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## **VILLAGE OF STURGEON POINT**

### **BY-LAW 339**

### **OFFICE CONSOLIDATION**

This is an Office Consolidation of the Village of Sturgeon Point Zoning By-law Number 339. This Office Consolidation includes the effects of those amending By-laws, shown on the History Table attached, which are in effect pursuant to Section 34 of the Planning Act, R.S.O. 1990.

This document has been prepared for the purposes of convenience only. Accordingly, for accurate reference, recourse should always be had to the original By-law and the individual amendments. Please consult the By-law History for a list of amendments and their effects.

## **THE CORPORATION OF THE VILLAGE OF STURGEON POINT**

### **BY-LAW NUMBER 339**

#### **A ZONING BY-LAW**

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

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 Sturgeon Point in accordance with Section 34 of the Planning Act, S.O. 1983, Chapter 1, as amended.

NOW THEREFORE the Council of the Corporation of the Village of Sturgeon Point enacts the following By-Law:

**SECTION ONE**

TITLE AND AREAS RESTRICTED

- 1.1 This by-law shall be known as the "Zoning By-Law" of the VILLAGE OF STURGEON POINT.
- 1.2 Schedule "A" attached hereto, with the notations, zone boundaries, symbols and references shown thereon, illustrates the area to which this by-law applies and is hereby declared to be part of this by-law. The lands affected by this By-law may hereafter be referred to as the "area zoned".

**SECTION TWO**

## DEFINITIONS

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

- 2.1 ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or buildings and located on the same lot.
- 2.2 ACCESSORY BUILDING means a subordinate building or structure on The same lot as the main building devoted exclusively to an accessory use.
- 2.3 AGRICULTURAL USE means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings.
- 2.4 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;
  - b. to change the use of such building or structure; and
  - c. to change the number of uses or dwelling units contained therein.

ALTER when used in reference to a lot shall mean:

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

- 2.5 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.
- 2.6 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.
- 2.7 BASEMENT means that portion of a building between two floor levels which is partly underground but which has more than one-half (1/2) of its height from finished floor to underside of floor joists storey next above, above the average finished grade level adjacent to the exterior walls of the building.
- 2.8 BLOCK means the smallest units of land the boundaries of which consists entirely of public streets, shorelines, railroads, public parks, or any combination thereof.
- 2.9 BOATHOUSE, PRIVATE means a detached accessory building, or structure which is designed or used for the sheltering of a boat or other form of water transportation and/or accessory use for storage of household equipment incidental to the residential occupancy but shall not include habitable rooms.
- 2.10 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".
- 2.11 BUILDING, MAIN means the building in which is carried on the principal purpose for which the lot is used.
- 2.12 BUILDING BY-LAW means any "building by-law" within the meaning of the Planning Act, S.O. 1983, Chapter 1 as amended and shall include the Building Code Act, R.S.O. 1980, Chapter 51, as amended.
- 2.13 BY-LAW ENFORCEMENT OFFICER means the chief building official or employee of the Municipality from time to time charged by the Corporation with the duty of enforcing the provisions contained herein.

- 2.14 CABIN, PRIVATE means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to a dwelling unit.
- 2.15 CELLAR means that portion of a building between two floor levels which is partly or entirely underground but has more than one-half of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.
- 2.16 CEMETERY means a cemetery or columbarium within the meaning of the Cemeteries Act, R.S.O. 1980, Chapter 59, as amended.
- 2.17 CORPORATION means the Corporation of the VILLAGE OF STURGEON POINT.
- 2.18 COUNCIL means the Municipal "Council" of the Corporation of the VILLAGE OF STURGEON POINT.
- 2.19 COUNTY means the Corporation of the County of Victoria.
- 2.20 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".
- 2.21 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.
- 2.22 DWELLING means a dwelling unit.
- 2.23 DWELLING UNIT means one or more habitable rooms designed or intended for use by one (1) household exclusively as an independent and separate household in which one separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building but not including motels, hotels, tents, truck camper, tourist trailer, or mobile camper trailer.

- 2.24 DWELLING, SINGLE DETACHED means a completely detached dwelling unit, but shall not include a mobile home.
- 2.25 DWELLING, VACATION means a single detached dwelling used for Recreation purposes that is not used for continuous habitation or as a Permanent residence.
- 2.26 ERECT, means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.27 ESTABLISHED BUILDING LINE means the average distance from street line or high water mark to existing buildings in any block where more than half the frontage has been built upon, at the date of the final passing of this by-law.
- 2.28 EXISTING means "existing" as of the date of the passing of this by-law.
- 2.29 RESERVED
- 2.30 FINISHED GRADE means with reference to a building or structure the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Corporation or other designated authority.
- 2.31 FLOOR AREA means the maximum area contained within the outside walls excluding in the case of a dwelling, any private garage, porch, verandah, unfinished attic, basement or cellar.
- 2.32 GARAGE, PRIVATE means an enclosed structure for the storage of one (1) or more motor vehicles in which no business, occupation, or service is conducted for profit.
- 2.33 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.

- 2.34 HEIGHT means the vertical distance on a main building or structure between the finished grade and the mean level between the eaves and ridge of a roof.
- 2.35 HEREAFTER shall mean after the date of the passing of any applicable provision of this by-law.
- 2.36 HEREIN shall mean in this by-law, and shall not be limited to any particular section of this by-law.
- 2.37 HOME OCCUPATION means the use of part of a dwelling or any part of an accessory building for pursuits compatible with a domestic household and which is carried on by members of the household residing in the dwelling.
- 2.37 A. HOUSEHOLD means an individual person or a group of two or more persons who reside together as a single, independent and separate unit and may include up to two roomers or boarders.
- 2.38 LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 2.39 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.
- 2.40 LANE means a public throughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- 2.41 LOT AREA shall mean the total horizontal area within the lot lines of the lot, excluding the horizontal area of such lot below the maintained summer water level.

- 2.42 LOT means a parcel of land, described in a deed or other document legally capable of conveying title or shown as a lot or block on a Registered Plan of Subdivision or part thereof, Save and except a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 49(4) of the Planning Act, S.O. 1983, Chapter 1 as amended.
- 2.43 LOT, CORNER means a lot, the street line of which is composed of two or more straight lines, or of one or more curves, or of any combination of a straight line or straight lines and a curve or curves, such that the interior angle contained at the intersection of two straight lines produced from the two extremities of the street line and coincident with or tangent to such street line at such extremities is not greater than one hundred and thirty-five (135) degrees. The corner of a "corner lot" shall be deemed to be the point on the street line nearest to the above mentioned point of intersection.
- 2.44 LOT COVERAGE, MAXIMUM means that percentage of the lot area covered by all buildings above ground level and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition, the "maximum lot coverage" in each zone shall be deemed to apply to that portion of such lot which is located within said zone.
- 2.45 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 apex of the triangle formed by the side lot lines.
- 2.46 LOT FRONTAGE means the horizontal distance measured back from and parallel to the chord of the "lot frontage" a distance equivalent to the minimum front yard requirement for the zone. For the purposes of this paragraph, the chord of the "lot frontage" is a straight line joining the two points where the side lot lines intersect the front lot line. Where the front lot line and side lot are joined by one or more curves, then the point of intersection of straight line projection of the side and front lot lines shall be used as the point where the side lot line joins the

front lot line. In the case of a corner lot, the shorter of the frontages shall be deemed the "lot frontage".

- 2.47 LOT LINE means any boundary of a lot.
- 2.48 LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.
- 2.49 LOT LINE, FRONT means, except in the case of a corner lot, or through lot, the line dividing the lot front the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line. In case each of such lot lines shall be of equal length, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction. In the case of a through lot, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction.
- 2.50 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.
- 2.51 LOT LINE, SHORE means any lot line or portion thereof which abuts a lake or river.
- 2.52 LOT LINE, SIDE means a lot line other than a front or rear lot line.
- 2.53 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.
- 2.53 A. MAINTAINED SUMMER WATER LEVEL means the highest summer elevation of the water surface of a body of water or a watercourse, based upon the Geodetic Survey of Canada, as established by the Kawartha Region Conservation Authority or the Ministry of Natural Resources.
- 2.54 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.

- 2.55 MOTOR VEHICLE means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1980, Chapter 198, as amended.
- 2.56 MUNICIPAL SEWERS means sanitary and/or storm sewers supplied by the Municipality, a public utilities commission or a municipal authority as a public utility under the jurisdiction of the Municipality.
- 2.57 MUNICIPAL WATER means water supplied by the Municipality, a public utilities commission or a municipal authority as a public utility under the jurisdiction of the Municipality.
- 2.58 MUNICIPALITY means the Corporation of the VILLAGE OF STURGEON POINT.
- 2.59 NON-COMPLYING means that the building, structure or use does not meet the lot area, lot frontage, setback, lot coverage, height, floor area, parking, loading space and landscaping requirements contained herein.
- 2.60 NON-CONFORMING USE means the use of land, buildings or structures for a purpose which is not included with the permitted uses for the zone in which such land, building or structure is located.
- 2.61 PARK means any open space or recreational area but shall not include a mobile home park or trailer park.
- 2.62 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.
- 2.63 PARKING SPACE means an area exclusive of driveways or aisles, for the temporary parking or storage of motor

vehicles which has adequate access to permit ingress or egress of a motor vehicle to and from a street. Each parking space shall not be less than two and one half (2.5) metres in width and less than seventeen (17) square metres in area.

- 2.64 PERMITTED means "permitted" by this by-law.
- 2.65 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.
- 2.66 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, private club or charitable service organization.
- 2.67 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".
- 2.68 PUBLIC AUTHORITY means any board of commission or committee of the Municipality or the County of Victoria established or exercising any power of authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of the municipality or a portion thereof and shall include any telephone company or power utility.
- 2.69 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.
- 2.70 STOREY means that portion of a building other than a cellar or attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.

- 2.71 STOREY, FIRST means the lowest storey of a building closest to finished grade having its ceiling two (2) metres or more above average finished grade.
- 2.72 STREET, ROAD, or HIGHWAY means a "highway" within the meaning of The Highway Traffic Act, R.S.O. 1980, Chapter 198 as amended and shall also include private rights-of-way and roads in registered Plans of subdivision that are to be assumed under a subdivision agreement.
- 2.73 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.
- 2.74 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.
- 2.75 STREET LINE means boundary line of a street.
- 2.76 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 two (2) metres in height.
- 2.77 STRUCTURAL ALTERATIONS means any change in the supporting members of a building such as bearing walls, columns, beams, girders and partitions.
- 2.78 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.
- 2.79 WALL, END means a main wall that forms the side of a building.
- 2.80 WALL, FACE means a main wall that forms the front or rear of a building.

- 2.81 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.
- 2.82 WATERCOURSE means the natural channel for a perennial or intermittent stream of water.
- 2.83 WATER SETBACK means a yard extending the full width of a lot between the high water mark of Lakes or Rivers and the nearest main wall of any building, structure, excavation or open storage use on the lot and "minimum water setback" means the minimum depth of a "water setback" on a lot between the high water mark and the nearest main wall of any building, structure, excavation or open storage use on the lot.
- 2.84 WATER SYSTEM COMMUNAL means a system of water supply municipally or privately owned which serves a minimum of 5 dwelling units.
- 2.85 YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this by-law. In determining "yard" measurements, the minimum horizontal distance from the respective lot lines shall be used. Where a daylighting triangle is provided for a corner lot, the minimum "yard" requirement from the hypotenuse of the daylighting triangle shall be the lesser of the "yards" required along the exterior lot lines.
- 2.86 YARD, FLANKAGE means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.
- 2.87 YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot and "minimum front yard" means the minimum depth of a "front yard" on a lot between the front lot line and the nearest main wall of the main building(s) or structure(s) on the lot.

- 2.88 YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot; and the minimum rear yard means the minimum depth of a "rear yard" on a lot between the rear lot line and the nearest main wall of the main building(s) or structure(s) on the lot.
- 2.89 YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot; and "minimum side yard" means the minimum width of a "side yard" on a lot between a side lot line and the nearest main wall of the main building(s) or structure(s) on the lot.
- 2.90 ZONE means a designated area of land use shown on the schedules of this by-law.



### **SECTION THREE**

#### GENERAL PROVISIONS

##### 3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

###### a. Permitted Uses

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

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

###### b. Location

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

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

Notwithstanding the above, a garage may be erected in the front yard on a lot which has a shore lot line provided that it complies with the setback provisions of the specific zone.

###### c. Lot Coverage and Height

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

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

(B/L 2002-139)

d. Accessory Structures

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

e. Boat House, Pump House

Notwithstanding any other provisions of this By-law, a boat house, sailing club house, pump house, or other accessory building may be erected and used in a yard fronting on a navigable waterway provided said pump house or other accessory building has a minimum water setback of 5 metres except that a dock, boat house or sailing club 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.

f. Cabins

One private cabin, having a maximum floor area of thirty (30) square metres may be permitted as an accessory use to a permitted dwelling unit on a lot which conforms to the requirements of this by-law for lot area and lot frontage.

g. Satellite Dishes, Heat Pumps and Air Conditioning Units

A satellite dish, heat pump and air conditioning unit shall only be permitted in the rear yards of a lot,

shall not exceed the building height, and shall be a minimum of 3 metres from the rear lot line and side lot line.

3.2 CONSTRUCTION USES

A building or structure incidental to construction on the lot where such building or structure is situated, is permitted in all zones, but only for as long as it is necessary for the work in progress and until the work is completed, or abandoned for three (3) or more months.

3.3 DAYLIGHT TRIANGLE

Notwithstanding any other provisions of this by-law, on a corner lot, a fence, hedge, shrub, bush or tree or any other structure, vegetation or grade shall not be permitted to exceed a height greater than seventy five (75) centimetres above finished grade of the streets that abut the lot within the triangular area included within the street lines for a distance of six (6) metres from their point of intersection. No sign shall be permitted within or to overhang the required daylight triangle.

3.4 EXEMPTION FOR LOT FRONTAGE AND AREA REQUIREMENTS

Notwithstanding the minimum lot area and frontage requirements herein, where a lot has less lot area or lot frontage than required herein at the date of passing of this By-law or where such lot is reduced in size as a result of expropriation or a portion of the lot is being 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 said lot meets the following requirements:

- a. Minimum lot area 750 sq.m.
- b. Minimum lot frontage 15 m.
- c. Minimum rear yard 1.2 m.

All other requirements of the By-law shall apply.

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

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

### 3.6 EXTERNAL DESIGN

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation:

- i) tar paper or building paper; or
- ii) asphalt fibre board.

### 3.7 FRONTAGE ON PUBLIC STREET

Except as provided for in this section, no persons shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts an improved public street, where access can be obtained off such street.

Notwithstanding the above, any lot which is in existence on or prior to the date of passing of this by-law or is an island lot shall be exempt from these provisions. Further, any lot within a registered plan of subdivision under Section 50 of The Planning Act S.O. 1983, Chapter 1 as amended in which the road is to be assumed by the Municipality as stated within a subdivision agreement shall be exempt from this provision.

### 3.8 GREATER RESTRICTIONS

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

### 3.9 HEIGHT EXCEPTION

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, or air conditioner duct.

### 3.10 NON-CONFORMING USE AND NON-COMPLYING PROVISIONS

#### a. Non-conforming Uses

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

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

#### b. Non-complying Uses

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

#### c. Restoration to a Safe Condition

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

size or volume or change the use of such building or structure, except such minor changes as may be expressly required for the restoration of the building or structure to a safe condition.

d. Building Permit Issued

The provisions of this by-law shall not apply to prevent the erection or use, for a purpose prohibited by this by-law of any building or structure, the plans for which have prior to the date of passing of this by-law been approved by the By-law Enforcement Officer, as long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within six (6) months or as provided for in the Planning Act, S.O. 1983, Chapter 1, as amended after the date of the passing of this by-law and such building or structure is completed within one (1) year after the erection thereof is commenced.

e. Discontinued Use

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

f. Damaged Buildings

Nothing in this by-law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this by-law, provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, provided such rebuilding or repair is conducted within two (2) years.

3.11 PARKING REQUIREMENTS

Off-street parking

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

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Place of Assembly	1 per 6 fixed seats or 1 per seven and one half (7.5) sq.m. of floor area, whichever is greater.
Residential	2 per dwelling unit.
Any Other Use	1 per 100 sq.m. of floor area.

3.12 MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this by-law relating to each use shall be complied with. Where a multiple use is located within or adjacent to a Residential zone, landscaping provisions will be provided in accordance with Section 3.17.

3.13 MULTIPLE ZONES ON A LOT

- a. Where a lot which existed at the date of passing of this By-law is located within two or more zones, the provisions of the applicable zone, save and except lot area and lot frontage, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 20 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.
- b. Notwithstanding article 3.13 a., 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 OBNOXIOUS AND PROHIBITED USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be an offensive trade, business or manufacturing concern under the Public Health Act or regulations thereunder.

## 3.15 PUBLIC USES PERMITTED

a. The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or the County, any telephone or telegraph company or gas company, and Department of the Government of Ontario or Canada, including Ontario Hydro, provided that where such building or structure is located in a Residential Zone:

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

b. Streets and Installations on Streets

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

## 3.16 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land or building is used or erect any new building or addition to



any existing building if the effect of such action is to cause the original adjoining or remaining buildings to be in contravention of this by-law.

### 3.17 RELOCATED BUILDINGS

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

### 3.18 WATER SETBACK REQUIREMENT

- a. Except as provided in Section 3.1 (e), the minimum water setback which shall apply to all zones shall be 15 metres from the maintained summer water level. This setback shall supersede all other setback requirements.
- b. No opening to any residential dwelling unit shall be permitted below a minimum opening elevation equal to the maintained summer water level for the adjacent water course or lake plus 1.0 metre.
- c. For the purpose of establishing water setbacks and minimum opening elevations, the following maintained summer water level shall apply to Sturgeon Lake: 247.76 Canadian Geodetic Datum (CGD).

### 3.19 SPECIAL USES PERMITTED

Nothing in this by-law shall prevent the use of land or the use of erection of a building or structure or 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 sixty (60) days.

### 3.20 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one (1) street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

In the case of a through lot having boundaries dividing the lot from the streets of equal length, accessory buildings may be located in one or the other yard adjoining a street, but no closer to the street line than the minimum front yard requirement.

### 3.21 DWELLING UNIT RESTRICTION

Except as specifically provided for in other sections of this by-law, a maximum of one (1) dwelling unit per lot shall be permitted.

### 3.22 HOME OCCUPATIONS

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

- a. the use is secondary to the use of the dwelling unit as a private residence;
- b. it does not change the external character of the premises as a private residence;
- c. there shall be no display or signage to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than residential;
- d. it does not create or become a public nuisance with respect to noise, odour, dust, fumes or vibration and meets any standards of the Ministry of the Environment with respect to noise, odour, dust, fumes or vibration;
- e. the uses shall be restricted to business or professional offices;
- f. it does not create or become a nuisance with respect to traffic or parking and parking shall be provided in accordance with Section 3.11;
- g. there are no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale in the dwelling; and
- h. it does not occupy more than twenty-five percent of the floor area of the dwelling unit or the maximum gross

floor area devoted to a home occupation shall not exceed 55 square metres, whichever is lesser.

### 3.23 LANDSCAPING

In any zone, all landscaping shall be in accordance with the definition in Section 2.38 and shall be maintained in a healthy condition and shall be neat and orderly in appearance.

## **SECTION FOUR**

### ZONES AND ZONING MAPS

#### 4.1 ZONES

For the purpose of this By-law, the following zones are used and the same are established within the defined areas on Schedule 'A':

R1 Single Residential Type One (R1) Zone  
LSR Limited Service Residential (LSR) Zone  
CF Community Facility (CF) Zone  
O1 Open Space (O1) Zone  
A1 Rural General (A1) Zone

#### 4.2 ZONING MAPS

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

Such zones may be referred to by the appropriate symbols.

#### 4.3 SPECIAL ZONES

Where the zone symbol on certain lands as shown on the Schedule or Schedules is followed by a dash and a letter and/or number, for example "A1-S", then a special provision or limitation applies to such lands. The special provisions will be found by referring to that section of the By-Law which deals with the specific zone. Lands shown in this manner shall be subject to all of the restrictions of the zone in addition to or except as otherwise provided for by the special provisions.

**SECTION FIVE**

SINGLE RESIDENTIAL TYPE ONE (R1) ZONE

5.1 R1 USES PERMITTED

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

- a. Single Detached Dwelling or Vacation Dwelling
- b. Home Occupation

5.2 R1 ZONE PROVISIONS

In the Single Residential Type One (R1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- |  |            |
|--|------------|
| a. Minimum lot area                            | 2780 sq.m. |
| b. Minimum lot frontage                        | 30 m.      |
| c. Minimum front yard                          | 9 m.       |
| d. Minimum side yard                           | 1.2 m.     |
| e. Minimum rear yard                           | 6 m.       |
| f. Maximum lot coverage                        | 20%        |
| g. Minimum flankage yard                       | 9 m.       |
| h. Maximum height                              | 11 m.      |
| i. Maximum number of dwelling<br>units per lot | 1          |

5.3 R1 EXCEPTION ZONES

5.3.1 Single Residential Type One Exception One (R1-1) Zone

- a. Notwithstanding subsection 5.2 a. land zoned R1-1 shall have a minimum lot area of 2695 square metres.

5.3.2 Single Residential Type One Exception Two (R1-2) Zone

- a. Notwithstanding subsections 5.1 and 5.2, land zoned Single Residential Type One Exception Two (R1-2) Zone shall only be used for landscaping and uses, exclusive

of buildings or structures, accessory to a single detached dwelling.

#### **5.A LIMITED SERVICE RESIDENTIAL (LSR) ZONE**

Notwithstanding Section 3.7, in the Limited Service Residential (LSR) Zone, no person shall hereafter change the use of any building, structure or land or erect or use any building or structure except for those uses listed in Section 5.1. The zone provisions of Section 5.2 shall apply.

##### 5.A.1 LSR EXCEPTION ZONES

###### 5.A.1.1 Limited Service Residential Exception One LSR-1 Zone

- a. Notwithstanding Section 5.A, land zoned LSR-1 shall have a minimum lot area of 2680 square metres.  
(B/L 92-3)

## SECTION SIX

### COMMUNITY FACILITY (CF) ZONE

#### 6.1 CF USES PERMITTED

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

- a. Arena
- b. Assembly Hall
- c. Cemetery
- d. Club - Private or Charitable Service Organization
- e. Community Centre
- f. Golf Course
- g. Library
- h. Municipal, Hydro or Community Facilities
- i. Municipal Office
- j. Museum
- k. Non-Commercial School
- l. Park
- m. Place of Worship
- n. Post Office
- o. Sailing Club

#### 6.2 CF ZONE PROVISIONS

In a Community Facility (CF) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- |                       |        |
|-----------------------|--------|
| a. Minimum front yard | 6 m.   |
| b. Minimum side yard  | 1.2 m. |
| c. Minimum rear yard  | 6 m.   |
| d. Maximum height     | 11 m.  |

#### 6.3 CF EXCEPTION ZONES

"Reserved"

**SECTION SEVEN**

OPEN SPACE (01) ZONE

7.1 01 USES PERMITTED

No building or structure or part thereof and no land shall be used for purposes other than:

- a. Boat houses and docks with no living accommodations
- b. Conservation and reforestation, or other similar uses as provided for the preservation of the natural environment
- c. Structures required for flood, erosion and siltation control works
- d. A public park

7.2 01 ZONE PROVISIONS

- |                       |         |
|-----------------------|---------|
| a. Minimum front yard | 1.2 m   |
| b. Minimum side yard  | 1.2 m   |
| c. Maximum floor area | 45 sq.m |
| d. Maximum height     | 4 m     |

For the purpose of this subsection, where a boat house is constructed on or within 3 metres of the shoreline, "height" shall be measured as the vertical distance from the maintained summer water level to the midpoint between the eaves and the ridge of the roof, or if the roof is flat, the highest point of the roof. In all other circumstances height shall be measured as defined herein.

(B/L 94-10)

7.3 01 EXCEPTION ZONES

"Reserved"



**SECTION EIGHT**

RURAL GENERAL (A1) ZONE

8.1 (A1) USES PERMITTED

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

- a. - Agricultural or forestry uses
- b. - Uses, building and structures accessory to the foregoing uses.

8.2 (A1) ZONE REQUIREMENTS

In a Rural General (A1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area 10 ha.
- b. Minimum lot frontage 150 m.
- c. Minimum front yard 15 m.
- d. Minimum side yard 9 m.
- e. Minimum rear yard 9 m.

8.3 Where a lot has been granted consent or registered in the Victoria County Registry Office prior to the date of passage of this by-law and is located in the A1 zone a single detached dwelling may be erected thereon provided that it satisfies the minimum zone requirements for the R1 zone.

8.4 A1 EXCEPTION ZONES

"Reserved"

## **SECTION NINE**

### INTERPRETATION

#### 9.1 SCOPE

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

#### 9.2 SYMBOLS

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

#### 9.3 DEFINED

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

#### 9.4 INTERPRETATION OF ZONE BOUNDARIES

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

- a. Where a zone boundary is indicated as following a street or lane, the boundary shall be the centre line of such street or lane.
- b. Where a zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lots registered in the appropriate Registry Office or Land Titles Office, the boundary shall follow such lot lines.
- c. Where a street, land, railroad or railway right-of-way, or watercourse is included on the Schedule, they shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.

- d. Where a street, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the Schedule and serves as a boundary between two or more different zones, a line midway on such street, lane, right-of-way or water-course and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.
- e. Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
- f. Where none of the above provisions apply, the said zone boundary shall be scaled from the attached Schedule "A" at the scale indicated.

#### 9.5 CERTAIN WORDS

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

#### 9.6 MEASUREMENT

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.

## **SECTION TEN**

### ADMINISTRATION AND VALIDITY

- 10.1 ENFORCEMENT No permit for the use of land or for the erection or use of any building or structure and no certificate of occupancy or approval of application for any municipal license 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.
- 10.2 INSPECTION OF PREMISES A By-Law Enforcement Officer as is assigned the responsibility of administering and enforcing this by-law by the Municipality may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any property or premises in or about which there is reason to believe that the provisions of this by-law are not complied or conformed with, for the purpose of carrying out his duties under this by-law.
- 10.3 CONTINUATION OF EXISTING REGULATIONS All By-laws in force within the Village of Sturgeon Point 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 Village By-laws shall remain in full force and effect.
- 10.4 VIOLATION PENALTY Every person, persons or corporation who contravenes any of the provisions of this By-law is guilty of an offence, and on conviction is liable on a first conviction to a fine of not more than \$20,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which such person was first convicted.

Where a corporation is convicted of the contravention of any of the provisions of this By-law, the maximum penalty that may be imposed is on a first conviction of a fine of not more than \$50,000.00 and on a subsequent conviction a fine

of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

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

Where a conviction is entered in respect of any contravention of this By-law, in addition to any other remedy or any penalty provided by this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the persons or corporation.

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

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

READ a FIRST TIME this 26TH day of AUGUST, 1978

READ a SECOND TIME this 26TH day of AUGUST, 1978

READ a THIRD TIME and PASSED this 26TH day of AUGUST, 1978

L. Robertson, Reeve

Mary Michie, Clerk

**SECTION ELEVEN**

**APPENDIX 'A' - METRIC CONVERSION**

Linear Measurements (Rounded)

<u>Metres</u>		<u>Feet</u>
0.75	-	2.5
1.2	-	4.0
4.0	-	13.1
5.0	-	16.4
6.0	-	19.7
9.0	-	29.5
15.0	-	49.2
20.0	-	65.6
30.0	-	89.4
150.0	-	492.0

Area Measurements

<u>Square Metres</u>		<u>Square Feet</u>
7.5	-	80.7
30.0	-	322.9
100.0	-	1076.4
750.0	-	8073.2
2780.0	-	29924.6