

THE CORPORATION OF THE
TOWNSHIP OF CARDEN
BY-LAW 79-2

TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
1	Title, Area Restricted and Zones	1-1
2	Limited Service Residential (LSR) Zone	2-1
3	Rural Residential Type One (RR1) Zone	3-1
4	Rural Residential Type Two (RR2) Zone	4-1
5	Environmental Protection (EP) Zone	5-1
6	Community Facility (CF) Zone	6-1
7	Rural General (RG) Zone	7-1
8	Highway Commercial (C2) Zone	8-1
9	Commercial Recreation (C3) Zone	9-1
10	Commercial Campground (C4) Zone	10-1
11	Industrial Extractive (M1) Zone	11-1
12	Industrial Disposal (M2) Zone	12-1
13	General Industrial (M3) Zone	13-1
14	General Provisions	14-1
15	Definitions	15-1
16	Interpretation	16-1
17	Administration & Validity	17-1

TOWNSHIP OF CARDEN

BY-LAW 79-2

OFFICE CONSOLIDATION

This is an Office Consolidation of By-law 79-2, as amended, of the Corporation of the Township of Carden. This document has been prepared for the purposes of convenience only. Accordingly, for accurate reference recourse should always be had to the original By-law and the individual amendments. Please consult the By-law History for a list of amendments and their effects.

THE CORPORATION OF THE TOWNSHIP OF CARDEN

BY-LAW NUMBER: 79-2, AS AMENDED

A ZONING BY-LAW

A By-Law to regulate the use of land, the erection of buildings or structures, the type of construction, the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures in the Township of Carden.

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 Carden in accordance with Section 34 of the Planning Act, R.S.O. 1990, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CARDEN ENACTS THE FOLLOWING BY-LAW:

SECTION 1

1.1 TITLE AND AREA RESTRICTED

1.1.1 This By-Law shall be known as the 'Zoning By-Law' of the Township of Carden.

1.1.2 Schedule 'A' attached hereto, with the notations, zone boundaries, symbols and references shown thereon, illustrates 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'.

1.1.3 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.

1.2 ZONES AND ZONING MAPS

1.2.1 ZONES

For the purpose of this By-Law, the following zones shall be and the same are established within the defined area:

LSR	Limited Service Residential
RR1	Rural Residential Type One Zone
RR2	Rural Residential Type Two Zone
EP	Environmental Protection Zone
CF	Community Facility Zone
RG	Rural General Zone
C2	Highway Commercial Zone
C3	Commercial Recreation Zone
C4	Commercial Campground
M1	Industrial Extractive Zone
M2	Industrial Disposal Zone
M3	General Industrial Zone

1.2.2 ZONING MAPS

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 symbols.

1.2.3 SPECIAL ZONES

Where the zone symbol on certain lands as shown on the Schedule or Schedules is followed by a dash and number, for example 'RG-1', the special provisions or limitations apply to such lands. The special provisions will be found by referring to

that Section of the By-Law which deals with the specific zone. Lands shown in this manner shall be subject to all of the restrictions of the zone in addition to, or except as otherwise provided for by the special provisions.

SECTION 2

LIMITED SERVICE RESIDENTIAL (LSR) ZONE

2.1 LSR USES PERMITTED

No persons shall hereafter change the use of any buildings, structures 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:

- a. Vacation dwelling or single detached dwelling

2.2 LSR ZONE REQUIREMENTS

In a Limited Service Residential "LSR" Zone no persons shall hereafter erect or use any building except in conformity with the following requirements:

	<u>Municipal Water Supply Provided</u>		<u>Individual Water Supply and Sewage Disposal</u>	
a. Minimum Lot Area	1,400	sq. m	2,000	sq. m
b. Minimum Lot Frontage				
i. No Shore Lot Line	24	m	30	m
ii. With Shore Lot Line	36	m	36	m
c. Minimum Front Yard	7.5	m	7.5	m
d. Minimum Side Yard shall be 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first				
e. Minimum Rear Yard	7.5	m	7.5	m
f. Minimum Flankage Yard	7.5	m	7.5	m
g. Minimum Water Setback	20	m	20	m
h. Maximum Lot Coverage	30	%	30	%
i. Maximum Height	11	m	11	m
j. Minimum Dwelling Unit Floor Area	70	sq. m	70	sq. m
k. Maximum Number of Dwelling Units per lot	1		1	
l. Notwithstanding article 2.2 e., where a lot has a rear lot line which abuts an unassumed and publicly unmaintained road allowance which abuts and is parallel to the shoreline of a lake or river, the minimum rear yard shall be 1.2 metres.				

2.3 LSR EXCEPTION ZONES

2.3.1 LIMITED SERVICE RESIDENTIAL EXCEPTION ONE (LSR-1) ZONE

- a. Notwithstanding subsection 2.1, land zoned "LSR-1" shall only be used for a vacation dwelling.

2.3.2 LIMITED SERVICE RESIDENTIAL EXCEPTION TWO (LSR-2) ZONE

- a. Notwithstanding subsection 2.1, land zoned "LSR-1" shall only be used for:
 - i. A vacation dwelling
 - ii. A home occupation on a seasonal basis
- b. A Home Occupation within the LSR-1 zone shall not permit retail sales on site, and shall otherwise be subject to the provisions of Section 14.26 of this By-Law, as amended.

(B/L 2005-20)

SECTION 3

RURAL RESIDENTIAL TYPE ONE (RR1) ZONE

3.1 RR1 USES PERMITTED

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 one or more of the following uses:

- a. Single Detached Dwelling
- b. Home Occupation

3.2 RR1 ZONE REQUIREMENTS

In a Rural Residential Type One (RR1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

a.	Minimum Lot Area	0.4	ha
b.	Minimum Lot Frontage	45	m
c.	Minimum Front Yard	7.5	m
d.	Minimum Side Yard shall be 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first.		
e.	Minimum Rear Yard	7.5	m
f.	Minimum Flankage Yard	7.5	m
g.	Minimum Water Setback	20	m
h.	maximum Lot Coverage	30	%
i.	Maximum Height	11	m
j.	Minimum Dwelling Unit Floor Area	70	sq. m
k.	Maximum number of dwellings per lot	1	

3.3 RR1 EXCEPTION ZONES

3.3.1 RURAL RESIDENTIAL TYPE ONE EXCEPTION ONE (RR1-1) ZONE

- a. Notwithstanding subsection 3.1, land zoned "RR1-1" may be used for a group home.

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

- 3.3.2.1 Notwithstanding subsection 3.2 c., on land zoned "RR1-2" the minimum front yard shall be 30 metres.
 (B/L 97-9)

SECTION 4

RURAL RESIDENTIAL TYPE TWO (RR2) ZONE

4.1 RR2 USES PERMITTED

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 one or more of the following uses:

- a. Vacation Dwelling
- b. Single detached dwelling provided that the owner has had the property inspected and received the written approval of the local Health Unit and/or Ministry of Environment as to the existing or proposed waste disposal system.
- c. Home Occupation

4.2 RR2 ZONE REQUIREMENTS

In a Rural Residential Type Two (RR2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

	<u>Municipal Water Supply Provided</u>		<u>Individual Water Supply and Sewage Disposal</u>	
a. Minimum Lot Area	1,400	sq. m	2,000	sq. m
b. Minimum Lot Frontage				
i. No Shore Lot Line	24	m	30	m
ii. With Shore Lot Line	36	m	36	m
c. Minimum Front Yard	7.5	m	7.5	m
d. Minimum Side Yard shall be 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first				
e. Minimum Rear Yard	7.5	m	7.5	m
f. Minimum Flankage Yard	7.5	m	7.5	m
g. Minimum Water Setback	20	m	20	m
h. Maximum Lot Coverage	30	%	30	%
i. Maximum Height	11	m	11	m
j. Minimum Dwelling Unit Floor Area	70	sq. m	70	sq. m
k. Maximum Number of Dwelling Units per lot	1		1	

- I. Notwithstanding article 4.2 e., where a lot in the RR2 Zone fronts onto an assumed and maintained public road with the rear lot line abutting an unassumed and unmaintained road allowance which abuts and is parallel to the shoreline of a lake or river, the minimum rear yard shall be 1.2 metres.

- m. On land zoned RR2(H1) the (H1) holding symbol shall be removed following satisfactory completion of the following by a professional Hydrogeologist:

The submission of technical work that assesses and resolves the potential for cross-contamination between wells and surface water and septic systems in accordance with the approved ground-water monitoring program and which confirms a permanent supply of sufficient potable water for the proposed residential use. (B/L 2007-244)

4.3 RR2 EXCEPTION ZONES

4.3.1 RURAL RESIDENTIAL TYPE TWO EXCEPTION ONE (RR2-1) ZONE

- a. Notwithstanding article 4.2 a., land zoned "RR2-1" shall have a minimum lot area of 3 hectares.

4.3.2 RURAL RESIDENTIAL TYPE TWO EXCEPTION TWO (RR2-2) ZONE

- a. Notwithstanding subsection 4.2 article b., land zoned "RR2-2" shall have a minimum lot frontage of 29 metres for lots with no shore lot line and 35 metres for lots with a shore lot line.

- b. On land zoned "RR2-2" all habitable buildings located between the 242.15 and 243.1 metre vertical elevation contours shall be floodproofed and shall have a minimum opening elevation of 243.1 C.G.S. Datum. For those lots abutting Canal Lake the vertical elevation contour line of 242.16 metres shall be utilized to define the boundary of the Environmental Protection (EP) Zone.

4.3.3 RURAL RESIDENTIAL TYPE TWO EXCEPTION THREE (RR2-3) ZONE

- a. Notwithstanding article 4.2 e., land zoned "RR2-3" shall have a minimum rear yard of 20 metres.

4.3.4 RURAL RESIDENTIAL TYPE TWO EXCEPTION FOUR (RR2-4) ZONE

- a. Notwithstanding article 4.2 b., land zoned "RR2-4" shall have a minimum lot frontage of 35 metres.

4.3.5 RURAL RESIDENTIAL TYPE TWO EXCEPTION FIVE (RR2-5) ZONE

- a. In addition to the zone provisions of subsection 4.2 and notwithstanding article 4.2 g., land zoned "RR2-5" shall also be subject to the following provisions:

- i. Minimum water setback 30 m or the 242.16 m
C.G.S. Datum contour
whichever is greater

4.3.6 RURAL RESIDENTIAL TYPE TWO EXCEPTION SIX (RR2-6) ZONE

- a. Notwithstanding article 4.2 a., land zoned "RR2-6" shall have a minimum lot area of 2 hectares.

4.3.7 RURAL RESIDENTIAL TYPE TWO EXCEPTION SEVEN (RR2-7) ZONE

- a. Notwithstanding article 4.2 a., land zoned "RR2-7" shall have a minimum lot area of 1.25 hectares.

4.3.8 RURAL RESIDENTIAL TYPE TWO EXCEPTION EIGHT (RR2-8) ZONE

- a. Notwithstanding article 4.2 a., land zoned "RR2-8" shall have a minimum lot area of 1 hectare.
- b. The Environmental Protection (EP(H)) Holding symbol on the adjacent lot shall be removed with the confirmation that the said adjacent lot has consolidated with the abutting developed lot.

(By-Law 2009-196)

SECTION 5

ENVIRONMENTAL PROTECTION (EP) ZONE

5.1 EP USES PERMITTED

No person shall hereafter change the use of or use land in an Environmental Protection (EP) Zone, except for one or more of the following uses:

- a. Forestry activities exclusive of buildings or structures
- b. Erosion and flood control buildings or structures
- c. Agricultural uses exclusive of buildings or structures

5.2 EP ZONE REQUIREMENTS

- a. In an Environmental Protection (EP) Zone, no person shall hereafter erect or use any building or structure, except for a boat dock or buildings and structures required for flood or erosion control.

5.3 EP EXCEPTION ZONES

5.3.1 ENVIRONMENTAL PROTECTION EXCEPTION ONE (EP-1) ZONE

- a. Notwithstanding subsection 5.1, land zoned "EP-1" may only be used for one vacation dwelling;
- b. Notwithstanding subsection 5.2, land zoned "EP-1" shall be subject to the following zone provisions:
 - i. Minimum Floor Area 70 sq. m
 - ii. Minimum Main Floor Elevation 1.5 m above the average natural grade
 - iii. Minimum Opening Elevation 1.5 m above the average natural grade

5.3.2 ENVIRONMENTAL PROTECTION EXCEPTION TWO (EP-2) ZONE

- a. Notwithstanding subsections 5.1 and 5.2 to the contrary, on land zoned "EP-2" buildings and structures shall not be permitted except that a boat house shall be a permitted use.

5.3.3 ENVIRONMENTAL PROTECTION EP(H1) ZONE

On land zoned EP(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- a. the completion of an archaeological assessment and any required mitigation take place to the satisfaction of the Ministry of Culture, prior to any form of soil disturbance.
(B/L 2004-58)

5.3.4 ENVIRONMENTAL PROTECTION EXCEPTION THREE (EP-3) ZONE

Notwithstanding subsections 5.1 and 5.2 to the contrary, on land zoned EP-3, mitigation accessory to a quarry as permitted under the Aggregate Resources Act shall be a permitted use.
(B/L 2008-019)

SECTION 6

COMMUNITY FACILITY (CF) ZONE

6.1 CF USES PERMITTED

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 one or more of the following uses:

- a. Any use permitted by Section 5.1
- b. Cemeteries
- c. Municipal Buildings, Structures, Community Centres, Arenas, Libraries, Museums
- d. Hospitals, Health or Medical Centres
- e. Places of Worship
- f. Elementary Schools, Secondary Schools
- g. Day nurseries
- h. Clubs
- i. Public Authority uses exclusive of outside storage
- j. Nursing Home
- k. Public Utilities excluding outside storage
- l. Public or Private Park

6.2 CF ZONE REQUIREMENTS

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

- | | | |
|----|--|--|
| a. | Minimum Lot Area | 650 sq. m |
| b. | Minimum Lot Frontage | 15 m |
| c. | Minimum Lot Frontage on a Provincial Highway | 31.5 m for 50 km/hr speed zone
45 m for 80 km/hr speed zone |
| d. | Minimum Front Yard | 7.5 m |
| e. | Minimum Interior Side Yard | 4.5 m |
| f. | Minimum Exterior Side Yard | 4.5 m |
| g. | Minimum Rear Yard | 7.5 m |
| h. | Maximum Lot Coverage | 50 % |
| i. | Maximum Building Height | 11 m |
| j. | Gross Floor Area | no minimum |
| k. | Minimum Landscaped Open Space | 30% |

6.3 CF EXCEPTION ZONES

- 6.3.1 a. Notwithstanding subsection 6.1, land zoned "CF-1" shall only be used for a public park exclusive of buildings.

SECTION 7

RURAL GENERAL (RG) ZONE

7.1 RG USES PERMITTED

No persons 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 one or more of the following uses:

- a. Agricultural or Forestry uses
- b. Agricultural produce storage facilities, riding and/or boarding stables
- c. Cemeteries
- d. Market Garden farms
- e. Nurseries or Commercial Greenhouses
- f. Seasonal fruit, vegetable, flower or farm produce sales outlet
- g. Farm Implement Dealer
- h. Single Detached Dwelling
- i. Uses, buildings and structures accessory to the foregoing uses
- j. Home Occupation.
- k. Seasonal Farm Residential Use is subject to Section 14.27 in the General Provisions. B/L 2007-289

7.2 RG ZONE REQUIREMENTS

In a Rural General (RG) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum Lot Area 36 ha
- b. Minimum Lot Frontage 225 m
- c. Minimum Front Yard 30 m
- d. Minimum Side Yard 9 m
- e. Minimum Rear Yard 23 m
- f. Notwithstanding the above, the dwelling unit shall be subject to the setback requirements of the RR1 zone.
- g. Maximum Number of Dwelling Units per lot 1
- h. Where a lot is created by consent, such lot shall only be used in accordance with subsections 3.1 and 3.2 of this By-law and shall not exceed a lot area of 1 hectare.
- i. Where an existing lot having less lot area or frontage than required is located in any agricultural zone subsection 14.4 shall not apply to permit the establishment of an agricultural use on a lot having an area of less than 1 hectare.
- j. Where a lot is created by consent in an agricultural zone, the retained lot shall be deemed to be an existing non-complying lot and the provisions of article 7.2 i. and subsection 14.4 shall apply to such lot.

- k. Notwithstanding the provisions of article 14.13 f., a structure located on a lot within an RG Zone that has been damaged may be restored or reconstructed in the same location.
- l. Notwithstanding article 7.2 g., a second dwelling unit may be permitted on a farm that has a minimum lot area of 36 hectares subject to compliance with the requirements of subsection 3.2.

7.3 RG SPECIAL EXCEPTIONS

7.3.1 RURAL GENERAL EXCEPTION ONE (RG-1) ZONE

- a. Notwithstanding articles 7.2 a. and 7.2 b., land zoned "RG-1" shall have a minimum lot area of 4 hectares and a minimum lot frontage of 134.1 metres.

7.3.2 RURAL GENERAL EXCEPTION TWO (RG-2) ZONE

- a. Notwithstanding article 7.2 a., land zoned "RG-2" shall have a minimum lot area of 18 hectares.

7.3.3 RURAL GENERAL EXCEPTION THREE (RG-3) ZONE

- a. Notwithstanding article 7.2 a., land zoned "RG-3" shall have a minimum lot area of 20 hectares.

7.3.4 RURAL GENERAL EXCEPTION FOUR (RG-4) ZONE

- a. Notwithstanding article 7.2 b., land zoned "RG-4" shall have a minimum lot frontage of 8 metres.

7.3.5 RURAL GENERAL EXCEPTION FIVE (RG-5) ZONE

- a. Notwithstanding subsection 14.22, land zoned "RG-5" may also be used for one single detached dwelling. In addition to the requirements of article 3.2 d., the single detached dwelling shall have a minimum setback of 220 metres from a waste disposal or sanitary landfill site and a minimum setback of 30 metres from the rear lot line of the abutting lot described as Part 1 on Reference Plan 57R-1588.

(B/L 2003-11 changes setback from 365 metres to 220 metres)

7.3.6 RURAL GENERAL EXCEPTION SIX (RG-6) ZONE

- a. In addition to the zone provisions of subsection 7.2 and despite article 7.2 a, land zoned "RG-6" shall have a minimum lot area of 16 ha.
(B/L 2007-244)

7.3.7 RURAL GENERAL EXCEPTION SEVEN (RG-7) ZONE

Temporary Use By-Law 98-3Z expired on January 25, 2003 (File P06-25-039).

7.3.8 RURAL GENERAL EXCEPTION EIGHT (RG-8) ZONE

- a. Notwithstanding subsection 7.1, articles h. and j., land zoned "RG-8" shall not be used for a detached dwelling nor a home occupation.
(B/L 2005-113)

7.3.9 RURAL GENERAL RG(H1) ZONE

On land zoned RG(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- a. the completion of an archaeological assessment and any required mitigation take place to the satisfaction of the Ministry of Culture, prior to any form of soil disturbance.
(B/L 2004-58)

SECTION 8

HIGHWAY COMMERCIAL (C2) ZONE

8.1 C2 USES PERMITTED

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 more of the following uses:

- a. Animal Hospitals or veterinary establishments
- b. Automobile Sales Establishments
- c. Automobile Service Stations
- d. Hotels, Motels or Motor Hotels
- e. Indoor Recreational establishments including premises used for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema
- f. Restaurants, including drive-in
- g. Retail Sales and Service of the following:
 - i. Major electrical appliances
 - ii. Art and craft objects and antiques
 - iii. Automobile, boat, camper and marina accessories including the sale of trailers and motorized snow vehicles
 - iv. Broadloom and draperies
 - v. Equipment and machinery for farming, business professionals, hospitals, schools and educational institutions
 - vi. Furniture, lamps and mirrors
 - vii. Garden and nursery supplies
 - viii. Sporting Goods
 - ix. Retail Lumber and home improvement supplies
 - x. Tourist information centre
 - xi. Food or general store
- h. Service Shop
- i. A Dwelling Unit provided that the requirements of subsections 4.2 h., i. and j. are met.

8.2 C2 ZONE REQUIREMENTS

In a Highway Commercial (C2) zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|----------------------|--------|
| a. | Minimum lot frontage | 45 m |
| b. | Minimum lot area | 0.4 ha |
| c. | Minimum yards | |
| | front yard | 6 m |
| | side yard | 3 m |
| | rear yard | 6 m |

- d. Maximum height 11 m
- e. Minimum flankage yard 6 m
- f. Maximum lot coverage 30%
- g. Maximum Number of Premises per lot 2
- h. Maximum Number of Dwelling Units per lot 1
- i. A Dwelling Unit shall meet the setback, yard and floor area requirements of subsection 4.2
- j. No portion of any pump island or pump island canopy on a service station lot shall be located closer than 6 metres from any street line or any daylighting triangle.
- k. The minimum distance between a flammable liquid or fuel pump and a dwelling unit shall be 15 metres.

8.3 C2 EXCEPTION ZONES

8.3.1 HIGHWAY COMMERCIAL EXCEPTION ONE (C2-1) ZONE

- a. Notwithstanding subsection 8.1 and article 8.2 i., land zoned "C2-1" may only be used for one of the following retail sales and service uses in conjunction with a single detached dwelling:
 - i. Art and craft objects and antiques
 - ii. Furniture, lamps and mirrors
 - iii. Sporting goods
 - iv. Garden and nursery supplies

8.3.2 HIGHWAY COMMERCIAL EXCEPTION TWO (C2-2) ZONE

- a. Notwithstanding Section 8.1, on land zoned "C2-2" only the following uses are permitted:
 - i. a mobile and on-site motor vehicle, marine and recreational vehicle service shop;
 - ii. motorized snow vehicle sales and service;
 - iii. sale of motor vehicle, marine, recreational vehicle and snow vehicle parts and accessories; and
 - iv. boat storage.
- b. Notwithstanding Section 8.2, on land zoned "C2-2" the following zone provisions shall also apply:
 - i. boat storage shall be the only permitted use in the two existing barns located at the south end of the zoned land.
 - ii. All other uses listed above shall be restricted to the existing hobby barn/shop at the north end of the zoned land.
 - iii. There shall be no vehicular access permitted to County Road 6 abutting the existing barns;
 - iv. Outside storage or display of: equipment; goods or products being offered for sale or awaiting service shall be confined to a maximum area

of 1000 sq. m located to the south-west of and adjacent to the existing hobby barn/shop;

- v. A fence shall be erected along the boundary of the C2-2 zone where it abuts the EP zone.

(By-Law 98-13Z)

SECTION 9

COMMERCIAL RECREATION (C3) ZONE

9.1 C3 USES PERMITTED

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

- a. Marina
- b. Boat and Marine Motor Sales and Service
- c. Restaurant
- d. Motorized Snow vehicle sales and service
- e. Boat rentals
- f. Hotel
- g. Motel
- h. Cottage establishment
- i. Lodge
- j. A Dwelling Unit
- k. Ancillary retail

9.2 C3 ZONE REQUIREMENTS

In a Commercial Recreation (C3) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|--|--------|
| a. | Minimum Lot Area | 0.8 ha |
| b. | Minimum Lot Frontage | 60 m |
| c. | Minimum Front Yard | 23 m |
| d. | Minimum Rear Yard | 7.5 m |
| e. | Minimum Side Yard | 6 m |
| f. | Minimum Water Setback | 20 m |
| g. | Maximum Lot coverage | 30% |
| h. | Maximum Height | 11 m |
| i. | Maximum Number of Premises per lot | 2 |
| j. | Maximum Number of Dwelling Units per Lot | 1 |
| k. | A Dwelling Unit shall meet the setback, yard and floor area requirements of subsection 4.2 | |
| l. | Notwithstanding article 14.1 e., boat storage shall not be permitted within the water setback. | |

9.3 C3 EXCEPTION ZONES

"Reserved"

SECTION 10

COMMERCIAL CAMPGROUND (C4) ZONE

10.1 C4 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Commercial Campground (C4) Zone, except for one or more of the following uses:

- a. Trailer camp or park
- b. Private or public park
- c. Ancillary retail uses
- d. A dwelling unit accessory to the above noted permitted uses.

10.2 C4 ZONE REQUIREMENTS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Commercial Campground (C4) Zone, except in conformity with the following zone provisions:

a.	Minimum Lot Area	8	ha
b.	Minimum Lot Frontage	30	m
c.	Minimum Yard Requirements		
	i. Front	10	m
	ii. Interior Side	4.5	m
	iii. Exterior Side	10	m
	iv. Rear	4.5	m
	v. Water Setback	30	m
	vi. From a residential use on an abutting lot	30	m
d.	Maximum Lot Coverage	30	%
e.	Minimum Building Height	11	m
f.	Minimum Gross Floor Area		
	i. accessory dwelling unit	93	sq.m
	ii. ancillary retail	50	sq.m
	iii. all other uses		no minimum
g.	Maximum Density		
	i. residential	1 d.u.	per lot
	ii. camping lots	20	per ha
h.	Minimum Landscaped Open Space	25	%
i.	Minimum Camping Site Requirements		
	i. Area	200	sq.m
	ii. Frontage	10	m
	iii. Front Yard	5.0	m
	iv. Side Yard	1.5	m
	v. Rear Yard	3.0	m

- vi Coverage inclusive of all trailers, additions, decks, porches and accessory buildings 35 %
- vii trailers or tents per camping site 1
- j. Accessory Structures, exclusive of a deck, per camping site 1
- k. Maximum Size of Accessory Structures, exclusive of a deck structure or an attached structure on a camping site 10 sq.m
- l. A deck and/or an enclosed structure may be added to a travel trailer, provided:
 - i. an enclosed structure does not increase the floor area of such vehicle by more than 25 sq. m;
 - ii. they do not extend beyond the dimensions of the longest walls of the existing travel trailer;
 - iii. a deck does not extend 3.65 metres in width; and,
 - iv. they do not exceed the height of the travel trailer by more than 0.3 metres
- m. A dwelling unit shall meet the setback, yard and floor area requirements of subsection 4.2

10.3 C4 EXCEPTION ZONES

10.3.1 COMMERCIAL CAMPGROUND EXCEPTION ONE (C4-1) ZONE

- a. Notwithstanding clause 10.2 c. v. land zoned "C4-1" shall have a minimum water setback of 22 metres.

10.3.2 COMMERCIAL CAMPGROUND EXCEPTION TWO (C4-2) ZONE

- a. Notwithstanding the permitted uses listed in Section 10.1, land zoned C4-2 may only be used for:
 - i. Children's Camp
 - ii. Outdoor Education Facility
 - iii. Ancillary Retail Uses
 - iv. A dwelling unit accessory to the above noted permitted uses
 - v. Bed and Breakfast Establishment accessory to the above noted dwelling unit
- b. For the purpose of this Section, a Children's Camp is defined as "Land used and maintained as a camp, providing short term accommodation for children and supervisory staff, including cabins/lodges and accessory uses such as picnic pavilions, a garage/workshop, storage building, administration building, a meeting hall/recreational building, showers and washrooms, shall also be permitted.

c. Notwithstanding the provisions of Section 10.2 to the contrary, the following zone provisions shall apply:

- | | | |
|------|--|-----------|
| i. | Minimum Water Setback | 200m |
| ii. | Maximum Density:
Cabins | 3 per ha. |
| iii. | Maximum Coverage of all buildings and structures | 25% |

d. For the purpose of this Section, an accessory dwelling unit, cabins, lodges, meeting halls, recreational buildings, retail facility, showers, washrooms and administration buildings shall be considered main buildings. Garages, workshops, picnic pavilions, sheds, etc. shall be considered to be accessory buildings.

The provisions of Section 10.2 shall apply in all other respects.
(B/L 2004-58)

SECTION 11

INDUSTRIAL EXTRACTIVE (M1) ZONE

11.1 M1 USES PERMITTED

No persons shall hereafter change the use of any building structure or land or erect or use any building or structure in an Industrial Extractive (M1) Zone, except for the following use:

- a. Pit

11.2 M1 ZONE REQUIREMENTS

- a. In an Industrial Extractive (M1) Zone, no persons shall hereafter erect or use a building or use land except in conformity with the Aggregate Resources Act R.S.O. 1990, and Ontario Regulations enacted thereunder.

11.3 M1 EXCEPTION ZONES

11.3.1 INDUSTRIAL EXTRACTIVE EXCEPTION ONE (M1-1) ZONE

- a. Notwithstanding subsection 11.1, land zoned "M1-1" may only be used for a quarry.

11.3.2 INDUSTRIAL EXTRACTIVE EXCEPTION TWO (M1-2) ZONE

- a. Notwithstanding subsection 11.1, land zoned "M1-2" may only be used for a quarry.
- b. Notwithstanding the definition of "quarry" an asphalt plant shall not be permitted on land zoned "M1-2".
- c. In addition to the requirements of subsection 11.2, land zoned "M1-2" shall be subject to the following zone requirements:
 - i. Minimum Lot Area 36 ha
 - ii. Minimum Lot Frontage 180 m
 - iii. Minimum Front Yard 30 m
 - iv. Minimum Side Yard 15 m
 - v. Minimum Flankage Yard 30 m
 - vi. Minimum Rear Yard 15 m

11.3.3 INDUSTRIAL EXTRACTIVE EXCEPTION THREE (M1-3) ZONE (D06-25-046 **reserved**)

SECTION 12

INDUSTRIAL DISPOSAL (M2) ZONE

12.1 M2 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Industrial Disposal (M2) Zone, except for one or more of the following uses:

- a. A scrap yard
- b. A Sanitary Landfill Site
- c. A Waste Disposal Area

12.2 M2 ZONE REQUIREMENTS

In an Industrial Disposal (M2) Zone, no person shall hereafter erect or use a building or establish a use except in conformity with the following requirements:

- a. Minimum Lot Area 8 ha
- b. Minimum Lot Frontage 60 m
- c. Minimum Front Yard 30 m
- d. Minimum Side Yard 30 m
- e. Minimum Rear Yard 30 m
- f. Minimum Flankage Yard 30 m
- g. All permitted uses shall be enclosed by an opaque fence a minimum of 2 metres in height or a landscaped buffer at least 6 metres wide with an unpierced hedgerow of evergreens at least 2 metres in height.

12.3 M2 EXCEPTION ZONES

"Reserved"

SECTION 13

GENERAL INDUSTRIAL (M3) ZONE

13.1 M3 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a General Industrial (M3) zone except for one or more of the following uses:

- a. Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building and is not considered obnoxious or hazardous by reason of sound, odour, inflammability, dust, fumes or smoke and which shall not be detrimental in appearance or effect to surrounding uses.
- b. Any activity connected with the automotive trade other than an automotive scrap yard
- c. Service industries such as a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, a plumbing shop, sheet metal shop and similar uses.
- d. Boat and marine supply, storage, repair, and related sales establishments
- e. Building supply and equipment depots
- f. Bulk fuel storage establishments
- g. Commercial undertakings incidental to manufacturing or contractor or tradesmen shops
- h. Farm implement dealers
- i. Farm produce storage areas
- j. Feed mills
- k. Fertilizer mixing plants
- l. Food processing plants
- m. Machine or welding shops
- n. Sawmills
- o. Seed cleaning plants
- p. Truck or bus storage areas or terminals
- q. Warehouses

13.2 M3 ZONE REQUIREMENTS

In a General Industrial (M3) zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | | |
|----|----------------------|-----|----|
| a. | Minimum lot area | 0.4 | ha |
| b. | Minimum lot frontage | 30 | m |
| c. | Minimum front yard | 15 | m |

d.	Minimum rear yard	11	m
e.	Minimum side yard	3	m
f.	Maximum lot coverage	50	%
g.	Maximum height	11	m

13.3 M3 EXCEPTION ZONES

13.3.1 GENERAL INDUSTRIAL EXCEPTION ONE (M3-1) ZONE

- a. In addition to the uses permitted by subsection 13.1, land zoned "M3-1" may also be used for a recycling transfer depot.

13.3.2 GENERAL INDUSTRIAL EXCEPTION TWO (M3-2) ZONE

- a. Notwithstanding subsection 13.1, land zoned "M3-2" may only be used for the following uses:
- i. truck and heavy equipment servicing garage;
 - ii. scale house and scales;
 - iii. fuel storage;
 - vi. dimension stone processing and storage yard;
 - v. parking lot;
 - vi. accessory dwelling unit;
 - vii. access lane for a pit and/or quarry located in the M1 Zone on the same lot.

Notwithstanding subsection 13.2, articles c. and e., and in addition to the zone requirements of subsection 13.2, the following requirements shall also apply:

i.	Minimum front yard setback	54 metres
ii.	Minimum side yard setback	30 metres
iii.	Minimum setback from the M1 Zone	20 metres
vi.	Maximum on-site fuel storage	10,000 litres

Pursuant to the definition of Front Yard, landscaping and buffering are permitted within the front yard setback.

SECTION 14

GENERAL PROVISIONS

14.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

a. Permitted Uses

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

- i. 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,
- ii. any building used for human habitation, except as in this By-law is specifically permitted.

b. Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

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 flanking 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. Where the rear lot line is a shore lot line, article 14.21 a. shall apply.

c. Lot Coverage and Height

- i) The total lot coverage of all accessory buildings shall not exceed 8 per cent of the lot area.
- ii) 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)

d. Accessory Structures

Notwithstanding the yard and setback provisions of this By-law, drop awnings, flag poles, garden trellises, retaining walls, fences, signs or similar uses, may be permitted in any required yard or in the area between the street line and the required setback provided they comply with all other provisions of this By-law.

e. Boat House, Pump House and Docks

Notwithstanding any other provisions of this By-law a boat house, pump house or dock may be erected and used in a yard fronting on a waterway provided said pump house has a minimum water setback of 4.5 metres, except that a dock or boathouse may be permitted within the water setback provided that the approval of any other governmental authority having jurisdiction within this area has been obtained. 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 normal high water mark for the adjacent lake or river. The maximum floor area for a boat house shall be 34 square metres.

f. Fire Escapes

Notwithstanding the yard and setback provisions of this By-law, unenclosed fire escapes, may project into any required setback a maximum distance of 1 metre.

g. Rear Yard with Lane Access

Where a single detached private garage is erected in a rear yard with direct access from a lane, the structure shall not be located closer than 2.5 metres to the rear lot line.

14.2 CONSTRUCTION USES

A building, structure, truck camper, travel trailer or motorized mobile home incidental to construction on the lot where such building, structure, truck camper, travel trailer or motorized mobile home is situated, is permitted in all zones, but only for as long as it is necessary to complete the work in progress and for a maximum of one year.

14.3 DAYLIGHT TRIANGLE

Notwithstanding any other provisions of the By-Law in a Residential, Commercial or Industrial zone, on a corner lot, a fence, hedge, shrub, bush or tree or any other structure, vegetation or grade shall not be permitted to exceed a height greater than 75 centimetres above finished grade 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 daylight triangle.

14.4 EXEMPTION FOR LOT FRONTAGE AND AREA REQUIREMENTS

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, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that all other requirements of this By-Law are complied with, and that a certificate of approval has been obtained from the District Health Unit and/or Ministry of the Environment.

14.5 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

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

14.6 EXTERNAL DESIGN

- a. The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation:
 - i. tar paper or building paper
 - ii. asphalt fibre board

14.7 FENCES

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

14.8 FRONTAGE ON PUBLIC STREET

Except as provided for in this section, no persons 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 an improved public street, where access can be obtained off such street.

Notwithstanding the above, any lot which is in existence on or prior to the date of passing of this By-law or is an island lot or is zoned LSR or LSR-1 shall be exempt from this provision. Further any lot within a registered plan of subdivision within the meaning of the Planning Act, R.S.O. 1990, as amended, in which the road is to be assumed by the Municipality as stated within a subdivision agreement shall be exempt from this provision.

Notwithstanding the above, a permitted building or structure may be erected on lots created by the Victoria County Land Division Committee on private roads or right-of-way.

14.9 PITS AND QUARRIES

No pit or quarry shall be established or made in any area of the corporation except in a zone where a pit or quarry is included under the heading "Uses Permitted" in this By-law. Where this By-law states that no land shall be used for any purpose other than planting grass, shrubs, seeded berms, trees or similar vegetation, this shall also mean that no pit or quarry shall be established in those areas. Notwithstanding any other provisions of this By-law, a wayside pit or quarry shall be considered to be a permitted use except in a residential zone. No wayside pit or quarry shall be established within 90 metres of a dwelling unit.

14.10 GREATER RESTRICTIONS

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

14.11 HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the 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 clocktower, a chimney, a water tank, a windmill, a radio or television tower or antenna, an air conditioner duct, a grain elevator, a silo or corn crib.

14.12 ISLAND LOTS

Where a lot is located on an island, said lot will be exempt from the provisions of subsection 12.8 frontage on public street.

14.13 NON-CONFORMING USE AND NON-COMPLYING PROVISIONS

a. Non-conforming Uses

No person shall use any land or erect or use any building or structure except for those uses permitted in the zone in which such land, building or structure is or is to be located. Uses existing prior to the date of passing of this By-law which were in conformity with and not forbidden by an existing By-law in force at the date of passage of this By-law may continue as an existing, legal, non-conforming use.

A non-comforming use shall not be enlarged, extended, reconstructed or otherwise structurally altered unless such building or structure is thereafter to be used for a purpose permitted within such zone, and complies with all requirements for such zone.

b. Non-complying Uses

A non-complying use, building or structure may be enlarged or extended provided that the extension or enlargement complies with the requirements of this By-law.

c. Restoration to a Safe Condition

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

d. Building Permit Issued

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, the plans for which have prior to the date of passing of this By-law been approved by the By-law Enforcement Officer, as long as the building or structure when erected is used and continues to be used for the purpose for which it was approved and

provided the erection of such building or structure is commenced within six months or as provided for in The Planning Act after the date of the passing of this By-law and such building or structure is completed within one year after the erection thereof is commenced.

e. Discontinued Use

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

f. Damaged Buildings

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, and such rebuilding or repair is conducted within two years.

14.14 PARKING REQUIREMENTS

a. Off-street Parking

For every building or structure to be erected, off-street parking having unobstructed access to a public street shall be provided and maintained in conformity with the following ratios:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Commercial, Uses Hotel, Motel, Tourist establishment	1 per 30 sq. m of gross floor area 1 per guest room plus additional spaces as required for eating areas, liquor licenced premises, banquet rooms and similar uses, but excluding lobbies, hallways and similar areas.
Industrial and Warehouse	For the first 2800 sq. m of the premises, 1 per 40 sq. m of gross floor area or portion thereof; for the second 2800 sq. m of the premises, 1 per 100 sq. m of gross floor area or portion thereof.

Laundry and Dry Cleaners Coin Operated	1 per cleaning unit.
Liquour Licenced Premises	1 per 4 persons accommodated plus 1 per 2 employees.
Medical Clinic	1 per 30 sq. m of gross floor area or portion thereof.
Museums and Libraries	1 per 65 sq. m of gross floor area, minimum 5
Office, Business, Professional or Government	1 per 30 sq. m of gross floor area or portion thereof
Place of Assembly	1 per 6 fixed seats or 1 per 7.5 sq. m of gross floor area, whichever is greater.
Residential	2 per dwelling unit
Restaurant	1 per 5 sq. m of floor area devoted to patron use
Schools -Nursery, Elementary or Separate	1.5 per teaching classroom or equivalent
Service Shop	1 per 15 sq. m of gross floor area.
Any Other Use	1 per 100 sq. m of gross floor area.

b. Standards for Parking Lots

The following development standards shall apply to all parking lots required under this By-law:

- i. the parking lot shall have visible boundaries and shall be suitably drained;
- ii. except as provided elsewhere in this By-law, the parking lot shall be located on the same lot as the use for which it is intended to serve;
- iii. 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;

- iv. no driveway shall be located closer than 15 metres from the limits of the right-of-way at a street intersection;
- v. 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;
- vi. 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.

14.15 MULTIPLE USES

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.

14.16 MULTIPLE ZONES ON A LOT

- a. 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, zone boundaries shall be considered a lot line for the purposes of interpreting and applying the "zone" and "general" provisions of this By-law.
- b. Notwithstanding article 14.16 a., no lot shall be created in any zone unless the lot created and the remnant lot comply with the minimum lot area and lot frontage requirements of the applicable zone.

14.17 OBNOXIOUS USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be an offensive trade, business or manufacturing concern under the Health Protection and Safety Act, R.S.O. 1990, as amended, or regulations thereunder.

14.18 PUBLIC USES PERMITTED

- a. The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or the County, any telephone or

telegraph company or gas company, and Department of the Government of Ontario or Canada, including Ontario Hydro, provided that where such building or structure is located in a Residential Zone:

- i. No goods, material, or equipment shall be stored in the open.
 - ii. The lot coverage and yard requirements prescribed for the Residential Zone shall be complied with, and
 - iii. Any building erected under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in such zone.
- b. Streets and Installations on Streets

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply and/or communication line, provided that the location of such installation has been approved by the corporation.

14.19 REDUCTION OF REQUIREMENTS

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 to be in contravention of this By-law.

14.20 RELOCATED BUILDINGS

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 By-law Enforcement Officer.

14.21 WATER SETBACK REQUIREMENT

- a. Unless otherwise provided herein the minimum water setback which shall apply to all zones shall be 20 metres from the normal high water mark.

- b. No opening to any residential dwelling unit shall be permitted below a minimum opening elevation equal to the normal high water mark for the adjacent water course or lake plus 1 metre.
- c. Notwithstanding article 14.21 b., for the purpose of establishing water setbacks the following regulatory flood elevations shall apply:

Canal Lake	242.16 metres C.G.S. Datum
Lake Dalrymple	228.9 metres C.G.S. Datum

The minimum opening elevations shall be as follows:

Canal Lake	243.1 metres C.G.S. Datum
Lake Dalrymple	228.9 metres C.G.S. Datum

14.22 SPECIAL SETBACK REQUIREMENT

Notwithstanding any other provisions of this By-law no dwelling shall be located within 400 metres of a waste disposal or sanitary land fill site.

14.23 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located. In the case of a Through Lot having boundaries dividing the lot from the streets of equal length, accessory buildings may be located in one or the other yard adjoining a street, but no closer to the street line than the minimum front yard requirement.

14.24 DWELLING UNIT RESTRICTION

Except as specifically provided for in article 7.2 I. of this By-Law, a maximum of one dwelling unit per lot shall be permitted.

14.25 PUBLIC ACQUISITION

Any land acquired by the Municipality, County Public Authority or Province which results in a legally conveyable lot becoming non-complying or further reducing an existing non-complying legally conveyable lot, shall be deemed to be an existing legal non-complying lot.

14.26 HOME OCCUPATION

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

- a. The home occupation shall be clearly secondary to the main use of the lot and shall not change the residential character of the dwelling unit or the lot upon which it is located;
- b. The home occupation shall not create or become a public nuisance due to noise, dust, traffic or parking;
- c. The home occupation shall not interfere with television or radio reception of adjacent uses;
- d. The home occupation shall not occupy more than 25% 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;
- e. Parking shall be provided in accordance with subsection 14.14 of this By-law;
- f. There shall not be any outside storage of goods or merchandise associated with the home occupation.

14.27 SEASONAL FARM RESIDENTIAL USE

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

- a) 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.
 - b) The seasonal farm residential use cannot exceed 250 square metres in area and may be contained in more than one building.
 - c) A covenant be registered on title that the residence will be used only for seasonal farm residential use.
 - d) That the seasonal farm residential use shall not exceed eight months per seasonal worker in each calendar year.
- B/L 2007-289

SECTION 15

DEFINITIONS

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

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.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.

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 in the receiving and discharging of passengers or cargo including any buildings, installations and equipment in connection therewith.

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

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

- a. to change any one or more of the external dimensions of such building or structure;
- 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 shall mean:

- 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;
- b. to change the use of such lots; or
- c. to change the number of uses located thereon.

ANIMAL HOSPITAL means the premises where animals, birds or other livestock are treated and kept.

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 portion of a building situated wholly or in a part within the roof but shall not include a storey or a half storey.

AUTOMOBILE SERVICE CENTRE or SERVICE STATION means a building or part thereof used for the retail sale of lubrication oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles, a cafeteria, but excluding an automobile washing establishment or car sales lot.

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

BASEMENT means that portion of a building between two floor levels which is partly underground but which has more than one-half of its height from finished floor to underside of floor joists of the storey next above, above the average finished grade level adjacent to the exterior walls of the building.

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 or ROOMING HOUSE means a dwelling licenced pursuant to a By-law passed under the Municipal Act, R.S.O. 1990, as amended, 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 thereof or members of the 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 (PRIVATE) means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and an accessory use for storage of household equipment incidental to the residential occupancy but shall not include habitable rooms.

BODY 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.

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'.

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 Building Code Act, S.O. 1992, as amended.

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

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 recreation purposes on a temporary or seasonal basis.

CAMPING LOT 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 that portion of a building between two floor levels which is partly or entirely underground but has more than one-half of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.

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

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 SERVICE or ORGANIZATION means an association of persons whether incorporated or not, united in some common interest, meeting periodically for co-operation or conviviality but not for personal profit. "CLUB" shall also mean where the context requires, the premises owned or occupied by the members of such an association within which the activities of the club are conducted.

COMMITTEE OF ADJUSTMENT means the 'Committee of Adjustment' for the Municipality as constituted by By-law of the Council pursuant to Section 44 of the Planning Act, R.S.O. 1990, as amended.

CONDOMINIUM means the ownership of individual units in a multiple unit structure with common elements in which:

- i. the unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space,
- ii. the common elements means all the property except the units,
- iii. the common element is owned by all of the owners as tenants in common.

CORPORATION means the Corporation of the Township of Carden.

COTTAGE ESTABLISHMENT means a Tourist Establishment containing two or more buildings designed for human habitation having a common piped water supply which may or may not be equipped with a kitchen.

COUNCIL means the Municipal 'Council' of the Corporation of the Township of Carden.

COUNTY means the Corporation of the County of Victoria.

COURT means an open, uncovered and unoccupied space appurtenant to a building and bounded on two or more sides thereby.

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, 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".

DAY or SCHOOL NURSERY means a "day nursery" within the meaning of The Day Nurseries Act of Ontario, R.S.O. 1990, as amended.

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 electrotherapy or by any similar method within the meaning of the Drugless Practitioners Act, R.S.O. 1990, as amended.

DRY CLEANERS DISTRIBUTION STATION OR 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, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

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 where only non-flammable solvents are or can be used.

DWELLING means a dwelling unit.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building but not including motels, hotels, tents, truck campers, travel trailers, mobile camper trailers, cottage establishments, lodges, cabins or mobile homes.

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 designed 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 single detached dwelling existing at the time of the passing of this By-law which because of size or design has been or 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, 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, VACATION means a single detached dwelling used for recreation purposes that is not used for continuous habitation or as a permanent residence.

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

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

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.

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 or draining, 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 or high water mark to existing buildings, located on the same side of the street or waterway, and within 150 metres of a lot, where a minimum of three buildings have been built prior to the date of passing of this By-law.

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

FARM BUILDING means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment of livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

FARM PRODUCE OUTLET means an accessory use to an agricultural use which consists of the retail sale of agricultural products.

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 designated authority.

FLOOR AREA means the maximum area contained within the outside walls excluding in the case of a dwelling, any private garage, porch, verandah, unfinished attic, basement or cellar.

FORESTRY ACTIVITIES means the management, development and cultivation of timber resources to ensure the continuous production of wood, provision of proper environmental conditions of 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 an Automobile Washing Establishment, a Motor Vehicle Sales Lot or an Automobile Service Station.

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 the mean level between the eaves and ridge of a roof.

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 shall mean after the date of the passing of any applicable provision of this By-law.

HEREIN shall mean 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 water course 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, as amended, which is operated by the County or the Municipality.

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

HOUSEHOLD means an individual person or group of two or more persons who reside together as a single, independent and separate unit and may include up to two roomers or boarders.

ISLAND means for the purpose of this By-law, a piece of 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 dogs are kept for purposes of breeding, boarding or commercial purposes.

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 and/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.

LANE means a public throughfare 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 drying, ironing, finishing and incidental equipment and in which only water and detergents or soaps are or can be used.

This definition shall include a business where only washing or ironing is done, a self-service laundry and a laundry receiving and distribution depot.

LOADING SPACE means an unencumbered area of land which is provided and maintained upon the same lot or lots 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 catering 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 of land described in a deed or other document legally capable of conveying title or shown as a lot or block on a Registered Plan of Subdivision or part thereof, and includes any parts of such parcel that are within a right-of-way or easement; save and except a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50(4) of the Planning Act, R.S.O. 1990, as amended.

LOT AREA shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or within an Environmental Protection (EP) Zone.

LOT, CORNER means a lot, the street line of which is composed of two or more straight lines, or of one or more curves, or of any combination of a straight line or straight lines and a curve or curves, such that the interior angle contained at the intersection of two straight lines produced from the two extremities of the street line and coincident with or tangent to such street line at such extremities is not greater than 135 degrees. The corner of a "Corner Lot" shall be deemed to be the point on the street line nearest to the above mentioned point of intersection.

LOT COVERAGE, MAXIMUM means the percentage of the lot area covered by all buildings 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, and for the purpose of this definition, the "maximum lot coverage" in each Zone shall be deemed to apply only to that portion of such lot which is located within said Zone.

LOT DEPTH 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 measured back from and parallel to the chord of the "lot frontage" a distance equivalent to the minimum front yard requirement for the zone. For the purposes 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. Where the front lot line and side lot are joined by one or more curves, then the point of intersection of straight line projection of the side and front lot lines shall be used as the point where the side lot line joins the front lot line. In the case of a corner lot, the shorter of the frontages shall be deemed the "lot frontage".

LOT, ISLAND means a lot fronting on a body of water, being a part of or encompassing the whole island, whether or not occupied by a building or structure.

LOT LINE means any boundary of a lot.

LOT LINE, FLANKAGE 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, or island 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. In case each of such lot lines shall be 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 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.

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

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.

MEDICAL CLINIC means a building or portion thereof where members of the medical profession, dentists, chiropractors, osteopaths, physicians or occupational therapists, either singularly or in a union provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation, laboratory, X-ray, minor operating rooms, and a dispensary providing that all such uses have access only from the interior of the building, and shall not include any other establishment otherwise defined or classified herein.

MOBILE HOME means a detached dwelling unit built to CSA standard Z240 and designed for transportation, after fabrication, on streets on its own wheels or on a flatbed or other trailer, arriving at the site which it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembly 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 not intended to be dismantled and relocated but shall not include a Mobile Home.

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 or similar use.

MOTORIZED MOBILE HOME means any Motor Vehicle so constructed as to be 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 Vehicle Act, R.S.O. 1990, as amended.

MOTOR VEHICLE means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, as amended.

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

MOTOR VEHICLE GASOLINE BAR means one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 2.5 square metres, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of Motor Vehicles, but shall not include any other establishment otherwise defined or classified in this By-law.

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

MUNICIPAL SEWERS means sanitary and/or storm sewers supplied by the Municipality, a Public Utilities Commission or a Municipal Authority as a Public Utility under the jurisdiction of the Municipality.

MUNICIPAL WATER means water supplied by the Municipality, a Public Utilities Commission or a Municipal Authority as a Public Utility under the jurisdiction of the Municipality.

MUNICIPALITY means the Corporation of the Township of Carden.

NON-COMPLYING means that the building, structure or use does not meet the lot area, lot frontage, setback, lot coverage, height, floor area, parking, loading space and landscaping requirements contained herein.

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

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

OBNOXIOUS means a use which from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; or by reason of the emission of gas, fumes, dust or objectionable odour; or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material; and without limiting the generality of the foregoing shall include any uses which under the Health Protection and Safety Act, R.S.O. 1990, as amended, or regulations thereunder may be declared by the Local Board of Health or Council to be a noxious or offensive trade, business or manufacturing concern.

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 the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or any Federal agency and may include therein neighbourhood, community, regional and special parks or areas and may include 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 which has adequate access to permit ingress or egress of a motor vehicle to and from a street. Each parking space shall not be less than 2.5 metres in width and less than 17 square metres in area.

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.

PIT, SAND AND GRAVEL means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated 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 use.

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

PLACE OF WORSHIP means a building dedicated to religious worship and may include a synagogue, a church hall, church auditorium, Sunday school, convent, monastery or parish hall.

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

PUBLIC AUTHORITY means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Telephone Company, Planning Board or other board or commission or committee of the Municipality or the County of Victoria established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by By-law of the Corporation.

QUARRY means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to any public use. An asphalt plant shall be considered an accessory use to a quarry.

RECREATIONAL VEHICLE means a portable structure that is used, or intended to be used for the temporary or seasonal recreational living, sleeping or eating accommodation of persons. This shall include structures commonly referred to

as tent trailers, travel trailers, park model trailers, motor homes and truck campers but shall not include a mobile or modular home.

RECYCLING TRANSFER DEPOT means a facility for the storage of recyclable materials such as glass, cans, newsprint and other non-hazardous recyclable materials, but does not include unlicensed motor vehicles, trees, tires, metal, salvage, liquids or hazardous wastes.

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.

RETAIL, ANCILLARY, means retail sales of sundry items which are incidental and subordinate to the main use and carried on with such main use on the same lot, exclusive of frozen foods, fresh produce, or meat and poultry items.

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

SCHOOL, PUBLIC means an authorized school under the jurisdiction of the Victoria County Board of Education.

SCHOOL, SEPARATE shall mean an authorized school under the jurisdiction of a Separate School Board.

SCRAP YARD means a premise 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

SEASONAL USE OR OCCUPANCY means the use of a building or structure for the temporary accommodation of the vacationing or travelling public which involves an accommodation unit or a camp site that is leased, rented or occupied during the period May 1 to October 31, in any calendar year.

SENIOR CITIZENS' HOME shall mean any home 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 club and lounge facilities, usually associated with 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 or 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 such establishments as barber shops, beauty parlours, hairdressing shops, 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.

SHOPPING CENTRE means a group of commercial uses, which have been 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 uses.

SIGN means a sign within the meaning of the Corporation's Sign By-law.

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

STORE, RETAIL means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

STOREY means that portion of a building other than a cellar or attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.

STOREY, FIRST means the lowest storey of a building closest to finished grade having its ceiling 2 metres or more above average finished grade.

STREET, ROAD, OR HIGHWAY means a "highway" within the meaning of the Highway Traffic Act, R.S.O. 1990, as amended, and shall also include private rights-of-way; and roads in registered Plans of subdivision that are to be assumed under a subdivision agreement.

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".

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.

STREET LINE means boundary line of 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 does not include ponds.

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

TOURIST HOME 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 rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

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 travel trailers, park model trailers, motorized recreational vehicles, truck campers or tents for recreational or vacation use designed for seasonal use or occupancy only.

TRAILER, PARK MODEL means a recreational vehicle built to C.S.A. Standard Z241, constructed on a single chasis and designed to be wheel mounted to facilitate relocation, having a gross floor area, including lofts, not exceeding 50 square metres, when in the set up mode and having a width not greater than 2.6 metres in the transit mode and may be connected to those utilities necessary for the operation of installed fixtures and appliances.

TRAILER, TRAVEL means a recreational vehicle not more than 2.6 metres wide in the transit mode which is designed and normally intended to function with running gear attached.

TRUCK CAMPER shall mean any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being utilized for the 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 or sufferance 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.

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.

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

WATER ACCESS means an island lot having a shore lot line.

WATER SETBACK means a yard extending the full width of a lot between the normal high water mark 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 normal high water mark and the nearest main wall of any building, structure, excavation or open storage use on the lot.

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

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 (street lines) of the Lot.

YARD, FLANKAGE means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

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 buildings(s) or structure 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 on the lot.

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 on the lot.

ZONE means a designated area of land use shown on the schedule of this By-law.

SECTION 16

INTERPRETATION

16.1 SCOPE

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.

16.2 SYMBOLS

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

16.3 DEFINED

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

16.4 INTERPRETATION OF ZONE BOUNDARIES

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, land, railroad or railway right-of-way, or watercourse is included on the Schedule, 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 Schedule and serves as a boundary between two or more different zones, a line midway on such street, lane, right-of-way or water-course 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 Schedule "A" at the scale indicated.

16.5 CERTAIN WORDS

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

16.6 MEASUREMENT

The Metric system of measurement shall be the only standard to be applied in this By-law. The non-metric measurements are approximate, and are included only as a general guide for reference purposes.

16.7 ABBREVIATIONS

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

d.u	-	dwelling unit
ha	-	hectare
sq. m	-	square metres
m	-	metre
min.	-	minimum
max.	-	maximum
g.f.a.	-	gross floor area
C.G.S. Datum	-	Canadian Geodetic Survey Datum

SECTION 17

ADMINISTRATION AND VALIDITY

17.1 ENFORCEMENT

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.

17.2 INSPECTION OF PREMISES

A By-Law Enforcement Officer as is assigned the responsibility of administering and enforcing this By-law by the Municipality may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself 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, for the purpose of carrying out his duties under this By-law.

17.3 CONTINUATION OF EXISTING REGULATIONS

All By-laws in force within the Township of Carden 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 Township By-laws shall remain in full force and effect.

17.4 VIOLATION PENALTY

Pursuant to Section 67 of the Planning Act, R.S.O. 1990, as amended:

- a. Every person or corporation who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable on a first conviction to a fine of not more than \$20,000.00 and 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.
- b. 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 on a first conviction a fine of not more than \$50,000.00 and 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 convicted.

- c. Each day that the person, persons or corporation contravenes any provisions of this By-law shall constitute a separate offence.
- d. 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 continuation or repetition of the offence by the persons or corporation.

17.5 VALIDITY

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 affect the validity of the By-law as a whole or any part thereof, other than the part so declared to be invalid.

No part of this By-law shall come into force without the approval of the Ontario Municipal Board, but subject to such approval, this By-law shall take effect from the date of passing thereof.

READ A FIRST TIME THIS 27TH DAY OF FEBRUARY 1978

READ A SECOND TIME THIS 29TH DAY OF JANUARY, 1979

READ A THIRD TIME AND PASSED THIS 29TH DAY OF JANUARY, 1979

"Ross Radway"
Reeve

"Bessie M. Dewell"
Clerk

THIS IS SCHEDULE "B" TO BY-LAW 85-7Z PASSED THIS 29TH DAY OF
APRIL, 1985

(Signed) Ross Radway

(Signed) Bessie M. Dewell

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Carden, in Concession 1 in the said Township of Carden, which said parcel or tract of land may be more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomic and are derived from the northerly limit of lot 21, which is assumed to be north 70 degrees 56 minutes East as shown on Registered Plan 360;

COMMENCING at an iron bar planted in the easterly limit of a public road, distant 1,542.85 feet measured North 16 degrees 14 minutes 20 seconds West thereon from an iron bar planted in the southerly limit of the said Lot 21, the said last mentioned iron bar being distant 2,061.93 feet measured North 70 degrees 44 minutes 30 seconds East, along the said southerly limit of Lot 21, from the south west angle thereof;

THENCE NORTH 16 degrees 14 minutes 20 seconds West continuing along the easterly limit of said public road, 100.0 feet to an iron bar planted therein;

THENCE NORTH 70 degrees 56 minutes East, 1,355.52 feet to an iron bar planted.

THENCE NORTH 16 degrees 14 minutes 20 seconds West, 248.0 feet to an iron bar planted.

THENCE NORTH 70 degrees 56 minutes East 1,252.0 feet more or less to the intersection with the westerly limit of a 66 foot road allowance along the shore of Lake Dalrymple;

THENCE, Southeasterly along the last mentioned limit, 350 feet more or less to the intersection with a line drawn on a course of north 70 degrees 51 minutes 40 seconds east from the said point of commencement.

THENCE south 70 degrees 51 minutes 40 seconds West, 2,711.3 feet more or less to the said point of commencement.

The aforementioned lands are outlined in red on the copy of plan of survey attached to Instrument No. A28596.