

THE CORPORATION OF THE
TOWNSHIP OF BEXLEY

BY-LAW NUMBER: 93-09

A ZONING BY-LAW

Being a By-law, pursuant to Section 34 of the Planning Act, R.S.O. 1990, to regulate the use of land, the location and use of buildings or structures, the type of construction and the height, bulk, size, floor area, spacing, character and minimum opening elevations of buildings or structures and the provision of parking and loading area facilities in the Township of Bexley.

WHEREAS it is considered desirable to control the use of land, the erection and use of buildings or structures in defined areas of the TOWNSHIP OF BEXLEY in accordance with Section 34 of the Planning Act, R.S.O. 1990, and in conformity with the Official Plan of the County of Victoria;

NOW THEREFORE the Council of the Corporation of the TOWNSHIP OF BEXLEY enacts the following By-law:

PART 1 - TITLE AND AREA RESTRICTED

1.1 TITLE

1.1.1 This By-law shall be known as the "Zoning By-law" of the TOWNSHIP OF BEXLEY.

1.2 AREA RESTRICTED

1.2.1 Schedules A, B and C, attached hereto, with the notations, zone boundaries, symbols and references shown thereon illustrate the area to which this By-law applies and is hereby declared to be part of this By-law. The lands affected by this By-law may hereinafter be referred to as the "area zoned".

1.2.2 No building or structure shall hereafter be erected or altered, no lot shall hereafter be created, and the use of any building, structure or lot shall not hereafter be changed in whole or in part except in conformity with the provisions of this By-law.

PART 2 - DEFINITIONS

In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

ABATTOIR means a building or part of a building where livestock are slaughtered for commercial consumption. A refrigerated offal room, meat cutting, curing or smoking operation and a retail/wholesale outlet are considered to be normal accessory uses.

ACCESSORY BUILDING means a detached building or structure on the same lot as the main building devoted exclusively to an accessory use. For the purpose of this By-law swimming pools shall be considered an accessory building or structure.

ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

AERODROME means any area of land, water (including the frozen surface thereof) or other supporting surface used or intended to be used, either in whole or in part, for the arrival and departure, movement, servicing, parking or storing of aircraft and the receiving and discharging of passengers or cargo including any buildings, installations and equipment in connection therewith.

AGRICULTURAL PRODUCE STORAGE FACILITY means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce to the general public.

AGRICULTURAL USE means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture.

AIRSTRIP means any land used for the purpose of landing, taxiing or taking off of private aircraft.

ALTER when used in reference to a building, structure or part thereof, means:

- (a) to change any one or more of the internal or external dimensions of such building or structure; or
- (b) to change the use of such building or structure; or
- (c) to change the number of uses or dwelling units contained therein.

ALTER when used in reference to a lot means:

- (a) to change any dimension or area, relating to such lot, which is required within this By-law including lot coverage, setbacks, parking and landscaping; or
- (b) to change the use of such lots; or
- (c) to change the number of uses located thereon.

AMUSEMENT MACHINE means any mechanical, electronic or computerized machine or device or any combination thereof intended for use as a game, entertainment or amusement which is offered for use to the public by any person for profit or gain and shall include a pinball machine, television game, shooting gallery, video game or other similar device but shall not include billiard or pool tables, games of chance as defined by the Criminal Code or any machine used only for the purposes of vending merchandise or services or playing recorded music.

ANIMAL HOSPITAL means a building or part thereof in which facilities are provided for the treatment or prevention of disease and injury to animals and where shelter may be provided within the building during the period of treatment.

ASPHALT PLANT, PORTABLE means a non-permanent facility whose construction permits dismantling and relocation, and, which is designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material.

ATTACHED means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

ATTIC means the space between the roof and the ceiling of the top storey or half-storey, but shall not include a storey or a half-storey, as defined herein.

AUCTION BARN means a building, or part of a building in which the principal facilities provided are for the storage, display and subsequent sale of goods and articles, including antiques, by way of auction. A maximum of 1860 square metres of the land adjacent to an auction barn and on the same lot, may be used for the storage, display and subsequent sale of motor vehicles, trailers and farm equipment by way of auction.

AUCTION CENTRE means premises where livestock, farm produce and miscellaneous goods are offered for auction and may include a flea market.

BASEMENT means that portion of a building between two floor levels which is partly below grade but which has more than one-half of its height above the finished grade; height being measured from the finished floor of the basement to the underside of the floor joists of the storey next above.

BASEMENT, WALK-OUT, means that portion of a building which is partly below grade but which has more than fifty percent of the finished floor area not more than 0.6 metres below the average finished grade and which has an entrance at or above the adjacent finished grade.

BED AND BREAKFAST ESTABLISHMENT means a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are a maximum of three guest rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

BLOCK means the smallest unit of land the boundaries of which consists entirely of public streets, shorelines, railroads, public parks, or any combination thereof.

BOARDING, LODGING OR ROOMING HOUSE means a dwelling licenced pursuant to a by-law passed under the Municipal Act, R.S.O. 1990 Section 207(63), in which the proprietor supplies either room or room and board for monetary gain, to more than two but not more than six persons exclusive of the lessee owner or members of the proprietor's household and which is not open to the general public and is not defined or licenced as a group home under any statutes or regulations of the Provincial or Federal governments.

BOAT HOUSE means an accessory building or structure which is designed or used for the sheltering or storage of a boat or other forms of water transportation and accessory thereof but excluding human habitation and not including any other use in conjunction with human habitation.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk or platform, vessel or vehicle used for any of the said purposes shall be deemed a "building". When used herein as a reference to a use of a "building", it may also be interpreted to be the use of a part of a "building".

BUILDING, MAIN, means the building in which is carried on the principal purpose for which the lot is used.

BUILDING BY-LAW means any "building By-law" within the meaning of the Planning Act, R.S.O. 1990, as amended and shall include the Building Code Act, R.S.O. 1990.

BUILDING SUPPLY OUTLET means a retail or wholesale store for the sale of building materials, products or accessories and which may include a lumber yard and ancillary outside storage of materials.

BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE means a 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 shall include the administrative offices of a non-profit or charitable organization.

BY-LAW ENFORCEMENT OFFICER means an official or an employee of the Municipality from time to time charged by the Corporation with the duty of administering and enforcing the provisions contained herein.

CABIN, PRIVATE means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to a dwelling unit.

CAMP means one or more buildings used for sleeping accommodation, the preparation and serving of food and/or sport or recreation facilities, operated under single ownership and intended for recreational purposes on a temporary or seasonal basis.

CAMPING SITE means a parcel of land within a trailer camp or park and is for the exclusive use of the lessee or tenant of such area.

CELLAR means a portion of a building between two floor levels partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling, below the finished grade.

CEMETERY means a cemetery or columbarium within the meaning of the Cemeteries Act of Ontario, R.S.O. 1990.

CERTIFICATE OF ZONING COMPLIANCE means a certificate issued by the Municipality stating that the building or structure conforms to the provisions of this By-law.

CLUB, CHARITABLE OR SERVICE means a non-profit, non-commercial organization or association of persons, whether incorporated or not, united with some common interest in undertaking or supporting social, cultural, recreational and welfare programs for the common betterment of the community and shall also mean, where the context requires, a premises owned or occupied by the members of such an association within which the activities of the members, or supported by the organization, are conducted.

CLUB, PRIVATE means a commercial undertaking or profit oriented enterprise which provides social, recreational or personal services for groups or individuals with some common interest, and shall also mean a non-profit organization or association of persons united by a common interest in an activity which is of a personal interest nature rather than being directly oriented to the provision or support of a community service, e.g. health club, archery club.

CONSERVATION USE means a use which preserves, protects or improves any feature of the natural environment through a program of maintenance and management administered by a Conservation Authority, public authority, private groups or individuals.

CONTRACTOR'S YARD means a lot, building or structure where equipment and materials of a contractor are stored or where a contractor performs shop or assembly work but does not include any other use or activity otherwise defined herein.

CORPORATION means the Corporation of the TOWNSHIP OF BEXLEY.

COTTAGE ESTABLISHMENT means a tourist establishment containing two or more buildings designed for human habitation which may or may not be equipped with a kitchen.

COUNCIL means the Municipal "Council" of the Corporation of the TOWNSHIP OF BEXLEY.

COUNTY means the Corporation of the County of Victoria.

CUSTOM WORKSHOP means a building or part thereof used by a person or persons for the manufacture in small quantities of made to measure clothes or articles and shall include upholstering, repair and/or refinishing of antiques and other art objects, but shall not include metal spinning, furniture manufacturing and the like.

DAYLIGHTING TRIANGLE means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "daylighting triangle".

DAYCARE CENTRE, DAY NURSERY OR NURSERY SCHOOL means a "day nursery" as defined by the Day Nurseries Act, R.S.O. 1990.

DECK means a flat horizontal surface raised above the surrounding grade and detached from or attached to a building and serving the purpose of an exterior balcony or platform.

DOCK means a structure which is designed or used for the mooring of a boat or other form of water transportation which stretches along the side of or projects into a body of water such as a river or lake.

DRUGLESS PRACTITIONER means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by a similar method within the meaning of the Drugless Practitioners Act, R.S.O. 1990.

DRY CLEANING DEPOT means a building or portion thereof used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning and, may include the pressing and distribution of any such articles or goods which have been subjected to the process of dry cleaning, but shall not include the processes of dry cleaning or dry dyeing.

DRY CLEANING ESTABLISHMENT means a building, or portion thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and where only nonflammable solvents are or can be used; and may include a dry cleaning depot.

DWELLING means a building, occupied or capable of being occupied as a residence or sleeping place by one or more persons, containing one or more dwelling units, including boarding, lodging or rooming houses but not including motels, hotels, tents, truck campers, tourist trailers, or mobile camper trailers.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household and with a private entrance from outside the building or from a common hallway or stairway inside the building.

DWELLING, APARTMENT, means a building containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.

DWELLING, BACHELOR APARTMENT, means a dwelling unit in an apartment building or converted dwelling designated for occupancy by one or two persons and consisting of a bed-living room, a kitchen or kitchenette and a bathroom.

DWELLING, CONVERTED, means a dwelling existing at the time of the passing of this By-law which because of size or design can be converted by partition and the addition of sanitary facilities into more than one dwelling unit.

DWELLING, DUPLEX, means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

DWELLING, FOURPLEX, means a building that consists of two duplex dwellings attached to each other vertically.

DWELLING, MAISONETTE, means a building that is divided into three or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit.

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

DWELLING, SINGLE DETACHED, means a completely detached dwelling unit, but shall not include a mobile home.

DWELLING, TOWN HOUSE, means a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

DWELLING, TRIPLEX, means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

DWELLING, VACATION, means a single detached dwelling used for recreation purposes that is not used for continuous habitation or as a permanent residence.

ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, draining or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

ESTABLISHED BUILDING LINE means the average distance from the street line to existing buildings where a minimum of three buildings exist on the same side of the street and are located within 150 metres of both sides of the subject lot.

EXISTING means "existing" as of the date of the passing of this By-law.

FACTORY OUTLET means a building or part of a building where the products manufactured by an industry, located on the same lot, are kept for wholesale or retail sale, and which does not exceed fifteen percent of the gross floor area of the building within which the industry is located.

FAIRGROUND means an area where outdoor fairs, carnivals, circuses, exhibitions, or similar events are held.

FARM PRODUCE OUTLET means a use accessory to an agricultural use which consists of the retail sale of agricultural products, exclusive of meat or fish, produced by an agricultural operation conducted on the same lot.

FARMER'S MARKET means a public gathering, often held weekly, for the buying and selling of farm produce and may include home crafted items.

FAST FOOD FACILITY, MOBILE, means a trailer or vehicle which has been modified, in accordance with the requirements of the Haliburton, Kawartha, Pine Ridge District Health Unit, for the purposes of the preparation and sale of fast foods.

FERTILIZER MIXING PLANT means a building or a complex of buildings where chemical compounds are mixed, treated or otherwise processed for fertilizer, and may be packaged and warehoused. Without limiting the generality of the foregoing, a mixing plant may include ancillary activities such as administrative or business offices and an

outlet for the sale of the processed product, seeds, agricultural chemicals and other similar agricultural supplies to the general public.

FINISHED GRADE means with reference to a building or structure, the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment; and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Corporation or other road authority.

FIREWOOD SPLITTING OPERATION means an industrial use involving the sawing and splitting of firewood to supply the retail or wholesale market and includes an contiguous outdoor storage area for the stockpiling of raw logs and split firewood and the temporary storage of sawdust and wood chips and may include the importation of rough cut logs to the disposal of waste wood, sawdust or wood chips by burial, incineration or any other means which requires a certificate of approval to be issued by the Ministry of the Environment.

FLEA MARKET means an open air or covered market for the buying and selling of articles, antiques and home crafted items.

FLOOR AREA means the total floor area contained within the outside walls excluding in the case of a dwelling, any private garage, porch, verandah, unfinished attic, basement, cellar or other room(s) not habitable at all seasons of the year.

FLOOR AREA, GROSS, means the aggregate of the horizontal areas of each floor whether any such floor is above or below grade, measured between the interior faces of the exterior walls of the building or structure at the level of each floor. For the purposes of residential dwelling units, "Gross Floor Area" shall be the total floor area of the dwelling unit exclusive of any garage, carport, basement or cellar.

FLOOR AREA, GROSS, LEASABLE, means the total floor area of a commercial or industrial building or structure exclusive of any internal common areas and/or common mechanical or service rooms.

FLOOR AREA RATIO (F.A.R.) means a ratio which, when multiplied by lot coverage, yields the maximum gross floor area for all uses permissible on a lot.

FORESTRY ACTIVITIES means the management, development and cultivation of timber resources to ensure the continuous production of wood, provision of proper environmental conditions for wildlife, protection and production of groundwater resources and protection against floods and erosion and preservation of the recreation resource.

GARAGE, PRIVATE, means an enclosed structure for the storage of one or more motor vehicles in which no business, occupation, or service is conducted for profit.

GARAGE, PUBLIC, means a building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop. This definition shall not include a motor vehicle washing establishment, motor vehicle sales establishment or service station.

GARDEN AND NURSERY SUPPLY OUTLET means a building, structure or lot for the growing or displaying of flowers, fruits, vegetables, plants, shrubs, trees or other vegetation which are sold to the public at retail and shall also include the sale or rental of such goods, products or equipment normally associated with gardening or landscaping.

GROUP HOME means a single housekeeping unit in a residential dwelling in which three to ten residents, excluding staff of the receiving household, live under responsible supervision and who, by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well being. A group home shall be licenced or approved for funding by the Provincial Government.

GUEST ROOM means a room or suite of rooms which contain no facilities for cooking, and which are used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.

HABITABLE ROOM means a room in a dwelling used or intended to be used primarily for human occupancy and shall include a room designed for living, sleeping, eating or preparing food, including a den, library, sewing room or enclosed sunroom.

HEIGHT means the vertical distance on a main building or structure between the finished grade, and

- (a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof; or
- (b) the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. In calculating the "height" of a building or structure, roof constructions such as bulkheads, penthouses, and similar construction enclosing equipment or stairs and which are less than six metres in height and do not occupy more than 30 percent of the area of the roof upon which they are located, and any ornamental roof construction such as towers, steeples or chimneys shall be disregarded.

HEALTH CENTRE means a building or part thereof which is used for the purpose of a gymnasium, massage room, steam room, sunroom or swimming pool.

HEREAFTER means after the date of the passing of any applicable provision of this By-law.

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

HIGH WATER MARK means the highest elevation of the water surface of a body of water or a watercourse, including seasonal flooding, as evidenced by changes in shoreline vegetation or residual water marks left on buildings, structures or vegetation resulting from flood events.

HIGH WATER MARK, NORMAL, means the usual elevation of the water surface of a body of water or a watercourse excluding seasonal flooding.

HOME FOR THE AGED means a "home" within the meaning of the Homes for the Aged and Rest Homes Act, R.S.O. 1990, which is operated by the County or Municipality.

HOME OCCUPATION means an accessory use of part of a dwelling or part of any accessory building for gainful employment secondary to and compatible with a domestic household and which is carried on by members of the household residing in the dwelling unit.

HOTEL means a tourist establishment containing therein guest rooms served by a common entrance, generally from the street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting rooms and conference and recreational facilities.

HOUSEHOLD SALE means the temporary sale of household goods owned by the occupants of a dwelling located on the same lot and customarily referred to as garage or yard sales and may include an auction sale. For the purposes of this definition, temporary means the combined total duration of all household sales held on one lot shall not exceed six days in any one calendar year and limited to a maximum of three occurrences per annum.

INDUSTRY, DRY, means an industry which does not require the consumption or use of water or the discharge of industrial liquid wastes, washing or cooling water or process waste as part of the industrial process and which limits waste disposal to that of domestic human wastes.

INDUSTRY, HEAVY, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities.

INDUSTRY, LIGHT, means an industry which is conducted and wholly contained within an enclosed building and the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls.

INDUSTRY, MEDIUM, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities.

ISLAND means land completely surrounded by water having no access to the mainland via a causeway, bridge or any other physical connection capable of transferring motor vehicles.

KENNEL means a place, whether enclosed or not, where domestic pets are kept for purposes of breeding, boarding or commercial purposes.

LANDFILL WASTE DISPOSAL SITE means an area of land, licenced by the Ministry of the Environment, for the burial or solid wastes under controlled conditions including the systematic depositing, compacting and covering of the waste.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LANDSCAPED OPEN SPACE means the open, unobstructed space at grade on a lot accessible by walking from the street on which the lot is located, and used exclusively for landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, any curb, retaining wall, parking space or any open space contained within any building or structure.

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

LAUNDRY means a building or part thereof in which the business of a laundry is conducted by means of one or more washers, and where drying, ironing, finishing are conducted and where incidental equipment in which only water and detergents or soaps are or can be used, is located, and includes a coin-operated laundry and dry cleaning depot.

LAWN AND GARDEN EQUIPMENT SALES AND SERVICE ESTABLISHMENT means a building and/or lot used for the display, sale and/or rental of lawn and garden tractors, mowers and equipment and/or the servicing, repair, cleaning and greasing of

these products and the sale of accessory and related parts and products including lubrication oils but not including motor fuels.

LOADING SPACE means an unencumbered area of land which is provided and maintained on the same lot upon which the principal use is located and which area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle.

LODGE means a tourist establishment providing temporary accommodation to people engaged in hunting, fishing or recreational activities and to the vacationing public by providing meals and sleeping accommodation containing guest rooms or cottages, but shall not include any establishment otherwise defined or classified herein.

LOT means a parcel or tract of land, the title of which is legally conveyable.

LOT, CORNER, means a lot situated at the intersection of two streets or two parts of the same street of which the sides adjacent to the street line or street lines include an angle of not more than 135 degrees or where such adjacent sides are curved, the angle included by 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.

LOT, INTERIOR, means a lot other than a corner or a through lot.

LOT, ISLAND, means a lot fronting on a body of water being part of or encompassing the whole island.

LOT, LIMITED SERVICE, means a lot fronting only on a private right-of-way.

LOT, THROUGH, means a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being part of or encompassing the whole island.

LOT AREA means the total horizontal area within the lot lines of a lot excluding the horizontal area of such lot below the normal or maintained summer water level of any abutting body of water.

LOT COVERAGE means that percentage of the lot area covered by all buildings or structures above ground level and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

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

LOT FRONTAGE means the horizontal distance abutting an improved public street or, in the LSR Zone, a street or private right-of-way, between the side lot lines and measured along the front lot line. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the "lot frontage" is to be measured by a line equal to the minimum front yard measured back from and parallel to the chord of the "lot frontage" and for the purpose of this paragraph, the chord of the "lot frontage" is a straight line joining the two points where the side lot lines intersect the front lot line, and a sight triangle shall be considered part of the lot for the purposes of calculating the "lot frontage". In the case of a corner lot the shorter of the frontages shall be deemed the "lot frontage".

LOT LINE means any boundary of a lot.

LOT LINE, EXTERIOR, means a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT, means, except in the case of a corner lot, island lot or through lot, the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the "front lot line". Where each of such lot lines are of equal length, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction. In the case of a through lot, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction. In the case of an island lot, the shore lot line shall be deemed to be the front lot line.

LOT LINE, REAR, means the lot line farthest from or opposite to the front lot line. In the case of a through lot, the "rear lot line" shall mean the "rear lot line" as established in the block by prior construction.

LOT LINE, SHORE, means any lot line or portion thereof which abuts a lake or river.

LOT LINE, SIDE, means a lot line other than a front or rear lot line.

MAINTAINED SUMMER WATER LEVEL means the average summer elevation of the water surface of a body of water or a watercourse, based upon the Geodetic Survey of Canada, as established by the Kawartha Region Conservation Authority or the Ministry of Natural Resources.

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

MARINA, DRY-LAND, means a building, structure, or place where boats and boat accessories are stored, serviced, repaired or kept for sale and does not include docking facilities.

MEDICAL CLINIC means a building or portion thereof where members of the medical profession, dentists, chiropractors, osteopaths, physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and includes reception areas, offices, coffee shop, offices for consultation, laboratory, X-ray, minor operating rooms, and a pharmaceutical dispensary providing that all such uses have access only from the interior of the building.

MINI-STORAGE BUSINESS means a wholly enclosed building which is divided into separately contained areas which are to be individually rented for the storage of dry goods of a non-hazardous nature.

MOBILE HOME means a detached dwelling unit designed for transportation, after fabrication, on streets on its own wheels or on a flatbed or other trailer, arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations) located on wheels, jacks or permanent foundations, and which may be connected to utilities and sanitary services, but shall not include a modular home.

MOBILE HOME PARK means an establishment comprising land or premises under single ownership designed and intended for residential use where residence is exclusively for two or more mobile homes, but does not include a trailer camp or park.

MOBILE HOME SITE means a parcel of land within a mobile home park used to accommodate one mobile home and for the exclusive use of the lessee or tenant of such area.

MODULAR HOME means a single detached dwelling which has been fabricated in two or more sections which cannot function independently from one another and are designed for transportation on streets on a flatbed or other trailer. Upon arrival at the site, the sections are placed on a foundation and are assembled to form one complete dwelling unit and generally are not intended to be dismantled and relocated.

MOTEL means a tourist establishment containing guest rooms, each of which has a separate entrance from outside the building. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room, and recreational facilities for the guests.

MOTOR VEHICLE means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include railways or other "motor vehicles" running only upon rails, a motorized snow vehicle, all terrain vehicles (ATV's), farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990.

MOTOR VEHICLE, COMMERCIAL, means any "commercial motor vehicle" within the meaning of the Highway Traffic Act, R.S.O. 1990.

MOTOR VEHICLE, UNLICENCED, means a motor vehicle which is unregistered for the current year under the Highway Traffic Act, R.S.O. 1990.

MOTOR VEHICLE BODY REPAIR SHOP means a building or structure used for the painting or repairing of motor vehicle bodies, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.

MOTOR VEHICLE FUEL BAR means one or more pump islands, each consisting of one or more motor fuel pumps, and a shelter having a floor area of not more than 12 square metres which shall not be used for sale of any products other than required for the operation of motor vehicles; but, shall not include any other establishment otherwise defined or classified in this By-law.

MOTOR VEHICLE REPAIR SHOP means a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust systems, transmissions, engines, brakes, radiators, tires as well as rustproofing, motor vehicle diagnostic centre, other major and minor mechanical repairs or similar uses and in conjunction with which there may be a towing service; but, shall not include autobody repairs, any exterior storage or parts or materials, other uses or activities defined or classified in this By-law, the repair of industrial vehicles such as bulldozers, dump trucks, caterpillar tractors, graders or heavy farm equipment such as fourwheel drive tractors and combines.

MOTOR VEHICLE SALES ESTABLISHMENT means a building or part thereof and/or lot used for the display and sale of new and/or used motor vehicles, automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other automotive use defined in this By-law.

MOTOR VEHICLE SERVICE STATION means a building or part thereof used for the retail sale of lubrication oils, motor fuels, motor vehicle accessories and may include the servicing and minor repairing essential to the actual operation of motor vehicles but excluding an automobile washing establishment or automotive sales establishment.

MOTOR VEHICLE WASHING ESTABLISHMENT means a building or part thereof used for the operation of motor vehicle washing equipment which is automatic, semi-automatic and/or coin operated.

MOTORIZED MOBILE HOME means 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.

MOTORIZED SNOW VEHICLE means a "motorized snow vehicle" within the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990.

MUNICIPAL SEWERS means sanitary sewers supplied by the Municipality, a public utilities commission or a municipal authority.

MUNICIPAL WATER means water supplied by the Municipality, a public utilities commission or a municipal authority.

MUNICIPALITY means the Corporation of the TOWNSHIP OF BEXLEY.

NON-COMPLYING means that the building or structure does not meet the setback, yard or other provisions or requirements contained herein for the zone in which the building or structure is located, as of the date of passing of this By-law.

NON-CONFORMING USE means the use of land, buildings or structures for a purpose which is not included with the permitted uses herein for the zone in which such land, building, or structure is located, as of the date of passing of this By-law.

NURSING HOME means a "nursing home" within the meaning of the Nursing Homes Act, R.S.O. 1990.

PARK, PRIVATE, means any open space or recreational area, other than a public park, containing therein one or more swimming pools, wading pools, refreshment rooms, tennis courts, bowling greens, gardens, golf courses, ski areas or similar open space uses. This definition shall not include a mobile home park or trailer park.

PARK, PUBLIC, means any open space or recreational area, owned or controlled by a public authority and may include therein neighbourhood, community, regional and special parks or areas and may contain one or more athletic fields, field houses, bleachers, swimming pools, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, refreshment rooms, fair grounds, golf courses or similar uses.

PARKING LOT means an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

PARKING SPACE means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles and which has adequate access to permit ingress or egress of a motor vehicle to and from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which is used for the temporary parking or storage of one or more motor vehicles.

PATIO means a landscaping feature consisting of a paved surface which is made of concrete, asphalt, paving stones, coble stones, etc. and located adjacent to a dwelling unit.

PERMITTED means "permitted" by this By-law.

PERSON means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a "person" to whom the context can apply according to law.

PHARMACY means a retail store which dispenses drugs by prescription and in which non-prescription medicines, health and beauty products and various associated items may be sold.

PIT means land or land under water from which earth, peat, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, manufacturing, commercial or industrial purposes. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

PIT, SAND AND GRAVEL, means a "pit" as defined by the Aggregate Resources Act, R.S.O. 1990.

PLACE OF ASSEMBLY means a building, or part thereof, in which facilities are provided for such purposes as meeting for civic, educational, political, religious, social, recreational or athletic purposes and shall include a banquet hall or club.

PLACE OF WORSHIP means a building dedicated to religious worship and may include such accessory uses as a nursery school, convent, monastery or hall or auditorium.

POSTAL OUTLET means a building, structure or lot or part thereof used for the receiving and distribution of mail.

PREMISES means the area of a building or part thereof and/or land or part thereof used for residential or business purposes. In a multiple tenancy building, occupied by more than one business or dwelling unit, each area shall be considered a separate "premises".

PUBLIC AUTHORITY means Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department established by such agencies and includes any telephone company, power utility, cable television system and piped natural gas distribution system.

QUARRY means a "quarry" as defined by the Aggregate Resources Act, R.S.O. 1990.

RECREATIONAL ESTABLISHMENT means a premises for recreational pursuits such as billiards, bowling, curling, dancing, roller or ice skating, theatre or cinema.

OUTDOOR RECREATION ESTABLISHMENT means commercial premises designed to support outdoor recreational pursuits and may include, but shall not be limited to, water based uses such as water slides, paddle boats and winter skating, and land

based activities such as picnic grounds, sports fields, nature trails, and domestic animal appreciation areas, but, shall not include a golf course.

RESTAURANT means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure but does not include a drive-in restaurant.

RESTAURANT, DRIVE-IN, means a restaurant where facilities are available to serve food to the customer for consumption in the customer's motor vehicle parked in an area located on the same lot or at another location not on the same lot.

RESTAURANT, TAKE-OUT, means a building or part thereof where food is offered for sale or sold to the public for consumption off the premises.

ROOF means that portion of a building which serves as the exterior upper covering.

SALVAGE YARD means premises where goods and materials are processed for further use and stored wholly or partly in the open and may include a scrap metal yard, a motor vehicle wrecking yard, and the ancillary retail or wholesale of rebuilt, refabricated or restored parts or materials.

SANITARY LANDFILL SITE, see Landfill Waste Disposal Site.

SCHOOL, COMMERCIAL, means a school conducted for gain, including secretarial school, language school, driving school, and the like but shall not include a day nursery.

SCHOOL, ELEMENTARY, means an educational facility established under the jurisdiction of the Ministry of Education for grade 8 or equivalent and under.

SCHOOL, NURSERY, means the same as a Day Care Centre.

SCHOOL, SECONDARY, means an educational facility established under the jurisdiction of the Minister of Education for grade 9 or equivalent and above.

SCRAP YARD means premises for the storage and/or handling or processing of scrap material, which, without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, unlicensed motor vehicles, tires, metal and/or other scrap material and salvage.

SEASONAL FARM RESIDENTIAL USE means a structure or structures for the housing of seasonal farm employees for no more than eight months per seasonal worker, but in no event shall be used for year round occupancy. B/L 2007-289

SENIOR CITIZENS' HOME means any residential accommodation for senior citizens sponsored and administered by any public agency or any service club, church or other non-profit organization either of which obtains its financing from Federal, Provincial or

Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof and such homes shall include accessory uses such as recreation and lounge facilities, usually associated with a senior citizens' development.

SERVICE SHOP means a building or part thereof used primarily for the repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial, manufacturing or motor vehicle repair shops.

SERVICE SHOP, PERSONAL, means a building or part thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include hair styling and beauty salons, shoe repair, and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale.

SETBACK means the distance between a lot line and the nearest main wall of any building, structure, excavation or open storage use on the lot.

SEWAGE TREATMENT PLANT means the facilities (and associated land) used for the treatment of municipal and/or industrial waste waters using physical, chemical, biological and/or sludge-treatment methods.

SHOPPING CENTRE means a group of non-residential uses predominantly retail commercial in nature and designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual business uses.

STORE, CONVENIENCE, means a retail store supplying groceries or other daily household necessities to the immediate surrounding area.

STORE, RETAIL, means a building or structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public.

STOREY means that 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. A storey shall include a walk-out basement.

STOREY, FIRST, means the lowest storey of a building closest to finished grade having its ceiling 1.2 metres or more above average finished grade.

STOREY, HALF, means 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 area of the floor next below.

STREET, ROAD OR HIGHWAY means a "highway" within the meaning of the Highway Traffic Act, R.S.O. 1990, and shall include the entire right-of-way but shall exclude a lane or private right-of-way.

STREET ACCESS means that any lot having a lot line or portion thereof which is also a street line shall be deemed to have "street access" provided that an access point can be obtained.

STREET, IMPROVED PUBLIC, means a street, assumed by the Corporation, County or Province which has been constructed in such a manner so as to permit its use by normal vehicular traffic and maintained to provide year-round access.

STREET LINE means the dividing line between a lot and a street.

STRUCTURE means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground but does not include fences which do not exceed 2 metres in height.

STRUCTURAL ALTERATIONS means any change in the supporting members of a building such as bearing walls, columns, beams, girders and partitions.

SWIMMING POOL means a structure which creates an artificial body of water, of more than 10 square metres in area, used for bathing, swimming or diving but shall not include ponds.

TAVERN means a licenced drinking establishment, including a lounge, beverage room, public house and entertainment lounge as defined by the liquor Licence Act, R.S.O. 1990, where liquor, beer and/or wine are served, with or without food.

TOURIST ESTABLISHMENT means a building or buildings designed for the accommodation of the travelling or vacationing public for gain or profit.

TRAILER means any vehicle that is at any time drawn upon a highway by a motor vehicle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, 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.

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

TRAILER, TOURIST means a trailer that is used or intended to be used for recreational purposes and is not used for continuous habitation or as a permanent residence, notwithstanding that such trailer may be jacked up or its running gear may be removed.

TRAILER CAMP OR PARK means an establishment licenced by the authority having jurisdiction consisting of camping lots and comprising land used or maintained as grounds for the camping or parking of tourist trailers, motorized mobile homes, truck campers or tents for recreational or vacation use designed for seasonal occupancy only.

TRUCK CAMPER means any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being utilized for the temporary recreational living, sleeping or eating accommodation of individuals.

TRUCK TERMINAL means a building, structure or place where trucks or transports 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, or which is a bonded warehouse.

USE means, 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 and "uses" shall have corresponding meanings. "Use" when used as a verb, "to use" or "used" shall have corresponding meanings.

VISUAL SCREENING, HIGH LEVEL, means trees which will attain a minimum height of 6 metres at maturity.

VISUAL SCREENING, LOW LEVEL, means any combination of vegetation, trees or fencing which will provide visual screening to a minimum height of 1.8 metres.

WALL, END, means a main wall that forms the side of a building.

WALL, FACE, means a main wall that forms the front or rear of a building.

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

WAREHOUSE means a building where wares or goods are stored, but shall not include a retail store.

WASTE DISPOSAL SITE, see Landfill Waste Disposal Site.

WASTE TRANSFER STATION means premises for the temporary storage of garbage and waste materials awaiting transfer to a permanent solid waste disposal facility and may include a recycling depot.

WATERCOURSE means the natural channel for a perennial or intermittent stream of water.

WATER SETBACK means a yard extending the full width of a lot between the maintained summer water level of lakes or rivers and the nearest main wall of any building, structure, excavation or open storage use on the lot and "minimum water setback" means the minimum depth of a "water setback" on a lot between the maintained summer water level and the nearest main wall of any building, structure, excavation or open storage use on the lot.

WATER SYSTEM, COMMUNAL, means a system of water supply municipally or privately owned which serves a minimum of 3 dwelling units.

WAYSIDE PERMIT FOR A PIT OR QUARRY means a "wayside permit for pit or quarry" as defined by the Aggregate Resources Act, R.S.O. 1990.

YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining "yard" measurements, the minimum horizontal distance from the respective lot lines shall be used. Where a daylighting triangle is provided for a corner lot, the minimum "yard" requirement from the hypotenuse of the daylighting triangle shall be the lesser of the "yards" required along the exterior lot lines.

YARD, EXTERIOR SIDE, means a side yard immediately adjacent to a street.

YARD, FRONT, means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot and "minimum front yard" means the minimum depth of a "front yard" on a lot between the front lot line and the nearest main wall of the main building(s) or structure(s) on the lot.

YARD, REAR, means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot; and the minimum rear yard means the minimum depth of a "rear yard" on a lot between the rear lot line and the nearest main wall of the main building(s) or structure(s) on the lot.

YARD, INTERIOR SIDE, means a side yard other than an exterior side yard.

YARD, SIDE, means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot; and "minimum side yard" means the minimum width of a "side yard" on a lot between a side lot line and the nearest main wall of the main building(s) or structure(s) on the lot.

ZONE means a designated area of land use and the corresponding provisions as shown on the schedules of this By-law.

PART 3 - GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.1.1 PERMITTED USES

3.1.1.1 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 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.

3.1.2 LOCATION

3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building located on the same lot.

3.1.2.3 Where a lot fronts on a navigable waterway, a private garage shall be permitted between the main building on the lot and the street line, provided such private garage complies with the yard provisions of the applicable zone.

3.1.3 LOT COVERAGE AND HEIGHT

3.1.3.1 The total lot coverage of all accessory buildings and structures, excluding private garages attached to the main building and outdoor swimming pools, shall not exceed 8 percent of the lot area to a maximum of 225 square metres.

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. (B/L 2002-139)

3.1.3.3 A maximum of three accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone.

3.1.4 **YARD REQUIREMENTS**

3.1.4.1 Notwithstanding the minimum yard provisions of this By-law, the following accessory structures and setbacks may be permitted:

- (a) sills, belt courses, cornices, chimney breasts, bay windows, cantilevered floor areas, pilasters or parapets may project into any yard a distance of not more than 0.6 metres;
- (b) eaves or gutters on a main building may project into any yard a distance of not more than 0.6 metres;
- (c) balconies, canopies, unenclosed porches or decks, steps or patios may project into any yard a distance of not more than 1.5 metres provided that a required side yard is not reduced to below 1.5 metres and further provided that a porch or deck which is, at any point, more than 1.2 metres above the adjacent finished grade shall comply with the yard requirements of the applicable zone for a main building;
- (d) unenclosed fire escapes may project into any yard a distance of not more than 1.5 metres;
- (e) ramps for handicapped access may project into any yard a distance of not more than 1.8 metres; and
- (f) fences, free-standing walls, flag poles, clothes poles, diving boards, antennae, satellite dishes, light standards, garden trellises, retaining walls and similar accessory structures and appurtenances, hedges, shrubs and trees are permitted in any yard provided that no such structures or vegetation that is more than 0.75 metres in height shall be permitted within three metres of any street line if such structure or vegetation will impede vision between a height of 0.75 metres and 2.5 metres above the centreline grade of an access from any street to a lot.

3.1.5 **BOAT HOUSE, PUMP HOUSE OR DOCKING FACILITIES**

3.1.5.1 Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway within the water setback provided that the approval of any other governmental authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures.

3.1.5.2 A boat house or dock located within the water setback, including any boat launching ramp or boat rail system, shall not be permitted to project beyond the shore lot line if such projection will obstruct or interfere with access to the water from an adjacent lot.

3.1.5.3 A boat house shall not exceed a height of 4.5 metres. For the purposes of this article, height shall be measured as the vertical distance between the highest point of the roof surface or a parapet and the maintained summer water level for the adjacent lake or river.

3.1.6 **MUTUAL STRUCTURES**

3.1.6.1 Notwithstanding subsections 3.1.2 and 3.1.5 of this By-law, a mutual private garage or a mutual boat house may be erected on the common lot line between two lots.

3.2 **DAYLIGHTING TRIANGLE**

3.2.1 Notwithstanding any other provisions of this By-law, in all zones, on a corner lot, no fence, hedge, shrub, bush or tree or any building or structure, vegetation or lot grading shall be permitted to exceed a height greater than 0.75 metres above finished grade of the travelled portion of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from their point of intersection. No sign shall be permitted within or to overhang the required daylighting triangle.

3.3 **ESTABLISHED BUILDING LINE**

3.3.1 Notwithstanding the front yard provisions of this By-law, where a permitted building or structure is to be erected on a lot, where there is an established building line, such permitted building or structure may be erected closer to the street line, than required by this By-law provided such permitted building or structure is not erected closer to the street line, than the established building line.

3.3.2 Where a lot fronts onto a Provincial Highway or a County Road the provisions of subsection 3.3.1 shall not apply unless the lot is located within a General Commercial (C1) Zone.

3.4 **EXISTING BUILDINGS, STRUCTURES AND USES**

3.4.1 **NON-CONFORMING USES**

3.4.1.1 No person shall use any land or erect or use any building or structure except in conformity with the provisions of this By-law respecting the zone in which such land, building or structure is or is to be located, unless such use existed before the date of the passing of this By-law and was in conformity with and not prohibited by an existing By-law in force at the date of passage of this By-law.

3.4.2 **NON-COMPLYING USES**

3.4.2.1 Nothing in this By-law shall prevent the extension, enlargement, reconstruction or structural alteration of a building or structure that legally existed prior to the date of passing of this By-law and which does not comply with the zone provisions or requirements contained herein, provided that the extension, enlargement, reconstruction or structural alteration complies with the appropriate lot area, setback and parking requirements of this By-law.

3.4.2.2 Where an existing building or structure is closer to a lot line than the required yard requirements, any extension to the building or structure shall be required to comply with the minimum yard requirements of the applicable zone.

3.4.3 **PERMITTED EXTERIOR EXTENSION**

3.4.3.1 A building, which at the date of passing of this By-law was used for a purpose not permitted 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.

3.4.4 **RESTORATION TO A SAFE CONDITION**

3.4.4.1 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, except such minor changes

as may be expressly required for the restoration of the building or structure to a safe condition.

3.4.5 **BUILDING PERMIT ISSUED**

3.4.5.1 The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law of any building or structure, a permit for which has prior to the date of passing of this By-law been issued by the Chief Building Official, as 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 6 months after the date of the passing of this By-law.

3.4.6 **DISCONTINUED USE**

3.4.6.1 Any non-conforming use of land, building or structure which is discontinued or not used for an interval of more than 9 months shall not be resumed nor shall such non-conforming use be changed to any other non-conforming use.

3.4.7 **DAMAGED BUILDINGS**

3.4.7.1 Nothing in this By-law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this By-law, provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, provided such rebuilding or repair is conducted within two years.

3.5 **FENCES**

3.5.1 No person shall construct a fence, exceeding 2 metres in height, in any zone, other than an Industrial or Agricultural Zone.

3.5.2 Article 3.1.4.1, clause (f) shall apply to fences located within three metres of any street line.

3.6 **FRONTAGE ON PUBLIC STREET**

3.6.1 Except as provided for in this section, no person shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts and obtains direct access onto an improved public street and which is maintained to provide year-round access.

3.6.2 Notwithstanding subsections 3.6.1, a building or structure may be erected and used on the following lots which do not have frontage on an improved public street:

3.6.2.1 An island lot;

3.6.2.2 A lot within a registered plan of subdivision in which the street has not been assumed by the Municipality but in which the street is to be assumed under the terms of a subdivision agreement;

3.6.2.3 A lot within the "Limited Service Residential" or a "Limited Service Residential Exception" zone.

3.7 **HEIGHT EXCEPTION**

3.7.1 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 main use is a use permitted within the zone in which it is located; a barn, a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, air conditioner duct, elevator equipment room, grain elevator, silo or corn crib.

3.8 **HOLDING SYMBOL (H)**

3.8.1 Unless otherwise specified within the applicable zone provisions, where the zone symbol, shown on Schedule A to this By-law, is followed by the holding symbol "(H)", the use of lands so zoned shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the lot may be used in accordance with the applicable zone provisions.

3.9 **HOME OCCUPATIONS**

3.9.1 The following requirements shall apply to any zone wherein a home occupation is permitted.

3.9.1.1 The home occupation shall be clearly secondary to the main use of the lot and shall not change the residential character of a dwelling unit or the lot upon which it is located;

3.9.1.2 The home occupation shall not create or become a public nuisance due to noise, dust, traffic or parking;

- 3.9.1.3 The home occupation shall not interfere with television or radio reception on adjacent lots;
- 3.9.1.4 There shall be no mechanical or other equipment used or kept except those customarily employed in a residential dwelling for domestic or household purposes or for use by a dentist, drugless practitioner or physician;
- 3.9.1.5 The home occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit whether or not such home occupation is located within the dwelling or within an accessory structure;
- 3.9.1.6 Parking shall be provided in accordance with subsection 3.14 of this By-law;
- 3.9.1.7 There shall be no outside storage of goods or materials associated with the home occupation.

3.10 **LANDSCAPING**

- 3.10.1 In any zone, all landscaping shall be in accordance with the definition of landscaping and shall be maintained in a healthy condition and shall be neat and orderly in appearance.
- 3.10.2 Where a commercial or industrial zone abuts any zone, other than any class of commercial or industrial zone, a landscaped buffer of not less than 6 metres in width shall be provided within the commercial or industrial zone boundary. In addition to any other provision of this By-law, such landscaping shall provide high and low level visual screening and consist of both evergreen and deciduous planting. Notwithstanding the above, a landscaped buffer in a commercial zone may be reduced in width to 3 metres where a coniferous hedge or opaque fence, 1.8 metres in height, is provided in conjunction with the landscaping.
- 3.10.3 A 1.5 metre landscaped buffer shall be provided between any public street and parking or outside display areas.

3.11 **LOT AREA AND FRONTAGE LESS THAN REQUIRED**

- 3.11.1 Notwithstanding the minimum lot area and/or the minimum lot frontage required herein, where a lot has less lot area and/or lot frontage than required herein at the date of passing of this By-law or where such lot is created as a result of expropriation or a portion of a lot is acquired by a public authority, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that the use is permitted and the setback, yard, lot coverage, parking and landscaping

requirements of the zone in which it is located are complied with, and that said lot has a minimum lot frontage of 12 metres and a minimum lot area of 800 square metres. If the lot is serviced by Municipal Sanitary Sewers, then the minimum lot area can be further reduced to 370 square metres.

- 3.11.2 Where a lot has less lot area and/or lot frontage than required herein at the date of passing of this By-law and, as a result of a consent, is increased in size but continues to have less lot area and/or lot frontage than required herein, subsection 3.11.1 shall continue to apply.

3.12 **MULTIPLE USES**

- 3.12.1 Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with. Where a multiple use is located within or adjacent to any class of Residential Zone, landscaping will be provided in accordance with Section 3.10.

3.13 **MULTIPLE ZONES ON A LOT**

- 3.13.1 Where a lot which existed at the date of passing of this By-law is located within two or more zones the provisions of the applicable zone, save and except lot area and lot frontage, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 15 metres. In such instances, the zone boundary shall be considered a lot line for the purposes of interpreting and applying the "zone" and "general" provisions of this By-law.
- 3.13.2 Notwithstanding article 3.13.1 no lot shall be created within any zone unless the lot created and the remnant lot comply with the minimum lot area and lot frontage requirements of the applicable zone.

3.14 **PARKING AND LOADING FACILITIES**

3.14.1 **OFF-STREET PARKING**

- 3.14.1.1 Off-street parking spaces and areas shall be provided for every building and structure to be erected or used for any purpose hereinafter set forth in accordance with the parking space requirements set out in article 3.14.1.2.

(a) Handicapped parking spaces shall be provided where ten or more parking spaces are required on a lot and, unless otherwise specified, shall be provided on the basis of 1.0 percent of all required parking spaces. Such spaces shall be sized, signed and reserved for handicapped parking.

- (b) Where the calculation of the parking spaces requirement does not result in a whole number the requirement shall always be rounded up to the next whole number.

3.14.1.2	<u>Use</u>	Minimum Number of Parking Spaces Required
	Animal Hospital, or Veterinarian	5 per Veterinarian
	Bank, Financial Institution	1 per 20 sq. m of g.f.a.
	Business, Professional or Other Office	1 per 30 sq. m of g.f.a.
	Bowling Alley, Curling Rink	3 per lane or curling sheet plus 1 per 9 sq. m of g.f.a. devoted to a restaurant, or liquor licenced premises
	Day Nursery, Day Care Centre	1.5 per classroom or teaching area
	Dry Cleaning Establishment, Laundry	1 per 20 sq. m of g.f.a. or 1 per washing machine whichever is greater
	Home for the Aged	0.75 per bed of which 5% shall be handicapped
	Home Occupation	1 per 30 sq. m of g.f.a. of dwelling devoted to home occupation
	Hospital	1 for every 4 beds or 1 per 100 sq. m of g.f.a., whichever is greater, of which 5% shall be handicapped
	Hotel, Motel, Motor Hotel, Tourist Home, Lodge, Tourist Establishment	1.25 per guest room, or cottage plus 1 per 9 sq. m of g.f.a. devoted to a restaurant or liquor licenced premises
	Industrial, Manufacturing, Processing, Fabricating, Warehousing, Wholesaling, Storage	1 per 40 sq. m of g.f.a. for "light" or "dry-light" industries 1 per 100 sq. m of g.f.a for all others
	Library, Museum	1 per 30 sq. m of g.f.a.
	Liquor Licenced Premises	1 per 9 sq. m of g.f.a.

3.14.1.2 (cont'd)	<u>Use</u>	Minimum Number of Parking Spaces Required
	Marina	1 per 20 sq. m of g.f.a. plus 1 per boat slip
	Marina, Dry-land	1 per 20 sq. m of g.f.a.
	Medical Clinic or Offices for Health Care Professionals	5 per practitioner, of which 5% shall be handicapped
	Motor Vehicle Sales Establishment, Motor Vehicle Service Station, Public Storage	1 per 20 sq. m of g.f.a. with a minimum of 5 spaces
	Nursing Home	0.5 per bed of which 5% shall be handicapped
	Place of Assembly, Place of Worship, Funeral Home	1 per 5 fixed seats, 1 per 3 m of bench seating or 1 per 9 sq. m of g.f.a. whichever is greater, of which 5% shall be handicapped
	Residential Apartment, Fourplex, Triplex, Town House or Converted Dwelling	1.5 per dwelling unit of which 25% shall be for visitor parking
	Dwelling in a non-residential building	2 per unit
	Boarding or Lodging House	1 per guest room
	Residential other than specified herein	2 per unit
	Senior Citizens' Home	0.5 per unit of which 5% shall be handicapped
	Restaurant	1 per 9 sq. m of g.f.a.
	Restaurant, Drive-In	1 per 5 sq. m of g.f.a. with a minimum of 10 spaces
	Retail Commercial Establishment, Personal Service Shop, Service Shop, Dry Cleaning Depot	1 per 30 sq. m of g.f.a.

3.14.1.2 (Con'd)	<u>Use</u>	Minimum Number of Parking Spaces Required
	Schools, Elementary	1.5 per classroom or teaching area
	Schools, Secondary or Commercial or Community College	4 per classroom or teaching area
	Supermarket, Food Store	1 per 20 sq. m of g.f.a
	Shopping Centre	1 per 20 sq. m of g.l.f.a.
	Uses other than those specified	1 per 30 sq. m of g.f.a.
3.14.1.3	The parking lot shall have visible boundaries and the parking spaces clearly defined with the layout of spaces appropriately marked on the ground or signed.	
3.14.1.4	Parking spaces, parking lots and driveways connecting the parking spaces to a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces, parking lots and driveways shall, before being used, be constructed of crushed stone, gravel, asphalt, brick, concrete or similar material.	
3.14.1.5	A parking space shall be rectangular in shape having a minimum width of 2.8 metres and a minimum length of 6 metres.	
3.14.1.6	Notwithstanding article 3.14.1.5 parking spaces for the handicapped shall be rectangular in shape having a minimum width of 4 metres unless adjacent to another designated handicapped space in which case a width of 3.5 metres shall be permitted. Handicapped parking spaces shall be located in proximity to building entrances and handicapped access ramps, walkways or elevators.	
3.14.1.7	Notwithstanding article 3.14.1.5, a parking space used for parallel parking shall have a minimum width of 2.4 metres and a minimum length of 7 metres.	
3.14.1.8	Each parking space shall have adequate access to the street as described within the definitions of parking space. Notwithstanding this provision, where a dwelling unit has exclusive use of a private garage and/or driveway and 2 parking spaces are required for the said dwelling unit for the use by the one household, then the two parking spaces can abut end	

to end, so that one motor vehicle must be moved to enable the second one to have access to the street.

- 3.14.1.9 Unless otherwise provided for elsewhere in this By-law, all parking shall be located on the same lot as the use for which it is intended to serve.
- 3.14.1.10 If the use of a lot is for a place of assembly, the parking lot may be located on a separate lot not more than 150 metres from the location it is intended to serve.
- 3.14.1.11 The width of the aisle in a parking lot shall be based on the angle of the parking spaces to the aisle. If the angle of parking is different on each side of the aisle, then the aisle width shall be based on the parking spaces requiring the widest aisle width. The aisle requirements are as follows:

<u>Angle of Parking Space to Aisle</u>	<u>Minimum Aisle Width</u>
Parallel parking or less than 30 degrees	3.5 metres
Equal to or greater than 30 degrees but less than 50 degrees	4.0 metres
Equal to or greater than 50 degrees but less than 70 degrees	5.5 metres

<u>Angle of Parking Space to Aisle</u> <u>(cont'd)</u>	<u>Minimum Aisle Width</u>
Equal to or greater than 70 degrees but less than or equal to 90 degrees	7.0 metres

- 3.14.1.12 When a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition; however, any addition shall provide the necessary parking required under this By-law.
- 3.14.1.13 No driveway shall be located closer than 15 metres from the limits of the right-of-way at the street intersection.
- 3.14.1.14 Where a building or structure accommodates more than one type of use, the parking requirements shall be the sum of the requirement of the separate uses.

3.14.1.15 No person shall, in any Residential zone, use any lot for the parking or storage of more than one commercial motor vehicle and/or trailer in excess of 5 tonnes gross weight.

3.14.2 **OFF-STREET LOADING SPACE REQUIREMENTS**

3.14.2.1 For every building or structure hereafter erected, or for every addition to an existing building, in a Commercial or Industrial zone involving the frequent shipping loading or unloading of persons, animals, goods, wares or merchandise there shall be provided and maintained by the owner of the building at the premises, loading facilities on land; that is not part of a highway, parking lot, or required driveway, comprised of one or more loading spaces 12 metres long, 4 metres wide and having a vertical clearance of at least 4.5 metres with access to a street and according to the floor area of the building or structure as follows:

<u>Floor Area of Buildings</u>	<u>Minimum Number of Loading Spaces</u>
300 square metres or less	no loading spaces
301 square metres up to and including 2000 square metres	1 loading space
2001 square metres and over	2 loading spaces

3.14.2.2 In addition, no loading space or platform or loading door shall be located in any yard or wall of any building or structure which adjoins or faces a street. In addition to automobile parking lots, parking lot(s) for the use of commercial and industrial traffic shall be provided but shall not be located in any yard flanking a street.

3.14.2.3 Where an addition to an existing building has the effect of increasing total floor area to 301 square metres or greater, the provisions herein shall apply.

3.14.2.4 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. Before being used, they shall be constructed of one or more of the following: crushed stone, slab, gravel, crushed brick (or tile) cinders, asphalt, concrete, or Portland cement binder, for a combined depth of at least 0.15 metres and with provisions for drainage facilities.

3.15 **PUBLIC USES PERMITTED**

3.15.1 **STREETS AND INSTALLATIONS**

3.15.1.1 Nothing in this By-law shall prevent the use of land for a street or prevent the installation, within such street, of municipal works, gas mains, pipelines, or overhead or underground electrical or telephone lines provided that the location of such work or lines has been approved by the municipal authority having jurisdiction over, or ownership of, the affected streets.

3.15.2 **BY-LAW REQUIREMENTS**

3.15.2.1 Every public use, except as otherwise provided for within articles 3.15.3.1 and 3.15.3.2, shall comply with the general provisions of this By-law as contained in Section 3 hereof as well as the applicable zone provisions for the lot upon which such use is located.

3.15.3 **ZONES WHERE PERMITTED**

3.15.3.1 The provisions of this By-law shall not apply to prevent the use of land or the use or erection of a building or structure, in any zone, for the purposes of a public service provided by the Municipality, the County or any Board thereof, provided that it is in conformity with the general character of the area. For the purposes of this article a public service shall include fire halls and works depots or yards but shall exclude community centres, recreational facilities, administrative facilities or land fill sites.

3.15.3.2 The provisions of this By-law shall not apply to prevent the use of land or the use or erection of a building or structure for the purposes of a public service provided under the authority of any Department or Ministry of the Government of Canada or Ontario, any Conservation Authority or any School Board, provided it is in conformity with the general character of the area. For the purposes of this article a public service shall include Ontario Hydro, any telephone, cable television, radio communications or natural gas distribution company which possesses all necessary powers, rights, licences or franchises but shall exclude administrative offices or schools.

3.15.4 **PROVISIONS IN RESIDENTIAL ZONES**

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

3.15.4.2 Notwithstanding article 3.15.4.1 electric power facilities in a residential zone shall be subject to the provisions of subsection 3.10.2 applicable to a commercial zone.

3.16 **REDUCTION OF REQUIREMENTS**

3.16.1 No person shall change the purpose for which any land or building is used or erect any new building or addition to any existing building if the effect of such action is to cause the original, adjoining or remaining buildings or structures to be in contravention of this By-law.

3.17 **RELOCATED BUILDINGS**

3.17.1 In all zones, no buildings, residential or otherwise, shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a permit from the Chief Building Official.

3.18 **SPECIAL SETBACKS OR RESTRICTIONS**

3.18.1 **ENVIRONMENTAL PROTECTION ZONE SETBACKS AND RESTRICTIONS**

3.18.1.1 The following minimum setbacks shall apply to all buildings and structures:

- a) from any class of Environmental Zone boundary shall be the applicable yard requirement for the zone or a setback of 15 metres, whichever is greater.

3.18.1.2 No opening to any residential dwelling unit located on a lot abutting Balsam Lake, shall be permitted below a minimum opening elevation equal to the maintained summer water level of 256.5 metres C.G.D., plus an additional 0.3 metres of freeboard.

3.18.2 **DWELLING UNIT RESTRICTION**

3.18.2.1 Except as specifically provided for within the applicable zone provisions, and notwithstanding article 3.13.1 a maximum of one dwelling unit per lot shall be permitted.

3.18.2.2 In any zone other than a residential zone, where a dwelling unit is a permitted use, the minimum dwelling unit floor area shall be 93 square metres.

3.18.2.3 Except as specifically provided for within the applicable zone, where a dwelling unit(s) is permitted in a zone other than a residential zone or the

Rural General Zone, the dwelling unit(s) shall be located together with another type of permitted use in the main building(s) and shall not be constructed as a separate residential building.

3.18.3 **THROUGH LOTS**

3.18.3.1 A through lot shall be subject to the front yard setback and other requirements contained herein on each street in accordance with the provisions of the zone or zones in which such lot is located.

3.18.3.2 In the case of a through lot having lot lines of equal length on each street, accessory buildings may be located in only one yard adjoining a street, but no closer to the street line than the minimum front yard requirement.

3.18.4 **DISPOSAL INDUSTRIAL ZONE SETBACKS AND RESTRICTIONS**

3.18.4.1 Notwithstanding any other provisions of this By-law, no dwelling, building or structure, except electric power facilities authorized under the Environmental Assessment Act, shall be permitted within:

- (a) Four hundred and seventy metres of a Landfill Waste Disposal Site
- (b) 100 metres from the edge of the highest water level inside the lagoon of a Sewage Treatment Plant.

3.18.5 **INDUSTRIAL AND RESIDENTIAL SETBACKS AND RESTRICTIONS**

3.18.5.1 In addition to the landscaping requirements of Section 3.10 and notwithstanding the yard requirements of any zone,

- (a) Industrial uses shall be separated from residential lots based upon the following minimum setbacks:
 - (i) light industry 30 m
 - (ii) medium industry 90 m
 - (iii) heavy industry 300 m
- (b) Notwithstanding clause (a) the minimum setbacks from residential lots shall be reduced to 10 metres for light or 30 metres for medium industrial uses where the following provisions and regulations are met:
 - (i) mechanical ventilation, heating, cooling or dust collection equipment are located at ground level and located or equipped to suppress noise generation;
 - (ii) truck access, turnaround, parking and loading areas are separated from residential lots by the main building;

- (iii) outside storage areas are separated from residential lots by the main building;
- (iv) the main building has no openings other than emergency or employee entrances adjacent to residential lots.

3.19 **TEMPORARY USES PERMITTED**

3.19.1 Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of 60 days.

3.19.2 In the case of a temporary sales or rental office, parking shall be provided in accordance with Section 3.14 hereof.

3.19.3 The use of temporary living quarters on a lot in any class of agricultural or residential zone may be permitted, on a temporary basis, for a period not to exceed 9 months, while a permitted residential dwelling unit is under construction. Such temporary living quarters shall be removed from the lot immediately after the expiry of the 9 month period or upon occupancy of the new dwelling, whichever occurs first.

3.20 **UNENCLOSED STORAGE OF UNLICENCED MOTOR VEHICLES**

3.20.1 No lot or part of a lot except a private garage shall be used for the storage of motor vehicles or parts of motor vehicles that have not been licenced for one year.

3.21 **SEASONAL FARM RESIDENTIAL USE**

In the Rural General (RG) Zone, a seasonal farm residential use shall be permitted subject to the following:

3.21.1 The property on which the seasonal farm residential use is located has to be classed as a farm by MPAC and be on a lot of at least 20 hectares.

3.21.2 The seasonal farm residential use cannot exceed 250 square metres in area and may be contained in more than one building.

3.21.3 A covenant be registered on title that the residence will be used only for seasonal farm residential use.

3.21.4 That the seasonal farm residential use shall not exceed eight months per seasonal worker in each calendar year.

B/L 2007-289

PART 4 - ZONES AND ZONING MAPS

4.1 ZONES

4.1.1 For the purpose of this By-law, the following zones shall be and the same are established within the defined areas on Schedule A to this By-law:

Part	Zone Symbol	Zone Title	Zone Classification
5	EP	Environmental Protection	Environmental
6	CF	Community Facility	Community
7	RG	Rural General	Agricultural
8	AP	Aggregate Protection	Aggregate
9	HR	Hamlet Residential	Residential
10	RR1	Rural Residential Type One	Residential
11	RR2	Rural Residential Type Two	Residential
12	RR3	Rural Residential Type Three	Residential
13	LSR	Limited Service Residential	Residential
14	C1	General Commercial	Commercial
15	C2	Highway Commercial	Commercial
16	C3	Tourist Commercial	Commercial
17	M1	Restricted Industrial	Industrial
18	M2	General Industrial	Industrial
19	M3	Extractive Industrial	Industrial
20	M4	Disposal Industrial	Industrial

4.2 ZONING MAPS

4.2.1 The extent and boundaries of the said zones are shown on Schedule A attached hereto and may be cited as the "Zoning Map" and is declared hereby to form part of this By-law. Such zones may be referred to by the appropriate Zone symbols.

4.3 SPECIAL EXCEPTIONS

4.3.1 Where a zone contains special exceptions, which are indicated on Schedule A by a zone symbol followed by a hyphen and a numeral, a lot so zoned shall be subject to the special exceptions described in the text for the applicable zone. Where there is a conflict between a special exception and any other section of this By-law, the special exception shall apply. Where the special exception is silent, on any matter, all provisions of this By-law or the applicable zone shall continue to apply.

4.4 **ZONE AND GENERAL PROVISIONS**

- 4.4.1 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.

PART 5 - ENVIRONMENTAL PROTECTION (EP) ZONE

5.1 USES PERMITTED

5.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in an Environmental Protection (EP) Zone, except for the following uses:

5.1.1.1 Conservation uses

5.1.1.2 Bird or Wildlife Sanctuaries

5.1.1.3 Flood and Erosion Control Works

5.1.1.4 Forestry Activities

5.2 PROHIBITION OF BUILDING CONSTRUCTION

5.2.1 In an Environmental Protection (EP) Zone, no person shall hereafter erect any building or structure, except structures for flood and erosion control and docks.

5.3 ENVIRONMENTAL PROTECTION EXCEPTION ZONES

5.3.1 ENVIRONMENTAL PROTECTION EXCEPTION ONE (EP-1) ZONE

Notwithstanding Section 5.2 and in addition to the uses permitted in Section 5.1, on land zoned "EP-1", docks and boat launching facilities are permitted.

5.3.2 ENVIRONMENTAL PROTECTION EXCEPTION TWO (EP-2) ZONE

Notwithstanding Section 5.1 to the contrary, land zoned EP-2 may only be used for the following purposes:

- (a) conservation uses
- (b) bird or wildlife sanctuaries
- (c) flood or erosion control works

5.3.3 ENVIRONMENTAL PROTECTION EXCEPTION THREE (EP-3) ZONE

Notwithstanding Sections 5.1 and 5.2, land zoned "EP-3", may only be used for recreational purposes, boat docking facilities or boat houses accessory to a residential use located on a separate lot subject to the following zone provisions:

- | | | |
|-----|--------------------------|-------|
| (a) | front yard (min) | 7.5 m |
| (b) | interior side yard (min) | 1.2 m |

5.3.4 ENVIRONMENTAL PROTECTION EXCEPTION FOUR (EP-4) ZONE
(B/L 2008-226)

Notwithstanding subsection 5.1, on land zoned EP-4, a boathouse is a permitted accessory use.

5.3.5 ENVIRONMENTAL PROTECTION EXCEPTION FIVE (EP-5) ZONE
(B/L 2016-242)

5.3.5.1 Notwithstanding subsection 5.1 and subsection 5.2, a maximum of two (2) residential accessory buildings are permitted.

5.3.5.2 Notwithstanding subsection 3.1.3.1, the maximum floor area of an accessory building or structure in the EP-5 Zone shall be 255 sq.m.

5.3.5.3 Notwithstanding subsection 3.4.2, the extension, enlargement, reconstruction, or structural alteration of the two (2) accessory buildings is not permitted.

PART 6 - COMMUNITY FACILITY (CF) ZONE

6.1 USES PERMITTED

6.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Community Facility (CF) Zone, except for the following uses:

6.1.1.1 Uses permitted by Section 5.1

6.1.1.2 Cemeteries

6.1.1.3 Municipal Buildings, Structures, Community Centres, Arenas, Libraries, Museums

6.1.1.4 Hospitals, Health or Medical Centres

6.1.1.5 Places of Worship

6.1.1.6 Elementary Schools, Secondary Schools

6.1.1.7 Day nurseries

6.1.1.8 Clubs

6.1.1.9 Public Authority uses exclusive of outside storage

6.1.1.10 Provincial Park

6.1.1.11 Nursing Home

6.1.1.12 Public Utilities excluding outside storage

6.1.1.13 Public or Private Park

6.2 ZONE PROVISIONS

6.2.1 No person shall hereafter erect or use any building or structure, in a Community Facility (CF) Zone, except in conformity with the following zone provisions:

6.2.1.1 Lot Area (min.) 650 sq. m

6.2.1.2 Lot Frontage (min.) 15 m

6.2.1.3	Lot frontage on a Provincial Highway	31.5 m for 50 km/hr speed zone 45 m for 80 km/hr speed zone
6.2.1.4	Yard Requirements (min.)	
	(a) front	7.5 m
	(b) interior side	4.5 m
	(c) exterior side	4.5 m
	(d) rear	7.5 m
6.2.1.5	Lot Coverage (max.)	50%
6.2.1.6	Building Height (max.)	11 m
6.2.1.7	Gross Floor Area	no minimum
6.2.1.8	Landscaped Open Space (min.)	30%

6.3 **COMMUNITY FACILITY EXCEPTION ZONES**

6.3.1 **COMMUNITY FACILITY EXCEPTION ONE (CF-1) ZONE**

6.3.1.1 Notwithstanding Section 6.1, land zoned "CF-1" may be used for private open space uses, to be used in common by the owners of the subdivision Plan 579.

PART 7 - RURAL GENERAL (RG) ZONE

7.1 USES PERMITTED

7.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural General (RG) Zone, except for the following uses:

7.1.1.1 Agricultural or forestry uses

7.1.1.2 Agricultural produce storage facility; market garden farms; seasonal fruit, flower or farm produce outlet

7.1.1.3 Riding or Boarding stables

7.1.1.4 Nurseries or Commercial greenhouses

7.1.1.5 Farm Implement Dealer

7.1.1.6 One Single Detached Dwelling

7.1.1.7 Home Occupation

7.1.1.8 Uses, buildings or structures accessory to another permitted use within Section 7.1

7.1.1.9 Bed and Breakfast Establishment

7.1.1.10 Cemeteries

7.1.1.11 Wayside Pit or Quarry

7.1.1.12 Kennels

7.1.1.13 Portable Asphalt Plant located within a wayside pit or quarry.

7.1.1.14 A firewood splitting operation.

7.1.1.15 Seasonal Farm Residential Use subject to Section 3.21 in the General Provisions. B/L 2007-289

7.2 ZONE PROVISIONS

7.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural General (RG) Zone, except in conformity with the following zone provisions:

- | | | |
|----------|---|----------------|
| 7.2.1.1 | Lot Area (min.) | 25 ha |
| 7.2.1.2 | Lot Frontage (min.) | 230 m |
| 7.2.1.3 | Yard Requirements (min.) | |
| | (a) front | 30 m |
| | (b) interior side | 9 m |
| | (c) exterior side | 15 m |
| | (d) rear | 25 m |
| 7.2.1.4 | Lot Coverage (max.) | 5 % |
| 7.2.1.5 | Building Height (max.) | |
| | (a) Building accessory to a farm | No restriction |
| | (b) All others | 10 m |
| 7.2.1.6 | Gross Floor Area per dwelling (min.) | 60 sq. m |
| 7.2.1.7 | (a) Notwithstanding subsections 7.1.1 and 7.2.1 where a lot is created by consent such lot shall only be used in accordance with Sections 10.1 and 10.2 of this By-law but shall not exceed a lot area of 2.0 hectares. | |
| | (b) Where a lot existed prior to the date of passage of this by-law and is located in the RG Zone, a building or structure may be erected provided the use is permitted pursuant to Sections 7.1 and 10.1, and article 7.2.1.9, and, provided the zone provisions of section 10.2 are complied with. | |
| 7.2.1.8 | In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in a Rural General zone, the maximum height of such building shall be 5 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres. | |
| 7.2.1.9 | Where an existing lot with a lot area of 2 hectares or less has less lot area or frontage than required within articles 7.2.1.1 and 7.2.1.2, the provisions of subsection 3.11.1 shall not apply to permit the establishment of an agricultural use. | |
| 7.2.1.10 | Where a lot is created by consent in a Rural General zone the retained lot shall be deemed to be an existing non-complying lot and the provisions of subsections 3.4.1 and 3.4.2 shall apply. | |

7.2.1.11 Notwithstanding article 7.1.1.6 and subsection 3.18.2, a second single detached dwelling may be erected or a single detached dwelling existing at the date of passing of this By-law, may be changed to a converted dwelling having a maximum of two dwelling units provided the lot upon which it is located has a minimum lot area of 25 hectares and further provided that each dwelling unit has a minimum floor area of 60 square metres.

7.2.1.12 **KENNELS**

- (a) Notwithstanding Section 3.11 a kennel shall only be located on a lot having a minimum area of 12 ha;
- (b) Enclosed kennels shall have a minimum setback of 60 m from the nearest portion of any unenclosed dog run to a single residence located on a separate lot or 112 m to a group of three or more residences on separate lots;
- (c) Unenclosed kennels shall have a minimum setback of 150 m from the nearest portion of the kennel to a single residence located on a separate lot or 200 m to a group of three or more residences on separate lots;
- (d) No more than 40 adult dogs may be kept in a kennel at any one time;
- (e) The portion of the lot used for kennel purposes shall be fenced from adjoining properties;
- (f) For the purposes of these provisions an enclosed kennel shall mean a single building and associated fenced exercise dog runs containing separate pens or enclosures for housing individual adult dogs. An unenclosed kennel shall mean two or more open, fenced dog runs each containing a separate shelter.
- (g) The term adult dogs shall exclude offspring until weaned.

7.2.2 **PORTABLE ASPHALT PLANTS**

7.2.2.1 The establishment of a portable asphalt plant as defined within Section 2, shall be subject to the heavy industry setback provisions of articles 3.18.5.1.

7.2.3 **FIREWOOD SPLITTING OPERATIONS**

7.2.3.1 Notwithstanding article 7.2.1, a firewood splitting operation is permitted subject to the following zone provisions:

- | | | |
|-----|--|--------------------------------|
| (a) | lot area (min.) | 16 ha |
| (b) | setback from a dwelling
on a separate lot | 90 m |
| (c) | lot coverage (max.)
inclusive of outdoor storage | 10% to a
maximum of
2 ha |
| (d) | stockpile height (max.) | 3 m |
| (e) | any outdoor storage associated with a firewood
splitting operation shall be subject to all yard and setback
requirements provided for in article 17.2.1.3. | |

7.3 **RURAL GENERAL EXCEPTION ZONES**

7.3.1 **RURAL GENERAL EXCEPTION ONE (RG-1) ZONE**

7.3.1.1 Notwithstanding articles 7.2.1.1 and 7.2.1.2 on land zoned "RG-1" the minimum lot area shall be 2.8 hectares and the minimum lot frontage shall be 55 metres.

7.3.2 **RURAL GENERAL EXCEPTION TWO (RG-2) ZONE**

7.3.2.1 Notwithstanding articles 7.2.1.1 and 7.2.1.2 on land zoned "RG-2", the minimum lot area shall be 6 hectares and the minimum lot frontage shall be 150 metres.

7.3.3 **RURAL GENERAL EXCEPTION THREE (RG-3) ZONE**

7.3.3.1 Notwithstanding subsection 7.1.1, land zoned "RG-3" may only be used for the following uses:

- (a) Agricultural or Forestry Uses

7.3.4 **RURAL GENERAL EXCEPTION FOUR (RG-4) ZONE**

7.3.4.1 Notwithstanding subsection 7.2.1, article 7.2.1.2, land zoned "RG-4" shall be subject to the following zone provisions:

- (a) Lot Frontage (min.) 152.4 m

7.3.5 **RURAL GENERAL EXCEPTION FIVE (RG-5) ZONE**

7.3.5.1 Notwithstanding subsection 7.1.1, on land zoned 'RG-5' only existing uses and landscaping, screening, and conservation uses shall be permitted.

7.3.6 **RURAL GENERAL EXCEPTION SIX (RG-6) ZONE**

- 7.3.6.1 In addition to the provisions of subsection 7.2.1, on land zoned 'RG-6' the minimum setback between a dwelling and a sewage storage facility shall be 300 metres or 200 metres from the M4-2 zone whichever is greater.

PART 8 - AGGREGATE PROTECTION (AP) ZONE

8.1 USES PERMITTED

8.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Aggregate Protection (AP) Zone, except for the following uses.

8.1.1.1 Agricultural or Forestry

8.1.1.2 Conservation Uses

8.1.1.3 Wayside Pit

8.1.1.4 Portable Asphalt Plant located within a wayside pit or quarry.

8.2 ZONE PROVISIONS

8.2.1 No person shall hereafter change the use of any building or land or erect or use any building or structure, in the Aggregate Protection Zone, except in conformity with the following zone provisions:

8.2.1.1 Lot Area (min.) 25 ha

8.2.1.2 Lot Frontage (min.) 120 m

8.2.1.3 Yard Requirements (min.)

- | | | |
|-----|--|-------|
| (a) | front | 30 m |
| (b) | interior side | 9 m |
| (c) | exterior side | 30 m |
| (d) | rear | 25 m |
| (e) | building for animal husbandry | 100 m |
| | or 200 m from an existing dwelling | |
| | on an abutting lot, whichever is greater | |

8.2.1.4 Lot Coverage (max.) 5%

8.2.1.5 Building Height (max.)

- | | | |
|-----|--------------------------------|----------------|
| (a) | building accessory to a farm - | no restriction |
| (b) | all others | 10 m |

8.2.2 PORTABLE ASPHALT PLANTS

8.2.2.1 The establishment of a portable asphalt plant as defined within Section 2, shall be subject to the heavy industry setback provisions of article 3.18.5.1.

PART 9 - HAMLET RESIDENTIAL (HR) ZONE

9.1 USES PERMITTED

9.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Hamlet Residential (HR) Zone, except for the following uses:

9.1.1.1 Single Detached Dwelling

9.1.1.2 Converted Dwelling

9.1.1.3 Duplex

9.1.1.4 Home Occupation

9.1.1.5 Park

9.1.1.6 School

9.1.1.7 Bed and Breakfast

9.2 ZONE PROVISIONS

9.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Hamlet Residential (HR) Zone, except in conformity with the following zone provisions:

9.2.1.1 Lot Area (min. per d.u.)

(a)	Serviced with municipal sewers and a communal water system	460 sq. m
(b)	Serviced with municipal sewers only	830 sq. m
(c)	Serviced with a communal water system only	1400 sq. m
(d)	Serviced with a private well and private waste disposal system	2000 sq. m

9.2.1.2 Lot Frontage (min.)

(a)	Serviced with municipal sewers and a communal water system	15 m
(b)	Serviced with municipal sewers only	17 m
(c)	Serviced with a communal water system only	25 m
(d)	Serviced with a private well and private waste disposal system	30 m

9.2.1.3	Yard Requirements (min.)	
	(a) front	7.5 m
	(b) interior side	3 m on one side and 1.2 m on the other side
	(c) exterior side	7.5 m
	(d) rear	7.5 m
	(e) water setback	15 m

9.2.1.4 Lot Coverage (max.) 30%

9.2.1.5 Building Height (max.) 11 m

9.2.1.6	Gross Floor Area (min.per d.u.)	
	(a) Single Detached Dwelling	93 sq. m
	(b) Converted Dwelling or Duplex	65 sq. m

9.2.1.7 Landscaped Open Space (min.) 25 %

9.2.1.8 Density (max. per lot) 2 d.u.

9.2.1.9 Notwithstanding subsection 9.1.1 and 9.2.1, an elementary or secondary school shall only be permitted in accordance with the zone provisions of Section 6.2.

9.3 **HAMLET RESIDENTIAL EXCEPTION ZONES**

9.3.1 **HAMLET RESIDENTIAL EXCEPTION ONE (HR-1) ZONE**

9.3.1.1 Notwithstanding subsection 9.1, land zoned "HR-1" may only be used for the following use:

(a) semi-detached dwelling

9.3.1.2 Notwithstanding article 9.2.1.3 (b), there is no interior side yard required along the common lot line of semi-detached units.

9.3.2 **HAMLET RESIDENTIAL EXCEPTION TWO (HR-2) ZONE**

9.3.2.1 Notwithstanding subsection 9.1, land zoned "HR-2" may also be used as a lodging house or a quadruplex.

9.3.2.2 Notwithstanding articles 9.2.1.1, 9.2.1.2 and 9.2.1.4, land zoned "HR-2" shall be subject to the following provisions:

(a)	Lot Area (min.)	2000 sq.m
(b)	Lot Frontage (min.)	30 %
(c)	Lot Coverage (max.)	25 %
(d)	Density (max. d.u. per lot)	4

9.3.2.3 Notwithstanding the definition of the term "boarding, lodging or rooming house:", on land zoned "HR-2" a maximum of 10 single room accommodation units, exclusive of ensuite bathrooms, may be permitted.

PART 10 - RURAL RESIDENTIAL TYPE ONE (RR1) ZONE

10.1 USES PERMITTED

10.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type One (RR1) Zone, except for the following uses:

10.1.1.1 Single Detached Dwelling

10.1.1.2 A Home Occupation

10.1.1.3 Park

10.2 ZONE PROVISIONS

10.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type One (RR1) Zone, except in conformity with the following zone provisions:

10.2.1.1 Lot Area (min.) 2800 sq. m

10.2.1.2 Lot Frontage (min.) 38 m

10.2.1.3 Yard Requirements (min.)

(a) front	7.5 m
(b) interior side	3 m
(c) exterior side	7.5 m
(d) rear	7.5 m

10.2.1.4 Lot Coverage (max.) 30 %

10.2.1.5 Building Height (max.) 11 m

10.2.1.6 Gross Floor Area (min. per d.u.) 60 sq. m

10.2.1.7 Landscaped Open Space (min.) 30 %

10.2.1.8 Density (max. per lot) 1 d.u.

10.3 **RURAL RESIDENTIAL TYPE ONE EXCEPTION ZONES**

10.3.1 **RURAL RESIDENTIAL TYPE ONE EXCEPTION ONE (RR1-1) ZONE**

10.3.1.1 Notwithstanding subsection 10.2.1.1, land zoned "RR1-1" shall have a minimum lot area of 0.8 ha.

10.3.2 **RURAL RESIDENTIAL TYPE ONE EXCEPTION TWO (RR1-2) ZONE**

Deleted by Release executed by the City of Kawartha Lakes in February 2005 with respect to Bexley By-Law 2000-04 and Garden Suite Agreement dated January 24, 2000. (B/L 99-48)

10.3.3 **RURAL RESIDENTIAL TYPE ONE EXCEPTION THREE (RR1-3) ZONE**

10.3.3.1 Notwithstanding subsections 10.2.1.1 and 10.2.1.2, on land zoned RR1-3, the minimum lot area shall be 0.8 ha and the minimum lot frontage shall be 0 m. and the minimum lot width shall be 106 m.
(B/L 2001-141)

Note: ; passed as 10.3.2 (RR1-2) in By-law 2001-141 should have been 10.3.3 (RR1-3)

PART 11 - RURAL RESIDENTIAL TYPE TWO (RR2) ZONE

11.1 USES PERMITTED

11.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Two (RR2) Zone, except for the following uses:

11.1.1.1 Single Detached Dwelling

11.1.1.2 Home Occupation

11.1.1.3 Park

11.2 ZONE PROVISIONS

11.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Two (RR2) Zone, except in conformity with the following zone provisions:

11.2.1.1 Lot Area (min. per d.u.)

- | | | |
|-----|---|------------|
| (a) | Communal or municipal water supply | 1700 sq. m |
| (b) | Individual water supply and sewage disposal | 2000 sq. m |

11.2.1.2 Lot Frontage (min.)

- | | | |
|-----|--|------|
| (a) | Communal or municipal water supply | 25 m |
| (b) | Individual water supply and sewage disposal with no shore lot line | 30 m |
| (c) | With shore lot line | 30 m |

11.2.1.3 Yard Requirements (min.)

- | | | |
|-----|---------------|--|
| (a) | front | 7.5 m |
| (b) | interior side | 3 m on one side and
1.2 m on the other side |
| (c) | exterior side | 7.5 m |
| (d) | rear | 7.5 m |
| (f) | water setback | 15 m |

11.2.1.4 Lot Coverage (max.) 30 %

11.2.1.5 Building Height (max.) 11 m

11.2.1.6 Gross Floor Area (min. per d.u.) 60 sq. m

11.2.1.7 Landscaped Open Space (min.) 25 %

11.2.1.8 Density (max. d.u. per lot) 1

11.3 **RURAL RESIDENTIAL TYPE TWO EXCEPTION ZONES**

"RESERVED"

PART 12 - RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

12.1 USES PERMITTED

12.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Three (RR3) Zone, except for the following uses:

12.1.1.1 Vacation dwelling

12.1.1.2 Single detached dwelling

12.1.1.3 Private Cabin

12.1.1.4 Park

12.1.1.5 Home Occupation

12.2 ZONE PROVISIONS

12.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Three (RR3) Zone, except in conformity with the following zone provisions:

12.2.1.1 Lot Area (min.)

- | | | |
|-----|---|------------|
| (a) | Communal or municipal water supply | 1700 sq. m |
| (b) | Individual water supply and sewage disposal | 2000 sq. m |

12.2.1.2 Lot Frontage (min.)

- | | | |
|-----|---|------|
| (a) | Communal or municipal water no shore lot line | 25 m |
| (b) | Individual water supply and sewage disposal - no shore lot line | 30 m |
| (c) | with shore lot line | 30 m |

12.2.1.3 Yard Requirements (min.)

- | | | |
|-----|---------------|--|
| (a) | front | 7.5 m |
| (b) | interior side | 3 m on one side and
1.2 m on the other side |
| (c) | exterior side | 7.5 m |
| (d) | rear | 7.5 m |
| (e) | water setback | 15 m |

12.2.1.4 Lot Coverage (max.) 30 %

12.2.1.5	Building Height (max.)	11 m
12.2.1.6	Gross Floor Area (min. per d.u.)	60 sq. m
12.2.1.7	Landscaped Open Space	30 %
12.2.1.8	Density (max. d.u. per lot)	1

12.3 **RURAL RESIDENTIAL TYPE THREE EXCEPTION ZONES**

12.3.1 **RURAL RESIDENTIAL TYPE THREE EXCEPTION ONE (RR3-1) ZONE**

12.3.1.1 Notwithstanding subsection 12.2.1, articles 12.2.1.3 (a) and (b), land zoned "RR3-1" shall be subject to the following zone provisions:

- (a) Minimum Front Yard 15 m
- (b) Minimum side yard shall be 3 metres on each side,
plus 1 metre on each side for
each additional or partial
storey above the first.

12.3.1.2 Notwithstanding article 3.1.3.2, on land zoned "RR3-1" the maximum height of all boat houses shall mean the vertical distance on a building or structure measured between the maintained summer water level and the top of the roof and the maximum height shall be 4 metres.

12.3.2 **RURAL RESIDENTIAL TYPE THREE EXCEPTION TWO (RR3-2) ZONE**

12.3.2.1 Notwithstanding subsection 12.2.1, article 12.2.1.1, land zoned "RR3-2" shall be subject to the following zone provision:

- (a) Lot Area (min.) 0.34 ha

12.3.3 **RURAL RESIDENTIAL TYPE THREE EXCEPTION THREE (RR3-3) ZONE**

12.3.3.1 Notwithstanding subsection 12.1.1, land zoned RR3-3" may only be used for one of the following uses:

- (a) Vacation Dwelling
- (b) Single Detached Dwelling

12.3.3.2 Notwithstanding subsection 12.2.1, articles 12.2.1.1 and 12.2.1.2, 12.2.1.3 (b) and (c), and 12.2.1.4, land zoned "RR3-3" shall be subject to the following zone provisions:

- (a) Lot Area (min.) 3000 sq. m
- (b) Lot Frontage (min.) 30 m
- (c) Side Yard (min.) 5 m
- (d) Lot Coverage (max.) 10 %

12.3.4 **RURAL RESIDENTIAL TYPE THREE EXCEPTION FOUR (RR3-4) ZONE**

12.3.4.1 Notwithstanding subsection 12.2.1, article 12.2.1.2 (a), land zoned "RR3-4" shall be subject to the following zone provision:

- (a) Lot Frontage (min.) 17 m

12.3.5 **RURAL RESIDENTIAL TYPE THREE EXCEPTION FIVE (RR3-5) ZONE**

12.3.5.1 Notwithstanding subsection 12.1.1, land zoned "RR3-5" may only be used for one of the following uses:

- (a) Not more than two single detached dwellings
(b) Home Occupation

12.3.5.2 Notwithstanding subsection 12.2.1, article 12.2.1.2 (c), land zoned "RR3-5" shall be subject to the following zone provisions:

- (a) Lot Frontage (min.) 60 m
(b) distance between dwelling units (min.) 2.4 m

12.3.6 **RURAL RESIDENTIAL TYPE THREE EXCEPTION SIX (RR3-6) ZONE**

12.3.6.1 Notwithstanding subsection 12.2.1 article 12.2.1.8, on land zoned "RR3-6" a maximum of two dwelling units is permitted provided there is a minimum of 40 metres between dwelling units.

12.3.7 **RURAL RESIDENTIAL TYPE THREE EXCEPTION SEVEN (RR3-7) ZONE**

12.3.7.1 Notwithstanding subsections 12.1 and 12.2, land zoned RR3-7 shall only be used for residential accessory uses and such uses to be no closer than 7.5 m. to an abutting rear lot line.

(B/L 2008-101)

PART 13 - LIMITED SERVICE RESIDENTIAL (LSR) ZONE

13.1 LSR USES PERMITTED

13.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Limited Service Residential (LSR) Zone, except for one or more of the following uses:

13.1.1.1 Vacation dwelling

13.1.1.2 Single detached dwelling

13.1.1.3 Private Cabin

13.2 ZONE PROVISIONS

13.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Limited Service Residential (LSR) Zone, except in conformity with the following zone provisions:

13.2.1.1 Lot Area (min.)

- | | | |
|-----|--|------------|
| (a) | with communal or municipal water supply | 1700 sq. m |
| (b) | with individual water supply and sewage disposal | 2000 sq. m |

13.2.1.2 Lot Frontage (min.)

- | | | |
|-----|--|------|
| (a) | communal or municipal water with no shore lot line | 25 m |
| (b) | individual water supply and sewage disposal with no shore lot line | 30 m |
| (c) | with a shore lot line | 30 m |

13.2.1.3 Yard Requirements (min.)

- | | | |
|-----|---------------|---|
| (a) | front | 7.5 m |
| (b) | interior side | 3 m on one side and 1.2 m on the other side |
| (c) | exterior side | 7.5 m |
| (d) | rear | 7.5 m |
| (e) | water setback | 15 m |

13.2.1.4 Lot Coverage (max.) 30 %

13.2.1.5 Building Height (max.) 11 m

13.2.1.6	Gross Floor Area (min. per d.u.)	60 sq. m
13.2.1.7	Landscaped Open Space (min.)	30 %
13.2.1.8	Density (max. d.u. per lot)	1

13.3 **LIMITED SERVICE RESIDENTIAL EXCEPTION ZONES**

13.3.1 **LIMITED SERVICE RESIDENTIAL EXCEPTION ONE (LSR-1) ZONE**

13.3.1.1 Notwithstanding article 13.1.1, land zoned "LSR-1" may only be used for the following uses:
 (a) Vacation Dwelling

13.3.2 **LIMITED SERVICE RESIDENTIAL EXCEPTION TWO (LSR-2) ZONE**

13.3.2.1 Notwithstanding article 13.1.1, land zoned "LSR-2" may only be used for the following use:
 (a) Vacation Dwelling

13.3.2.2 Notwithstanding subsection 13.2.1 and article 13.2.1.2, land zoned "LSR-2" shall be subject to the following zone provisions:
 (a) Lot Frontage (min.) 12 m

13.3.3 **LIMITED SERVICE RESIDENTIAL EXCEPTION THREE (LSR-3) ZONE**

13.3.3.1 Notwithstanding article 13.1.1, land zoned "LSR-3" may only be used for the following uses:
 (a) vacation dwelling

13.3.3.2 Notwithstanding section 13.2, land zoned "LSR-3" shall be subject to the following zone provisions:

(a)	Lot Area (min.)	1.5 ha
(b)	Lot Frontage (min.)	60 m
(c)	Side Yard (min.)	6 m
(d)	Lot Coverage (max.)	10 %
(e)	Gross Floor Area (min. per d.u.)	60 sq. m
(f)	Building Height (max.)	11 m
(g)	Density (max. d.u. per lot)	1
(h)	Water Setback for buildings and structures except those needed for erosion control or access (min.)	33 m
(i)	Water Setback for private sewage disposal systems (min.)	46 m

13.3.4 LIMITED SERVICE RESIDENTIAL EXCEPTION FOUR (LSR-4) ZONE

13.3.4.1 Notwithstanding the definition of the term "Front Lot Line", on land zoned "LSR-4", the lot line opposite to the shore lot line shall be the Front Lot Line.

13.3.5 LIMITED SERVICE RESIDENTIAL EXCEPTION FIVE (LSR-5) ZONE

13.3.5.1 In addition to the requirements within the zoning by-law, on land zoned "LSR-5", no buildings shall be erected below the elevation of 256.8 metres above sea level. A minimum 15 metre vegetated buffer zone shall be maintained along the shoreline for all new development. No septic tile beds shall be located within this 15 metre buffer and they shall be located a minimum 0.9 metres above the high water mark.

13.3.5.2 The only building permitted within the buffer shall be a single storey boat house per lot with marine railway provided the boathouse is set back a minimum of 2 metres from the high water mark and 2 metres from a side lot line. The only structure permitted within the buffer shall be docking facilities as approved by the Trent Severn Waterway.

13.3.5.3 The 15 metre buffer adjacent to Balsam Lake shall be maintained with natural vegetation, native to Ontario, including ground cover, wildflowers, shrubs and trees. A conventional lawn shall not be permitted.
(B/L 2005-326)

13.3.5 LIMITED SERVICE RESIDENTIAL EXCEPTION SIX (LSR-6) ZONE

13.3.6.1 Notwithstanding subsection 13.1.1, only a vacation dwelling is a permitted use.

13.3.5.2 Notwithstanding subsection 13.2.1.3 (e), the minimum water setback shall be 30 m.

13.3.5.3 Notwithstanding subsection 13.2.1.8, the maximum number of dwelling units is two (2).

13.3.5.4 Notwithstanding subsection 3.1.3.1, the maximum lot coverage of all accessory buildings and structures in the LSR-6 Zone and EP-5 Zone, excluding private garages attached to a vacation dwelling and outdoor swimming pools, shall not exceed 325 sq.m.

13.3.5.5 Notwithstanding subsection 3.1.3.1, the maximum floor area of an accessory building or structure in the LSR-6 Zone shall be 255 sq.m.

- 13.3.6.6 Notwithstanding subsection 3.18.1.1, there shall be no applicable yard requirement or setback from the EP-5 Zone boundary.

PART 14 - GENERAL COMMERCIAL (C1) ZONE

14.1 USES PERMITTED

14.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a General Commercial (C1) Zone, except for the following uses:

- 14.1.1.1 Animal Hospital or Veterinary Clinic
- 14.1.1.2 Banks, Financial Institutions
- 14.1.1.3 Bed and Breakfast Establishment
- 14.1.1.4 Business or Professional Offices
- 14.1.1.5 Commercial Schools
- 14.1.1.6 Clubs
- 14.1.1.7 Dry Cleaning and Laundry Depot
- 14.1.1.8 Funeral Parlours
- 14.1.1.9 Hotel, Motel
- 14.1.1.10 Medical Clinic
- 14.1.1.11 Motor Vehicle Service Station
- 14.1.1.12 Museum, Library
- 14.1.1.13 Public and Private Parking Lots
- 14.1.1.14 Recreational Establishment
- 14.1.1.15 Restaurants, Soda Fountains and lunch counters, but not including drive-in restaurants
- 14.1.1.16 Retail Stores, service shops and personal service shops
- 14.1.1.17 Taxi stand
- 14.1.1.18 Upholstering and furniture repair
- 14.1.1.19 Dwelling units as part of a building containing a permitted non-residential use.

14.2 **ZONE PROVISIONS**

14.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a General Commercial (C1) Zone, except in conformity with the following zone provisions:

14.2.1.1	Lot Area (min.)	1400 sq. m
14.2.1.2	Lot Frontage (min.)	25 m
14.2.1.3	Lot frontage on a Provincial Highway	31.5 m for 50 km/hr speed zone 45 m for 80 km/hr speed zone
14.2.1.4	Yard Requirements (min.)	
	(a) front	2 m
	(b) interior side	
	(i) nil for an interior side yard where the building has a common wall with the building on an adjacent lot.	
	(ii) All others	1.5 m
	(c) exterior side	6 m
	(d) rear	9 m
14.2.1.5	Lot Coverage (max.)	30 %
14.2.1.6	Building Height (max.)	11 m
14.2.1.7	Gross Floor Area (min.)	
	(a) Bachelor Apartment	35 sq. m
	(b) All other residential units	55 sq. m plus 14 sq. m for each habitable room, in excess of 4
	(c) All other uses	no minimum
14.2.1.8	Landscaped Open Space (min.)	10 %
14.2.1.9	Density (max. per lot)	
	(a) Residential	1 d.u.
	(b) All other uses (max. F.A.R.)	0.5
	(c) separate premises	2

14.3 **GENERAL COMMERCIAL EXCEPTION ZONES**

14.3.1 **GENERAL COMMERCIAL EXCEPTION ONE (C1-1) ZONE**

14.3.1.1 Notwithstanding subsection 14.1.1, lands zoned "C1-1" may also be used for the outdoor storage of building supplies.

14.3.1.2 Notwithstanding subsection 3.10.2 and article 14.2.1.5, land zoned C1-1 shall also be subject to the following zone provisions:

- (a) Width of landscaped buffer
for outdoor storage (min.) 1 m
- (b) Height of outdoor material
storage (max.) 1.8 m
- (c) Lot Coverage (max.) 35%
- (d) Lot Coverage for outdoor
storage (max.) 15%
- (e) A wooden screening fence with a minimum height of
1.8 metres shall be provided where a side lot line
abuts the rear yard of an abutting property zoned
for commercial use.

14.3.2 **GENERAL COMMERCIAL EXCEPTION TWO (C1-2) ZONE**

Deleted by By-Law 2008-057

14.3.3 **GENERAL COMMERCIAL EXCEPTION THREE (C1-3) ZONE**

14.3.3.1 Notwithstanding the definition of "lot" and articles 14.2.1.1 and 14.2.1.2, lands zoned "C1-3" shall be subject to the following zone provisions:

- (a) lot area (min.) 7,500 sq. m
- (b) lot frontage (min.) . 80 m
- (c) Parts 2 and 3, Registered Reference
Plan 57R-2291 shall be considered one lot.

PART 15 - HIGHWAY COMMERCIAL (C2) ZONE

15.1 USES PERMITTED

15.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Highway Commercial (C2) Zone, except for one or a maximum of two of the following uses:

15.1.1.1 Animal Hospital or Veterinary Clinic where animals are kept within a wholly enclosed building.

15.1.1.2 Bed and Breakfast Establishment

15.1.1.3 Hotels, Motels, or Motor hotels

15.1.1.4 Motor vehicle sales establishment, motor vehicle service station, motor vehicle fuel bar, dry-land marina

15.1.1.5 Indoor Recreational establishment

15.1.1.6 Restaurant, drive-in restaurant

15.1.1.7 Retail sales establishment, within a wholly enclosed building, for:

- (a) furniture, home furnishings and home decorating supplies
- (b) major appliances
- (c) motor vehicle, marine and recreational vehicle accessories
- (d) building or home improvement supplies
- (e) recreational equipment
- (f) garden and nursery supplies
- (g) farm, business or institutional equipment and machinery
- (h) beverages
- (i) art and craft objects and antiques

15.1.1.8 Tourist Information Centre

15.1.1.9 One dwelling unit as part of a building containing another permitted use

15.2 ZONE PROVISIONS

15.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Highway Commercial (C2) Zone, except in conformity with the following zone provisions:

15.2.1.1 Lot Area (min.) 4000 sq. m

15.2.1.2 Lot Frontage (min.) 45 m

- | | | |
|----------|--|---|
| 15.2.1.3 | Yard Requirements (min.) | |
| | (a) front | 6 m |
| | (b) interior side | 12 m |
| | (c) exterior side | 12 m |
| | (d) rear | 12 m |
| 15.2.1.4 | Lot Coverage (max.) | 30 % |
| 15.2.1.5 | Building Height (max.) | 11 m |
| 15.2.1.6 | Gross Floor Area (min.) | |
| | (a) Residential units | 55 sq. m plus 14 sq. m for each habitable room in excess of 4 |
| | (b) All other uses | no minimum |
| 15.2.1.7 | Landscaped Open Space (min.) | 20 % |
| 15.2.1.8 | Density (max. per lot) | |
| | (a) Residential | 1 d.u. |
| | (b) All other uses (max. F.A.R.) | 1.0 |
| | (c) separate premises | 2 |
| 15.2.2 | <u>MOTOR VEHICLE SERVICE STATIONS AND FUEL BARS</u> | |
| 15.2.2.1 | No portion of any fuel pump island or fuel pump island canopy, shall be located closer than 6 metres from any street line or daylighting triangle. | |
| 15.2.2.2 | The minimum distance between access driveways shall be 9 metres. | |
| 15.2.2.3 | The interior angle of intersection between an access driveway and the street shall not be less than 45 degrees nor greater than 90 degrees. | |
| 15.2.2.4 | All repair and mechanical servicing of motor vehicles shall be conducted within a wholly enclosed building. | |
| 15.2.2.5 | The minimum distance between a flammable liquid fuel pump and a dwelling unit shall be 15 metres. | |

15.3 **HIGHWAY COMMERCIAL EXCEPTION ZONES**

15.3.1 **HIGHWAY COMMERCIAL EXCEPTION ONE (C2-1) ZONE**

15.3.1.1 In addition to those uses permitted within subsection 15.1.1, land zoned "C2-1" may also be used for one additional establishment providing mixed general retail sales.

15.3.2 **HIGHWAY COMMERCIAL EXCEPTION TWO (C2-2) ZONE**

15.3.2.1 Notwithstanding subsection 15.1.1, land zoned "C2-2" may only be used for the following uses:

- a) personal service shop
- b) restaurant
- c) restaurant, take out
- d) retail sales establishment, within a wholly enclosed building for the sale of art and craft objects, antiques and gift shop
- e) business or professional office
- f) tourist information centre

15.3.2.2 Notwithstanding the above noted uses, a restaurant, drive through is not permitted.

15.3.2.3 Notwithstanding subsection 15.2.1.8, the maximum number of separate premises shall be 4.

15.3.3 **HIGHWAY COMMERCIAL EXCEPTION THREE (C2-3) ZONE**

15.3.3.1 Notwithstanding subsection 15.1.1, land zoned "C2-3" may only be used for the following uses:

- (a) animal hospital or veterinary establishment where animals are kept within a wholly enclosed building
- (b) mini-storage business

15.3.4 **HIGHWAY COMMERCIAL EXCEPTION FOUR (C2-4) ZONE**

15.3.4.1 Notwithstanding subsection 15.1.1, land zoned "C2-4" may only be used for the following uses:

- (a) retail store for the sale of vegetables and herbs
- (b) greenhouses
- (c) one dwelling unit within the same building housing the retail store.

15.3.5 **HIGHWAY COMMERCIAL EXCEPTION FIVE (C2-5) ZONE**

15.3.5.1 Notwithstanding subsection 15.1.1, land zoned 'C2-5' may only be used for the following uses:

- (a) Business, Professional, or Administrative Office
- (b) Medical Clinic
- (c) Personal Service Shop
- (d) Pharmacy

(B/L 2015-192)

15.3.6 **HIGHWAY COMMERCIAL EXCEPTION SIX (C2-6) ZONE**

15.3.6.1 In addition to the provisions of Subsection 15.1, on land zoned 'C2-6' a motor vehicle washing establishment shall also be a permitted use.

(B/L 2001-113)

15.3.7 **HIGHWAY COMMERCIAL EXCEPTION SEVEN (C2-7) ZONE**

15.3.7.1 Notwithstanding subsection 15.1.1, land zoned "C2-7(H)" may also be used for a convenience store and a drive through facility.

15.3.7.2 Notwithstanding subsection 15.2 to the contrary, the following shall apply:

- | | | |
|-------|---|-------------|
| i. | Minimum lot area | 3,400 sq.m. |
| ii. | Minimum interior site yard setback | 5.0 m. |
| iii. | Minimum aisle width | 5.0 m. |
| iv. | Minimum aisle width for drive through queue | 3.0 m. |
| v. | Minimum number of vehicles for drive through queue | 23 |
| vi. | Minimum setback from street for drive through queue | 14 m. |
| vii. | Minimum parking spaces for all uses | 18 |
| viii. | Minimum landscape buffer adjacent to drive through | 1.5 m. |
| ix. | Maximum uses per lot | 3 |

All other provisions of subsection 15.2 shall apply.

On land zoned C2-7(H), the removal of the (H) shall be in accordance with the following:

- Registration of an easement endorsed with Planning Act consent for the right of egress onto the adjacent property to the east.
- The owner enters into a site plan agreement with the City.

(B/L 2015-103)

PART 16 - TOURIST COMMERCIAL (C3) ZONE

16.1 USES PERMITTED

16.1.1 No person shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Tourist Commercial (C3) Zone, except for one or more of the following uses:

16.1.1.1 Marina

16.1.1.2 Boat and marine motor sales and service

16.1.1.3 Restaurant

16.1.1.4 Motorized snow vehicle sales and service

16.1.1.5 Boat rentals

16.1.1.6 Hotel

16.1.1.7 Motel

16.1.1.8 Cottage establishment

16.1.1.9 Lodge

16.1.1.10 Accessory retail

16.1.1.11 One dwelling unit as part of a building containing another permitted use

16.2 ZONE PROVISIONS

16.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Tourist Commercial (C3) Zone, except in conformity with the following zone provisions:

16.2.1.1 Lot Area (min.) 4000 sq. m

16.2.1.2 Lot Frontage (min.) 60 m

16.2.1.3 Yard Requirements (min.)

- | | | |
|-----|---------------|-------|
| (a) | front | 25 m |
| (b) | interior side | 6 m |
| (c) | exterior side | 7.5 m |
| (d) | rear | 7.5 m |
| (e) | water setback | 15 m |

- | | | |
|----------|--|------------|
| 16.2.1.4 | Lot Coverage (max.) | 30 % |
| 16.2.1.5 | Building Height (max.) | 11 m |
| 16.2.1.6 | Gross Floor Area (min.) | |
| | (a) residential unit - 55 sq. m plus 14 sq. m for each habitable room in excess of 4 | |
| | (b) all other uses | no minimum |
| 16.2.1.7 | Landscaped Open Space (min.) | 25 % |
| 16.2.1.8 | Density (max. per lot) | |
| | (a) residential | 1 d.u. |
| | (b) all other uses (max. F.A.R.) | 0.5 |
| 16.2.1.9 | Notwithstanding Section 16.2.1.3 (e), a marina may be located closer to the normal high water mark provided that adequate waste disposal and water supply systems are provided to the satisfaction of the Ministry of the Environment. | |

16.3 **TOURIST COMMERCIAL EXCEPTION ZONES**

16.3.1 **TOURIST COMMERCIAL EXCEPTION ONE (C3-1) ZONE**

- 16.3.1.1 Notwithstanding subsection 16.1.1, land zoned "C3-1" may only be used for the following uses:
- (a) one general store establishment providing mixed general retail sales
 - (b) one accessory dwelling unit

16.3.2 **TOURIST COMMERCIAL EXCEPTION TWO (C3-2) ZONE**

- 16.3.2.1 Notwithstanding subsection 16.1.1, land zoned "C3-2" may only be used for the following uses:
- (a) Miniature golf establishment;
 - (b) Go-kart establishment;
 - (c) Snack bar;
 - (d) Single detached dwelling;
 - (e) Recreational motor vehicle driver training facility, consisting of classroom and outdoor practical instruction; and
 - (f) Recreational motor vehicle sales and service establishment.
 - (g) a motor vehicle racing facility is a permitted use, defined as follows:
Motor vehicle racing facility means a track licenced by the City and clubhouse facility, for club members-only, who may race road-

registered, high performance vehicles to experience non-commercial driving conditions; with an emphasis on driver instruction and safety.

(B/L 2015-138)

16.3.2.2 Notwithstanding articles 16.2.1.1 and 16.2.1.3, land zoned "C3-2" shall be subject to the following zone provisions:

- (a) Lot Area (min.) 12.5 ha
- (b) Rear Yard (min.) 25 m
- (c) Setback between the all-terrain vehicle track and existing residential uses 60 m
- (d) other than washroom facilities, a parking area, spectator stands, a motor vehicle race track and trails, no other building or structure or use is permitted within 50 metres of an AP, M3, RG or within 100 metres of C2 Zone.

16.3.2.3 On lands zoned C3-2 (H), a motor vehicle racing facility is not permitted until the following have been completed and the holding (H) symbol has been removed:

- a) an acoustical study including a recommendation for the installation of monitoring real time data stream technology, has been approved by the City;
- b) the owner has been issued a licence under By-law No. 2013-194;
- c) a site plan in accordance with Section 41 of the Planning Act has been submitted and approved by the City; and
- d) a site plan agreement between the owner and the City has been executed and registered on title.

(B/L 2015-138)

16.3.3 **TOURIST COMMERCIAL EXCEPTION THREE (C3-3) ZONE**

16.3.3.1 Notwithstanding subsection 16.1.1, land zoned "C3-3" may only be used for the following uses:

- (a) Accessory retail
- (b) Outdoor recreation establishment
- (c) Restaurant
- (d) Single detached residence
- (e) Group camping.

16.3.3.2 Notwithstanding subsection 16.2.1, article 16.2.1.3 (b), land zoned "C3-3" shall be subject to the following zone provisions:

- (a) interior side yard (minimum) 10 m.
- (b) Notwithstanding the definition of the term "Yard" as per Section 2 herein, a group camping area shall comply with the minimum yard requirements of the C3-3 Zone.
- (c) The minimum front yard for a group camping area shall be 180 metres.
- (d) For the purpose of the C3-3 Zone "group camping" means the use of the outdoor recreation establishment by groups or organizations such as scouts, guides, or charitable clubs, with not less than 30 people per group to a maximum total for all groups of 150 individuals for overnight camping in tents or on-site shelters, but does not include a trailer park.
- (e) For the purpose of the C3-3 Zone, "on-site shelter" means a fully or partially enclosed, uninsulated structure which serves to protect people from the elements, on a temporary basis, and which features an uncovered or partially covered earth floor, and excludes any other use or structure defined herein.

16.3.4 Tourist Commercial Exception Four (C3-4) Zone

16.3.4.1 Notwithstanding subsection 16.1.1, land zoned "C3-4" may only be used for the following uses:

- a) single detached dwelling
- b) golf driving range
- c) miniature golf establishment
- d) golf course
- e) clubhouse, as defined herein,

CLUBHOUSE means premises, accessory to a recreational use, used to house related equipment, a pro shop, an administration office, washrooms and, may include a restaurant.

- f) maintenance buildings

16.3.4.2. Notwithstanding subsection 16.2.1, land zoned "C3-4" shall be subject to the following zone provisions:

- a) minimum setback from a driving range tee off site 60 m.
- b) minimum setback for a golf course 60m
- c) minimum number of parking spaces

- i) for a driving range 1 per tee-off site
 - ii) for a miniature golf establishment 1 per hole
 - iii) for a golf course 2 per hole
 - iii) notwithstanding the minimum number of parking spaces to be provided shall be 40.
- d) maximum gross floor area for a club house 200 sq.m.

All other provisions of the C3 Zone shall apply.
(B/L 2009-157)

On land zoned C3-4(H1), the removal of (H1) holding symbol shall be in accordance with the following:

- i) the owner shall enter into a site plan agreement with the Municipality for any development on the property.

PART 17 - RESTRICTED INDUSTRIAL (M1) ZONE

17.1 USES PERMITTED

17.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Restricted Industrial (M1) Zone, except for the following uses:

17.1.1.1 Dry-light industry

17.1.1.2 Light industry such as custom workshop, dry-land marina, electronics manufacturing, factory outlet, home improvement supply outlet, industrial mall, laundry or dry cleaning plant, light assembly plant, warehousing

17.1.1.3 Custom workshop

17.1.1.4 Contractor's yard

17.1.1.5 Public garage, motor vehicle body shop

17.1.1.6 Business or Professional Office and commercial undertakings accessory to a permitted use.

17.2 ZONE PROVISIONS

17.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Restricted Industrial (M1) Zone, except in conformity with the following zone provisions:

17.2.1.1 Lot Area (min.) 4000 sq. m

17.2.1.2 Lot Frontage (min.) 30 m

17.2.1.3 Lot frontage on a Provincial Highway 31.5 m for
50 km/hr speed zone

45 m for
80 km/hr speed zone

17.2.1.4 Yard Requirements (min.)

(a) front 7.5 m

(b) interior side 6 m or 2 m if abutting
a M1 or M2 Zone

(c) exterior side 7.5 m

(d) rear 12 m

17.2.1.5	Lot Coverage (max.)	30 %
17.2.1.6	Building Height (max.)	11 m
17.2.1.7	Gross Floor Area	no minimum
17.2.1.8	Landscaped Open Space (min.)	20 %
17.2.1.9	Outside storage	not permitted

17.3 **RESTRICTED INDUSTRIAL EXCEPTION ZONES**

17.3.1 **RESTRICTED INDUSTRIAL EXCEPTION ONE (M1-1) ZONE**

17.3.1.1 Notwithstanding subsection 17.1.1, land zoned "M1-1" may only be used for the following uses:

- (a) contractor's yard
- (b) custom workshop
- (c) home improvement supply outlet
- (d) dwelling unit as part of a building containing a permitted non-residential use.

17.3.1.2 A business or professional office, a retail outlet, light assembly work, warehousing and an outdoor storage area are permitted as accessory uses to a permitted non-residential use.

17.3.1.3 Notwithstanding any provision of Section 17.2, to the contrary, land zoned "M1-1" shall be subject to the following zone provisions:

- (a) Dwelling unit floor area (max.) 100 sq. m
- (b) Number of dwelling units (max.) 1
- (c) Lot coverage for the main or principal building (max.) 20.77 %
- (d) Lot coverage for outdoor storage and/or an accessory storage building combined (max.) 15 %
- (e) Lot coverage for outdoor waste storage (max.) 1 %
- (f) An outdoor storage area may be located in a side yard or rear yard only.
- (g) A landscaped buffer pursuant to subsection 3.10.2 shall be provided between an outdoor storage area located in a side yard and the front lot line.

PART 18 - GENERAL INDUSTRIAL (M2) ZONE

18.1 USES PERMITTED

18.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a General Industrial (M2) Zone, except for the following uses:

18.1.1.1 Light industry, Dry-light industry

18.1.1.2 Motor vehicle parts sales and service exclusive of a motor vehicle scrap or salvage yard.

18.1.1.3 Custom workshop

18.1.1.4 Public garage, motor vehicle body shop

18.1.1.5 Contactor's yard

18.1.1.6 Business or Professional Office accessory to a permitted use.

18.1.1.7 Building supply and equipment depot and sales

18.1.1.8 Bulk fuel storage

18.1.1.9 Dry-land Marina

18.1.1.10 Factory outlet

18.1.1.11 Farm implement sales and service, feed mill and associated sales

18.1.1.12 Agricultural produce storage facilities, seed cleaning

18.1.1.13 Heavy Industry

18.1.1.14 Medium Industry

18.1.1.15 Truck, Transport or Bus terminal

18.1.1.16 Warehouse

18.1.1.17 Outside storage accessory to a permitted use

18.2 ZONE PROVISIONS

18.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a General Industrial (M2) Zone, except in conformity with the following zone provisions:

- | | | |
|----------|--|--|
| 18.2.1.1 | Lot Area (min.) | 4000 sq. m |
| 18.2.1.2 | Lot Frontage (min.) | 30 m |
| 18.2.1.3 | Lot frontage on a Provincial Highway | 31.5 m for
50 km/hr speed zone

45 m for
80 km/hr speed zone |
| 18.2.1.4 | Yard Requirements (min.) | |
| | (a) front | 15 m |
| | (b) interior side | 6 m or 2 m if abutting
a M1 or M2 Zone |
| | (c) exterior side | 15 m |
| | (d) rear | 11 m |
| 18.2.1.5 | Lot Coverage (max.) | 50 % |
| 18.2.1.6 | Building Height (max.) | 11 m |
| 18.2.1.7 | Gross Floor Area | no minimum |
| 18.2.1.8 | Landscaped Open Space (min.) | 20 % |
| 18.2.1.9 | Outside storage accessory to a permitted use shall be permitted within a fenced, rear yard only, and shall not be permitted within two metres of a lot line and the lot coverage of all buildings and outside storage combined shall not exceed 60%. | |

18.3 GENERAL INDUSTRIAL EXCEPTION ZONES

18.3.1 GENERAL INDUSTRIAL EXCEPTION ONE (M2-1) ZONE

18.3.1.1 Notwithstanding Section 18.1, on land zoned "M2-1" the only permitted use shall be an office, garage and open storage area pertaining to a plumbing and septic business. The dumping or spreading of sewage is prohibited on land zoned "M2-1".

18.3.1.2 The front lot line for land zoned "M2-1" shall be the lot line which fronts onto Provincial Highway 35. The northern lot line shall be an exterior side lot line. The southern lot line shall be an exterior side lot line. The eastern lot line shall constitute the rear lot line.

18.3.1.3 Notwithstanding Section 18.2, land zoned "M2-1" shall be subject to the following zone provisions:

- | | | |
|-----|-------------------------------|-------------|
| (a) | Minimum Lot Area | .9 hectare |
| (b) | Minimum Lot Frontage | 76 metres |
| (c) | Minimum Front Yard | 23 metres |
| (d) | Minimum Rear Yard | 15 metres |
| (e) | Minimum Interior Side Yard | 45.7 metres |
| (f) | Minimum Exterior Side Yard | 23 metres |
| (g) | Maximum Height | 11 metres |
| (h) | Minimum Landscaped Open Space | 20 % |

18.3.1.4 Notwithstanding Section 3.10, a wooden opaque fence, 1.5 metres in height, shall be built along the northern lot line of the land zoned "M2-1". A landscaped buffer shall be provided at a depth no less than 3 metres along the southern, western and eastern lot lines and at a depth no less than 6 metres along the northern lot line. The landscaping in the landscaped buffer shall be in accordance with the definition of Part 2. Such landscaping shall provide high and low visual screening with a minimum height of 1.5 metres at the time of planting, and consist of some evergreen planting. The open storage of equipment and materials shall be limited to the rear yard and shall be enclosed by an opaque wooden fence 1.5 metres in height.

18.3.2 **GENERAL INDUSTRIAL EXCEPTION TWO (M2-2) ZONE**

18.3.2.1 In addition to the uses permitted in Section 18.1, land zoned "M2-2" may also be used for the following use:

- (a) Recreational motor vehicle sales and service establishment.

18.3.2.2 Despite sections 18.2.1.4 (a) and 18.2.1.9, the following zone provisions shall apply:

- (a) An outside display area for the showing of finished retail goods may be located in the front yard and subject to the required front yard setback.
- (b) Outside storage accessory to a permitted use shall be located in the rear yard, subject to the required rear yard setback and shall be

screened with evergreen vegetation having a minimum height of
1.5 metres.
(B/L 2007-153)

18.3.3 **GENERAL INDUSTRIAL EXCEPTION THREE (M2-3) ZONE**

18.3.3.1 Notwithstanding Section 18.1, on land zoned "M2-3" the only permitted
use shall be a motor vehicle salvage or scrap yard.

18.3.3.2 Notwithstanding Section 18.2, land zoned "M2-3", land zoned "M2-3" shall
be subject to the following zone provisions:

(a) minimum lot frontage 0 m

PART 19 - EXTRACTIVE INDUSTRIAL (M3) ZONE

19.1 USES PERMITTED

19.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Extractive Industrial (M3) Zone, except for the following use:

19.1.1.1 Portable Asphalt Plant located within a sand and gravel pit.

19.1.1.2 Sand and gravel pit

19.2 ZONE PROVISIONS

19.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any structure or building except in conformity with the following requirements:

19.2.1.1 Lot Area (min.) 10 ha

19.2.1.2 Yard Requirements (min.)

- | | | |
|-----|---------------|------|
| (a) | front | 30 m |
| (b) | interior side | 15 m |
| (c) | exterior side | 30 m |
| (d) | rear | 15 m |

19.2.2 PORTABLE ASPHALT PLANT

19.2.2.1 The establishment of a portable asphalt plant as defined within Section 2, shall be subject to the heavy industry setback provisions of article 3.18.5.1.

19.3 EXTRACTIVE INDUSTRIAL EXCEPTION ZONES

19.3.1 EXTRACTIVE INDUSTRIAL EXCEPTION ONE (M3-1) ZONE

19.3.1.1 Notwithstanding Section 19.1, land zoned "M3-1" may only be used for the following uses:

- (a) Sand and gravel pit
- (b) Quarry

19.3.2 EXTRACTIVE INDUSTRIAL EXCEPTION TWO (M3-2) ZONE

19.3.2.1 Notwithstanding any other provision of this By-law to the contrary, on land zoned "M3-2" no aggregate crushing or screening equipment shall be permitted.

19.3.2.2 Notwithstanding subsection 3.8.1, on land zoned M3-1(H), a scale house, entrance and internal haul road shall be permitted.

PART 20 - DISPOSAL INDUSTRIAL (M4) ZONE

20.1 USES PERMITTED

20.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Disposal Industrial (M4) Zone, except for one of the following uses:

20.1.1.1 A landfill waste disposal site

20.1.1.2 A waste transfer station

20.1.1.3 A sewage treatment plant

20.2 ZONE PROVISIONS

20.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Disposal Industrial (M4) Zone except in conformity with the following zone provisions:

20.2.1.1 Lot Area (min.)

- | | |
|-------------------|------|
| (a) landfill | 1 ha |
| (b) transfer site | 1 ha |

20.2.1.2 Lot Frontage (min.)

- | | |
|-------------------|------|
| (a) landfill | 60 m |
| (b) transfer site | 60 m |

20.2.1.3 Yard Requirements (min.)

- | | |
|---------------------------------|------|
| (a) front | 30 m |
| (b) side | 30 m |
| (c) rear | 30 m |
| (d) for transfer site all yards | 10 m |

20.2.1.4 All permitted uses shall be enclosed by an opaque fence a minimum of 2.0 metres in height or a landscaped buffer at least 6 metres wide with an unpierced hedgerow of evergreens at least 2.0 metres in height.

20.3 DISPOSAL INDUSTRIAL EXCEPTION ZONES

20.3.1 DISPOSAL INDUSTRIAL EXCEPTION ONE (M4-1) ZONE

20.3.1.1 Notwithstanding Section 20.1, land zoned "M4-1" may only be used for the following use:

- (a) a sewage treatment plant.

20.3.2 **DISPOSAL INDUSTRIAL EXCEPTION TWO (M4-2) ZONE**

20.3.2.1 20.3.2.1 Notwithstanding subsection 20.1, land zoned 'M4-2' shall only be used for a sewage waste transfer station.

20.3.2.2 Notwithstanding subsection 20.2, land zoned 'M4-2' shall be subject to the following zone requirements:

- | | |
|---------------------------------------|------------|
| (a) Lot frontage (min.) | none |
| (b) Front, side and rear yards (min.) | 100 metres |
| (c) Lot coverage (max.) | 8% |
| (d) Landscaped area (min.) | 50% |

20.3.2.3.2 For the purpose of the M4-2 Zone, a 'sewage waste transfer station' shall mean a facility for the temporary storage and treatment of sewage wastes, as defined by the Environmental Protection Act, including biosolids, processed organic wastes, sewage sludge or liquid and hauled sewage, as transported from the sites approved by the Ministry of the Environment, pending the transfer of the waste material to approved disposal sites.

BY-LAW 2010-024

PART 21 - INTERPRETATION

21.1 SCOPE

21.1.1 In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirement adopted for the promotion of public health, safety, convenience and general welfare.

21.2 SYMBOLS

21.2.1 The symbols used on the schedule attached hereto refer to the appropriate zones and zone exceptions established by this By-law.

21.3 DEFINED

21.3.1 The extent and boundaries of all zones are shown on the Schedules attached hereto, and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

21.4 INTERPRETATION OF ZONE BOUNDARIES

21.4.1 Where the boundaries of any zone, as shown on the attached schedule are uncertain, the following provisions shall apply:

- (a) Where a zone boundary is indicated as following a street or lane, the boundary shall be the centre line of such street or lane.
- (b) Where a zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lots registered in the appropriate Registry Office or Land Titles Office, the boundary shall follow such lot lines.
- (c) Where a street, lane, railroad or railway right-of-way, or watercourse is included on the zoning map, they shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.
- (d) Where a street, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such street, lane, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

- (e) Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
- (f) Where none of the above provisions apply, the said zone boundary shall be scaled from the attached Schedules at the scale indicated.

21.5 **CERTAIN WORDS**

21.5.1 In this By-law words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word "used" includes "arranged, designed, or intended to be used"; the word "shall" is mandatory and not directory.

21.6 **MEASUREMENT**

21.6.1 The Metric system of measurement shall be the only standard to be applied in this By-law. The non-metric equivalents are included as Appendix "A" as a general guide for reference purposes only and does not form part of this By-law.

21.7 **ABBREVIATIONS**

21.7.1 The following abbreviations, where used in this By-law, shall have the same meaning as if the word were printed in full:

d.u.	-	dwelling unit
ha	-	hectare
sq. m	-	square metre
m	-	metre
min.	-	minimum
max.	-	maximum
g.f.a.	-	gross floor area
g.l.f.a.	-	gross leaseable floor area
F.A.R.	-	Floor Area Ratio
G.S.C.	-	Geodetic Survey of Canada
C.G.D.	-	Canadian Geodetic Datum

21.8 **COMPLIANCE WITH OTHER LAWS**

21.8.1 This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a Federal, Provincial, County or Governmental Authority having jurisdiction to impose such restrictions.

PART 22 - ADMINISTRATION AND VALIDITY

22.1 ENFORCEMENT

22.1.1 No permit for the use of land or for the erection or use of any building or structure and no certificate of occupancy or approval of application for any municipal licence within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use is in violation of any provisions of this By-law.

22.2 INSPECTION OF PREMISES

22.2.1 A By-Law Enforcement Officer as is assigned the responsibility of administering and enforcing this By-law by the Municipality may for the purposes of carrying out their duties, at all reasonable times and upon producing proper identification, enter and inspect, either by themselves or accompanied by one assistant, any property or premises in or about which there is reason to believe that the provisions of this By-law are not complied or conformed with.

22.3 CONTINUATION OF EXISTING REGULATIONS

22.3.1 All By-laws in force within the Municipality prohibiting or regulating the use of land or buildings or structures shall 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, provided however, where this By-law does not apply, existing Municipal By-laws shall remain in full force and effect.

22.4 VIOLATION PENALTY

22.4.1 Pursuant to Section 67 of the Planning Act, R.S.O. 1990, every person who contravenes any of the provisions of this By-law is guilty of an offence, and on conviction is liable;

22.4.1.1 on a first conviction to a fine of not more than \$20,000.00 and;

22.4.1.2 on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which such person was first convicted.

22.4.2 Where a corporation is convicted of the contravention of any of the provisions of this By-law, the maximum penalty that may be imposed is;

22.4.2.1 on a first conviction a fine of not more than \$50,000.00 and;

- 22.4.2.2 on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- 22.4.3 Each day that the person or corporation contravenes any provisions of this By-law, shall constitute a separate offence.
- 22.4.4 Where a conviction is entered in respect of any contravention of this By-law, in addition to any other remedy or any penalty provided by this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or corporation.
- 22.5 **REPEAL OF EXISTING ZONING BY-LAWS**
- Restricted Area By-law 3-79, as amended, of the Corporation of the Township of Bexley is hereby repealed.
- 22.6 **VALIDITY**
- 22.6.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.
- 22.6.2 This By-law shall take effect from the date of passing thereof, subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990.

READ a first time this 22nd day of February, 1993

READ a second time this 22nd day of February, 1993

READ a third time and passed this 22nd day of February, 1993

Dean Spry
Reeve

Helen Russell
Clerk

APPENDIX "A" - METRIC CONVERSION

1) Linear Measurements (rounded)

Metres		Feet	Metres		Feet
0.15	-	0.5	12.0	-	39.4
.60	-	2.0	15.0	-	49.2
0.75	-	2.5	16.0	-	52.5
1.0	-	3.3	17.0	-	55.8
1.2	-	4.0	20.0	-	65.6
1.5	-	5.0	23.0	-	75.5
1.8	-	6.0	25.0	-	82.0
2.0	-	6.6	30.0	-	89.4
2.3	-	7.5	31.0	-	101.7
2.5	-	8.2	38.0	-	124.7
2.8	-	9.2	45.0	-	147.6
3.0	-	9.9	45.7	-	149.9
3.5	-	11.5	55.0	-	180.4
4.0	-	13.1	60.0	-	196.9
4.5	-	14.8	76.0	-	249.3
5.0	-	16.4	92.0	-	301.8
5.5	-	18.0	100.0	-	328.1
6.0	-	19.7	120.0	-	393.7
7.0	-	23.0	150.0	-	492.1
7.5	-	24.6	152.4	-	500.0
9.0	-	29.5	175.0	-	574.1
10.0	-	32.8	230.0	-	754.6
11.0	-	36.0	256.19	-	840.5

2) Area Measurements

	<u>Sq Metres</u>	<u>Sq Feet</u>	<u>Hectares</u>	<u>Acres</u>
5	-	53.8	.34	- 0.8
9	-	96.9	.80	- 2.0
14	-	150.7	.90	- 2.2
20	-	215.3	1.3	- 3.2
30	-	322.9	2	- 4.9
35	-	376.8	6	- 14.8
40	-	430.6	10	- 24.7
55	-	592.0	25	- 61.8
60	-	645.9		
65	-	699.7		
93	-	1001.1		
100	-	1076.4		
140	-	1507.0		
150	-	1614.6		
300	-	3229.3		
301	-	3240.0		
370	-	3982.8		
650	-	6996.8		
800	-	8611.4		
1400	-	15070.0		
1700	-	18299.2		
2000	-	21528.5		
2800	-	30139.9		
3000	-	32292.8		
4000	-	43057.1		