

### 6.2.4 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS

#### **6.2.4.1 Exterior side yard width:**

4.5 metres

#### **6.2.4.2 Interior side yard width:**

1.5 metres except as provided in Section 5.1 of this By-law

#### **6.2.4.3 Rear yard depth:**

1.5 metres

### 6.2.5 REGULATIONS FOR HOME OCCUPATIONS

SEE Section 5.10

### 6.2.6 REGULATIONS FOR OFF STREET PARKING

SEE Section 5.17

### 6.2.7 EXCEPTIONS

(RESERVED)

## **Section 6: Zone Provisions**

### **6.3 RESIDENTIAL TYPE 3 (R3) ZONE**

The following provisions shall apply to the use of land, buildings and structures in the Residential Type 3 (R3) zone, subject to the general provisions set out in Section 5 of this by-law.

#### **6.3.1 PERMITTED USES**

##### ***6.3.1.1 RESIDENTIAL USES***

- all uses permitted in the Residential Type 1 (R1) or Residential Type 2 (R2) Zones
- townhouse dwelling (street)
- townhouse dwelling (block)
- additional dwelling unit in accordance with Section 5.1.5
- apartment dwelling

##### ***6.3.1.2 ACCESSORY USES***

Uses, buildings or structures accessory to any of the foregoing permitted uses specified under Section 6.3.1.1 hereof and in accordance with the provisions of this By-law.

#### **6.3.2 REGULATIONS FOR RESIDENTIAL USES PERMITTED IN THE RESIDENTIAL TYPE 1 (R1) AND RESIDENTIAL TYPE 2 (R2) ZONES**

All regulations for residential uses permitted in the Residential Type 1 (R1) zone as set out in Section 6.1 or in the Residential Type 2 (R2) zone as set out in Section 6.2 of this By-law shall also apply to these uses within the Residential Type 3 (R3) zone.



**Section 6: Zone Provisions****6.3.3 REGULATIONS FOR TOWNHOUSE OR APARTMENT DWELLING**

<b>Minimum Lot Area</b>	200 m <sup>2</sup> per unit	Townhouse Dwelling
	133 m <sup>2</sup> per unit	Apartment Dwelling
		For permitted Special Needs Housing, 133m <sup>2</sup> of lot area per unit, or 60m <sup>2</sup> per bed, whichever is greater.
<b>Minimum Lot Frontage</b>	6 m	Townhouse Dwellings (per interior unit)
	10 m	Townhouse Dwellings (per exterior unit)
	30.0 m	For a lot wholly containing an Apartment Dwelling
<b>Minimum Landscaped Planting Strip</b>	1.5 m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
<b>Maximum Lot Coverage</b>	50%	Townhouse Dwelling (Street)
	40%	Townhouse Dwelling (Block)
	40%	Apartment Dwelling
<b>Minimum Landscaped Open Space</b>	30%	Townhouse Dwelling (Street or Block)
	20%	Apartment Dwellings in an Apartment Building
<b>Minimum Front Yard</b>	7.5 m	
<b>Minimum Rear Yard</b>	7.5 m	
<b>Minimum Exterior Side Yard</b>	4.5 m	
<b>Minimum Interior Side Yard</b>	2.0 m	Townhouse Dwelling
	3.0 m	Apartment Dwelling
<b>Maximum Building Height</b>	11.0 m	
	21.0 m	County Road

## Section 6: Zone Provisions

<b>Minimum Setback from Street Centreline</b>	17.7 m	Town Street
<b>Parking Location</b>	No parking is permitted in the exterior side yards	

### 6.3.4 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS

#### **6.3.4.1 Exterior Side Yard Width:**

4.5 metres

#### **6.3.4.2 Interior Side Yard Width:**

1.5 metres except as provided in Section 5.1 of this By-law

#### **6.3.4.3 Rear Yard Depth:**

1.5 metres

### 6.3.5 REGULATIONS FOR HOME OCCUPATIONS

SEE SECTION 5.10

### 6.3.6 REGULATIONS FOR OFF-STREET PARKING

SEE SECTION 5.17

### 6.3.7 EXCEPTIONS

(RESERVED)

## Section 6: Zone Provisions

### 6.4 GENERAL COMMERCIAL (C1) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Highway Commercial (C1) zone, subject to the general provisions set out in Section 5 of this By-law.

#### 6.4.1 PERMITTED USES

##### 6.4.1.1 RESIDENTIAL USES

- single unit dwelling house for the owner, manager or employee of the permitted non-residential use
- dwelling unit in part of a non-residential building except a motor vehicle body shop, motor vehicle repair garage or a motor vehicle service station.

##### 6.4.1.2 NON-RESIDENTIAL USES

- assembly hall
- bake shop
- bank or financial establishment
- bowling alley
- business, professional or administrative offices
- commercial or private club
- convenience store
- craft shop
- day nursery
- dry cleaners establishment
- drive-through service facility
- eating establishment, including take-out eating establishment
- farm implement and/ or supply dealer
- ferment on premises facility
- food market
- funeral home
- garden centre
- hotel, motel
- laundry establishment
- Liquor Control Board or Brewer's Retail outlet
- marine and/or snowmobile dealer
- medical or dental clinic
- motor vehicle body shop
- motor vehicle dealer
- motor vehicle gasoline bar
- motor vehicle repair garage
- motor vehicle sales, used
- motor vehicle service station
- motor vehicle wash, automatic

## Section 6: Zone Provisions

- parking lot
- place of entertainment
- printing or publishing establishment
- rental establishment
- retail commercial establishment
- retail lumber yard
- service shop
- tavern
- taxi depot
- theatre
- tourist establishment
- trailer sales agency
- uses permitted in the Community Facility (CF) zone
- veterinary clinic

### **6.4.1.3 ACCESSORY USES**

Uses, buildings and structures accessory to any of the permitted uses in accordance with the provisions of this By-law.

### **6.4.2 REGULATIONS FOR RESIDENTIAL USES**

The regulations for residential uses as specified in Section 6.1 hereof shall apply within the General Commercial (C1) Zone. In addition, the following requirements shall apply:

#### **6.4.2.1 MINIMUM SEPARATION**

Where a dwelling house is erected or any building or structure is altered or used as a dwelling house, such house shall not be located closer than:

- 3 metres from a permitted non-residential use other than a motor vehicle repair garage, service station or body shop,
- 7.5 metres from a motor vehicle repair garage, service station or body shop.

#### **6.4.2.2 SECONDARY USE**

The residential uses permitted on a lot in a General Commercial (C1) Zone shall be secondary and incidental to the non-residential use of the lot, being located either to the rear of the permitted non-residential use or, except where the permitted non-residential use is a motor vehicle repair garage, service station or body shop, in an upper storey.

#### **6.4.2.3 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING**

##### **6.4.2.3.1 MAXIMUM NUMBER OF DWELLING UNITS: 1**

**Section 6: Zone Provisions****6.4.3 REGULATIONS FOR NON-RESIDENTIAL USES**

<b>Minimum Lot Area</b>	Public Water and Sanitary	Private Well and Public Sanitary	Public Water and Private Septic
	700 m <sup>2</sup>	1,400 m <sup>2</sup>	2,300 m <sup>2</sup>
<b>Maximum GFA per Use</b>	500 m <sup>2</sup>		
<b>Minimum Lot Frontage</b>	15.0 m		
<b>Minimum Landscaped Planting Strip</b>	1.5 m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.		
<b>Maximum Lot Coverage</b>	50%		
<b>Minimum Landscaped Open Space</b>	20%		
<b>Minimum Front Yard</b>	10.0 m		
<b>Minimum Rear Yard</b>	7.5 m*		
<b>Minimum Exterior Side Yard</b>	6.0 m		
<b>Minimum Interior Side Yard</b>	4.5 m		
<b>Maximum Building Height</b>	11.0 m		
<b>Minimum Setback from Street Centreline</b>	20.0 m	County Road	
	13.0 m	Town Street	

\*except where the rear or interior side lot line abuts a Residential zone, the minimum rear yard depth shall be 9 metres

**6.4.3.1 DRIVEWAYS****6.4.3.1.1 MAXIMUM WIDTH AT FRONT LOT LINE:**

9 metres

**6.4.3.1.2 MINIMUM SEPARATION BETWEEN DRIVEWAYS:**

7.5 metres

**6.4.4 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS****6.4.4.1 Exterior Side Yard Width:**

12 metres

## Section 6: Zone Provisions

### **6.4.4.2 Interior Side Yard Width:**

3 metres

### **6.4.4.3 Rear Yard Depth:**

3 metres

## **6.4.5 REGULATIONS FOR RETAIL GASOLINE ESTABLISHMENTS**

### **6.4.5.1 GASOLINE PUMP LOCATION**

Notwithstanding any other provisions of this By-law to the contrary, a gasoline pump island or gasoline pumps as part of or accessory to a motor vehicle gasoline bar, motor vehicle service station or motor vehicle repair garage may be located within any yard provided:

- the minimum distance between any portion of the pump island or gasoline pumps and any street line or any rear or interior side lot line is not less than 4.5 metres,
- where a lot is a corner lot, no portion of any pump island or gasoline pump shall be located closer than 3 metres to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being distant 15 metres from the intersection of such lot lines and
- any tank installed within the floodplain either above or below ground must be anchored to prevent flotation or dislodgement.

### **6.4.5.2 BULK FUEL AND PROPANE STORAGE TANK LOCATION**

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Provincial Gasoline Handling Act or the Ontario Propane Storage Handling and Utilization Code as may be applicable.

## **6.4.6 PLANTING STRIP**

Where the interior side or rear lot line of a lot within the Highway Commercial (CI) zone abuts a Residential zone, an area adjoining such abutting lot line shall be used for no other purpose than for a planting strip in accordance with the requirements of Section 5.17 as set forth in this By-law.

## **6.4.7 ASSEMBLY**

The assembly of components which are part of a permitted use shall be permitted provided such assembly is secondary.

## **6.4.8 REGULATIONS FOR OFF-STREET PARKING**

SEE Section 5.17.

## **6.4.9 EXCEPTIONS**

### **6.4.9.1 General Commercial Exception One (C1-1) Zone**

Notwithstanding the provisions of Section 6.4 of this bylaw to the contrary and provided all other provisions of the By-law are complied with, the permitted uses within the C1-1 and C1-f-1 Zones shall be limited to a tourist establishment.

## **Section 6: Zone Provisions**

### ***6.4.9.2 General Commercial Exception Two (C1-2) Zone***

Notwithstanding the provisions of Section 6.4 of this bylaw to the contrary and provided all other provisions of the By-law are complied with, the permitted uses within the C1-2 Zone shall be limited to a motel, including two permanent residential units.

### ***6.4.9.3 General Commercial Exception Three (C1-3) Zone***

Notwithstanding the provisions of Section 6.4 of this bylaw to the contrary and provided all other provisions of the By-law are complied with, the permitted uses within the C1-3 Zone shall be limited to a motor vehicle service station.

### ***6.4.9.4 General Commercial Exception Four (C1-4) (formerly C2-2)***

Notwithstanding the provisions of Section 6.4 of this bylaw to the contrary and provided all other provisions of the By-law are complied with, the permitted uses within the C2-2 zone shall be limited to the manufacture and display of furniture or other goods, a restaurant comprising no more than 465 square metres and the use of no more than 84 square metres of floor area for the restoration of antique cars. One residential unit for the owner, manager or caretaker is also permitted.

## Section 6: Zone Provisions

### 6.5 MAIN STREET CORE COMMERCIAL (C2) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Main Street Core Commercial (C2) zone, subject to the general provisions set out in Section 5 of this By-law and where, unless stated otherwise herein, full municipal services are available.

#### 6.5.1 PERMITTED USES

##### 6.5.1.1 RESIDENTIAL USES

Dwelling units may be permitted in part of a non-residential building, except where the building is used for a motor vehicle service station, motor vehicle repair garage, motor vehicle dealership or a motor vehicle body shop, provided that such dwelling units are located above the first floor only.

##### 6.5.1.2 NON-RESIDENTIAL USES

- assembly hall
- bake shop
- bank or financial establishment
- bowling alley
- business, professional or administrative offices
- commercial or private club
- convenience store
- craft shop
- day nursery
- dry cleaners establishment
- eating establishment, including take-out eating establishment
- ferment on premises facility
- food market
- funeral home
- hotel
- laundry establishment
- Liquor Control Board or Brewer's Retail outlet
- medical or dental clinic
- parking lot
- place of entertainment
- printing or publishing establishment
- retail commercial establishment
- service shop
- tavern
- taxi depot
- theatre
- tourist establishment
- uses permitted in the Community Facility (CF) zone
- veterinary clinic



**Section 6: Zone Provisions****6.5.1.3 ACCESSORY USES**

Uses, buildings and structures accessory to any of the permitted uses in accordance with the provisions of this By-law.

**6.5.2 REGULATIONS FOR ALL USES**

<b>Minimum Lot Area</b>	133 m <sup>2</sup> lot area/unit	Apartment Dwellings in a Mixed-Use Building;
	300 m <sup>2</sup>	All other Permitted uses
	For permitted Special Needs Housing, 133m <sup>2</sup> of lot area per unit, or 60m <sup>2</sup> of lot area per bed, whichever is greater.	
<b>Maximum GFA per Use</b>	500 m <sup>2</sup>	
<b>Minimum Landscaped Planting Strip</b>	where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
<b>Minimum Landscaped Open Space</b>	10%	
<b>Minimum Front Yard</b>	0.0 m	
<b>Minimum Rear Yard</b>	7.5 m	
<b>Minimum Exterior Side Yard</b>	3.0 m	
<b>Minimum Interior Side Yard</b>	0.0 m	
	4.5 m	where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.
<b>Maximum Lot Coverage</b>	80%	
<b>Maximum Building Height</b>	11.0 m	
<b>Parking and Loading</b>	Vehicle parking and loading facilities shall be located in rear and side yards. No vehicular parking or loading facilities may be located within any front yard.	

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### 6.5.3 DRIVEWAYS

Notwithstanding any other provisions of this By-law, the following provisions shall apply to driveways in the Main Street Core Commercial (C2) Zone:

#### 6.5.3.1

the maximum width of a driveway measured along the sidewalk, where such exists, and otherwise along the streetline shall be 9 metres;

#### 6.5.3.2

the minimum distance between driveways, measured along the streetline intersected by such driveways shall be 7.5 metres;

#### 6.5.3.3

the minimum distance between a driveway and an intersection of streetlines, measured along the streetline intersected by such driveway, shall be 9 metres;

#### 6.5.3.4

the minimum distance between an interior side lot line and any driveway shall be 3 metres;

#### 6.5.3.5

the interior angle formed between the streetline and centre line of any driveway shall be not less than 45 degrees.

### 6.5.4 BUFFER STRIP

Where the interior side or rear lot line of a lot within the Main Street Core Commercial (C2) zone abuts a Residential zone, an area adjoining such abutting lot line shall be used for no other purpose than for a buffer strip in accordance with the requirements of Section 5.18 herein.

### 6.5.5 EXCEPTIONS

#### 6.5.5.1 *Main Street Core Commercial Exception One (C2-1) Zone*

Notwithstanding the provisions of Section 6.5 of this By-law to the contrary and provided all other provisions of the By-law are complied with:

- the permitted uses within the C2-1 zone shall be limited to a retail commercial establishment and/or a wholesale business which shall, for the purposes of this By-law, be defined as the use of land or the occupancy of a building and/or structure for the purpose of selling and/or offering for sale or bid, goods, wares and/or merchandise on a wholesale basis and includes the storage or warehousing of those goods, wares and/or merchandise. A wholesale business, for the purposes of this By-law, shall include an auction sales barn.

## Section 6: Zone Provisions

### 6.6 WATERFRONT DEVELOPMENT (C3) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Waterfront Development zone, subject to the general provisions set out in Section 5 of this by-law and unless otherwise stated herein, where full municipal services are available.

#### 6.6.1 PERMITTED USES

##### 6.6.1.1 RESIDENTIAL USES

Dwelling units may be permitted provided that at least 40% of the gross floor area within the building in which the dwelling units are located contains permitted non-residential uses.

##### 6.6.1.2 NON-RESIDENTIAL USES

- community centre
- convenience store
- business, professional or administrative offices
- eating establishment, including take-out establishment
- hotel
- marina
- marine facility
- motel
- public park
- place of entertainment
- retail commercial establishment
- service shop
- yacht club
- all uses permitted in the Community Facility (CF) Zone

##### 6.6.1.3 ACCESSORY USES

Uses, buildings and structures accessory to any of the permitted uses in accordance with the provisions of this By-law.

#### 6.6.2 REGULATIONS FOR NON-RESIDENTIAL USES EXCLUSIVE MARINAS/MARINE FACILITIES

<b>Maximum Lot Coverage</b>	50%
<b>Minimum Landscaped Open Space</b>	20%
<b>Minimum Front Yard</b>	4.5 m
<b>Minimum Rear Yard</b>	7.5 m
<b>Minimum Exterior Side Yard</b>	6.0 m
<b>Minimum Interior Side Yard</b>	4.5 m*

**Section 6: Zone Provisions**

<b>Maximum Building Height</b>	11.0 m	
<b>Minimum Setback from Street Centreline</b>	13.0 m	County Road
	10.0 m	Town Street

*\* where the rear or interior side lot line abuts a Residential zone, the minimum rear yard depth shall be 7.5 metres*

**6.6.3 REGULATIONS FOR MARINAS AND MARINE FACILITIES**

<b>Minimum Lot Frontage</b>	30.5 m	
<b>Minimum Front Yard</b>	12.0 m	
<b>Minimum Rear Yard</b>	7.5 m	
<b>Minimum Exterior Side Yard</b>	12.0 m	
<b>Minimum Interior Side Yard</b>	6.0 m*	
<b>Minimum Setback from Street Centreline</b>	25.5 m	County Road
	22.5 m	Town Street
<b>All other lot regulations of Section 6.6.2 shall apply</b>		

*\* where the rear or interior side lot line abuts a Residential zone, the minimum rear yard depth shall be 7.5 metres*

**6.6.4 BUFFER STRIP**

Where the interior side or rear lot line of a lot with any of the uses listed in Section 6.6.1.2 abuts a Residential zone, an area adjoining such abutting lot line shall be used for no other purpose than for a buffer strip in accordance with the requirements of Section 5.18 herein.

**6.6.5 EXCEPTIONS****6.6.5.1 Waterfront Development Exception One (C3-1) Zone**

Notwithstanding the provisions of Section 6.6 of this bylaw to the contrary, and provided that all other provisions of this By-law are complied with, the following provisions shall apply within the C3-1 and C3-f-1 zones:

- in addition to those land uses permitted in the C3 zone, row dwellings, apartments, a manufacturing or processing plant and warehouse are permitted,
- the provisions of Section 6.3 of this By-law shall apply to any residential use. In addition, the density of residential development shall not exceed 50 units/net hectare,
- open storage accessory to a permitted manufacturing or processing plant shall be permitted provided the entire perimeter of the area to be used for open storage shall

## Section 6: Zone Provisions

be screened in such a manner as to provide a total visual barrier on a year-round basis of the open storage area and all things within the open storage area; no goods, wares, equipment or other things shall be stored in such a manner within the screened open storage area so as to be visible from outside of the open storage area and no open storage shall be permitted within 7.5 metres of any front, rear or side lot line,

- temporary or seasonal storage of boats shall be permitted provided that such storage is accessory to a permitted use. For the purposes of this provision, "boats" shall mean only pleasure boats that are fully constructed and operational and shall not include derelict or wrecked boats or boats that are under construction.

### **6.6.5.2 Waterfront Development Exception Two (C3-2) Zone**

Notwithstanding the provisions of Section 6.6., of this By-law to the contrary, and provided all other provisions of this By-law are complied with, permitted uses within the C3-2-h and C3-f-2-h Zone shall be limited to a hotel comprising a maximum of 40 units and restaurant seating 100, a condominium apartment the maximum height of which shall be 21.3 metres and comprising a maximum of 40 units together with minimum accessory parking for 130 vehicles, 40 of which may be incorporated within the condominium building.

Development may proceed once the "h" symbol has been removed by By-law. Removal of the "h" symbol shall be permitted once a site plan and/or development agreement have been entered into with the municipality that adequately provides for the servicing access, parking, landscaping, siting of buildings and structures and such other matters as the municipality may require. Notwithstanding the provisions of Section 6.2 of this bylaw to the contrary, a triplex shall be permitted within the R2-1 zone with a minimum interior side yard width of 6.07 metres and minimum lot frontage of 20 metres.

## Section 6: Zone Provisions

### 6.7 GENERAL INDUSTRIAL (M1) ZONE

The following provisions shall apply to the use of land, buildings and structures in the General Industrial (M1) zone, subject to the general provisions set out in Section 5 of this By-law.

#### 6.7.1 PERMITTED USES

- Builder's supply outlet
- bulk storage tanks
- contractor's yard
- equipment, including farm equipment, rental, sales and service
- lumber yard
- machine or welding shop
- manufacturing, processing, fabricating or assembly plant
- marine and/or snowmobile dealer
- motor vehicle body shop
- motor vehicle repair garage
- open storage
- printing and publishing establishment
- public works depot
- retail sales, in conjunction with and secondary to a permitted use
- service shop
- transport terminal or yard
- warehouse
- wholesale establishment
- workshop

##### 6.7.1.1 ACCESSORY USES

Uses, buildings and structures accessory to any of the permitted uses in accordance with Section 5.1 of this By-law.

##### 6.7.1.2 RETAIL SALES

A retail sales outlet shall be permitted for the purpose of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the main building and occupies a maximum of 5% of the gross floor area of the main building or 100 square metres, whichever is the lesser.

**Section 6: Zone Provisions****6.7.2 REGULATIONS FOR ALL USES IN THE M1 ZONE**

<b>Minimum Lot Area</b>	2,500 m <sup>2</sup>	
<b>Minimum Landscaped Open Space</b>	5%	
<b>Maximum Lot Coverage</b>	50%	
<b>Minimum Front Yard</b>	10.0 m	
	Where the front yard abuts a street adjacent to a Residential Zone or lands used for residential purposes, the minimum interior side yard width is 25.0 m.	
<b>Minimum Rear Yard</b>	10.0 m	
	Where the interior side lot line abuts a Residential Zone or lands used for residential purposes, the minimum interior side yard width is 25.0 m.	
<b>Minimum Exterior Side Yard</b>	10.0 m	
	Where the exterior side yard abuts a street adjacent to a Residential Zone or lands used for residential purposes, the minimum interior side yard width is 25.0 m.	
<b>Minimum Interior Side Yard</b>	10.0 m	
	Where the interior side lot line abuts a Residential Zone or lands used for residential purposes, the minimum interior side yard width is 25.0 m.	
<b>Maximum Building Height</b>	11.0 m	
<b>Minimum Setback from Street Centreline</b>	22.5 m	County Road
	19.5 m	Town Street

**6.7.3 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS****6.7.3.1 MINIMUM EXTERIOR SIDE YARD WIDTH:**

5 metres

## Section 6: Zone Provisions

### **6.7.3.2 MINIMUM INTERIOR SIDE YARD WIDTH:**

5 metres

### **6.7.3.3 MINIMUM REAR YARD DEPTH:**

5 metres

## **6.7.4 SPECIAL PROVISIONS**

### **6.7.4.1 PLANTING STRIPS OR SCREENS**

Where the interior side or rear lot line of a lot within the M1 (Industrial) zone abuts a Residential zone, an area adjoining such abutting lot line shall be used for no other purpose than a planting strip in accordance with the requirements of Section 5.18 as set out in this By-law.

### **6.7.4.2 OPEN STORAGE**

The outside display and storage of goods and materials where such are accessory and incidental to a permitted use is permitted in any yard provided such storage complies with the yard and setback requirements for the Industrial (M1) zone, that such open storage, does not cover more than 30% of the lot area and that any portion of a lot used for such open storage is screened from adjacent uses and streets abutting the lot by buildings or enclosed by shrub planting, a planting strip or within a closed wooden, plastic and/or metal fence extending at least 1.8 metre in height from the ground. All fences except those constructed of aluminum, shall be painted and kept painted from time to time in order to maintain the wood or metal in good condition.

### **6.7.4.3 DRIVEWAYS**

#### **6.7.4.3.1 Maximum Width at Property Line:**

9 metres

#### **6.7.4.3.2 Minimum Separation Between Driveways:**

30 metres

### **6.7.4.4 GATE HOUSE**

A gate house is permitted in accordance with Section 5.1.6 as set forth in this By-law.

### **6.7.4.5 PROPERTY ABUTTING RAILWAY**

Where a lot or portion thereof abuts a railway right-of-way the provisions of Section 5.1 as set out in this By-law shall apply.

## **6.7.5 EXCEPTIONS**

(RESERVED)



## Section 6: Zone Provisions

### 6.8 WASTE DISPOSAL INDUSTRIAL (M2) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Waste Disposal Industrial (M2) zone, subject to the general provisions set out in Section 5 of this by-law.

#### 6.8.1 PERMITTED USES

- salvage yard
- waste disposal area
- open storage associated with a permitted use herein.

#### 6.8.2 ACCESSORY USES

Uses, buildings and structures accessory to any of the permitted uses in accordance with Section 5.1 of this By-law.

#### 6.8.3 REGULATIONS FOR ALL USES IN THE M2 ZONE

<b>Maximum Lot Coverage</b>	50%	
<b>Minimum Landscaped Open Space</b>	20%	
<b>Minimum Front Yard</b>	45 m	
<b>Minimum Rear Yard</b>	45 m	
<b>Minimum Exterior Side Yard</b>	45 m	
<b>Minimum Interior Side Yard</b>	45 m	
<b>Maximum Building Height</b>	11.0 m	
<b>Minimum Setback from Street Centreline</b>	58.5 m	County Road
	55.5 m	Town Street

#### 6.8.4 DRIVEWAYS

##### **6.8.4.1 MAXIMUM WIDTH AT PROPERTY LINE:**

9 metres

##### **6.8.4.2 MINIMUM SEPARATION BETWEEN DRIVEWAYS:**

30 metres

**6.8.5 SPECIAL PROVISIONS**

***6.8.5.1 CERTIFICATE OF APPROVAL***

In the Waste Disposal Industrial (M2) zone, no use shall be established, altered, enlarged or extended unless Environmental Compliance Approval (ECA) has been issued by the Ministry of Environment, Conservation and Parks, or other applicable approval authority.

***6.8.5.2 OPERATION***

In the Waste Disposal Industrial (M2) zone, permitted uses shall be operated in accordance with the regulations pursuant to the Environmental Protection Act.

***6.8.5.3 LOCATION***

In the Waste Disposal Industrial (M2) zone, no permitted use shall be located closer than 150 metres to a Residential zone.

***6.8.5.4 PLANTING STRIP***

Where a lot in a Waste Disposal Industrial (M2) zone abuts a Residential zone, the requirements of Section 5.18 of this By-law shall apply. In addition, a minimum, width of 3 metres abutting all lot lines shall be maintained as landscaped area and shall provide visual screening of open storage areas and disposal operations.

***6.8.5.5 EXCEPTIONS***

(RESERVED)

## Section 6: Zone Provisions

### 6.9 COMMUNITY FACILITY (CF) ZONE

The following provisions shall apply to the use of land, buildings and structures in the Community Facility (CF) zone, subject to the general provisions set out in Section 5 of this by-law.

#### 6.9.1 PERMITTED USES

##### 6.9.1.1 RESIDENTIAL USES

- special needs housing
- single unit dwelling for the owner, manager or employee of the permitted non-residential use
- dwelling unit in part of a non-residential building secondary to the non-residential use.

##### 6.9.1.2 NON-RESIDENTIAL USES

- active recreation
- passive recreation
- art gallery/museum
- arena
- assembly hall
- cemetery
- community centre
- conservation area
- day care/nursery centre
- education facility
- fairgrounds
- firehall
- government administration offices and service buildings
- hospital
- law enforcement establishment
- library
- place of worship
- post office
- private club or fraternal lodge
- public park
- public use
- school
- special needs housing
- water supply plant

##### 6.9.1.3 ACCESSORY USES

Uses, buildings and structures accessory to any of the permitted uses in accordance with Section 5.1 of this By-law.

**Section 6: Zone Provisions****6.9.2 REGULATIONS FOR ALL USES IN THE CF ZONE**

<b>Minimum Lot Area</b>	550 m <sup>2</sup> For permitted Special Needs Housing, 133m <sup>2</sup> of lot area per unit, or 60m <sup>2</sup> per bed, whichever is greater.	
<b>Minimum Lot Frontage</b>	30.0 m	
<b>Minimum Landscaped Planting Strip</b>	1.5m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
<b>Maximum Lot Coverage</b>	50%	
<b>Minimum Landscaped Open Space</b>	20%	
<b>Minimum Front Yard</b>	7.5 m	
<b>Minimum Rear Yard</b>	7.5 m	
<b>Minimum Exterior Side Yard</b>	7.5 m	
<b>Minimum Interior Side Yard</b>	7.5 m	
<b>Maximum Building Height</b>	11.0 m	

**6.9.3 PLANTING STRIPS**

Where the interior side or rear lot line of a lot within the CF (Community Facility) zone abuts a Residential zone, an area adjoining such abutting lot line shall be used for no other purpose than a planting strip in accordance with the requirements of Section 5.18 as set out in this by-law.

**6.9.4 EXCEPTIONS**

(RESERVED)

## Section 6: Zone Provisions

### 6.10 HAZARD (H) ZONE

The "H (Hazard)" zone represents areas that may be susceptible to flooding or erosion, or contain steep slopes or organic soils that exhibit a risk to life or property should development occur.

The following provisions shall apply to the use of land, buildings and structures in the Hazard (H) zone, subject to the general provisions set out in Section 5 of this By-law.

#### 6.10.1 PERMITTED USES

- conservation
- existing uses, buildings or structures
- flood, erosion, siltation control works and structures
- park
- public use

#### 6.10.2 ACCESSORY USES

Uses, buildings and structures accessory to any of the permitted uses in accordance with Section 5.1 of this By-law.

#### 6.10.3 REGULATIONS FOR PERMITTED USES

The lot regulations of Section 6.9.2 of this By-law shall apply, where applicable.

Also, additions, alterations or any changes to the exterior square footage of existing structures will be 1:100 year flood + 0.3 m. freeboard (GSC) for lowest openings. Accessory structures or buildings will be subject to the same criteria.

Conservation Authority setbacks and Regulations will apply to all development (existing, proposed and legal non-conforming uses) within the "H (Hazard)" zone.

All new development permitted within the "H (Hazard)" zone must be floodproofed such that the lowest opening is equivalent to the 1:100-year flood +0.3 m. freeboard (GSC) including all heating, electrical and mechanical servicing.

#### 6.10.4 CALCULATION OF ZONE PROVISIONS

No part of a Hazard (H) zone shall be used to calculate any of the zone provisions as may be required by this By-law for uses in adjacent zones.

## **Section 6: Zone Provisions**

### **6.11 FUTURE DEVELOPMENT (FD) ZONE**

The following provisions shall apply to the use of land, buildings and structures in the Future Development (FD) Zone, subject to the general provisions set out in Section 5 of this By-law.

#### **6.11.1 PERMITTED USES**

##### ***6.11.1.1 RESIDENTIAL USES***

- Existing residential uses

##### ***6.11.1.2 NON-RESIDENTIAL USES***

- Existing non-residential uses

##### ***6.11.1.3 ACCESSORY USES***

- Uses, buildings and structures accessory to any of the permitted uses in accordance with Section 5.1 of this By-law.

#### **6.11.2 REGULATIONS FOR RESIDENTIAL USES**

##### ***6.11.2.1 MINIMUM LOT AREA***

Existing as of the date of passing of this By-law.

##### ***6.11.2.2 MINIMUM LOT FRONTAGE***

Existing as of the date of passing of this By-law.