

**SECTION 3. — GENERAL PROVISIONS****3.1 APPLICATION**

The requirements contained in the General Provisions shall apply to all zones, except as otherwise indicated.

**3.2 ACCESS** see Subsection 3.15 Lots to Front on a Street.**3.3 ACCESSORY USES, BUILDINGS AND STRUCTURES**

Accessory uses, buildings and structures shall be permitted in any zone provided that:

- (a) No accessory building or structure shall be used for human habitation except where a dwelling is a permitted accessory use.
- (b) The accessory building, structure or use shall meet the General Provisions of this By-law for Setbacks.
- (c) The accessory building or structure or use shall not be located within any front yard in a Residential Zone, within any required front yard in a non-Residential Zone, or within any required exterior side yard. This provision shall not apply to,
  - i) a partially enclosed shelter for use by children waiting for a school bus in any Agriculture (A) or Rural (RU) Zone;
  - ii) any farm produce sales outlet having less than 9.3 sq.m. gross floor area, if such use is in the Agriculture (A) or Rural (RU) Zone;
  - iii) any lot abutting a high water mark or shore road allowance to the extent that the front yard may be used so long as the accessory building structure or use complies with the Zone Provision for Front Yard Depth.
- (d) An accessory building or structure or use may be located within a required interior side yard or within a required rear yard but shall be no closer than three (3.0) metres or  $\frac{1}{2}$  the height of the accessory building to any lot line except:
  - i) that common semi-detached garages may be centred on the mutual side lot line; and
  - ii) that boat houses and boat docks may be built to the lot line where such line corresponds to the high water mark.

- (e) Certain uses and structures may be permitted other exemptions from the required minimum yards in accordance with the provisions of this By-law for Encroachments on required yards, and with the Parking Requirements of this By-law.
- (f) Accessory buildings and structures shall not exceed five (5.0) metres in height in any Residential or Commercial Zone, or 7.5 metres in any Industrial Zone.
- (g) The coverage of the lot by accessory buildings and structures shall not exceed ten (10.0) percent of the total lot area, but a private garage, carport or swimming pool shall be excluded from this calculation.
- (h) Buildings and structures shall not be considered accessory if attached to the main building in any way.
- (i) Accessory buildings and structures shall not be constructed on lands subject to slope failure or to flooding, with the exception of docks, boat houses, and those buildings and structures otherwise specifically permitted on such lands by this By-law.
- (j) Notwithstanding paragraphs (c), (d) and (e) preceding, where an accessory structure is a satellite dish or similar device designed to receive communication signals from a satellite,
  - i) in any Residential Zone, no part of such structure shall be located in the front yard or in the required side yard and such structure shall not exceed the height of the main building by more than two (2.0) metres;
  - ii) in any other Zone, such structure shall be permitted in all yards provided that the support pole shall not be located closer than two (2.0) metres to any lot line and no height restrictions shall apply.

#### 3.4 ATTACHED GARAGE SIDE YARD

Notwithstanding any provision of this By-law to the contrary, in any Residential Zone where a private garage is attached to a single detached dwelling,

- i) The required side yard width shall be one (1.0) metre on the garage side if it is an interior yard,
- ii) In other situations the normal yard requirements apply.

### 3.5 AUTOMOTIVE — SERVICE STATIONS, — GASOLINE BARS AND — COMMERCIAL GARAGES

Where service stations, gasoline bars and commercial garages are permitted in this By-law, the following provisions shall apply in addition to zone provisions:

- (a) No portion of any pump island shall be located closer than six (6) metres from the street line of any street.
- (b) The minimum distance from the intersection of two street lines or from straight line projections of such, to the nearest ingress or egress ramp shall be not less than ten (10.0) metres (ie. entrance or exit point).
- (c) The maximum width of a ramp at the street line shall be not more than ten (10.0) metres and the minimum width not less than seven and one-half (7.5) metres.
- (d) The minimum distance between ramps shall be not less than nine (9.0) metres.
- (e) The minimum interior angle of a ramp to a street line shall be forty-five (45.0) degrees and the maximum interior angle of a ramp to the street line shall be ninety (90.0) degrees.
- (f) The minimum distance between any side lot line of the property at the street line and the nearest ramp shall be three (3.0) metres.
- (g) The area included between ramps, or between ramps and a street line or a property line, as required by this by-law, shall be used for landscaped open space only, to a minimum width of one (1.0) metre.

### 3.6 BUILDINGS TO BE MOVED

No building or structure shall be moved within the limits of the Municipality or shall be moved from outside the Municipality into the Municipality unless the building or structure is a permitted use and satisfies all of the requirements of the zone in which it is to be located.

### 3.7 CROWN LANDS

The use of Crown lands will be in accordance with the management policies, plans and strategies prepared or approved by the Ministry of Natural Resources, which are represented by the Resource Protection (RP) and Environmental Protection (EP) zoning on Schedule "A".

**3.8 DWELLINGS PER LOT**

- (a) No more than one (1) building used as a dwelling, containing one or more dwelling units shall be erected on any lot except,
- i) in an Agriculture Zone, where accessory single detached dwellings or accessory mobile homes may be erected in accordance with the provisions of that Zone;
  - ii) in a Recreation Commercial Zone, where cottage establishments and tourist establishments may be erected in accordance with the provisions of that Zone.
- (b) Where an accessory dwelling unit is a permitted use, no more than one accessory dwelling unit shall be permitted on any lot.

**3.9 ENCROACHMENTS ON REQUIRED YARDS**

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building permitted elsewhere in this By-law provided, however, that those structures and items listed in the following table shall be permitted to project into the minimum required yards indicated, for the distances specified:

<u>Structure</u>	<u>Yards in Which Encroachment is Permitted</u>	<u>Maximum Projection Permitted into Minimum Required Yard</u>
(a) Sills, belt courses, eaves, gutters, chimneys, bay windows, solar collectors, heat pumps, ventilators, shutters, cornices, parapets, pilasters or other ornamental structures.	All	0.50 metres
(b) Fire escapes exterior stair cases	Side and Rear only	1.5 metres

(c) Balconies, steps, unenclosed porches, sundecks, attached solarium	Front and Rear only	2 metres
(d) Uncovered paved patios	All	2.5 metres front yard; other yards unlimited
(e) Railway Spur	All	Unlimited
(f) Gate House in any Industrial Zone	Front and Side only	Unlimited
(g) Fences, Hedges, Shrubs, Trees, Freestanding Walls, Flagpoles, Light Standards, Garden Trellises, Clothes Poles and similar structures and appurtenances	All	Unlimited

### 3.10 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this By-law shall not apply to chimneys, church spires, public buildings, water tanks, elevator enclosures, flag poles, television or radio antennae, electrical transmission facilities, ventilators and skylights.

### 3.11 GRAVEL PITS, QUARRIES, WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS

A gravel pit or quarry, with the exception of a wayside pit or quarry shall be prohibited in all zones, except in an Extractive Industrial (EM) Zone. Wayside pits and portable asphalt plants shall be permitted in all zones except in a Residential Zone, a Hamlet Development Zone or an Environmental Protection Zone.

Asphalt plants must comply with the separation distances of this By-law and those of the Ministry of the Environment and Energy (MOEE), and must obtain a certificate of approval from the MOEE.

### 3.12 GROUP HOMES

Group Homes are considered to be residential uses. A provincially licensed and approved group home may be permitted in any permitted single dwelling provided that:

- (a) There is no group home or similar facility within 8.0 kilometres of the proposed facility, whether in the Municipality or in an adjacent municipality; and
- (b) There is a minimum rear yard area of 18 square metres per resident.

### 3.13 **HOME OR FARM INDUSTRY**

A Home or Farm Industry shall be a permitted accessory use in the Rural (RU) and Agriculture (A) Zones provided that,

- (a) The scale of the Home or Farm Industry shall not exceed the capabilities of the family residing on the premises plus five (5) other people to operate it;
- (b) There shall be no external display or advertising other than a non-illuminated sign not more than one-half (0.5) square metres in area;
- (c) The Home or Farm Industry shall not be a hazardous or obnoxious trade, business of manufacture, and shall not create or become a public nuisance;
- (d) The Home or Farm Industry shall be clearly secondary to the main use and does not change the residential character of any dwelling, or the agricultural character of any farm unit;
- (e) The parking requirements of this By-law shall be met;
- (f) No goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are either,
  - i) incidental to the Home or Farm Industry;
  - ii) arts and crafts produced on the premises;
  - iii) field crops, vegetables, fruits or horticultural crops produced on the lot; or
  - iv) sample articles not for direct purchase, but this shall not be construed to mean a model home or other building;
- (g) Accessory buildings may be erected, altered or used for the purpose of the home industry provided that not more than fifty (50.0) square metres of the gross floor area of all accessory buildings shall be used for the purpose of the home industry;
- (h) Not more than (10.0) percent of the gross floor area of the dwelling unit shall be dedicated to the home industry.

**3.14 HOME OCCUPATIONS**

Nothing in this By-law shall prevent the use of a dwelling unit in any zone for a home occupation provided that,

- (a) The scale of the Home Occupation shall not exceed the capabilities of the family residing on the premises plus two (2) other people to operate it;
- (b) The use shall be conducted entirely within the dwelling unit;
- (c) There shall be no external display or advertising other than a non-illuminated sign not more than three-tenths (.3) of a square metre in area, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than residential;
- (d) Not more than twenty-five percent (25%) of the dwelling unit area shall be used for the purpose of home occupation uses;
- (e) Such home occupation shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling unit or premises or any visible evidence of the conduct of a home occupation;
- (f) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling;
- (g) Sufficient off-street parking spaces shall be available for clients or customers visiting the premises;
- (h) The use shall not generate additional pedestrian or vehicular traffic beyond that normal to the neighbourhood in which it is located;
- (i) There shall be no manufacturing, fabricating or assembly process taking place on the premises;
- (j) No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odour detrimental to the health, safety, and general welfare of persons residing in the neighbourhood; and
- (k) No goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are either,

- i) incidental to the home occupation; or
- ii) arts and crafts produced on the premises; or
- iii) sample articles not for direct purchase.

### 3.15 **LOTS TO FRONT ON STREETS**

(a) No person shall erect or use any building or structure on a lot in any zone unless the lot fronts on and has direct access to an improved street being a Provincial Highway, County Road or Township Road.

(b) **Exceptions**

i) Limited Service Residential (LSR) Zone

Notwithstanding the provisions of paragraph (a) of this subsection, a limited service vacation dwelling may be erected or used on a lot in a Limited Service Residential (LSR) Zone provided that such lot has frontage on a private road. Also, an existing limited service dwelling may be repaired, altered or enlarged, and buildings accessory thereto may be erected, provided any alteration or enlargement complies with all other provisions of this By-law.

ii) Hunting and Fishing Camp

A hunting and fishing camp shall not be required to meet the provisions of paragraph (a) of this subsection.

iii) Resource Land Uses

Notwithstanding the provisions of paragraph (a) of this subsection, a building or structure accessory to a permitted forestry, farm or mineral exploration use may be erected or used on a lot that has frontage on a seasonally maintained street; this provisions shall not be construed so as to permit any type of dwelling.

### 3.16 **MOBILE HOMES**

Mobile homes shall be permitted in any zone that permits a single detached dwelling except for the Residential One (R1) Zone where mobile homes are prohibited.

**3.17 NON-CONFORMING AND NON-COMPLYING USES****(a) Accessory Buildings**

Nothing in this By-law shall prevent the erection of a building or structure accessory to an existing legal non-conforming use provided that such accessory building or structure complies with all other relevant provisions of this By-law.

**(b) Continuation of Existing Uses**

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of passing of the By-law, so long as it continues to be used for that purpose.

**(c) Repair of Existing Buildings**

Nothing in this By-law shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is a non-conforming use provided that,

- i) the repair or alteration will not increase the height, size or volume of the building or structure; and
- ii) if a non-conforming building or structure should be damaged by fire, flood, wind or earthquake, the reconstruction or restoration is commenced within twelve months and completed within twenty-four months of the date on which the damage took place.

**(d) Enlargements to Existing Undersized Lots**

An undersized lot that was held in separate ownership from adjoining parcels on the date of passage of this By-law, or that was created by expropriation subsequent to the passage of this By-law, may be enlarged even if such enlargement does not result in a lot which complies with the minimum lot area and/or minimum lot frontage otherwise required by this By-law. Nothing in this By-law shall prevent such a lot from being used for a purpose permitted in the zone in which the lot is located provided that:

- i) where the development is on private services, the lot is of an adequate size for water supply and sewage disposal systems approved by the Ministry of the Environment and/or its agents; and
- ii) all other applicable provisions of this by-law are complied with.

(e) Existing Buildings with Inadequate Lot or Yard Size

Where a building has been lawfully erected prior to the date of passing of this By-law on a lot having less than the minimum frontage and/or areas, or having less than the minimum setback and/or side yard and/or rear yard required in this By-law, said building may be enlarged, reconstructed, repaired or renovated provided that:

- i) for any existing yard that has less than the minimum depth or width required by this By-law, the enlargement, reconstruction, repair or renovation does not further reduce the front or rear yard depth or side yard width, as the case may be;
- ii) for any enlargement that would redefine a yard (i.e. nearest wall of the main building or structure closer to a lot line), such enlargement shall comply with the requirements of this By-law for front yard depth, side yard width and/or rear yard depth; and
- iii) all other applicable provisions of this By-law are complied with.

(f) Less than Required Floor Area

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

(g) Undersized Vacant Lots

Where a vacant lot with less than the minimum frontage or lot area required by this By-law was held in separate ownership from adjoining parcels on the date of passage of this By-law, or where a vacant lot was created by expropriation subsequent to the date of passage, such undersized vacant lot may be used for a purpose permitted in the zone in which the said lot is located provided that:

- i) all other applicable provisions of this by-law are complied with; and
- ii) written approvals for the water supply and sewage disposal systems are obtained from the Ministry of the Environment and/or the Renfrew County and District Health Unit.

(h) Prior Building Permits

Nothing in this By-law shall prohibit the erection of a building or structure for which a building permit has been issued prior to the date of passing of the By-law provided that the building permit has not been revoked under the Building Code Act.

3.18 NOXIOUS USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under the Health Protection and Promotion Act and Regulations thereunder, and The Environmental Protection Act and Regulations thereunder. Noxious uses do not include normal farm operations using commercial fertilizers and manure, the spraying of crops with herbicides, insecticides, and pesticides, or the use of heavy machinery for farm purposes.

3.19 OCCUPANCY OF INCOMPLETE BUILDINGS

No dwelling shall be occupied before the kitchen, heating and sanitary conveniences have been installed and rendered usable, and before the exterior has been weather proofed.

3.20 OCCUPANCY OF VEHICLES

No truck, bus, coach, vehicle, recreational vehicle or trailer shall be used as a primary residence for permanent human habitation within the Municipality whether or not the same is mounted on wheels. This shall not operate to prevent a recreational vehicle from being used for temporary accommodation in a Recreation Commercial Zone, in accordance with the requirements of that zone.

3.21 OPEN STORAGE

Except as otherwise specifically provided in this By-law, no portion of a lot shall be used for the storage of goods or materials unless such storage is within a building, or unless the following provisions are complied with, in the event of open storage:

- (a) The open storage shall be accessory to a permitted or existing use on the same lot.
- (b) No open storage shall be permitted within any required minimum front yard or required exterior side yard, except in the case of an agricultural use.
- (c) No open storage shall be permitted within any required minimum side or rear yard where the side or rear lot lines abut any Residential Zone or Community Facility Zone. However, where the storage is clearly accessory to a main building or use that is permitted in a Residential Zone, or where the lot in question is located in the

same zone as the abutting lot, the provisions of this By-law for yard requirements for accessory uses shall apply to the open storage.

- (d) There shall be no uninterrupted view of any open storage area from any street, or from any adjacent lot where such adjacent lot is in a Zone other than a Commercial or an Industrial Zone. Wherever visual screening is necessary to achieve the foregoing, a buffer strip, fencing or other opaque barrier to a minimum height of 1.5 metres shall be used. Exceptions to this provision are for open storage accessory to an agricultural use or to a residential use, and for the outdoor display of merchandise in conjunction with a permitted commercial use.
- (e) A strip of landscaped open space with a minimum width of 3 metres shall be maintained around all open storage areas.
- (f) Any open storage area shall be maintained as landscaped open space, or surfaced and maintained with stable materials to prevent the raising of dust and particles, and properly drained. However, this provision shall not apply where the main use is an agricultural use.
- (g) No parking spaces or loading spaces required by this By-law shall be used for open storage purposes.

### 3.22 PARKING AND LOADING SPACE REQUIREMENTS

#### (a) Parking Requirements

##### i) Number of Spaces

In any Zone the owner of every building hereafter erected, enlarged or changed in use after the passing of this By-law shall provide and maintain off-street parking space in accordance with the following:

<u>Type of Use</u>	<u>Minimum Parking Required</u>
i. Dwelling, Single Detached, Semi Detached and Duplex:	1.0 parking space per dwelling unit
ii. Dwelling, Triplex, Rowhouse and Apartment:	1.5 parking spaces per dwelling unit
iii. Group Home	1.0 parking space per each 3 persons licensed or approved capacity

iv.	Boarding House	1.0 parking space plus 1.0 parking space per every three (3) beds
v.	Bank or Trust Company	5.9 spaces per 100 square metres gross leasable area
vi.	Bed and Breakfast	1.0 parking space per dwelling unit and 1.0 parking space for each room rented
vii.	Tavern, Public House	1.0 parking space per 4 persons design capacity
viii.	Church, Assembly Hall,	The greater of 1.0 parking space per 10 square metres of gross floor area or per every four fixed seats or per every 2.5 metres of bench space
ix.	Place of Entertainment/ recreation facility including arena, auditorium, recreation centre, theatre, tennis club, stadium, racquet club, cinema, fitness club, fairgrounds	1.0 parking space per 6 seat capacity
x.	Hospital, Nursing Home Home for the Aged, Senior Citizens Home	1.0 parking space per each 2 beds
xi.	Hotel, Motor Hotel	1.0 space per bedroom plus 1.0 space per 10 square metres of public use area
xii.	Industrial Establishment	1.0 parking space per each one hundred (100) square metres of gross floor area
xiii.	Clinic	6.0 spaces per practitioner for the first 5 practitioners, 4.0 spaces per each practitioner after 5
xiv.	Motel	1.0 space per bedroom
xv.	Office (Business/Professional)	3.5 spaces per 100 square metres of gross leasable area

xvi.	Eating Establishment, Drive-In	The greater of 3.0 spaces or 29.0 spaces per 100 square metres of gross leasable area
xvii.	Eating Establishment, Full Service	The greater of 3.0 spaces or 22.0 spaces per 100 square metres of gross leasable area
xviii.	Eating Establishment, Take Out	The greater of 3.0 spaces or 7.0 spaces per 100 square metres of gross leasable area
xix.	Retail, General including Convenience Store and Personal Service Shop	5.4 spaces per 100 sq. metres of gross leasable area
xx.	School	The greater of:  1.5 parking spaces per classroom, or 1.0 parking space per 3.0 square metres of floor area in the gymnasium, or  1.0 parking area per 3.0 square metres of floor area in the auditorium
xxi.	Shopping Centre	5.4 spaces per 100 sq. m of gross leasable area
xxii.	Shopping Plaza	4.9 spaces per 100 square metres of gross leasable area
xxiii.	Campground	1.25 spaces per campsite
xxiv.	Recreational Vehicle Park	2.0 spaces per recreational vehicle site
xxv.	Other Non-Residential Uses	1 parking space per 30 square metres of gross floor area

ii) Calculation of Spaces

If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be next higher whole number.

iii) Location of Parking Areas

In a Residential Zone, the required parking shall be located on the same lot as the dwelling unit. In all other areas, the parking area shall be located within one hundred and fifty (150) metres of the location of the use it is intended to serve, and shall be situated in the same zone; and shall be secured and retained for parking purposes for the duration of the use.

iv) Yard Where Permitted

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback in accordance with the following:

<u>Zone</u>	<u>Required Yards in which Required Parking Area Permitted</u>
i. Rural, Residential	All yards provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any street line.
ii. General Industrial	All yards provided that no part of any parking area, other than a driveway is located closer than 1.0 metre to any street line and further provided that where the Industrial zone abuts a Residential Zone, the parking area shall be set back 3.0 metres from the lot line.
iii. Disposal Industrial, Extractive Industrial	No yards except for the driveway portion of a parking area
iv. Other Zones	All yards provided that no part of any parking area, other than a driveway is located closer than 1.0 metre to any street line. Where the subject zone abuts a Residential zone, the parking area shall be set back 3.0 metres from the lot line.

v) Surface and Drainage

- i. The parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface.
- ii. Where more than four (4.0) parking spaces are required, the surface treatment shall prevent the raising of dust or loose particles.
- iii. Provision for drainage facilities shall be made in compliance with the requirements of the Municipality.

- vi) Access to Parking Spaces and Parking Areas
- i. Every parking space shall be provided with unobstructed access to a street by a driveway aisle or lane, except where such spaces are provided for the use of occupants of a single detached or semi-detached dwelling.
  - ii. Access to parking areas for commercial or industrial uses shall not pass through a Residential Zone.

vii) Dimensions of Parking Spaces

Every required parking space shall have minimum rectangular dimensions of 2.7 metres by 5.5 metres.

(b) Loading Requirements

i) Uses Where Applicable

No person shall, in any Zone, erect or use any permitted building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other permitted uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained in the same premises with every such structure or use, off-street space for standing, loading and unloading.

ii) Dimensions of Loading Spaces

Every required loading space shall have minimum rectangular dimensions of 3.5 metres by 9.0 metres with a minimum height clearance of 4.0 metres.

iii) Minimum Number of Loading Spaces

This requirement does not apply for buildings and structures having less total floor area than 300 square metres. For all other buildings, there shall be one loading space for each 1500 square metres of floor area or part thereof, above the 300 square metre threshold.

iv) Location

The loading space required shall be located in the interior side yard or rear yard unless set back a minimum distance of 16 metres from the street line.

v) **Surfacing**

The loading space and approaches shall be surfaced with concrete, asphalt, crushed stone or gravel, with treatment to prevent the raising of dust.

**3.23 PUBLIC USES OF LAND**

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 by any local board thereof defined by the Municipal Affairs Act, any telephone, gas, or telegraph company, any department or agent of the Government of Ontario or Canada, including Ontario Hydro, provided that:

- (a) With the exception of a public utility, the lot coverage, parking and loading, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with; and
- (b) No goods, material, or equipment shall be stored in the open in a Residential Zone; and
- (c) Any building erected in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in the zone.

**3.24 SEPARATION DISTANCES**(a) **Dwellings**

- i) No dwelling shall be erected unless it complies with the minimum distance separation requirements of the Provincial Policy Statement or unless such residential building is located on the same lot as the farm.
- ii) No dwelling other than a permitted accessory dwelling in the same Zone, shall be erected within sixty (60) metres of any Industrial Zone, except as further provided below for Extractive Industrial Zones and waste disposal sites.
- iii) No dwelling shall be erected within thirty (30) metres of land zoned Extractive Industrial (EM) or Resource Protection (RP) and where a street allowance intervenes, the 30 metres shall be measured from the street line bordering the land zoned EM or RP.

- iv) No dwelling shall be erected within sixty (60) metres of any animal hospital or kennel if such has more than four outdoor runs or more than thirty (30) square metres of total area of outdoor facilities for animals.
  - v) No dwelling shall be erected within 500 metres of the boundary of a landfilling site except in accordance with a study that has identified the contaminant attenuation zone, provided that such attenuation zone is recognized in the certificate of approval for the site. The implementation of remedial measures acceptable to the Ministry of the Environment and Energy to deal with contaminant discharges may be justification for a variance to this provision.
- (b) Gravel Pits, Quarries and Associated Extractive Manufacturing Plants and Facilities
- i) No gravel pit or quarry, including a wayside pit or quarry, shall be excavated within,
    - i. thirty (30) metres of the boundary of the property being used where such boundary abuts any of the following: a street, land in use for residential purposes<sup>1</sup>, or for schools or for institutions with residential components, or land restricted to residential use by this By-law;
    - ii. fifteen (15) metres of the boundary of the property being used where clause i. does not apply; and
    - iii. fifteen (15) metres of a high water mark.
  - ii) No extractive industrial facility or aggregate stockpile (excludes a sand or gravel pile totally enclosed in a building and/or on municipal property) shall be located within,
    - I. ninety (90) metres of the boundary of the property being used where such boundary abuts any of the following: land in use for residential purposes<sup>1</sup>, or for schools or for institutions with residential components, or land restricted to residential use by this By-law;
    - ii. thirty (30) metres of the boundary of the property being used where clause i. does not apply; and
    - iii. thirty (30) metres of a high water mark.
  - iii) No concrete or asphalt manufacturing plant shall be located within,
    - i. three hundred (300) metres of land in use for residential purposes<sup>1</sup>, or for schools or for institutions with residential components, or land restricted to residential use by this By-law; and
    - ii. fifty (50) metres of a high water mark.

† “land in use for residential purposes” includes a rural residential cluster, an individual lot less than 2 hectares in size, or the land encompassing the dwelling on a parcel of 2 hectares or greater which land would meet all minimum yard, lot frontage and lot area requirements of the applicable zone.

(c) Farm Uses

No livestock buildings, structures, manure storage area or intensive farm use shall be located within the minimum distance from other uses required by the minimum distance separation formula under the Provincial Policy Statement.

(d) Animal Hospital, Kennel

i. No animal hospital and no kennel shall be located within sixty (60) metres of any Residential Zone or any dwelling on another lot if such animal hospital or kennel has more than four outdoor runs or more than thirty (30) square metres of total area of outdoor facilities for animals.

(e) Septage Disposal Site

No septage disposal site shall be located within:

- i) Two hundred (200) metres of any isolated dwelling on another lot;
- ii) Seven hundred fifty (750) metres of any subdivision, rural residential cluster or land zoned for residential development;
- iii) One hundred fifty (150) metres of any uncased well;
- iv) Seventy-five (75) metres of any well with a minimum casing depth of six (6.0) metres.
- v) One hundred eighty (180) metres of any permanent surface water;
- vi) Thirty (30) metres of the right-of-way of any low volume road;
- vii) Ninety (90) metres of the right-of-way of any road;
- viii) Sixty (60) metres of any land used for livestock pasturing;

(f) Wells

No person shall establish a water well within,

- i) 75 metres of land zoned for septage disposal;
- ii) within the minimum distance from any waste disposal site as required by the Environmental Protection Act and Regulations thereunder, as amended, and/or by the guidelines of the Ministry of Environment and Energy.

### 3.25 **SETBACKS**

Except where the provisions of Section 3.24 Separation Distances apply, no person shall erect any building or structure in any Zone unless such building or structure conforms to the following setback requirements from road centrelines, or from high water marks.

#### (a) Provincial Highway

The setback requirement shall be 18 metres plus the minimum front yard depth required for such use in the Zone where it is located, but any greater restrictions of the Ministry of Transportation shall take precedence.

#### (b) County Road

- i) The setback requirement where the County Road is (26) metres or less in width shall be 13 metres from the centreline plus the minimum front yard depth required for such use in the Zone where it is located.
- ii) The setback requirement where the County Road is greater than Twenty-six (26) metres wide shall be the minimum front yard depth required for such use in the zone where it is located measured from the street line.

#### (c) Other Road

The setback requirement shall be 10 metres plus the minimum front yard depth required for such use in the Zone where it is located.

#### (d) Water Setback

A minimum water setback of thirty (30) metres shall be provided. Notwithstanding the foregoing, the following exceptions will be permitted:

- i) Accessory boat dock and boat launching facilities, dams and other water control structures, and erosion control structures shall not be required to meet the water setback.
- ii) In the case of an existing lot of record considered as infilling between two existing dwellings, the water setback will be permitted to be reduced to the

established building line extending on both sides of the lot providing the water setback is not less than (15) metres.

- iii) In the case of an existing lot which has less than forty-six (46) metres in depth, the minimum water setback shall be fifteen (15) metres.
- iv) For lands abutting the Bonnechere River and Wilber Lake within the (1-in 100 year) flood plain, the water setback requirement shall be in accordance with the limits of the flood plain, but shall be no less than thirty (30) metres except as provided for by clauses ii) and iii) preceding. Where the possibility of such flooding hazard exists, the extent of the flood plain and the location of the required water setback will be determined by engineering studies and elevation surveys at the expense of the applicant.

(e) Established Building Line in Built-Up Areas

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

3.26 STORAGE OF LIQUID MANURE, SEPTAGE OR SEWAGE SLUDGE

No facility for the storage of liquid manure, septage or sewage sludge shall be erected, used or altered except in accordance with the following provisions:

- (a) The storage facility shall be constructed of materials that are durable and stable and that do not afford passage of the contents;
- (b) The storage facility shall have,
  - i) walls that extend two (2.0) metres or more above the surrounding grade level, or
  - ii) walls that extend 0.3 metres above the surrounding grade level and have a solid cover, or a minimum 0.7 metre extension of the walls, that completely seals the facility from human entry; or
  - iii) be an in ground facility that is situated below and totally enclosed by a livestock barn;

- (c) Notwithstanding item (b), preceding, a lagoon may be used for the storage of liquid manure, septage or sewage sludge provided that,
  - i) it is approved under all appropriate provincial legislation and regulations; and
  - ii) it is designed, constructed and maintained in accordance with all governing by-laws of the Municipality.

### 3.27 **TEMPORARY CONSTRUCTION USES PERMITTED**

Nothing in this By-law shall prevent uses incidental to a construction camp or other such temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction, a sign not more than four and one-half (4.5) square metres incidental to the construction provided that these uses are permitted only for so long as the same are necessary for work in progress which has neither been finished nor abandoned. This provision shall not be construed to allow a mobile home, trailer or recreational vehicle except that a trailer may be permitted solely for the purpose of a construction office.

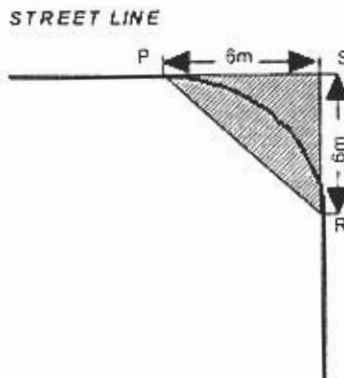
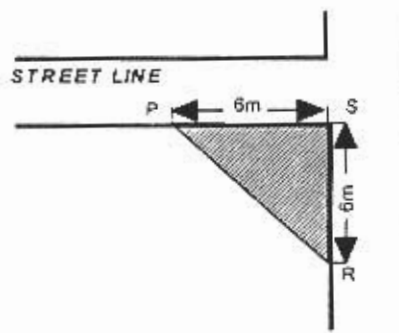
### 3.28 **THROUGH LOTS**


Where a lot which is not a corner lot has frontage on more than one street, the requirements for front yards contained in the By-law shall apply to each yard abutting the street.

### 3.29 **VISIBILITY ON CORNER LOTS/INTERSECTIONS**

- (a) On any corner lot, no obstruction to motor vehicle driver views shall be placed within the triangular area bounded by the street lines and a line joining points on the street lines a distance of 6.0 metres from the point of intersection. Any opaque structure, object or vegetation between the elevations from 0.75 m to 3.0 m above grade of the centre lines of the streets that abut the lot shall be considered an obstruction to motor vehicle driver views.
- (b) At the intersection of a street and a railway right-of-way, the vision of the operator of a motor vehicle shall be unimpeded in accordance with the requirements of the railway authority.

### VISIBILITY ON CORNER LOTS



 No obstruction permitted

Note: The above illustrations are for clarification purposes only.