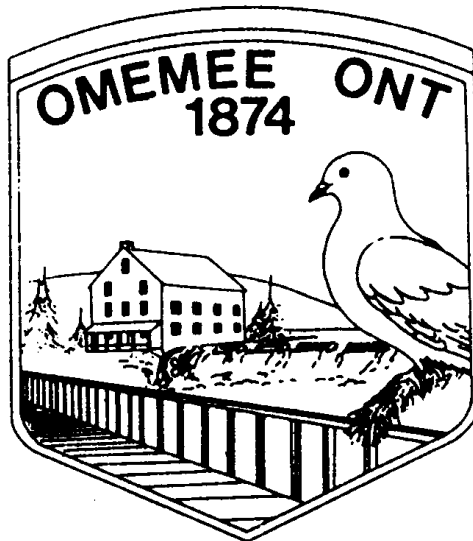


VILLAGE OF OMEMEE

COMPREHENSIVE ZONING BY-LAW 1993-15

OFFICE CONSOLIDATION
APRIL, 2011



Prepared by: Victoria County
Planning Department

DEVELOPMENT SERVICES - PLANNING DIVISION
CITY OF KAWARTHA LAKES

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VILLAGE OF OMEMEE

BY-LAW 1993-15

OFFICE CONSOLIDATION

This is an Office Consolidation of By-law 1993-15, as amended, of the Corporation of the Village of Omeme. 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.

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THE CORPORATION OF THE

VILLAGE OF OMEMEE

BY-LAW NUMBER: 1993-15

A ZONING BY-LAW

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

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

NOW THEREFORE the Council of the Corporation of the VILLAGE OF OMEMEE enacts the following By-law:

PART 1 - TITLE AND AREA RESTRICTED

1.1 **TITLE**

1.1.1 This By-law shall be known as the "Zoning By-law" of the VILLAGE OF OMEMEE.

1.2 **AREA RESTRICTED**

1.2.1 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".

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

PART 2 - DEFINITIONS

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

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

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

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

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

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

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

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

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

ALTER when used in reference to a lot means:

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

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

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

AQUACULTURE means the breeding of aquatic forms of life in natural or artificial bodies of water for the purpose of wholesale distribution or retail sale on-site.

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 part within the roof, but shall not include a storey or a half-storey.

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

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

BED AND BREAKFAST ESTABLISHMENT means a single detached dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are a maximum of three guest

rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally and shall not include a liquor licenced premises.

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

BOARDING, LODGING OR ROOMING HOUSE means a dwelling licenced pursuant to a by-law passed under the Municipal Act, R.S.O. 1990, 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 means an accessory building or structure which is designed or used for the sheltering or storage of a boat or other forms of water transportation and accessory thereof but excluding human habitation or storage of household articles and not including any other use in conjunction with human habitation.

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

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

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

BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE means a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and shall include the administrative offices of a non-profit or charitable organization.

BY-LAW ENFORCEMENT OFFICER means an official or an employee of the Municipality from time to time charged by the Corporation

with the duty of administering and enforcing the provisions contained herein.

CAR PORT means an unenclosed accessory structure intended to house motor vehicles.

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 finished grade.

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

CHIEF BUILDING OFFICIAL means an individual appointed by the Township with the duty of enforcing the provisions of this By-law.

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

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

COMMUNITY CENTRE means a public building or part thereof where social, recreational, cultural and other related activities are conducted for the benefit of the general public.

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

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

CORPORATION means the Corporation of the VILLAGE OF OMEMEE.

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

COUNCIL means the Municipal "Council" of the Corporation of the VILLAGE OF OMEMEE.

COUNTY means the Corporation of the County of Victoria.

CRAFT SHOP means a building for the sale of hand crafted merchandise.

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".

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

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

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

DRY CLEANING DEPOT means a building or portion thereof used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, 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 nonflammable solvents are or can be used.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ESTABLISHED BUILDING LINE means the average distance from the street line to existing main buildings, located on the same side of the street 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.

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

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

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

FERTILIZER MIXING PLANT means a building or a complex of buildings where chemical compounds are mixed, treated or otherwise processed for fertilizer, and may be packaged and warehoused. Without limiting the generality of the foregoing, a mixing plant may include ancillary activities such as administrative or business offices and an outlet for the sale of the processed product, seeds agricultural chemicals and other similar agricultural supplies to the general public.

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

FLOOD PLAIN means that area of land subject to flooding in a 1 in 100 year storm.

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

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

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

FORESTRY means the management, development and cultivation of timber resources exclusive of the actual processing of such timber resources.

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, automobile sales establishment or service station.

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

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

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

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

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

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

HEALTH CENTRE means premises providing non-medical fitness and/or health instruction, equipment and services and may include a club.

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

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

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

HOME IMPROVEMENT SUPPLY OUTLET means a retail or wholesale store within a wholly enclosed building for the sale of home improvement products and accessories.

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

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

INDUSTRY, DRY, means an industry which does not require the consumption or use of water or the discharge of industrial liquid wastes, wash or cooling water or process waste as part of the industrial process and which requires the disposal of only the domestic wastes of employees.

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

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

INDUSTRY, MEDIUM, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or

wood fabricating, motor vehicle body repair shops and food processing facilities.

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 or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

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

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 and includes a coin-operated laundry and dry cleaning depot.

LAWN AND GARDEN EQUIPMENT SALES AND SERVICE ESTABLISHMENT means a building and/or lot used for the display, sale and/or rental of lawn and garden tractors, mowers and equipment and/or the servicing, repair, cleaning and greasing of these products and the sale of accessory and related parts and products including lubrication oils but not including motor fuels.

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

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

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

LOT, CORNER, means a lot situated at the intersection of two streets or two parts of the same street of which the two adjacent sides upon the street line or street lines includes an angle of not more than 135 degrees or where such adjacent sides are curved, the angle included by the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines drawn through the extremities of the interior lot lines.

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

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

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

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

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

LOT LINE means any boundary of a lot.

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

LOT LINE, FRONT, means, except in the case of a corner lot or through lot, the line dividing the lot from the street. In the

case of a corner lot, the shorter boundary line abutting the street shall be deemed the "front lot line". Where each of such lot lines are of equal length, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction. In the case of a through lot, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction.

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.

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

MARINA, DRY-LAND, means a building, structure, or place where boats and boat accessories are stored, serviced, repaired or kept for sale.

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

MOBILE HOME means a detached dwelling unit designed for transportation, after fabrication, on streets on its own wheels or on a flatbed or other trailer, arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations) located on wheels, jacks or permanent foundations,

and which may be connected to utilities and sanitary services, but shall not include a modular home.

MOBILE HOME PARK means an establishment comprising land or premises under single ownership designed and intended for residential use where residence is exclusively for two or more mobile or modular 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 or modular home and for the exclusive use of the lessee or tenant of such area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUNICIPALITY means the Corporation of the VILLAGE OF OMEMEE

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

NON-CONFORMING USE means the use of land, buildings or structures for a purpose which is not included with the permitted uses

herein for the zone in which such land, building, or structure is located, as of the date of passing of this By-law.

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

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

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

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

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

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

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

PLACE OF AMUSEMENT means any establishment or part thereof containing more than three amusement machines which are operated for gain and made available for entertainment or amusement of the general public. This definition shall not include:

- (a) Premises which are licenced under the Liquor Licencing Act,
- (b) Establishments which sell amusement machines,
- (c) Establishments where the amusement machines are made available as an accessory use provided that the floor area occupied by the amusement machines does not exceed 5% of the total leasable floor area of the establishment but in no case shall the number of amusement machines which are accessory to another use exceed three,
- (d) Any premises with amusement machines which are considered contrary to the Criminal Code of Canada, and
- (e) A recreational establishment or place of assembly.

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

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

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

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

PUBLIC USE means a use permitted by a Public Authority.

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

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

RECYCLING DEPOT means enclosed or unenclosed premises for the sorting, processing, or temporary storage of recyclable materials such as glass, tins, paper, plastic 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.

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

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

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

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

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

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

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

SCRAP YARD means premises for the storage and/or handling or processing of scrap material, which, without limiting the generality of the foregoing, shall include waste paper, rags,

bones, bottles, used bicycles, unlicensed motor vehicles, tires, metal and/or other scrap material and salvage.

SENIOR CITIZENS' CENTRE means a public building or part thereof where social, recreational, cultural and other related activities are conducted for the benefit of senior members of the population.

SENIOR CITIZENS' HOME means any residential accommodation for senior citizens sponsored and administered by any public agency or any service club, church or other non-profit organization either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof and such homes shall include accessory uses such as recreation and lounge facilities, usually associated with a senior citizens' development.

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

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

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

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

STORAGE, OUTDOOR, means premises where goods are stored without benefit of coverage from an enclosed building.

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

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 and includes the renting or leasing of goods or articles used within a dwelling.

STOREY means that portion of a building, other than an attic, basement or cellar, included between any floor level and the floor, ceiling or roof next above it. A storey shall include a walk-out basement.

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

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

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

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

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

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

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

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

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

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

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

TRAILER means any vehicle that is at any time drawn upon a highway by a motor vehicle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway.

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

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

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

TRUCK TERMINAL means a building, structure or place where trucks or transports are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, or which is a bonded warehouse.

USE means, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and "uses" shall have corresponding meanings. "Use" when used as a verb, "to use" or "used" shall have corresponding meanings.

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

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

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

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

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

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

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

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

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

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

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

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

YARD means an open, uncovered space on a lot apurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining "yard" measurements, the minimum horizontal distance from the respective lot lines shall be used.

Where a daylighting triangle is provided for a corner lot, the minimum "yard" requirement from the hypotenuse of the daylighting triangle shall be the lesser of the "yards" required along the exterior lot lines.

YARD, EXTERIOR, means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the exterior 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 building(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, INTERIOR SIDE, means a side yard other than an exterior side yard.

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

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

PART 3 - GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.1.1 PERMITTED USES

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

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

3.1.2 LOCATION

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

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 2 metres to a residential building located on the same lot.

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

3.1.3 LOT COVERAGE AND HEIGHT

3.1.3.1 The total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, shall not exceed 40 percent of the required minimum floor area for a residential dwelling within the applicable zone or 40 percent of the main building gross floor area, whichever is greater.

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not

exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. (B/L 2002-139)

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

3.1.4 YARD REQUIREMENTS

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

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

3.1.5 BOAT HOUSE, PUMP HOUSE OR DOCKING FACILITIES

3.1.5.1 Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway provided such boat house, pump house or docking facility has a minimum water setback of 5 metres, except that a dock or boat house may be permitted within the water setback provided that the approval of any other governmental authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures.

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

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

3.1.6 MUTUAL STRUCTURES

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

3.2 **DAYLIGHTING TRIANGLE**

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

3.3 **ESTABLISHED BUILDING LINE**

3.3.1 Notwithstanding the front yard provisions of this By-law, where a permitted building or structure is to

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

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

3.4 **EXISTING BUILDINGS, STRUCTURES AND USES**

3.4.1 NON-CONFORMING USES

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

3.4.2 NON-COMPLYING USES

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

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

3.4.3 PERMITTED EXTERIOR EXTENSION

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

purpose permitted within such zone, and complies with all requirements of this By-law for such zone.

3.4.4 RESTORATION TO A SAFE CONDITION

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

3.4.5 BUILDING PERMIT ISSUED

3.4.5.1 The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law of any building or structure, a permit for which has prior to the date of passing of this By-law been issued by the Chief Building Official, as long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within 6 months after the date of the passing of this By-law.

3.4.6 DISCONTINUED USE

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

3.4.7 DAMAGED BUILDINGS

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

3.5 **FENCES**

- 3.5.1 No persons shall construct a fence, exceeding 2.5 metres in height, in any zone, other than an Industrial or Agricultural Zone.
- 3.5.2 Article 3.1.4.1, clause (e) shall apply to fences located within three metres of any street line.

3.6 **FRONTAGE ON PUBLIC STREET**

- 3.6.1 Except as provided for in this section, no 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 and obtains direct access onto an improved public street and which is maintained to provide year-round access.
- 3.6.2 Notwithstanding subsection 3.6.1, a building or structure may be erected and used on the following lots which do not have frontage on an improved public street:
- 3.6.2.1 A lot within a registered plan of subdivision in which the street has not been assumed by the Municipality but in which the street is to be assumed under the terms of a subdivision agreement.

3.7 **HEIGHT EXCEPTION**

- 3.7.1 Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the main use is a use permitted within the zone in which it is located; a barn, a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, air conditioner duct, elevator equipment room, grain elevator, silo or corn crib.

3.8 **HOLDING SYMBOL (H)**

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

pursuant to Section 36 of the Planning Act, R.S.O. 1990, the lot may be used in accordance with the applicable zone provisions. The criteria to be satisfied prior to removal of the holding symbol "(H)" shall consist of either the provision of adequate municipal roads, electricity, storm drainage services, sewage and water services and other matters as appropriate to a specific area or an agreement entered into between the owner and the Corporation of the Village of Omeme to provide the aforementioned services and other matters as appropriate.

3.9 **HOME OCCUPATIONS**

- 3.9.1 The following requirements shall apply to any zone wherein a home occupation is permitted.
- 3.9.1.1 The home occupation shall be clearly secondary to the main use of the lot and shall not change the residential character of a dwelling unit or the lot upon which it is located. For the purposes of this article, illuminated signs or signs greater than 0.5 square metres in area, will be considered to be a change in the residential character of a dwelling unit or lot and shall not be permitted;
- 3.9.1.2 The home occupation shall not create or become a public nuisance due to noise, odour, dust, traffic or parking;
- 3.9.1.3 The home occupation shall not interfere with television or radio reception on adjacent lots;
- 3.9.1.4 There shall be no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale in the dwelling, and no mechanical or other equipment used or kept except those customarily employed in a residential dwelling for domestic or household purposes or for use by a dentist, drugless practitioner or physician;
- 3.9.1.5 The home occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit whether or not such home occupation is located within the dwelling or within an accessory structure;
- 3.9.1.6 Parking shall be provided in accordance with subsection 3.14 of this By-law;
- 3.9.1.7 There shall be no outside storage of goods, materials or equipment associated with the home occupation.

3.10 **LANDSCAPING**

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

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

- 3.11.1 Notwithstanding the minimum lot area and/or the minimum lot frontage required herein, where a lot has less lot area and/or lot frontage than required herein at the date of passing of this By-law or where such lot is created as a result of expropriation or a portion of a lot is acquired by a public authority, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that the use is permitted and the setback, yard, lot coverage, parking and landscaping requirements of the zone in which it is located are complied with, and that said lot has a minimum lot frontage of 12 metres and a minimum lot area of 830 square metres. If the lot is serviced by Municipal Sanitary Sewers, then the minimum lot area can be further reduced to 370 square metres.
- 3.11.2 Where a lot has less lot area and/or lot frontage than required herein at the date of passing of this By-law and, as a result of a consent, is increased in size but continues to have less lot area and/or lot frontage than required herein, subsection 3.11.1 shall continue to apply.

3.12 **MULTIPLE USES**

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

3.13 **MULTIPLE ZONES ON A LOT**

3.13.1 Where a lot which existed at the date of passing of this By-law is located within two or more zones the provisions of the applicable zone, save and except lot area and lot frontage, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 15 metres. In such instances, the zone boundary shall be considered a lot line for the purposes of interpreting and applying the "zone" and "general" provisions of this By-law.

3.13.2 Notwithstanding article 3.13.1 no lot shall be created within any zone unless the lot created and the remnant lot comply with the minimum lot area and lot frontage requirements of the applicable zone.

3.14 **PARKING AND LOADING FACILITIES**

3.14.1 OFF-STREET PARKING

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

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

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

3.14.1.2 Use	<u>Minimum Number of Parking Spaces Required</u>
Animal Hospital, or Veterinarian	5 per Veterinarian
Bank, Financial Institution	1 per 20 sq. m of g.f.a.
Bed and Breakfast Establishment	1 per guest room
Business, Professional or Other Office	1 per 30 sq. m of g.f.a.
Bowling Alley, Curling Rink	3 per lane or 6 per sheet plus 1 per 9 sq. m of g.f.a. devoted to a restaurant, or liquor licenced premises
Day Nursery, Day Care Centre	1.5 per classroom or teaching area
Dry Cleaning Establishment, Laundry	1 per 20 sq. m of g.f.a. or 1 per washing machine whichever is greater
Home for the Aged	0.75 per bed of which 5% shall be handicapped
Home Occupation	1 per 30 sq. m of g.f.a. of dwelling devoted to home occupation
Hospital	1 for every 4 beds or 1 per 100 sq. m of g.f.a., whichever is greater, of which 5% shall be handicapped
Hotel, Motel, Motor Hotel, Tourist Home, Lodge, Tourist Establishment	1.25 per guest room, or cottage plus 1 per 9 sq. m of g.f.a. devoted to a restaurant or liquor licenced premises

3.14.1.2 Cont'd.	<u>Use</u>	<u>Minimum Number of Parking Spaces Required</u>
	Industrial, Manufacturing, Processing, Fabricating, Warehousing, Wholesaling, Storage	1 per 40 sq. m of g.f.a. for "light" or "dry-light" industries 1 per 100 sq. m of g.f.a for all others
	Library, Museum	1 per 30 sq. m of g.f.a.
	Liquor Licenced Premises	1 per 9 sq. m of g.f.a.
	Marina	1 per 20 sq. m of g.f.a. plus 1 per boat slip
	Marina, Dry-land	1 per 20 sq. m of g.f.a.
	Medical Clinic or Offices for Health Care Professionals	5 per practitioner, of which 5% shall be handicapped
	Motor Vehicle Sales Establishment, Motor Vehicle Service Station Public Storage	1 per 20 sq. m of g.f.a. with a minimum of 5 spaces
	Nursing Home	0.5 per bed of which 5% shall be handicapped
	Place of Assembly, Place of Worship, Funeral Home	1 per 5 fixed seats, 1 per 3 m of bench seating or 1 per 9 sq. m of g.f.a. whichever is greater, of which 5% shall be handicapped
	Residential Apartment Fourplex, Triplex, Town House or Converted Dwelling	1.5 per dwelling unit of which 25% shall be for visitor parking
	Dwelling in a non-residential building	1.5 per unit
	Boarding or Lodging House	1 per guest room
	Residential other than specified herein	2 per unit

3.14.1.2 Use
Cont'd.

Minimum Number of
Parking Spaces Required

Senior Citizens' Home	0.5 per unit of which 5% shall be handicapped
Restaurant	1 per 5 sq. m of g.f.a.
Restaurant, Drive-In or Take-out	1 per 5 sq. m of g.f.a. with a minimum of 10 spaces
Retail Commercial Establishment, Personal Service Shop, Service Shop, Dry Cleaning Depot	1 per 30 sq. m of g.f.a.
Schools, Elementary	1.5 per classroom or teaching area
Schools, Secondary or Commercial or Community College	4 per classroom or teaching area
Shopping Centre	1 per 20 sq. m of g.l.f.a.
Supermarket, Food Store	1 per 20 sq. m of g.f.a.
Uses other than those specified	1 per 30 sq. m of g.f.a.

3.14.1.3 The parking lot shall have visible boundaries and the parking spaces clearly defined with the layout of spaces appropriately marked on the ground or signed.

3.14.1.4 Parking spaces, parking lots and driveways connecting the parking spaces to a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces, parking lots and driveways shall, before being used, be constructed of crushed stone, gravel, asphalt, brick, concrete or similar material.

3.14.1.5 A parking space shall be rectangular in shape having a minimum width of 2.8 metres and a minimum length of 6 metres.

3.14.1.6 Notwithstanding article 3.14.1.5 parking spaces for the handicapped shall be rectangular in shape having a minimum width of 4 metres unless adjacent to another

designated handicapped space in which case a width of 3.5 metres shall be permitted. Handicapped parking spaces shall be located in proximity to building entrances and handicapped access ramps, walkways or elevators.

3.14.1.7 Notwithstanding article 3.14.1.5, a parking space used for parallel parking shall have a minimum width of 2.4 metres and a minimum length of 7 metres.

3.14.1.8 Each parking space shall have adequate access to the street as described within the definitions of parking space. Notwithstanding this provision, where a dwelling unit has exclusive use of a private garage and/or driveway and 2 parking spaces are required for the said dwelling unit for the use by the one household, then the two parking spaces can abut end to end, so that one motor vehicle must be moved to enable the second one to have access to the street.

3.14.1.9 Unless otherwise provided for elsewhere in this By-law, all parking shall be located on the same lot as the use for which it is intended to serve.

3.14.1.10 If the use of a lot is for a place of assembly, the parking lot may be located on a separate lot not more than 150 metres from the location it is intended to serve.

3.14.1.11 The width of the aisle in a parking lot shall be based on the angle of the parking spaces to the aisle. If the angle of parking is different on each side of the aisle, then the aisle width shall be based on the parking spaces requiring the widest aisle width. The aisle requirements are as follows:

<u>Angle of Parking Space to Aisle</u>	<u>Minimum Aisle Width</u>
Parallel parking or less than 30 degrees	3.5 metres

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

Equal to or greater than 5.5 metres
50 degrees but less than
70 degrees

Equal to or greater than 7.0 metres
70 degrees but less than
or equal to 90 degrees

3.14.1.12 When a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition; however, any addition shall provide the necessary parking required under this By-law.

3.14.1.13 No driveway shall be located closer than 15 metres from the limits of the right-of-way at the street intersection.

3.14.1.14 Where a building or structure accommodates more than one type of use, the parking requirements shall be the sum of the requirement of the separate uses.

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

3.14.2 OFF-STREET LOADING SPACE REQUIREMENTS

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

<u>Floor Area of Buildings</u>	<u>Minimum Number of Loading Spaces</u>
300 square metres or less	no loading spaces

301 square metres up to 1 loading space
and including 2000 square
metres

2001 square metres and 2 loading spaces
over

- 3.14.2.2 In addition, no loading space or platform or loading door shall be located in any yard or wall of any building or structure which adjoins or faces a street. In addition to automobile parking lots, parking lot(s) for the use of commercial and industrial traffic shall be provided but shall not be located in any yard flanking a street.
- 3.14.2.3 Where an addition to an existing building has the effect of increasing total floor area to 301 square metres or greater, the provisions herein shall apply.
- 3.14.2.4 The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. Before being used, they shall be constructed of one or more of the following: crushed stone, slab, gravel, crushed brick (or tile) cinders, asphalt, concrete, or Portland cement binder, for a combined depth of at least 0.15 metres and with provisions for drainage facilities.

3.15 **PUBLIC USES PERMITTED**

3.15.1 STREETS AND INSTALLATIONS

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

3.15.2 BY-LAW REQUIREMENTS

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

3.15.3 ZONES WHERE PERMITTED

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

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

3.15.4 PROVISIONS IN RESIDENTIAL ZONES

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

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

3.16 **REDUCTION OF REQUIREMENTS**

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

3.17 **RELOCATED BUILDINGS**

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

3.18 **SPECIAL SETBACKS OR RESTRICTIONS**

3.18.1 ENVIRONMENTAL PROTECTION ZONE SETBACKS AND RESTRICTIONS

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

(a) from any class of environmental zone, the applicable yard requirement for the zone or a water setback of 15 metres whichever is greater.

3.18.1.2 No opening to any residential dwelling unit shall be permitted below a minimum opening elevation equal to the high water level, for an adjacent body of water, watercourse or lake, plus 0.3 metres.

3.18.1.3 For the purpose of establishing minimum opening elevations the following high water levels shall apply:

- (a) 247.0 metres C.G.S. Datum for the Pigeon River north of King Street
- (b) 250.4 metres C.G.S. Datum for the Pigeon River south of King Street and for the Mill Pond Flood Plain north and south of King Street

3.18.2 DWELLING UNIT RESTRICTION

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

3.18.3 THROUGH LOTS

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

3.18.3.2 In the case of a through lot having lot lines of equal length on each street, accessory buildings may be

located in only one yard adjoining a street, but no closer to the street line than the minimum front yard requirements.

3.18.4 INDUSTRIAL AND RESIDENTIAL SETBACKS AND RESTRICTIONS

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

- (a) Industrial uses shall be separated from residential lots based upon the following minimum setbacks:
 - (i) light industry 30 m
 - (ii) medium industry 90 m
 - (iii) heavy industry 300 m

- (b) Notwithstanding clause (a) the minimum setbacks from residential lots shall be reduced to 10 metres for light or 30 metres for medium industrial uses where the following provisions and regulations are met:
 - (i) mechanical ventilation, heating, cooling or dust collection equipment are located at ground level and located or equipped to suppress noise generation;
 - (ii) truck access, turnaround, parking and loading areas are separated from residential lots by the main building;
 - (iii) outside storage areas are separated from residential lots by the main building;
 - (iv) the main building has no openings other than emergency or employee entrances adjacent to residential lots.

3.18.5 COUNTY ROAD SETBACKS

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

- (a) from the centre line of a County Road the setback shall be 21.5 metres except as otherwise provided by subsection 3.3.2.

3.18.6 FLOOD PLAIN (F)

3.18.6.1 Unless, otherwise specified within the applicable zone provisions, where the zone symbol, shown on Schedule A to this By-law, is followed by the flood plain (F) symbol, the use of land so zoned shall be limited to existing uses and conservation or forestry uses, exclusive of buildings or structures. New structures

or additions shall be permitted subject to compliance with the following provisions:

- (a) any building wall or floor that is constructed below the applicable minimum opening elevation listed in article 3.18.1.3 must be designed by an engineer or architect and certified as being capable of withstanding the hydrostatic pressures, created by flooding to the level specified by article 3.18.1.3;
- (b) vehicular and pedestrian ingress and egress to any new buildings shall not be subject to flooding to a depth greater than 0.5 metres;
- (c) non-residential accessory buildings shall be secured to a concrete pad or footing. Garages will only be permitted if flooding does not exceed 0.3 metres in depth.

3.19 **TEMPORARY USES PERMITTED**

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

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

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

3.20 **UNENCLOSED STORAGE OF UNLICENCED MOTOR VEHICLES**

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

PART 4 - ZONES AND ZONING MAPS

4.1 **ZONES**

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

Part	Zone	Zone	Title
	<u>Symbol</u>	<u>Classification</u>	<u>Zone</u>
5	EP	Environmental Protection	Environmental
6	CF	Community Facility	Community
7	A1	Rural General	Agricultural
8	R1	Residential Type One	Residential
9	R2	Residential Type Two	Residential
10	R3	Residential Type Three	Residential
11	R4	Residential Type Four	Residential
12	C1	General Commercial	Commercial
13	C2	Highway Commercial	Commercial
14	M1	Restricted Industrial	Industrial
15	M2	General Industrial	Industrial

4.2 **ZONING MAPS**

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

4.3 **SPECIAL EXCEPTIONS**

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

4.4 **ZONE AND GENERAL PROVISIONS**

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

PART 5 - ENVIRONMENTAL PROTECTION (EP) ZONE

5.1 USES PERMITTED

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

5.1.1.1 Conservation uses

5.1.1.2 Bird or Wildlife Sanctuaries

5.1.1.3 Flood and Erosion Control Works

PART 6 - COMMUNITY FACILITY (CF) ZONE

6.1 USES PERMITTED

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

6.1.1.1 Uses permitted by Section 5.1

6.1.1.2 Cemeteries

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

6.1.1.4 Hospitals or Medical Centres

6.1.1.5 Places of Worship

6.1.1.6 Elementary Schools, Secondary Schools

6.1.1.7 Day nurseries

6.1.1.8 Clubs

6.1.1.9 Public uses exclusive of outside storage

6.1.1.10 Business or professional office as part of a building containing another permitted use.

6.2 ZONE PROVISIONS

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

6.2.1.1 Lot Area (min.) 650 sq. m

6.2.1.2 Lot Frontage (min.) 15 m

6.2.1.3 Yard Requirements (min.)
(a) front 15 m
(b) interior side 7.5 m
(c) exterior side 7.5 m
(d) rear 9 m

6.2.1.4 Lot Coverage (max.) 50%

6.2.1.5 Building Height (max.) 15 m

- 6.2.1.6 Gross Floor Area
(a) all uses no minimum
(b) business or professional office shall not exceed
25% of the g.f.a of the main building.

- 6.2.1.7 Landscaped Open Space (min.) 30%

6.3 **COMMUNITY FACILITY EXCEPTION ZONES**

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

- 6.3.1.1 Notwithstanding subsection 6.1.1, land zoned "CF-1"
shall only be used for a cable television
communications facility.

- 6.3.2 COMMUNITY FACILITY EXCEPTION TWO (CF-2) ZONE

- 6.3.2.1 Notwithstanding Section 6.1, land zoned CF-2 shall only
be used for a hydro electric substation and accessory
structures thereto.

- 6.3.2.2 Notwithstanding Section 6.2, on land zoned CF-2 all
buildings and structures shall be constructed at or
above a minimum finished grade elevation of 247.5
metres C.G.S.
(B/L 1998-4)

PART 7 - RURAL GENERAL (A1) ZONE

7.1 **USES PERMITTED**

7.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural General (A1) Zone, except for the following uses:

7.1.1.1 Agricultural uses involving cropping only and/or an existing livestock operation

7.1.1.2 Forestry Uses

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

7.1.1.4 Nurseries or Commercial greenhouses

7.1.1.5 One single detached dwelling

7.1.1.6 Home Occupation

7.1.1.7 Uses, buildings or structures accessory to another permitted use

7.1.1.8 Bed and Breakfast Establishment

7.2 **ZONE PROVISIONS**

7.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural General (A1) Zone, except in conformity with the following zone provisions:

7.2.1.1 Lot Area (min.) 25 ha

7.2.1.2 Lot Frontage (min.) 230 m

7.2.1.3 Yard Requirements (min.)

(a) front	30 m
(b) interior side	9 m
(c) exterior side	15 m
(d) rear	20 m
(e) building for animal husbandry	- 100 metres or 300 metres from an existing dwelling on an abutting lot, whichever is greater

- 7.2.1.4 Lot Coverage (max.) 5 %
- 7.2.1.5 Building Height (max.)
(a) Building accessory to a farm - No restriction
(b) All others 10 m
- 7.2.1.6 Gross Floor Area per dwelling (min.) 93 sq. m
- 7.2.1.7 Notwithstanding subsections 7.1.1 and 7.2.1 where a lot is created by consent such lot shall only be used in accordance with Sections 8.1 and 8.2 of this By-law but shall not exceed a lot area of 1.0 hectare.
- 7.2.1.8 Where a lot is created by consent in the Rural General (A1) Zone the retained lot shall be deemed to be an existing non-complying lot and the provisions of subsections 3.4.1 and 3.4.2 shall apply.
- 7.2.1.9 In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in the Rural General (A1) Zone, the maximum height of such building shall be 5 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres.
- 7.2.1.10 Where an existing lot having less lot area or frontage than required is located in the Rural General (A1) Zone, subsection 3.11.1 shall not apply to permit the establishment of an agricultural use, on a lot having an area of less than 2 hectares.
- 7.2.1.11 Notwithstanding article 7.1.1.5 and subsection 3.18.2 a single detached dwelling, existing at the date of passing of this By-law, may be changed to a converted dwelling having a maximum of two dwelling units provided the lot upon which it is located has a minimum lot area of 25 hectares and further provided that each dwelling unit has a minimum floor area of 93 square metres.

7.3 **RURAL GENERAL EXCEPTION ZONES**

7.3.1 RURAL GENERAL EXCEPTION ONE (A1-1) ZONE

7.3.1.1 Notwithstanding subsection 7.1.1, lands zoned "A1-1" may only be used for the following uses:

- (a) market garden
- (b) seasonal fruit, vegetable and farm produce outlet
- (c) a mobile fast food facility

(d) single detached dwelling

7.3.1.2 Notwithstanding article 7.2.1.3, clauses (a) and (c), lands zoned "A1-1" shall be subject to the following zone provisions:

- (a) front yard (min.) 4 m
- (b) exterior side yard (min.) 4 m
- (c) the permitted dwelling unit shall be subject to the provisions of subsection 7.1.1 and 7.2.1

7.3.1.3 Notwithstanding article 3.14.1.2, a total of eight parking spaces shall be provided, on-site, for a mobile fast food facility.

PART 8 - RESIDENTIAL TYPE ONE (R1) ZONE

8.1 **USES PERMITTED**

8.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type One (R1) Zone, except for the following uses:

- 8.1.1.1 Single Detached Dwelling
- 8.1.1.2 Home Occupation
- 8.1.1.3 Public Park
- 8.1.1.4 Elementary or Secondary School

8.2 **ZONE PROVISIONS**

8.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type One (R1) Zone, except in conformity with the following zone provisions:

- 8.2.1.1 Lot Area (min.)
 - (a) serviced with municipal sewers and a communal water system 460 sq. m
 - (b) serviced with municipal sewers only 830 sq. m
 - (c) serviced with a communal water system only 1390 sq. m
 - (d) serviced with a private well and private waste disposal system 2000 sq. m
- 8.2.1.2 Lot Frontage (min.)
 - (a) serviced with municipal sewers and a communal water system 15 m
 - (b) serviced with municipal sewers only 17 m
 - (c) serviced with a communal water system only 24 m
 - (d) serviced with a private well and private waste disposal system 30 m
- 8.2.1.3 Yard Requirements (min.)
 - (a) front 7.5 m
 - (b) interior side **(corrected typo of 2 m)** 1 m
 - (i) one and one half storey 1.2 m
 - (ii) two storeys or greater 2 m
 - (c) exterior side 4.5 m
 - (d) rear 7.5 m

- 8.2.1.4 Lot Coverage (max.) 30 %
- 8.2.1.5 Building Height (max.) 11 m
- 8.2.1.6 Gross Floor Area (min. per d.u.) 93 sq. m
- 8.2.1.7 Landscaped Open Space (min.) 30 %
- 8.2.1.8 Density (max. per lot) 1 d.u.
- 8.2.1.9 Notwithstanding subsections 8.1.1 and 8.2.1 an elementary or secondary school shall only be permitted in accordance with the zone provisions of Section 6.2.
- 8.2.1.10 Notwithstanding subsection 8.1.1 and article 8.2.1.1, a bed and breakfast establishment is a permitted use if it has frontage on an arterial or collector road and if it has a minimum lot area of 610 square metres.

8.3 **RESIDENTIAL TYPE ONE EXCEPTION ZONES**

8.3.1 RESIDENTIAL TYPE ONE EXCEPTION ONE (R1-1) ZONE

- 8.3.1.1 In addition to the uses permitted by subsection 8.1.1, lands zoned "R1-1" may also be used for a retail establishment for the sale and repair of fire arms, archery supplies, trapping equipment and similar items.

8.3.2 RESIDENTIAL TYPE ONE EXCEPTION TWO (R1-2) ZONE

- 8.3.2.1 Notwithstanding the zone provisions of article 8.2.1.2, clause (d), lands zoned "R1-2" may have a minimum lot frontage of 19.8 metres.

8.3.3 RESIDENTIAL TYPE ONE EXCEPTION THREE (R1-3) ZONE

- 8.3.3.1 Notwithstanding the zone provisions of article 8.2.1.2, clause (d), lands zoned "R1-3" may have a minimum lot frontage of 25.3 metres.

8.3.4 RESIDENTIAL TYPE ONE EXCEPTION FOUR (R1-4) ZONE

- 8.3.4.1 Notwithstanding subsection 8.2.1, lands zoned "R1-4" shall be subject to the following zone provisions:

- (a) lot area (min.) 760 sq. m
- (b) minimum rear yard for an accessory building existing as of Nov 1, 1990 shall be nil.

- 8.3.5 RESIDENTIAL TYPE ONE EXCEPTION FIVE (R1-5) ZONE
- 8.3.5.1 Notwithstanding article 8.2.1.1, clause (b), lands zoned "R1-5" may have a minimum lot area of 750 sq. m.
- 8.3.6 RESIDENTIAL TYPE ONE EXCEPTION SIX (R1-6) ZONE
- 8.3.6.1 Notwithstanding article 8.2.1.1 clause (b), lands zoned "R1-6" may have a minimum lot area of 715 sq. m
- 8.3.6.2 In addition to the zone provisions of subsection 8.2.1, on land zoned "R1-6" dwellings, buildings and structures shall be set back a minimum of 15 metres (measured horizontally) from the high water mark of the Pigeon River. For the purpose of this provision the high water mark shall be the 247 metres (C.G.S. Datum) contour line.
- 8.3.7 RESIDENTIAL TYPE ONE EXCEPTION SEVEN (R1-7) ZONE
- 8.3.7.1 "Reserved" (B/L 1993-20)
- 8.3.8 RESIDENTIAL TYPE ONE EXCEPTION EIGHT (R1-8) ZONE
- 8.3.8.1 Notwithstanding subsection 8.1.1, on land zoned "R1-8" existing single detached dwellings may be converted into a mixed residential/commercial structure with the following commercial uses permitted:
- (a) Art or antique shops
 - (b) Business or professional offices
 - (c) Service shops
 - (d) Personal service shops
 - (e) Craft and gift shops
- 8.3.8.2 Notwithstanding article 8.2.1.6, land zoned "R1-8" shall be subject to the following zone provision:
- Commercial Use
Floor Area - the lesser of 60 square metres or
(maximum) 50% of dwelling floor area

PART 9 - RESIDENTIAL TYPE TWO (R2) ZONE

9.1 **USES PERMITTED**

9.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Two (R2) Zone, except for the following uses:

9.1.1.1 All uses permitted in the R1 Zone

9.1.1.2 Duplex dwelling, converted dwelling or semi-detached dwelling

9.1.1.3 Public Park

9.1.1.4 Elementary or Secondary School

9.2 **ZONE PROVISIONS**

9.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Two (R2) Zone, except in conformity with the following zone provisions:

9.2.1.1 Lot Area (min. per d.u.)
(a) serviced with municipal sewers only 850 sq. m
(b) serviced with municipal sewers 700 sq. m
and a communal water system

9.2.1.2 Lot Frontage (min. per d.u.) 12 m

9.2.1.3 Yard Requirements (min.)
(a) front 7.5 m
(b) interior side 3 m
(c) exterior side 4.5 m
(d) rear 7.5 m

9.2.1.4 Lot Coverage (max.) 35 %

9.2.1.5 Building Height (max.) 11 m

9.2.1.6 Gross Floor Area (min. per d.u.) 65 sq. m

9.2.1.7 Landscaped Open Space (min.) 30 %

9.2.1.8 Density (max. per lot)
(a) Duplex or converted dwelling 2 d.u.
(b) Semi-detached dwelling 1 d.u.

- 9.2.1.9 Notwithstanding Article 9.2.1.3, Clause (b), an interior side yard shall not be required for the common wall of a semi-detached dwelling.
- 9.2.1.10 Notwithstanding subsections 9.1.1 and 9.2.1 an elementary or secondary school shall only be permitted in accordance with the zone provisions of Section 6.2.

9.3 **RESIDENTIAL TYPE TWO EXCEPTION ZONES**

9.3.1 RESIDENTIAL TYPE TWO EXCEPTION ONE (R2-1) ZONE

9.3.1.1 In addition to the uses permitted by subsection 9.1.1, land zoned "R2-1" may also be used for an Art and Weaving Gallery, Studio, Craft Shop and an accessory Tea Room for the serving of light snacks and non-alcoholic beverages.

9.3.1.2 Notwithstanding article 3.14.1.2, a total of six parking spaces plus one space per 10 sq. metres of the Tea Room g.f.a. and two spaces per residential dwelling unit shall be provided on-site.

9.3.2 RESIDENTIAL TYPE TWO EXCEPTION TWO (R2-2) ZONE

9.3.2.1 Notwithstanding subsection 9.1.1 lands zoned "R2-2" may also be used for a day nursery occupying one of the permitted dwelling units.

PART 10 - RESIDENTIAL TYPE THREE (R3) ZONE

10.1 **USES PERMITTED**

10.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Three (R3) Zone, except for the following uses:

10.1.1.1 All uses permitted in the R1 and R2 Zones

10.1.1.2 Triplex or Fourplex dwelling

10.1.1.3 Public Park

10.1.1.4 Elementary or Secondary School

10.2 **ZONE PROVISIONS**

10.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Three (R3) Zone, except in conformity with the following zone provisions:

- 10.2.1.1 Lot Area (min.)
- | | |
|--|------------|
| (a) serviced with municipal sewers only | 1860 sq. m |
| (b) serviced with municipal services and a communal water system | 1650 sq. m |
- 10.2.1.2 Lot Frontage (min.) 18 m
- 10.2.1.3 Yard Requirements (min.)
- | | |
|---|-------|
| (a) front | 9 m |
| (b) interior side | 3 m |
| (i) one and one and a half storey buildings | 3 m |
| (ii) two storeys or greater | 5.5 m |
| (c) exterior side | 9 m |
| (d) rear | 9 m |
- 10.2.1.4 Lot Coverage (max.) 30 %
- 10.2.1.5 Building Height (max.) 11 m
- 10.2.1.6 Gross Floor Area (min. per d.u.)
- | | |
|------------------------|----------|
| (a) Bachelor Apartment | 35 sq. m |
|------------------------|----------|

- (b) All others - 55 sq. m plus 14 sq. m for each habitable room, in excess of 4
- 10.2.1.7 Landscaped Open Space 30 %
- 10.2.1.8 Density (max. per ha)
 - (a) Triplex or Fourplex 17 d.u.
 - (b) Senior Citizens' Home 20 d.u.
- 10.2.1.9 Notwithstanding subsections 10.1.1 and 10.2.1, an elementary or secondary school shall only be permitted in accordance with the zone provisions of Section 6.2.
- 10.2.2 No main building or structure may be erected and no use may be established in the Residential Type Three (R3) Zone unless the lot upon which it is to be situated is serviced by a municipal sewer system.
- 10.3 **RESIDENTIAL TYPE THREE EXCEPTION ZONES**
- 10.3.1 RESIDENTIAL TYPE THREE EXCEPTION ONE (R3-1) ZONE
 - 10.3.1.1 Notwithstanding subsection 10.1.1, lands zoned "R3-1" may only be used for a fourplex dwelling.
 - 10.3.1.2 Notwithstanding articles 10.2.1.3 clauses (b) and (d), 10.2.1.6 and 10.2.1.8, lands zoned "R3-1" shall be subject to the following zone provisions:
 - (a) interior side yard (min.) 10 m
 - (b) rear yard (min.) 10 m
 - (c) gross floor area (min. per d.u.) 92 sq. m
 - (d) density (max. per ha) 23 d.u

PART 11 - RESIDENTIAL TYPE FOUR (R4) ZONE

11.1 **USES PERMITTED**

11.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Four (R4) Zone, except for the following uses:

11.1.1.1 All uses permitted in the R3 Zone subject to the provisions therein.

11.1.1.2 Town house Dwellings

11.1.1.3 Apartment Dwellings

11.1.1.4 Senior Citizens' Home

11.2 **ZONE PROVISIONS**

11.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Four (R4) Zone, except in conformity with the following zone provisions:

11.2.1.1 Lot Area (min.) 7500 sq. m

11.2.1.2 Lot Frontage (min.) 50 m

11.2.1.3 Yard Requirements (min.)

- | | |
|-------------------|-------|
| (a) front | 10 m |
| (b) interior side | 5.5 m |
| (c) exterior side | 7.5 m |
| (d) rear | 7.5 m |

11.2.1.4 Lot Coverage (max.) 30 %

11.2.1.5 Building Height (max.) 11 m

11.2.1.6 Gross Floor Area (min. per d.u)

- | | |
|------------------------------|---|
| (a) Bachelor Apartment | 35 sq. m |
| (b) All other dwelling units | 55 sq. m plus
14 sq. m for each
habitable room, in excess
of 4 |

11.2.1.7 Landscaped Open Space (min.) 30 %

11.2.1.8 Density (max. per lot) 24 d.u.

11.2.1.9 Minimum separation distance between exterior walls of town houses or apartment dwellings 10 m

11.2.1.10 Notwithstanding subsections 11.1.1 and 11.2.1, an elementary or secondary school shall only be permitted in accordance with the zone provisions of Section 6.2.

11.2.1.11 No main building or structure may be erected and no use established in the Residential Type Four (R4) Zone unless the lot upon which it is to be situated is serviced by a municipal sewer system.

11.3 **RESIDENTIAL TYPE FOUR EXCEPTION ZONES**

11.3.1 RESIDENTIAL TYPE FOUR EXCEPTION ONE (R4-1) ZONE

11.3.1.1 Notwithstanding articles 11.2.1.1, 11.2.1.2, 11.2.1.3 clause (b) and 11.2.1.8, land zoned "R4-1" shall be subject to the following zone provisions:

- | | |
|-------------------------------|---------|
| (a) lot area (min.) | 1 ha |
| (b) lot frontage (min.) | 20 m |
| (c) interior side yard (min.) | 2.75 m |
| (d) density (max. per ha) | 30 d.u. |

PART 12 - GENERAL COMMERCIAL (C1) ZONE

12.1 **USES PERMITTED**

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

12.1.1.1 Animal Hospital or Veterinary Clinic

12.1.1.2 Banks, Financial Institutions

12.1.1.3 Bed and Breakfast Establishment

12.1.1.4 Business or Professional Offices

12.1.1.5 Commercial Schools

12.1.1.6 Convenience Store

12.1.1.7 Clubs

12.1.1.8 Dry Cleaning and Laundry Depot

12.1.1.9 Health Centre

12.1.1.10 Medical Clinic

12.1.1.11 Museum, Library

12.1.1.12 Recreational Establishment

12.1.1.13 Retail Stores, service shops and personal service shops

12.1.1.14 Taxi stand

12.1.1.15 Upholstering and furniture repair

12.1.1.16 Dwelling units as part of a building containing a permitted non-residential use.

12.1.1.17 Restaurant. (B/L 1994-12)

12.2 **ZONE PROVISIONS**

12.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a General Commercial (C1)

Zone, except in conformity with the following zone provisions:

- 12.2.1.1 Lot Area (min.) 550 sq. m
- 12.2.1.2 Lot Frontage (min.) 15 m
- 12.2.1.3 Yard Requirements (min.)
 - (a) front nil
 - (b) interior side
 - (i) nil for an interior side yard where the building has a common wall with the building on an adjacent lot.
 - (ii) All others 1 m
 - (c) exterior side 6 m
 - (d) rear 1 m
- 12.2.1.4 Lot Coverage (max.) 60 %
- 12.2.1.5 Building Height (max.) 11 m
- 12.2.1.6 Gross Floor Area (min.)
 - (a) Bachelor Apartment 35 sq. m
 - (b) All other residential units 55 sq. m plus 14 sq. m for each habitable room, in excess of 4
 - (c) All other uses no minimum
- 12.2.1.7 Landscaped Open Space (min.) 10 %
- 12.2.1.8 Residential Dwellings (max. per lot) 2 d.u.
- 12.2.2 No building or structure may be erected and no use may be established in the General Commercial (C1) Zone unless the lot upon which it is to be situated is serviced by a municipal sewer system.

12.3 **GENERAL COMMERCIAL EXCEPTION ZONES**

12.3.1 GENERAL COMMERCIAL EXCEPTION ONE (C1-1) ZONE

- 12.3.1.1 Notwithstanding subsection 12.1.1, lands zoned "C1-1" may only be used for the following uses:
 - (a) Business or Professional Offices
 - (b) Retail Store wholly enclosed within a building
 - (c) Two dwelling units as part of a building containing another permitted use.
 - (d) A museum (B/L 2007-291)

12.3.1.2 Notwithstanding article 12.2.1.3 clause (c), lands zoned "C1-1" shall have a minimum exterior yard of 1.0 metre.

12.3.2 GENERAL COMMERCIAL EXCEPTION TWO (C1-2) ZONE

12.3.2.1 Notwithstanding article 12.2.1.8, lands zoned "C1-2" shall have a maximum density of eight dwelling units per lot.

12.3.2.2 Notwithstanding article 3.14.1.2, on lands zoned "C1-2" a minimum of 18 parking spaces shall be provided.

12.3.3 GENERAL COMMERCIAL EXCEPTION THREE (C1-3) ZONE

12.3.3.1 Notwithstanding subsection 12.1.1, lands zoned "C1-3" may be used for all permitted uses exclusive of a "taxi stand" and further provided that there shall only be one "restaurant" and one "recreational establishment" permitted and any "repair shop" shall be limited to the servicing of household appliances, clothing, sporting goods and electronic equipment.

12.3.3.2 Notwithstanding articles 12.2.1.6 and 12.2.1.8, lands zoned "C1-3" shall be subject to the following zone provisions:

- (a) Gross Floor Area (min. per d.u.)
 - (i) one bedroom apartment 35 sq. m
 - (ii) two bedroom apartment with up to five rooms including a bathroom 55 sq. m
- (b) Residential Dwellings (max. per lot) 5 d.u.
- (c) Commercial uses located in a second storey shall have a street level access, from the front of the building, which is not shared with any residential dwelling unit.

12.3.3.3 Notwithstanding subsection 3.14.1, lands zoned "C1-3" shall be subject to the following minimum parking provisions:

- (a) residential dwelling unit - 1.5 spaces per d.u. to be grouped together, of which 0.5 spaces per d.u. shall be reserved for visitor parking
- (b) general commercial uses - 1.0 space per 34 sq. m of g.f.a.

- (c) restaurant/coffee shop - 1.0 space per 7.15 sq. m
of floor space allocated
for patron use
- (c) no driveway shall be located closer than
7.5 metres from the limits of the right-of-way at
the street intersection

12.3.4 GENERAL COMMERCIAL EXCEPTION FOUR (C1-4) ZONE
Reserved

12.3.5 GENERAL COMMERCIAL EXCEPTION FIVE (C1-5) ZONE
Reserved

PART 13 - HIGHWAY COMMERCIAL (C2) ZONE

13.1 **USES PERMITTED**

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

13.1.1.1 Animal Hospital or Veterinary Clinic

13.1.1.2 Bed and Breakfast Establishment

13.1.1.3 Hotels, Motels, or Motor hotels

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

13.1.1.5 Recreational establishment

13.1.1.6 Restaurant, drive-in restaurant

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

(a) furniture, home furnishings and home decorating supplies

(b) major appliances

(c) motor vehicle, marine and recreational vehicle accessories exclusive of the sale of motorized snow vehicles

(d) building or home improvement supplies

(e) recreational equipment

(f) garden and nursery supplies

(g) farm, business or institutional equipment and machinery

13.1.1.8 Tourist Information Centre

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

13.2 **ZONE PROVISIONS**

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

- | | | |
|----------|---|------------|
| 13.2.1.1 | Lot Area (min.) | 2000 sq. m |
| 13.2.1.2 | Lot Frontage (min.) | 45 m |
| 13.2.1.3 | Yard Requirements (min.) | |
| | (a) front | 6 m |
| | (b) interior side | 9 m |
| | (c) exterior side | 9 m |
| | (d) rear | 12 m |
| 13.2.1.4 | Lot Coverage (max.) | 35 % |
| 13.2.1.5 | Building Height (max.) | 11 m |
| 13.2.1.6 | Gross Floor Area (min.) | |
| | (a) Residential units - 55 sq. m plus 14 sq. m for each habitable room in excess of 4 | |
| | (b) All other uses | no minimum |
| 13.2.1.7 | Landscaped Open Space (min.) | 20 % |
| 13.2.1.8 | Residential Dwellings (max. per lot) | 1 d.u. |
| 13.2.2 | Motor Vehicle Service Stations and Fuel Bars | |
| 13.2.2.1 | No portion of any fuel pump island or fuel pump island canopy, shall be located closer than 6 metres from any street line or daylighting triangle. | |
| 13.2.2.2 | The minimum distance between access driveways shall be 9 metres. | |
| 13.2.2.3 | The interior angle of intersection between an access driveway and the street shall not be less than 45 degrees nor greater than 90 degrees. | |
| 13.2.2.4 | All repair and mechanical servicing of motor vehicles shall be conducted within a wholly enclosed building. | |
| 13.2.3 | No building or structure may be erected and no use may be established in the Highway Commercial (C2) Zone unless the lot upon which it is to be situated is serviced by a municipal sewer system. | |

13.3 **HIGHWAY COMMERCIAL EXCEPTION ZONES**

13.3.1 HIGHWAY COMMERCIAL EXCEPTION ONE (C2-1) ZONE

13.3.1.1 Notwithstanding subsection 13.1.1, lands zoned "C2-1" may only be used for a coin operated motor vehicle washing establishment.

13.3.1.2 Notwithstanding articles 13.2.1.1 and 13.2.1.3 clauses (a) and (b), lands zoned C2-1 shall be subject to the following zone provisions:

- | | |
|-------------------------------|------|
| (a) lot area (min.) | 1 ha |
| (b) front yard (min.) | 24 m |
| (c) interior side yard (min.) | 6 m |

13.3.2 HIGHWAY COMMERCIAL EXCEPTION TWO (C2-2) ZONE

13.3.2.1 Notwithstanding subsection 13.1.1, land zoned C2-2 may only be used for the following uses:

- (a) Boat Sales Establishment
- (b) Hotel, motel or motor hotel but excluding an adult entertainment parlour
- (c) Motor Vehicle Sales Establishment which shall permit the retail sale, leasing or renting of motor vehicles and includes, within a wholly enclosed building, a sales office and washing and waxing of motor vehicles. This shall not include the retailing of motor fuels, tire sales or repairs to motor vehicles such as engine repairs, tune-ups, auto-body work, painting, muffler, radiator and transmission repairs;
- (d) Restaurant or drive-in restaurant
- (e) Retail sales within a wholly enclosed building of the following:
 - (i) major electrical appliances
 - (ii) motor vehicle, boat, camper and marine accessories
 - (iii) broadloom and draperies
 - (iv) small garden equipment
 - (v) equipment and machinery for business, medical and educational professionals
 - (vi) household furnishings
 - (vii) garden and nursery supplies

- (viii) sporting goods
- (ix) home improvement supplies
- (f) One dwelling unit located within a building used for another permitted use
- (g) A maximum of three of the following:
 - (i) A retail establishment selling art and craft objects and antiques
 - (ii) A real estate office
 - (iii) An insurance office
 - (iv) A personal service shop
 - (v) A local convenience store, having a maximum floor area of 115 square metres
 - (vi) A motor vehicle registration office

13.3.2.2 Notwithstanding the requirements of articles 13.2.1.1, 13.2.1.4, 13.2.1.5, 13.2.1.6 and 13.2.1.7 and in addition to the requirements of subsection 13.2.1 shall be subject to the following zone provisions:

- (a) Minimum lot area 3000 sq. m
- (b) Maximum number of premises 4
- (c) The maximum number of motor vehicles and boats for sale and lease or rental in conjunction with a motor vehicle or boat sales establishment or combination thereof shall be 30;
- (d) Maximum gross floor area of all buildings:
 - 465 square metres if a motor vehicle or boat sales establishment is one of the uses
 - 920 square metres if no motor vehicle or boat sales establishment is on the lot as a use. If buildings in excess of 465 square metres are erected, then no motor vehicle or boat sales establishment shall be permitted.
- (e) Maximum lot coverage 30 %
- (f) Maximum building height 8 m
- (g) Minimum landscaped open space 15 %
- (h) The buildings on the lot shall be connected to the municipal sanitary sewer;
- (i) If a motor vehicle or boat sales establishment is established on the lot, that portion of the lot used for the display of vehicles or boats shall be located a minimum of 20 metres from the east lot line.
- (j) For the purposes of the C2-2 Zone, a restaurant may include an eating establishment licenced by the Liquor Licencing Board of Ontario provided that the sale and preparation of food or meals

forms the principle activity of the establishment.

A restaurant shall not include a bar or tavern.

- (k) For the purposes of the C2-2 Zone small garden equipment shall mean machinery having an engine not exceeding 25 horsepower.

13.3.3 HIGHWAY COMMERCIAL EXCEPTION THREE (C2-3) ZONE

13.3.3.1 Notwithstanding subsection 13.1.1, land zoned C2-3 may only be used for the following uses:

- (a) business and professional offices
- (b) dry cleaning depot
- (c) financial institutions
- (d) medical clinics
- (e) pharmacy

13.3.3.2 Notwithstanding articles 13.2.1.1, 13.2.1.2, 13.2.1.3 clauses (b) and (c), 13.2.1.4, 13.2.1.6 clause (b), 3.14.1.2 and 3.14.2.1, land zoned C2-3 shall be subject to the following zone provisions:

- | | |
|-----------------------------|------------|
| (a) lot area (min.) | 2890 sq. m |
| (b) lot frontage (min.) | 45 m |
| (c) side yard (min.) | 6 m |
| (d) lot coverage (max.) | 20 % |
| (e) gross floor area (max.) | 1200 sq. m |
| (f) parking spaces (min.) | 36 spaces |
| (g) loading spaces (min.) | 1 space |

13.3.4 HIGHWAY COMMERCIAL EXCEPTION FOUR (C2-4) ZONE

13.3.4.1 Notwithstanding subsection 13.1.1, land zoned "C2-4" may only be used for the following uses:

- (a) Bed and Breakfast establishment;
- (b) Motor vehicle sales establishment;
- (c) Retail sales, within a wholly enclosed building, of motor vehicle accessories
- (d) Dwelling unit in a building containing another permitted use.

13.3.4.2 Notwithstanding Section 3.10 and articles 13.2.1.1, 13.2.1.2, 13.2.1.8 and clause 13.2.1.3(b), land zoned "C2-4" shall be subject to the following zone provisions:

- | | |
|---|----------|
| (a) lot area (min.) | 900 sq.m |
| (b) lot frontage (min.) | 15 m |
| (c) interior side yard (min.) on the west side for an existing building | 1.2 m |
| (d) dwelling units (max.) | 2 |

- (e) landscaped buffer width west side lot line (min.) 1 m with an opaque wooden fence.
- (B/L 1997-12)

13.3.5 HIGHWAY COMMERCIAL EXCEPTION FIVE (C2-5) ZONE

13.3.5.1 Notwithstanding articles 13.1.1, 13.2.1.1 and 13.2.1.2, land zoned "C2-5", may only be used for an Animal Hospital and/or Veterinary Clinic and shall be subject to the following zone provisions:

- (a) lot area (min.) 1,130 sq.m.
 - (b) lot frontage (min.) 21 m.
- (B/L 2004-03)

PART 14 - RESTRICTED INDUSTRIAL (M1) ZONE

14.1 **USES PERMITTED**

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

14.1.1.1 Business or professional office accessory to a permitted use

14.1.1.2 Light industry and dry-light industry such as:

- (a) custom workshop
- (b) building supply yard
- (c) dry-land marina
- (d) electronics manufacturing
- (e) industrial mall
- (f) laundry or dry cleaning establishment
- (g) light assembly plant
- (h) warehousing
- (i) factory outlet

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

14.1.1.4 Public garage

14.1.1.5 Uses, buildings or structures accessory to another permitted use

14.2 **ZONE PROVISIONS**

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

14.2.1.1 Lot Area (min.) 1650 sq. m

14.2.1.2 Lot Frontage (min.) 30 m

14.2.1.3 Yard Requirements (min.)

- (a) front 6 m
- (b) interior side - 6 m or 2 m if abutting a M1 or M2 Zone
- (c) exterior side 6 m
- (d) rear 9 m

- | | | |
|----------|--|---------------|
| 14.2.1.4 | Lot Coverage (max.) | 50 % |
| 14.2.1.5 | Building Height (max.) | 11 m |
| 14.2.1.6 | Gross Floor Area | no minimum |
| 14.2.1.7 | Landscaped Open Space (min.) | 10 % |
| 14.2.1.8 | Outside storage | not permitted |
| 14.2.2 | No building or structure may be erected and no use may be established in the Restricted Industrial (M1) Zone unless the lot upon which it is to be situated is serviced by a municipal sewer system. | |

14.3 **RESTRICTED INDUSTRIAL EXCEPTION ZONES**

14.3.1 RESTRICTED INDUSTRIAL EXCEPTION ONE (M1-1) ZONE
(D06-21-013)

Notwithstanding subsection 14.1, land zoned M1-1 may also contain one residential caretaker dwelling unit accessory to a permitted industrial use. The accessory residential use shall not be used unless a permitted industrial use is operated on the property.

(B/L 2011-036)

PART 15 - GENERAL INDUSTRIAL (M2) ZONE

15.1 **USES PERMITTED**

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

15.1.1.1 All uses permitted in a Restricted Industrial (M1) Zone

15.1.1.2 Dry-land Marina

15.1.1.3 Farm implement sales and service, feed mills and associated sales

15.1.1.4 Medium industry such as:
(a) agricultural produce storage facilities;
(b) animal hospital with outside runs;
(c) building supply and equipment depots and sales;
(d) contractor's yard;
(e) food processing facilities; plastic, fibreglass or wood fabricating;
(f) machine or welding shop;
(g) seed cleaning;
(h) sheet metal;

15.1.1.5 Motor vehicle parts, sales and service exclusive of a motor vehicle scrap or salvage yard

15.1.1.6 Outside storage accessory to a permitted use

15.1.1.7 Uses, buildings or structures accessory to another permitted use

15.2 **ZONE PROVISIONS**

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

15.2.1.1 Lot Area (min.) 2000 sq. m

15.2.1.2 Lot Frontage (min.) 35 m

15.2.1.3 Yard Requirements (min.)
(a) front

6 m

- | | | |
|----------|---|--|
| (b) | interior side - | 6 m or 2 m if
abutting a M1 or M2
Zone |
| (c) | exterior side | 6 m |
| (d) | rear | 12 m |
| 15.2.1.4 | Lot Coverage (max.) | 50 % |
| 15.2.1.5 | Building Height (max.) | 11 m |
| 15.2.1.6 | Gross Floor Area | no minimum |
| 15.2.1.7 | Landscaped Open Space (min.) | 10 % |
| 15.2.1.8 | Outside storage accessory to a permitted use, shall be permitted within a fenced, rear yard only, shall not be permitted within two metres of a lot line and the lot coverage of all buildings and outside storage combined shall not exceed 60%. | |
| 15.2.2 | No building or structure may be erected and no use may be established in the General Industrial (M2) Zone unless the lot upon which it is to be situated is serviced by a municipal sewer system. | |
| 15.3 | <u>GENERAL INDUSTRIAL EXCEPTION ZONES</u> | |
| | "Reserved" | |

PART 16 - INTERPRETATION

16.1 **SCOPE**

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

16.2 **SYMBOLS**

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

16.3 **DEFINED**

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

16.4 **INTERPRETATION OF ZONE BOUNDARIES**

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

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

extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

(e) Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.

(f) Where none of the above provisions apply, the said zone boundary shall be scaled from the attached Schedules at the scale indicated.

16.5 **CERTAIN WORDS**

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

16.6 **MEASUREMENT**

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

16.7 **ABBREVIATIONS**

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

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

16.8 **COMPLIANCE WITH OTHER LAWS**

16.8.1 This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a

Federal, Provincial, County or Governmental Authority
having jurisdiction to impose such restrictions.

PART 17 - ADMINISTRATION AND VALIDITY

17.1 **ENFORCEMENT**

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

17.2 **INSPECTION OF PREMISES**

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

17.3 **CONTINUATION OF EXISTING REGULATIONS**

17.3.1 All By-laws in force within the Municipality prohibiting or regulating the use of land or buildings or structures shall be and the same are hereby amended insofar as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern, provided however, where this By-law does not apply, existing Municipal By-laws shall remain in full force and effect.

17.4 **VIOLATION PENALTY**

17.4.1 Every person, persons, or corporation that contravenes any of the provisions of this By-law is guilty of an offence, and on conviction is liable to imposition of penalties as established by Section 67 of the Planning Act, R.S.O. 1990;

17.4.2 Each day that the person, persons or corporation contravenes any provisions of this By-law, shall constitute a separate offence.

17.4.3 Pursuant to Section 67 of the Planning Act, R.S.O. 1990, 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 law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or corporation.

17.5 REPEAL OF EXISTING ZONING BY-LAWS

Restricted Area By-law 1978-4, as amended, of the Corporation of the Village of Omeme is hereby repealed.

17.6 **VALIDITY**

17.6.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

17.6.2 This By-law shall take effect from the date of passing thereof, subject to the provisions of Section 34 of the Planning Act.

READ a first time this 14th day of June, 1993

READ a second time this 14th day of June, 1993

READ a third time and passed this 14th day of June, 1993

"Ken Logan"
Reeve

"Judy Currins"
Clerk

**APPENDIX "A" -
METRIC CONVERSION**

1) Linear Measurements
(rounded)

<u>Metres</u>		<u>Feet</u>	<u>Metres</u>		<u>Feet</u>
0.15	-	0.5	7.5	-	24.6
0.50	-	1.6	9.0	-	29.5
0.60	-	2.0	10.0	-	32.8
0.75	-	2.5	11.0	-	36.0
1.0	-	3.3	12.0	-	39.4
1.2	-	4.0	15.0	-	49.2
1.5	-	5.0	18.0	-	59.0
1.8	-	6.0	20.0	-	65.6
2.0	-	6.6	24.0	-	78.7
2.5	-	8.2	25.0	-	82.0
3.0	-	9.9	30.0	-	89.4
3.5	-	11.5	35.0	-	114.9
4.0	-	13.1	40.0	-	131.2
4.5	-	14.8	45.0	-	147.6
5.0	-	16.4	50.0	-	164.0
5.5	-	18.0	100.0	-	328.1
6.0	-	19.7	200.0	-	656.2
6.5	-	21.3	230.0	-	754.6
7.0	-	23.0	300.0	-	984.3

2) Area Measurements

<u>Sq Metres</u>		<u>Sq Feet</u>	<u>Hectares</u>		<u>Acres</u>
5	-	53.8	1	-	2.5
7.5	-	80.7	2	-	4.9
9	-	96.9	4	-	9.9
20	-	215.3	25	-	61.8
34	-	366.0	40	-	98.8
35	-	376.8			
55	-	592.0			
65	-	699.7			
92	-	990.3			
93	-	1001.1			
100	-	1076.4			
150	-	1614.6			
460	-	4951.6			
550	-	5920.3			
650	-	6996.8			
690	-	7427.3			
830	-	8934.3			
1390	-	14962.3			
1650	-	17761.0			
1860	-	20021.5			
2000	-	21528.5			
5000	-	53821.3			