

**By-Law No. PL2016-01  
Comprehensive Zoning By-law for the  
Unincorporated Township of Haggart**

**Adopted by the Smooth Rock Falls Area Planning Board on November 30, 2016**

Prepared for:

Smooth Rock Falls Area Planning Board  
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JLR No. 26861

## **EXPLANATORY NOTE**

The purpose and effect of Zoning By-law No. PL2016-01 is to repeal Zoning By-law No. 2011-01 of the Smooth Rock Falls Area Planning Board and replace it with a new document to regulate land uses for the unincorporated Township of Haggart. The zone boundaries, permitted uses, and regulations are consistent throughout the Township and ensure conformity with the 2014 Official Plan. The By-law includes the regulation of the use of land, the size and location of buildings and structures, and parking requirements in the unincorporated Township of Haggart. The new By-law also provides regulations such as development restrictions around sensitive lakes and setbacks and vegetation adjacent to the waterfront to be in conformity with the Official Plan.

**THE SMOOTH ROCK FALLS AREA PLANNING BOARD**

**By-law No. PL2016-01**

**Being a By-law to repeal and replace By-law no. 2011-01 and amendments thereto.**

**A By-law of the Smooth Rock Falls Area Planning Board; regulating the use of all land, and the density, size, location, and use of all buildings within the Unincorporated Township of Haggart.**

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**WHEREAS** Section 34 of the *Planning Act* provides authority to a Planning Board to enact by-laws regarding the use of lands and the erection and use of buildings or structures within the Planning Area;

**AND WHEREAS** Section 24 of the *Planning Act* provides that no Zoning By-law may be passed that does not conform to the Official Plan for the Smooth Rock Falls Planning Area;

**AND WHEREAS** an Official Plan for the Smooth Rock Falls Planning Area was approved and came into force on November 9, 2015;

**AND WHEREAS** it is now deemed necessary and expedient to enact a new Zoning By-law for the Unincorporated Township of Haggart which will be in conformity with the Official Plan;


**AND WHEREAS** a Public Meeting in accordance with the *Planning Act* was held on November 3, 2016;

**NOW THEREFORE** the Smooth Rock Falls Area Planning Board, pursuant to Section 34 of the *Planning Act*, enacts as follows:

1. By-law No. 2011-01, Smooth Rock Falls Planning Board Zoning By-law, and amendments thereto, are hereby repealed at such time as the new Zoning By-law for the Unincorporated Township of Haggart comes in full force and effect; and
2. By-law No. PL2016-01 Unincorporated Township of Haggart Zoning By-law which shall come into force in accordance with the provisions of the *Planning Act*.

**READ a first and second time** this 30<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
CHAIR – Daniel Alie

  
\_\_\_\_\_  
Secretary-Treasurer – Veronique Dion

**READ a third time and finally passed** this 30<sup>th</sup> day of November, 2016.

  
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CHAIR – Daniel Alie

  
\_\_\_\_\_  
Secretary-Treasurer – Veronique Dion

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## SECTION 1 AUTHORIZATION AND ADMINISTRATION

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### 1.1 Title

This By-law shall be known as the “Zoning By-law” or By-law No. PL2016-01 of the Smooth Rock Falls Area Planning Board for the unincorporated Township of Haggart.

### 1.2 Effective Date

This By-law comes into force and takes effect on the day it was passed if no appeals are received. If an appeal(s) is received, this By-law, or portions thereof, shall come into force upon the approval of the Ontario Municipal Board and in accordance with the provisions of the *Planning Act*, as amended.

### 1.3 Defined Area

The provisions of this By-law shall apply to all lands within the limits of the unincorporated geographic Township of Haggart.

### 1.4 Scope

No land shall be used and no building or structures shall be erected, altered, enlarged, or used within the unincorporated geographic Township of Haggart except in conformity with the provisions of this By-law.

No lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining, or new building, structure, or lot to be in contravention of this By-law.

### 1.5 Existing Uses Continued

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

### 1.6 Prior Letter of Conformity Issued

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved with a letter of conformity prior to the date of passing of this By-law, provided:

- a) when the building or structure is erected, it shall be used and continue to be used for the purpose for which the letter of conformity was issued; and
- b) the erection of such building or structure is commenced within 2 years of the date of passing of this By-law and provided the erection of such building or structure is completed within a reasonable time after the erection thereof is commenced.

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1.7 Compliance with Other Restrictions

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

1.8 Interpretation

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

In this By-law the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future; the masculine includes the feminine.

1.9 Measurements

Measurements contained in this By-law are in metric units only. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only and are provided only for the convenience of the reader.

1.10 Administrator

This Zoning By-law is administered by the Planning Board's Secretary-Treasurer, or an appointee thereof, and a certified true copy is on file in the office of the Smooth Rock Falls Area Planning Board.

1.11 Letter of Conformity, Certificate, or Licence

- a) No change shall be made in the type of use of any land, building, or structure within any zone, without first obtaining a Letter of Conformity from the Planning Board to the effect that the proposed use conforms to this By-law.
- b) No letter of conformity, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement, or use of any building or structure that is in contravention of any provision of this By-law.

1.12 Applications and Plans

In addition to the requirements of any Building By-law, every application for a letter of conformity shall be accompanied by sufficient information, in an appropriate form, to determine whether the building or structure conforms to the requirements of this By-law. This shall include:

- a) A plan drawn to scale showing the true dimensions of the lot to be built on and used; the location, height, and dimensions of any existing or proposed building, structure, and use; the location of any required setback and the proposed location and dimension of

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any yard, landscaped open space, and off-street parking and loading required by the By-law; and

- b) A statement signed by the Owner giving the exact use proposed for each building, structure, or the proposed use of the lot to determine whether such building, structure, or use conforms to this By-law.

Notwithstanding the above, applications that do not affect the external dimensions of the building, number of dwelling units, or useable floor area may not require the information contained in subsections a) and b).

1.13 Request for a By-law Amendment

A Zoning By-law is not a static document; it is amended over time by the Planning Board and when an amendment is initiated by a landowner as land use demands and policies change. Where an amendment to this Zoning By-law is requested by an owner of land in the unincorporated geographic Township of Haggart, the said owner shall complete and submit to the Planning Board, prior to his request being considered, an application form for Amendment to the Zoning By-law.

1.14 Inspection of Premises

The Planning Board's Secretary-Treasurer, or any employee of the Planning Board, or appointee thereof, acting under direction, may, following prior notification, at any reasonable hour (as set out by the Planning Board), enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, altered, enlarged, or used in violation of any of the provisions of this By-law.

1.15 Violations and Penalties

Any person convicted of a breach of any of the provisions of this by-law shall be liable to a fine recoverable under the *Provincial Offences Act*. Each day of violation shall constitute an offence.

In the case of any lot being used, any building or structure being erected, reconstructed, or extended or part therefore being used in contravention of any provision of this by-law, such contravention may be restrained by action at the instance of any ratepayer or of the Planning Board pursuant to the provisions the *Municipal Act* or *Planning Act* in that behalf.

1.16 Validity

If any portion of this by-law is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

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1.17 Repeal of Existing By-laws

The following by-laws passed pursuant to Section 34 of the *Planning Act* are hereby repealed and such repeal shall come into effect upon the date this by-law comes into force:

- Zoning By-law No. 2011-01 and amendments thereto.

1.18 Technical Revisions

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

- a) correction of grammar, punctuation or typographical errors, or revisions to format in a manner that does not change the intent of a provision;
- b) adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks; and
- c) changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only.



## SECTION 2 DEFINITIONS

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For the purpose of this By-law, the definitions and interpretations given in this Section shall govern.

Accessory, when used to describe a use, building or structure, shall mean a use, building, or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use.

Adult Entertainment Business shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations.

Agricultural Use shall mean the use of land, buildings, or structures for:

- a) The growing of crops, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;
- b) The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish;
- c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage, and sale of the products;
- d) A greenhouse or nursery garden, including storage and sale of the products; and
- e) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial or industrial activities related to agriculture such as abattoirs, tanneries, grain drying, and sale outlets, manufacturing, or processing activities involving farm crops or animal products.

Alter, in reference to

- a) a building or part thereof, shall mean to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;
- b) a lot, shall mean to change the area frontage or depth thereof, to change the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot in respect to a street or lane, whether such alteration is made by conveyance, alienation of any parts of such lot, or otherwise;

altered and alteration shall have corresponding meanings.

Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.

Attic shall mean that portion of a building immediately below the roof and wholly or partly within the roof framing.

Auditorium shall mean a building or structure where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre, or similar use.

Automobile Service Station shall mean an establishment primarily engaged in the retail sale of fuels or lubricants for motor vehicles or snowmobiles. Accessory uses may include the sale of motor vehicle or snowmobile accessories and minor maintenance or repair operations for such vehicles, other than bodywork or painting. This definition shall not include a car wash as defined herein.

Automotive Store shall mean an establishment primarily engaged in the retail sale of vehicle parts, accessories, and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Bar shall mean a licensed drinking establishment, the principal business of which is to serve any sort of beverage alcohol to the public for consumption on the premises, and includes a pub.

Basement shall mean that level of a building having more than half of its floor to ceiling height below average finished grade.

Bed and Breakfast shall mean a dwelling with the operator living onsite used incidentally to provide accommodation and meals to transient travellers for less than 30 consecutive days, but does not include a boarding house, a rooming house, hotel, or motel.

Body Shop means a building or premises used primarily for the painting or repairing of vehicle bodies. This definition shall not include a salvage yard as defined herein.

Building shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals, or goods:

-, Accessory shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

-, Attached see "Attached".

-, Main shall mean the building serving the principal or primary uses for which the lot was purchased, leased or rented.

Building Contractor's Shop shall mean a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working, and carpentry or truck, bulldozer, loader, and backhoe operating and such place of business may be used for the

storage of equipment, materials, and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, but shall not include a retail business, sales counter, nor a wholesale business.

Building Line shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Supply Outlet shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvements, and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Car Wash means a building or structure containing facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices. This definition may also include a self-service car wash.

Carport shall mean a covered parking area which is attached to a structure and open on at least two sides.

Church shall mean a building dedicated to religious worship. Accessory uses may include a church hall, church auditorium, Sunday school, a parish hall, and an ecclesiastic residence on the same lot.

Clinic shall mean one or more buildings or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients by Ontario Licensed physicians, optometrists, denturists, chiropodists, chiropractitioners, or drugless practitioners, together with their assistants, and without limiting the generality of the foregoing, the building(s) or part thereof may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care, operating rooms for major surgery, or a professional office located in a residence.

Club, Commercial shall mean a building or premises used as an athletic, recreational, or social club operated for gain or profit.

Club, Private shall mean a building or premises used as an athletic, recreational, or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labour union hall, or similar use.

Communications Facility shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, or similar facility.

Conservation Use shall mean the preservation and protection of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

Custom Workshop shall mean land and/or a building or part of a building used by a contractor, builder, or tradesman to perform manufacturing, repair, or assembly work or for the storage of

equipment and materials used for off-site work and includes those operated by a carpenter, well driller, tile drainage installer, a locksmith, blacksmith, tinsmith, gunsmith, welder, machinist, or persons involved in similar occupations.

Department Store shall mean a Retail Store, primarily engaged in general merchandising at retail of wide range of commodities. At least the three main lines, namely apparel, hardware, and home furnishings should be carried, and other commodities formally carried by such establishments, including dry goods, food products, home appliances, etc. may also be carried.

Development shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*.

Dwelling shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. This definition shall not include any vehicle as defined herein.

-, Accessory shall mean a single dwelling which is accessory to a permitted non-residential use, located on the same lot therewith.

-, Accessory Apartment shall mean a self-contained dwelling unit created through the conversion of part of or the addition on to an existing dwelling (single, semi-detached, or duplex dwellings only).

-, Apartment shall mean a building consisting of three or more independent dwelling units other than a rowhouse dwelling.

-, Boarding House shall mean a dwelling or portion thereof containing not more than 4 guest rooms, used for the accommodation of the public in which the owner or head lessee supplies for compensation, lodging with or without meals but does not include any other establishment otherwise defined herein.

-, Converted shall mean a former single dwelling erected prior to the date of the passing of this By-law, the interior of which has been converted into 2 dwelling units.

-, Duplex shall mean a building that is divided horizontally into two dwelling units.

Garden Suite / Granny Flat Dwelling Unit shall mean a temporary, one-unit, self-contained, and portable detached residential structure that is ancillary to and on the same lot as a single or semi-detached dwelling, and excludes a trailer as defined herein.

-, Rowhouse shall mean a building that is divided vertically into three or more dwelling units.

-, Seasonal shall mean a building containing only one dwelling unit used for recreation and not occupied as a permanent dwelling.

-, Semi-Detached shall mean a building that is divided vertically into two dwelling units.

- Single shall mean a detached building containing only one dwelling unit. This definition shall include a mobile home and modular home as defined herein.

- Triplex shall mean a building that is divided horizontally into three dwelling units.

- Unit shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.

- Unit, Accessory shall mean a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

- Unit, Bachelor shall mean a dwelling unit consisting of one bathroom and not more than 2 habitable rooms designed to provide living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.

Erect shall mean to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:

- (i) any preliminary operation such as excavation, filling or draining;
- (ii) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (iii) any work which requires a letter of conformity or would normally require a building permit in a municipality.

Erected and Erection shall have corresponding meanings.

Established Building Line shall mean the average setback from the centreline of a street of at least 2 existing buildings having frontage on one side of a continuous 76.2 m (250 ft) portion of said street..

Existing shall mean existing as of the date of final passing of this By-law by the Planning Board.

Extractive Industrial Use shall mean the use of land for the extraction of mineral aggregate including sand, gravel, shale, clay, and bedrock suitable for the production of crushed stone, building stone, cement products, and other similar materials.

Farm shall mean land used for the tillage of soil, the growing of vegetables, fruits, grains, or other staple crops. This definition may also apply to land used for livestock raising, dairying, or woodlots.

- Specialized shall mean lands on which the predominant economic activity consists of raising chickens, turkeys, or other fowl; the raising of fur bearing animals, swine or

goats, cattle on feed lots; the raising or boarding of cats or dogs; or the growing of mushrooms.

Financial Office shall mean the premises of a bank, credit union, trust company, finance company, mortgage company, or investment company.

Finished Grade, Average shall mean the average level of proposed or finished ground adjoining a building at all exterior walls, but exclusive of any embankment in lieu of steps.

Flood Plain shall mean the area below the high water mark of a waterbody.

Flood Proofed shall mean the measures taken to ensure that a building or structure is safe from the effects of flooding.

Floor Area shall mean:

- a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, or unfinished basement;
- b) for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building.

-, Leasable shall mean that portion of the gross floor area of a building which is used by a non-residential use, but excluding any part of such building used as a dwelling unit, for parking or storage of motor vehicles, and for equipment to heat such building; and the thickness of exterior walls.

In all cases, only that floor area having a clear height to the ceiling of at least 2.2 m (7.2 ft) shall be calculated for floor area purposes.

Forestry Use shall mean the management, development, and cultivation of timber resources.

Fuel Storage Tank means a tank for the bulk storage of petroleum or petroleum products, inflammable liquids, gasses, or similar substances. This definition shall not include a tank for storage which is accessory to some other use on the premises where such tank is located

Garage shall mean a structure for the storage of vehicles and other items.

-, Commercial shall mean an establishment or premises where motor vehicles are stored, repaired, serviced or kept for sale or rent and where facilities for the sale of fuels and lubricants may be provided. This definition may include a car wash but shall not include any other use defined herein or specifically named elsewhere in this By-law.

-, Maintenance shall mean an establishment or premises where vehicles owned or leased by the occupant of such premises are repaired or maintained.

-, Portable shall mean a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

-, Private shall mean an accessory building or part of a residential building which is fully enclosed and used for the storage of motor vehicles and household equipment incidental to the residential occupancy.

Gasoline Retail Facility shall mean a premise where the retail sale of fuel or lubricants for motor vehicles constitutes either the sole use, such as a gas bar, or an accessory use, such as a gasoline pump island. This definition shall not include an automobile service station

Guest Room means a room or suite of rooms which are used or maintained for gain or hire by providing temporary accommodation.

Habitable Room shall mean a room commonly used for cooking, living, dining, or sleeping purposes, and shall include a bathroom, den, library or an enclosed sunroom but shall not include any garage, carport, verandah, unfinished attic, or unfinished basement.

Height when used with reference to a building, means the vertical distance between the finished grade and the highest point of the building proper, exclusive of any accessory roof structures.

Home Based Business shall mean an occupation, trade, business, profession, or craft carried on as an accessory use to the use of a dwelling and shall include the following:

- a) instruction in or businesses involving music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, painting or sculpting, sewing, hairdressing, aesthetics, or similar uses;
- b) businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, or operators of commercial vehicles, including school buses;
- c) businesses involving the repair of small appliances, radios, televisions, and similar items, skate or knife sharpening or similar uses;
- d) an office used by a physician, dentist, or other medical practitioner, an insurance agent, accountant, engineer, sales person, or a person engaged in a similar occupation;
- e) A home or in-home child care centre;
- f) a bed and breakfast, as defined herein.

Hotel shall mean a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the transient public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed under the Liquor Licence Act (R.S.O. 1970, c.250 and amendments thereto) but shall not include

boarding or rooming houses, or lodging camps, taverns and apartment dwellings, but shall include motels and motor inns.

Kennel shall mean a building or structure where animals are kept.

-, Boarding shall mean a place where animals are kept, for a fee, and operated as a commercial business or by the Humane Society as a service to the community, but does not include a Veterinary Clinic. The boarding kennel facility shall be constructed so that animals may be retained indoors between the hours of 8:00 p.m. through 8:00 a.m.

-, Breeding shall mean any building, structure, dog run, or other facility, or part thereof where animals are kept for the purposes of reproduction, and the use of or sale of the offspring.

Landscaped Open Space shall mean open space comprised of lawn, natural or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts, patios, and pools, but shall not include parking areas, loading spaces, traffic aisles, driveways, or ramps for vehicles, or any open space beneath or within a building or structure.

Land shall mean any ground, soil, or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

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

Laundromat shall mean an establishment containing one or more washers, each having a capacity not exceeding 22.6796 kilograms (50 pounds), and drying, ironing, finishing and incidental equipment, provided that only water, soaps or detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises.

Lay Down Area: see "Open Storage".

Letter of Conformity: see "Zoning Compliance Form".

Loading Space shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon.

Lot shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

-, Corner shall mean a lot situated at the intersection of two streets having an angle of intersection of not more than one hundred and thirty-five degrees (135°).

-, Interior shall mean a lot situated between adjacent lots and having access to one street.



- -, Serviced shall mean a lot which is serviced by a public water and sewer system.

- -, Through shall mean a lot (bounded on two opposite sides by streets) having street frontage on two parallel or approximately parallel streets.

- -, Unserviced shall mean a lot which is not serviced by neither a public water nor a public sewer system.

- -, Water shall mean a lot which abuts a shoreline but has no street line. Notwithstanding any other provisions of this By-law, a water lot does not require frontage on an improved street.

- -, Waterfront shall mean a lot which abuts a shoreline and a road.

Lot Area shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

Lot Coverage shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon, and shall not include balconies, canopies and overhanging eaves, provided none of the foregoing are less than 2.4384 m (8ft) above finished grade.

Lot Depth shall mean the horizontal distance between the front and rear lot line. If the front and rear lot lines are not parallel, depth shall be measured as a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, depth shall be measured as a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

Lot Frontage shall mean the width of a lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, at a distance equal to the minimum required front yard depth.

Lot Line shall mean any boundary of a lot or the vertical projection thereof.

- -, Front shall mean, in the case of an interior lot, the lot line that divides a lot from the street. In the case of a lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line, in the case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line, and in the case of a water or waterfront lot, the shoreline shall be deemed to be the front lot line.

- -, Rear shall mean, in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.

- -, Side shall mean any lot lines other than the front lot line and the rear lot line. In the case of a corner lot, an exterior side lot line shall be the lot line that abuts the street which is not the front lot line, and an interior side lot line shall be the lot line that abuts another lot.

Marina shall mean a building or structure which is used to take a boat into or out of a waterbody or used to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse, but shall not include any building used for human habitation or any boat service, repair or sales facility.

Manufacturing Industry shall mean an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly, or similar production of various articles and commodities, and includes custom workshops, factories, mills, industrial shops, and similar production facilities.

Mobile Food Unit: see “Restaurant Cart”

Mobile Home shall mean a dwelling that is designed to be made mobile, and constructed or manufactured as per the Ontario Building Code to provide a permanent residence for one or more persons, but does not include a recreational vehicle, a travel trailer, tent trailer, or trailer otherwise designed.

Mobile Home Site shall mean the space for the placement of one mobile home and for the exclusive use of its occupants.

Motel: see “Hotel”.

Motor Home: see “Recreational Vehicle”.

Motor Inn: see “Hotel”.

Multi-Use Facility shall mean a facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational, instructional, or municipal nature, and may include, as a portion of it, a medical facility.

Non-Complying shall mean a lot, building, or structure which, on the date of the final passing of this By-law, did not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

Non-Conforming shall mean a use, building, or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building, or structure is located.

Noxious Use shall mean any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter.

Nursery shall mean a building, structure, or lot used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

Occupancy Permit shall mean a permit issued by the Secretary-Treasurer, or his appointee which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

Office shall mean a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labour.

Open Space shall mean any portion of a lot which is unoccupied by buildings or structures above ground level and is open to the sky, and shall include Landscaped Open Space.

Open Storage shall mean the storage of goods, merchandise, or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement, or the storage of vehicles or equipment for sale or repair. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of a lot.

Outdoor Furnace shall mean an appliance located outside of any building or structure, which it is intended to heat by combustion.

Park shall mean an area of land consisting largely of open space which may include a recreational area, playground, playfield, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, swimming pools, snow skiing, or similar use.

- Public shall mean a park owned and maintained by a public authority.

- Private shall mean a park other than a public park.

Parking Area shall mean an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways, and parking spaces.

Parking Lot shall mean any parking area or structure other than a parking area accessory to a permitted use on the same lot, used for the temporary storage of parking of motor vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

Person shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation, and agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment shall mean a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, dressmaking shop, tailor shop, shoe repair shop, photographic studio, self-service laundry or dry cleaning distribution station, or similar use.

Pit shall mean any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes, but shall not include an excavation incidental to the erection of a building or structure for which a letter of conformity has been granted by the

Planning Board, or an excavation incidental to the construction of any public works. This definition shall not include a wayside pit as defined herein.

Place of Entertainment shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall, music hall, bingo halls, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein.

Plant Materials shall include all indigenous species of grass, flowers, trees, shrubs, and other natural vegetation.

Planting Strip shall mean an area which shall be used for no purpose other than planting and maintaining a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.524 m (5 ft) high immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting and maintaining shrubs, flowers, grass, or similar vegetation.

Private Swimming Pool shall mean any body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving, or bathing.

Professional Office shall mean any office where professionally qualified persons, technical assistants, and clerical staff are engaged and where clients or patients go for advice, consultation, or treatment, but shall not include a Clinic.

Public Use shall mean a building, structure, or lot used by a public authority, for the purpose of providing its services to the public, or carrying out its public mandate.

Quarry shall mean any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial, or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a letter of conformity has been granted by the Planning Board or an excavation incidental to the construction of any public works.

Recreational and Athletic Facility means a public place designed and equipped with facilities such as a swimming pool, tennis courts, sports arena, gymnasias, and exercise rooms and used for recreational, fitness, or athletic pastimes and / or used to provide instruction in such pastimes, and may include sports fields and baseball diamonds.

Recycling Depot shall mean a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal, and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

Renewable Energy Generation Facility means a facility that generates electricity from a renewable energy source, inclusive of a dam, powerhouse, solar power installations, transmission lines and all associated lands, improvements and infrastructure required for its operation, for the generation and transmission of electricity therefrom.

Residential Use: see “Dwelling”.

Restaurant shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the premises. However, limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use. A restaurant may also include the licensed sale and consumption of alcoholic beverages.

- Cart shall mean a mobile structure or a converted vehicle where food products and beverages are prepared and sold to the public for consumption onsite or offsite.

Restaurant, Drive-In shall mean a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building but may also include off-premises consumption. Such use, normally known as a fast food restaurant, is characterized by customer pick up of food at a counter or drive-through car pick up and does not provide the service of delivering to or waiting on tables or licensed sale and consumption of alcoholic beverages.

Restaurant, Take-Out shall mean a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption. However, limited facilities may be permitted for consumption within the building provided such facility is clearly secondary and incidental to the take-out function and delivery function and provided the service of delivery of food to or waiting on tables or licensed sale and consumption of alcoholic beverages is not carried out.

Retail Convenience Store shall mean a building or part of a building used primarily for the sale of grocery and confectionary items and incidentally for the sale of other merchandise as is required to fulfil the day to day needs of a surrounding residential area.

Retail Store shall mean a building or part of a building wherein merchandise is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law with the exception of Department Store. Storage of limited quantities of such merchandise, sufficient only to service such store and the servicing of such merchandise may be permitted in a retail store as ancillary uses, provided such uses are clearly necessary and secondary to the main retailing function of the store.

Salvage Yard shall mean an establishment or premises where goods, wares, merchandise, articles or things are stored wholly or partly in the open for sale or processing for further use. This definition shall include a junk yard, a scrap metal yard or an automobile wrecking yard but shall not include an automobile service station, a commercial garage or a vehicle agency.

School shall mean a school under the jurisdiction of a Board as defined in the Education Act.

Self-storage Facility shall mean lands and buildings used, rented, or leased to persons for the storage of household and personal items, including recreation vehicles and automobiles, within separate units forming part of a wholly enclosed building.

Service Outlet shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles, or materials, but not the manufacturing thereof.

Setback means the least horizontal dimension between the centreline of a street allowance, measured at right angles to such centreline, and the nearest part any building, structure or excavation on the lot, or the nearest open storage use on the lot.

Sewage Treatment Facility shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents for the use as a disposal site for sewage and includes a sewage treatment plant, sewage lagoon, or sludge disposal area.

Shipping Container shall mean any container that is used for the transport of goods by means of rail, truck, or cargo ship. Generally these containers are rectangular in shape and made of metal.

Shoreline shall mean any lot line or portion thereof which abuts a waterbody, or which abuts a street allowance abutting a waterbody.

Sight Triangle shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9.144 m (30 ft) from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Sign shall mean a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot which directs attention to an object, product, place, activity, person, institute, organization, or business and which does not contravene any By-law of the Planning Board or any Regulation of the Government of Ontario or Canada.

#### Solar Power Installations

-, Accessory shall mean systems designed to capture the sun's energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.

-, Commercial shall mean systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

Storey shall mean a level of a building included between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement.

-, First shall mean the lowest storey of a building, wherein the floor is generally at grade elevation and having its ceiling at least 1.8 m above average finished grade.

Street shall mean a highway as defined by the Municipal Act and the Highway Traffic Act. This definition shall not include a lane or private right-of-way.

- , Improved shall mean a public road that is maintained on a regular year-round basis, or a Provincial Highway.

Street Line shall mean the limit of the street allowance and is the dividing line between a lot and a street.

Structure shall mean anything erected, built, or constructed of parts joined together.

Temporary shall mean anything that is not intended to be permanent, and is intended for removal or demolition within a prescribed time.

Trailer shall mean any vehicle designed to be towed by a motor vehicle.

Use shall mean the purpose for which any land, building, or structure, or any combination thereof is designed, arranged, occupied, or maintained.

Utility shall mean "a Public Utility" as defined by the Public Utilities Corporation Act and amendments thereto.

Variance, Minor shall mean a variance from any provision of this By-law in respect to the land, building, or structure, or the use thereof, which is desirable for the appropriate development of the land, building, or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.

Vehicle shall mean an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, snowmobile.

- , Recreational shall mean any vehicle that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, or eating and includes the following: motor homes, travel trailers, tent trailers, or campers.

Vehicle Sales or Rental Establishment shall mean an establishment having as its main use the storage of vehicles for sale, rent, or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Veterinary Establishment shall mean a building or part of a building used by a veterinary surgeon for treating domestic animals, birds, or other livestock but shall not include a commercial kennel or research facility.

Warehouse shall mean a building or portion of a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise, or materials.

Waste Disposal

- Site shall mean a place, approved by the MOECC, where ashes, garbage, refuse, domestic waste, industrial waste, or refuse is disposed of or dumped. This definition shall not include a sewage treatment plant, lagoon, or sludge disposal area.

- Buffer shall mean an area of land around a waste disposal site on which no waste of any kind shall be deposited which will be used to facilitate noise, dust and odour control, minimize the spread of litter, mitigate visual impacts and allow for the attenuation of landfill leachate.

Water Setback means the straight line horizontal distance from the high water mark of a watercourse, bay or lake to the nearest part of any excavation, building, structure, or open storage use on the lot.

Wayside Pit or Quarry shall mean a temporary source of consolidated or unconsolidated aggregate opened by or for a public road authority for the purpose of public road construction.

Wetlands shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of moisture) and has favoured the dominance of either hydrophytic or water tolerant plants. The four major categories of wetlands are swamps, marshes, bogs, and fens.

- Area shall mean a continuous Wetland which may be composed of one or more Wetland category.

- Adjacent Lands to shall mean those lands within 120 m (393.7 ft) of an individual Wetland Area.

Wholesale Establishment shall mean a building or part of a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, and materials for resale or business use.

Wind Turbine/Generating System

- Accessory shall mean a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however their primary purpose is to provide power to the buildings and uses located on-site.

- Commercial shall mean a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This definition does not include those installations which have received a Renewable Energy Approval.

Yard shall mean an open uncovered space appurtenant to a building or structure.



-, Front shall mean the space extending across the full width of a lot between the front lot line and nearest part of any main building or structure on the lot.

-, Minimum shall mean the space measured from the lot line, the minimum depth of which is regulated by the provisions of this By-law.

-, Privacy means a yard adjoining an exterior wall of a dwelling unit if such wall contains a habitable room window, clear and unobstructed by any public or joint pedestrian access or surface parking area other than a private driveway for a dwelling unit.

-, Rear shall mean the space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.

-, Required shall mean a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-law. A required interior side yard shall extend from the required front yard to the required rear yard or, in the case of a lot which has no rear lot line, the required interior side yard shall extend from the required front yard to the opposite required side yard. A required exterior side yard shall extend from the required front yard to the rear lot line or, in the case of a lot which has no rear lot line, the required exterior side yard shall extend from the required front yard to the opposite required side yard.

-, Side shall mean the space extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.

Exterior Side Yard shall mean a side yard immediately adjacent to a street.

Interior Side Yard shall mean a side yard other than an exterior side yard.

Zone shall mean:

- a) a land use category as defined and regulated in this By-law; or
- b) a designated area of land use shown on the Schedule of this By-law.

Zoning Administrator shall mean the officer or employee of the Planning Board charged with the duty of enforcing the provisions of this By-law.

Zoning Compliance Form shall mean a form issued by the Planning Board, typically during a review for a letter of conformity, to confirm the applicable zoning and the relevant zone provisions.

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## SECTION 3 GENERAL PROVISIONS

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### 3.1 Accessory Uses

Accessory Uses, buildings, or structures shall be permitted in any zone in accordance with the following provisions and any additional provisions included elsewhere in this By-law:

- a) Where this By-law permits an accessory use, such use shall only be permitted provided the main use is already in existence on the lot;
- b) On a lot used for residential purposes, the following provisions shall pertain to accessory buildings:

|  |               |
|--|---------------|
| Lot coverage, all accessory structures (maximum) | 20%           |
| Building Height (maximum)                        | 9.1 m (30 ft) |
| Interior side yard setback (minimum)             | 1.5 m (5 ft)  |
| Rear Yard setback (minimum)                      | 0.6 m (2 ft)  |
| Building Separation (minimum)                    | 1.2 m (4 ft)  |

Except as otherwise provided herein, on a residential lot, any accessory building or structure which is not attached to the main building shall not be erected in any yard other than the interior side yard or rear yard.

Notwithstanding, an attached accessory building or structure may be erected in a front yard or exterior side yard provided it is not located in a required yard and provided that it is constructed of the same type of material as the main building and is of similar design.

#### 3.1.1 *Accessory Apartments*

Accessory apartments, secondary units, basement apartments, or in-law suites are permitted, subject to proper servicing.

#### 3.1.2 *Portable Garages*

Portable garages are permitted, so long as such structure is maintained in good condition.

#### 3.1.3 *Shipping Containers*

Shipping containers are permitted in the RU zone, subject to the following conditions:

- (i) The shipping container is located at least 13.7m (45 ft) from the front lot line (consistent with the RU zone front yard setback).
- (ii) only used for storage purposes and not used to accommodate work areas, shops, office uses, or retail sales;

- (iii) There is a 9.1 m (30 ft) setback from any lot line abutting a residential use;
- (iv) The shipping container is maintained to the Planning Board's satisfaction (i.e. painted and not rusted) and is not visible from the road and/or neighbouring residential uses or lots; and
- (v) The shipping container is in accordance with the Ontario Building Code.

#### 3.1.4 *Swimming Pools*

In the Rural or Waterfront Zones, a private swimming pool and structures in conjunction with such a swimming pool may be erected and used in the required interior side yard or rear yard provided:

- (i) No part of such swimming pool shall be located closer than 1.5 m (5 ft) to any rear or side lot line;
- (ii) No water circulating or treatment equipment such as pumps or filters shall be located closer than 3.0 m (10 ft) to any interior side or rear lot line, unless it is within a building; and
- (iii) No part of such swimming pool shall be located closer than 9.1 m (30 ft) from the waterfront of a lake.

A private swimming pool shall not be considered as part of the lot coverage provided no part of the pool including a deck, diving board, railing, or other appurtenance protrudes more than 0.6 m (2 ft) above the ground level surrounding the swimming pool.

### 3.2 Access Regulations

#### a) Access to an Improved Street

No person shall erect any building or structure or use any lot in any zone unless street access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3 metres (10 ft) in width, is provided from such lot to an improved street which abuts the said lot. This provision shall not apply to a lot on a registered plan of subdivision registered subsequent to the date of passing of this By-law.

#### b) Exemption for Waterfront Lots

If a lot is a standard waterfront lot as defined herein, then the said lot shall be exempt from the provisions of paragraph (a) of this subsection.

#### c) Exemption for lots on Private Roads

If a lot has frontage on a private road, approved by the Planning Board, then the said lot shall be exempt from the provisions of paragraph (a) of this subsection.

### 3.3 Automobile Service Stations and Commercial Garages

Automobile service stations and commercial garages are not permitted in the unincorporated Township of Haggart without an amendment to this By-law.

### 3.4 Boarding / Rooming Houses

Boarding / rooming houses are not permitted in the unincorporated Township of Haggart without an amendment to this By-law.

### 3.5 Conflicting Standards

- a) The available building area left on a lot after the required minimum yards have been established may not necessarily be greater than or equal to the maximum lot coverage permitted. Where there is a discrepancy, the more restrictive standards shall apply.
- b) Where there are any conflicting requirements in this By-law, the more restrictive standards shall apply unless specifically stated otherwise.
- c) Where any provision of this By-law conflicts with the provisions of any regulation, By-law or statute of any other government authority, the higher or more stringent standard shall prevail.

### 3.6 Construction Uses

- a) A building or structure, incidental to construction on the lot where such building or structure is situated, is permitted in all zones for as long as it is necessary for the work in progress and until the work is completed or abandoned, and only while a valid letter of conformity for such construction remains in force.
- b) "Abandoned" in this subsection means the failure to not proceed expeditiously with the construction work or the failure to not undertake any construction work during a continuous one (1) year period.

### 3.7 Dwelling Units

- a) Location:

A dwelling unit may be located in a basement provided that the finished floor level of such basement is not below the level of any sanitary or storm sewer serving the building in which such basement is located, or provided that the dwelling unit is serviced by an appropriate sewage pumping facility, and provided further that the finished floor level of such basement is not more than 1.5 m (5 ft) below the adjacent finished grade.

### 3.8 Height Exceptions

Where height limitations are set forth in this By-law, such limitations shall not apply to the following uses in a non-residential zone: air conditioning ducts, antennas, barns, belfries,

bridges, bulk storage tanks, chimneys, church steeples, clock towers, communications towers, corn cribs, electrical supply facilities, farm implement sheds, flag poles, grain elevators, hose towers, lightning rods, lighting standards, mechanical equipment penthouses, silos, skylights, ventilators, water tanks, and water towers.

In a residential zone such height limitations shall not apply to the following uses: air conditioning ducts; antennas; chimneys; flag poles; lightning rods; mechanical equipment penthouses; and skylights.

Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transport or practices recommended by the said Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

### 3.9 Home Based Businesses

- a) The home based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit.
- b) The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, traffic, television or radio reception, or parking; and
- c) The following uses shall be considered permitted accessory uses to any residential use:
  - (i) Home Based Businesses and Domestic Arts:
    - Instruction in or business involving arts, aesthetics, academics, or similar activities, or any other activity defined as a home based business in this By-law.
  - (ii) Professional Uses:
    - An office or consulting room for an insurance agent, lawyer, engineer, architect, accountant, sales person, or persons engaged in a similar occupation, or a building contractor's private office.
- d) In the Waterfront Zone, the permitted accessory home based businesses are subject to the following provisions:
  - (i) No more than one person, other than a resident on the premises, shall be engaged in the business;
  - (ii) No more than 25% of the total floor area of the dwelling shall be used for such purposes;
  - (iii) An external sign advertising the business shall be not more than 0.2 m<sup>2</sup> (2 ft<sup>2</sup>) in area and not flashing;
  - (iv) There shall be no goods, wares, or merchandise, other than items produced on

the premises, offered or exposed for sale or rent on the premises or outside the premises;

- e) In the Rural Zone, Rural Home Based Businesses shall be permitted in accordance with the following provisions:
  - (i) Rural Home Based Businesses may include welding, machining, seed dealing, small machinery repair, cabinet or furniture making, carpentry, contractor's yard, hobby farming;
  - (ii) there shall be no open storage of materials, supplies, tools, equipment, or goods which are used for, or result from the rural home based business, unless such open storage is a minimum of 9.1 m (30 ft) from any lot line.
- f) Parking requirements shall be calculated as per Section 3.23 of the Zoning By-law.

### 3.10 Lanes as Yards

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the lot area and the rear yard depth of the lot.

### 3.11 Lots Divided into More Than One Zone

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located and lot shall be considered as separate lot for the purpose of determining zone provisions. Notwithstanding the foregoing, for lots which are partially in a holding zone of the "h" type or on an Environmental Protection Zone, the entire lot shall be used to determine zone requirements such as area, frontage, coverage, and setbacks.

### 3.12 Mobile Home Parks

The locating of a mobile home park is prohibited within the unincorporated Township of Haggart.

### 3.13 Non-Complying Buildings, Structures, and Lots

- a) Alterations to Non-Complying Buildings and Structures:

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, or repair of an existing non-complying building or structure provided such enlargement extension, addition, reconstruction, renovation, or repair shall not further contravene any of the provisions of this By-law.

## b) Use of Undersized Lots:

Where a lot having less than the minimum lot area or frontage required by this By-law, exists on the date of passing of this By-law or is increased in area or frontage but still does not meet the minimum area or frontage requirements of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

## c) Expropriation and/or Road Widening:

- (i) If any legally existing building or structure would become non-complying as a result of a road widening or an expropriation, by having its front yard, exterior side yard, or setback reduced, the said existing building or structure shall be deemed to be complying for the purposes of this By-law.
- (ii) If any legally existing lot would become non-complying as a result of a road widening or an expropriation, by having its lot area and/or lot frontage reduced, the said existing lot shall be deemed to be complying for the purposes of this By-law.

3.14 Non-Conforming Buildings and Structures

## a) Rebuilding or Repair Permitted:

Nothing in this By-law shall prevent the rebuilding or repair of a non-conforming building or structure that is damaged subsequent to the date of passing of this By-law, provided that the external dimensions of the original building or structure are not increased, and the use of the building or structure is not altered, unless altered to a permitted use.

## b) Strengthening Permitted:

Nothing in this By-law shall prevent the strengthening to a safe condition of a non-conforming building or structure, including the installation of eaves troughs, siding, brick, or insulation whose sole purpose is to improve the exterior of the building, provided that the floor area of the original building or structure is not increased and the use of the building or structure is not altered, unless altered to a permitted use.

## c) Change of Use:

The use of any lot, building, or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the Planning Board pursuant to its powers under the *Planning Act*.

**3.15 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.

**3.16 Occupancy Restrictions**

No human habitation nor an occupation or activity conducted for gain or profit unless specifically permitted elsewhere in this By-law shall be permitted in the following buildings, structures, or parts thereof:

- a) any truck, bus, coach, or streetcar body whether or not the same is mounted on wheels; and
- b) any trailer or recreational vehicle.

**3.17 Open Storage**

Open Storage shall be restricted to the Rural Zone in accordance with the following:

- a) Any open storage use shall be accessory to the use of the main building on the lot.
- b) Any open storage use shall comply with the yard provisions of this By-law.
- c) No open storage use shall cover more than 35% of the lot area.
- d) open storage shall not be permitted within any front yard nor within the minimum side or rear yard where these zones abut any Residential use;
- e) a strip of landscaped open space, a minimum of 3.0 m (10 ft) wide shall be provided around all sides of an open storage area which abut adjacent properties;
- f) where open storage areas abut Residential use within 30.4 m (100 ft), the required landscaped open space must also include visual screening. Any combination of plant materials, landscaped berms, or fencing may be used, but such materials must provide an effective visual screen between the open storage areas and the abutting properties.

**3.18 Outdoor Illumination**

Outdoor illumination of buildings, structures, or yards, including parking areas, shall be permitted provided the fixtures are so designed and installed that the light is directed downward and is directed away from adjacent lots, streets, or waterfront area.

**3.19 Parking Area Requirements**

Parking spaces and areas are required under this By-law in accordance with the following provisions.



a) Number of Spaces

- (i) The owner of every building or structure erected or used for any purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of said premises from time to time, parking spaces and areas as follows:

**Parking Requirements**

| Type of Use  | Minimum Parking Space Requirement  |
|--|--|
| Home Based Business  | The greater of 2 or 1/ 18.6 m <sup>2</sup> (200 ft <sup>2</sup> ) of business floor area and 1 / non-resident employee. Where there is art, dancing, or similar instruction, an additional 1/4 persons capacity. |
| Industrial Uses, unless otherwise specified                | 1 / 111.5 m <sup>2</sup> (1,200 ft <sup>2</sup> ) of GFA plus and 1 / 37.2 m <sup>2</sup> (400 m <sup>2</sup> ) of accessory office GFA  |
| Marina   | 1/boat mooring and 2/boat launching ramp   |
| Other Non-Residential Uses permitted by this By-law        | 1 / 37.2 m <sup>2</sup> (400 ft <sup>2</sup> ) GFA   |
| Bed and Breakfast Establishment                            | 1 / guest room plus the required space(s) for dwelling unit  |
| Dwelling Unit, Accessory                                   | 1 / unit   |
| Dwelling Unit, Mobile Home, Semi-detached, Duplex, Triplex | 1 / unit   |
| Dwelling Units, Single detached                            | 2 / unit   |

- (ii) where more than one use is permitted on any lot, the requirements of this By-law with regard to parking shall be cumulative; and
- (iii) The parking space requirements shall not apply to any building or structure in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then parking spaces for the addition shall be provided as required by this By-law.

b) Accessible Parking

In the case of Multiple Residential (i.e., apartment dwellings and cluster housing), Commercial, Industrial, and Institutional Uses, parking spaces for the exclusive use of elderly and physically disabled persons shall be provided in accordance with the following table:

| Total Parking Spaces Required         | Accessible Spaces Required (minimum) |
|---------------------------------------|--------------------------------------|
| Up to 10                              | 0                                    |
| 10-50                                 | 1                                    |
| 51-100                                | 2                                    |
| For each additional 50 spaces thereof | 1 additional space                   |

- c) Size of Parking Spaces
  - (i) Every standard parking space shall have the minimum area of 18.6 m<sup>2</sup> (200 ft<sup>2</sup>).
  - (ii) Accessible parking spaces shall be a minimum of 4.6 m (15 ft) x 6.1 m (20 ft).
- d) Location
  - (i) Required parking shall be provided on the same lot as the use;
  - (ii) Every parking space shall be provided with unobstructed access to a street by a driveway, aisle, or lane; and
  - (iii) Parking spaces shall be freely accessible in all seasons.

e) Parking Area Surface

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. Before being used, such parking areas and driveways shall be constructed of crushed stone, gravel, asphalt paving, concrete, paver stones, or similar materials and be provided with adequate drainage.

3.20 Planting Strips

- a) Where a lot is used for a non-Residential purpose and the interior side lot line or rear lot line abuts a Residential use, the land adjoining such abutting lot line shall be used for no purpose other than a planting strip in accordance with the provisions of this subsection.
- b) The planting strip shall have a minimum width of 3.0 m (10 ft), measured to the lot line adjoining such planting strip.
- c) No vegetation within a sight triangle shall exceed a height of 1.1 m (3.5 ft).
- d) Where a driveway or walkway extends, it is permissible to interrupt the planting strip within 3.0 m (10 ft) of the edge of such driveway or within 1.5 m (5 ft) of the edge of such walk.
- e) A planting strip referred to herein may form part of any landscaped open space requirement.

3.21 Public Uses Permitted

- a) In any zone, including holding zones, any land may be used and any building or structure may be erected and used for the purposes of a Public Authority provided that:
  - (i) the lot coverage, setback, and yard requirements prescribed for the zone in which such land, building, or structure is located shall be complied with, except

for transmission facilities for gas, telephone, cable, and electric power (i.e.: poles, towers, lines, and similar elements);

- (ii) no goods, material, or equipment shall be stored in the open except in accordance with the zone provisions; and
  - (iii) any building or structure erected adjacent to a residential use under the authority of this paragraph shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone.
- b) Notwithstanding the provisions of this Section, to the contrary, waste disposal sites shall only be permitted in the Disposal Industrial Zone.

### 3.22 Servicing Requirements

No person shall erect, alter, or use any building or structure for a permanent residence or business in any zone or defined area within the unincorporated Township of Haggart unless such land, building, or structure is adequately serviced by private water and sewerage systems that are approved by the applicable approval authority.

### 3.23 Setbacks from TransCanada Pipeline

No permanent building or structure may be located within 7.0 m (23.0 ft) of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3.0 m (9.8 ft) from the limit of the right-of-way .

### 3.24 Sight Triangles

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush, or other vegetation, other than agricultural crops, the top of which exceeds 1.1 m (3.5 ft) in height above the elevation of the centrelines of abutting streets;
- c) a parking area; and
- d) a finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.6 m (2 ft).

### 3.25 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided that such sign complies with any by-law of the Planning Board regulating signs and the provisions of this By-law regarding sight triangles.

### 3.26 Temporary/ Short-term Accommodations (Lodging Camps)

Lodging Camps are not permitted in the unincorporated Township of Haggart without an amendment to this By-law.

### 3.27 Temporary Uses

- a) Any temporary construction facility such as a shed, scaffold, sales office, temporary accommodation facility such as a recreational vehicle, and equipment incidental to building on the premises for a maximum period of two years shall be permitted in any zone. Temporary accommodation will only be permitted in the case when an existing dwelling is damaged to the extent that it becomes inhabitable and for the time period while reconstruction of the dwelling is in progress.
- b) Other temporary uses may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the *Planning Act*.

### 3.28 Through Lots

Where a lot is a through lot, the requirements for front yards contained in this By-law shall apply to each yard abutting the street.

### 3.29 Water Setbacks

No building or structure other than a marine facility shall be located less than 7.6 m (25 ft) from the high water mark of a waterbody.

### 3.30 Wayside Pits and Quarries

Wayside pits and quarries and portable asphalt plants are generally permitted throughout the Township without the need to amend the Zoning By-law, provided no severe environmental disruption will occur and the site is not within a wetland or watercourse. The Planning Board shall require a rehabilitation plan as a condition of approval.

### 3.31 Yard Encroachments

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 or structure permitted elsewhere in this By-law, provided however, that those structures listed below shall be permitted to project into the minimum required yards indicated for the distances specified.

#### a) Ornamental Structures:

Belt courses, sills, cornices, eaves, gutters, chimneys, bay windows, pilasters, or other ornamental structures may project into any minimum required yard not more than 0.6 m (2 ft).

b) Porches, Balconies, and Steps:

Open and roofed porches, sundecks, balconies, exterior stairs, and landings may project into any minimum required front, exterior side yard, or rear yard not more than 1.5 m (5 ft), provided that in the case of porches and steps, such uses are not more than 1.2 m (4 ft) above grade.

c) Patios:

Uncovered patios and similar accessories may project into any minimum rear yard, provided they are not more than 0.6 m (2 ft) above finished grade.

d) Landscaping Features

Awnings, fences, garden trellises, and similar landscaping features, all plant materials, clothes poles, flag poles, retaining walls, and similar accessories may project into any minimum yard.

## SECTION 4 ZONES

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### 4.1 Zones

For the purpose of this By-law all land within the boundaries of the unincorporated Township of Haggart is hereby divided and established into Zones which are shown on the attached Schedules by the accompanying symbols:

Zone RU – Rural

Zone W – Waterfront

Zone MX –Extractive Industrial

Zone MD –Disposal Industrial

Zone EP – Environmental Protection (Flood Plain)

- a) In addition, the following suffixes may be used in conjunction with any of the foregoing zones, in which case, the relevant provisions of Section 4.5 or 4.6 will apply respectively:
- -(numeral) : special exception zone
  - -h : holding zone

### 4.2 Schedules

The aforementioned zones together with the zone boundaries are shown on the attached Schedule “A” which forms part of this By-law.

### 4.3 Boundaries of Zones

Where the boundary of any zone, as shown on the attached Schedule is uncertain, the following provisions shall apply:

- a) where the boundary is indicated as following a street, lane, railway right-of-way, or other right-of-way, then the boundary shall be the centre line of such street, lane, railway, right-of-way, or other right-of-way;
- b) where the boundary is shown as approximately following a lot line or an extension of a lot line on a registered plan of subdivision or registered survey plan, the lot line or extension thereof shall be the boundary;
- c) where the boundary is shown as approximately following a watercourse, then the highwater mark shall be the boundary where no flood plain mapping exists. In the case where 1:100 year floodline is available, the boundary shall be the 1:100 year floodline; and

- d) where uncertainty exists as to the boundary of any one, then the location of such boundary shall be determined from the original Schedules which are available at the Planning Board office.

#### 4.4 Streets and Rights-of-Way

- a) A street, lane, railway right-of-way, or other right-of-way shown on the attached Schedules shall be included, unless otherwise indicated, with the zone of adjoining property on either side thereof.

#### 4.5 Special Exception Zones and Special Study Zones

- a) Where a zone symbol is followed by a dash and a number (for example "RU-1"), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions of the zone. These special provisions are listed separately under the appropriate zone (e.g. RU) in the text of this By-law.

#### 4.6 Holding Zones

- a) Any parcel or area of land may be further classified as a holding zone with the addition of the suffix "-h". The intent is to signify the Planning Board's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.
- b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building, or structure on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law, and the Planning Board may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

#### 4.7 Building, Structure, and Use Classification

The buildings, structures, and uses specifically named as permitted uses in a particular zone are the only uses permitted in the particular zone in which they are named and classified.

#### 4.8 Temporary Use By-laws

Temporary use By-laws may have been passed by the Planning Board to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

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## SECTION 5 RU ZONE – RURAL

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### 5.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RU Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 5.2 Permitted Uses

- Existing uses;
- Agricultural uses;
- Forestry and conservation uses;
- Hobby farm;
- Home based business;
- Private parks;
- Private hunting, fishing, or summer camps;
- Public parks;
- Recreational facilities;
- Seasonal dwellings;
- Single detached dwellings;
- Utility; and
- Uses accessory to the foregoing.

### 5.3 Zone Requirements

|                                  |   |
|----------------------------------|---|
| Lot Area (minimum)               |   |
| Residential use                  | 0.8 ha (1.0 ac)   |
| Other uses                       | 20.2 ha (50 ac)   |
| Lot Frontage (minimum)           |   |
| Residential use                  | 121.9 m (400 ft)  |
| Other uses                       | 182.9 m (600 ft)  |
| Yard Requirements (minimum)      |   |
| Front                            | 13.7 m (45 ft)  |
| Rear                             | 9.1 m (30 ft)   |
| Exterior Side                    | 13.7 m (45 ft)  |
| Interior Side                    | 9.1 m (30 ft)   |
| Lot Coverage (maximum)           | 10%   |
| Dwelling units per lot (maximum) | 1 main dwelling + 1 secondary dwelling unit per Section 3.1.1 |
| Dwelling unit area (minimum)     | 55.7 m <sup>2</sup> (600 ft <sup>2</sup> )                    |

### 5.4 Additional Zone Requirements

#### a) General Provisions

In accordance with the provisions of Section 3.



## b) Dwelling House location

No Residential building shall be erected within 213.4 m (700 ft) of any feed lot area, any manure storage area or any building or structure on a specialized farm which is used to house animals or fowl unless such Residential building is located on the same lot therewith.

## c) Forestry Use Location

No forestry use shall be established within:

- (i) 91.4 m (300 ft) from a street line or a waterbody;
- (ii) 15.2 m (50 ft) from any lot line.

Except that cutting may be allowed within the area above provided that a uniform 60% of the basal area shall remain after cutting and that all slash piles shall not exceed 0.9 m (3 ft) in height.

## d) Setbacks along Water

The main building and tile fields will be set back at least 30.5 m (100 ft) from the high water marks of lakes and rivers.

When replacing an existing main building and tile fields, a 30.5 m (100 ft) setback should be maintained.

All accessory buildings, gazebos, saunas, sleep camps, and decks will be set back at least 7.6 m (25 ft) from the high water mark. No plumbing or cooking facilities shall be permitted.

## e) Maintenance of Vegetation along the Waterfront

Natural vegetation within the 30.5 m (100 ft) setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.

A cutting area of 9.1 m (30 ft) wide may be made to afford a view from the dwelling to the water and to afford a waterside activity area.

## f) The shoreline will not be altered nor any fill added or removed within 30.5 m (100 ft) of the high water mark.

### 5.5 Special Exception Zones

- a) RU-1 (Part Lot 19, Concession VIII; Lots 1 to 10, Plan 6M-462) (By-law 2011-01)

Notwithstanding the provisions of Section 5.2 to the contrary, on the lands zoned RU-1 only the following uses are permitted:

- One seasonal dwelling together with accessory buildings and structures.

- b) RU-2 (Part Lot 19, Concession X; PCL 2242 SEC NEC; CP3557 except C43267, C81313, C74963 and C83381; PIN 6517-00118)

Notwithstanding the provisions of Section 5.2 to the contrary, on the lands zoned RU-2 the additional uses are also permitted:

- Kennel.

- c) RU-3 (Part Lot 4, Concession IX; PCL 4963 SEC NEC and PCL 7629 SEC NEC; CP7615; PINs 6517-00159 and 6517-00160)

Notwithstanding the provisions of Section 5.2 to the contrary, on the lands zoned RU-2 the additional uses are also permitted:

- Contractor's Yard.

- d) RU-4 (Multiple Locations:

- Part Lot 19, Concession X; PCL 2193 SEC NEC; CP3557, except the exception in C43267, and except Part 1, CR1435, C74963 and C83381
- Entire Lot 16, Concession IX)

Notwithstanding the provisions of Section 5.2 to the contrary, on the lands zoned RU-4 the additional uses are also permitted:

- Pit.

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## SECTION 6 W ZONE – WATERFRONT

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### 6.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the W Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 6.2 Permitted Uses

- Conservation uses;
- Existing uses;
- Private parks;
- Private hunting, fishing, or summer camps;
- Public parks; and
- Seasonal dwellings;
- Single detached dwellings;
- Uses accessory to the foregoing.

### 6.3 Zone Requirements

|                             |                  |
|-----------------------------|------------------|
| Lot Area (minimum)          | 0.8 ha (2.0 ac ) |
| Lot Frontage (minimum)      | 45.7 m (150 ft)  |
| Yard Requirements (minimum) |                  |
| Front                       | 30.5 m (100 ft)  |
| Rear                        | 7.6 m (25 ft)    |
| Side                        | 3.0 m (10 ft)    |
| Building Height (maximum)   | 9.1 m (30 ft)    |
| Lot Coverage (maximum)      | 40%              |

### 6.4 Additional Zone Requirements

#### a) General Provisions

In accordance with the provisions of Section 3.

#### b) Setbacks

The main building and tile fields will be set back at least 30.5 m (100 ft) from the high water marks of lakes and rivers.

When replacing an existing main building and tile fields, a 30.5 m (100 ft) setback should be maintained.

All accessory buildings; gazebos, saunas, sleep camps, and decks will be set back at least 7.6 m (25 ft) from the high water mark. No plumbing or cooking facilities shall be permitted.

c) Maintenance of Vegetation

Natural vegetation within the 30.5 m (100 ft) setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.

A cutting area of 9.1 m (30 ft) wide may be made to afford a view from the dwelling to the water and to afford a waterside activity area.

d) The shoreline will not be altered nor any fill added or removed within 30.5 m (100 ft) of the high water mark.

6.5 Special Exception Zones

Reserved.

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## SECTION 7 MX ZONE –EXTRACTIVE INDUSTRIAL

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### 7.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the MX Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 7.2 Permitted Uses

- Aggregate transfer stations;
- Asphalt plants;
- Crushing facilities;
- Offices, accessory to extractive uses;
- Pit and quarry operations;
- Ready-mix concrete plants;
- Stockpiles;
- Storage and screening operations; and
- Uses accessory to the foregoing.

### 7.3 Zone Requirements

|                             |                 |
|-----------------------------|-----------------|
| Lot Area (minimum)          | 1.0 ha (2.5 ac) |
| Lot Frontage (minimum)      | 91.4 m (300 ft) |
| Yard Requirements (minimum) |                 |
| Front                       | 30.5 m (100 ft) |
| Rear                        | 15.2 m (50 ft)  |
| Side                        | 15.2 m (50 ft)  |
| Building Height (maximum)   | 12.2 m (40 ft)  |
| Lot Coverage (maximum)      | 50%             |

### 7.4 Additional Zone Requirements

#### a) General Provisions

In accordance with the provisions of Section 3.

### 7.5 Special Exception Zones

Reserved.

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## SECTION 8 MD ZONE – DISPOSAL INDUSTRIAL

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### 8.1 General

No person shall hereafter use any lands nor erect, alter, enlarge, or use any building or structure in the MD Zone (as shown on attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 8.2 Permitted Uses

- Equipment storage buildings, related to another MD use;
- Landfill sites;
- Public use;
- Salvage yard;
- Waste disposal buffer;
- Waste disposal site;
- Uses accessory to the foregoing.

Residential uses are prohibited.

### 8.3 Zone Requirements

| Yard Requirements (minimum) | abutting an Industrial Zone | abutting any other Zone |
|-----------------------------|-----------------------------|-------------------------|
| Front                       | 21.3 m (70 ft)              | 30.5 m (100 ft)         |
| Rear                        | 15.2 m (50 ft)              | 30.5 m (100 ft)         |
| Exterior Side               | 21.3 m (70 ft)              | 30.5 m (100 ft)         |
| Interior Side               | 15.2 m (50 ft)              | 30.5 m (100 ft)         |

### 8.4 Additional Zone Requirements

#### a) General Provisions

In accordance with the provisions of Section 3.

#### b) Location of Landfill Site

Notwithstanding any other provisions of this By-law to the contrary, no landfill site shall be established within:

- 304.8 m (1,000 ft) of any waterbody; or
- 1,609.3 m (1 mile) of any Residential or Institutional building on another lot.

### 8.5 Special Exception Zones

Reserved.

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**SECTION 9 EP ZONE – ENVIRONMENTAL PROTECTION (FLOOD PLAIN)**

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9.1 General

No person shall hereafter use any lands or any waterbodies nor erect, alter, enlarge, or use any building or structure in the EP Zone (as shown on attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

9.2 Permitted Uses

- Conservation uses excluding buildings;
- Forestry uses excluding buildings;
- Open space uses; and
- Public parks; and
- Uses accessory to a main Residential use located in an adjoining zone such as a detached private garage, tool shed, patio, swimming pool, barbecue, or other similar accessory use.
- Uses accessory to a main Industrial or Commercial use located in an adjoining zone such as parking areas, loading spaces, open storage, or other similar accessory use; and
- Uses accessory to the foregoing.

9.3 Zone Requirements

|                             |                |
|-----------------------------|----------------|
| Yard Requirements (minimum) |                |
| Front                       | 13.7 m (45 ft) |
| Rear                        | 7.6 m (25 ft)  |
| Exterior Side               | 13.7 m (45 ft) |
| Interior side               | 7.6 m (25 ft)  |
| Building height (maximum)   | 4.6 m (15 ft)  |

9.4 Additional Zone Requirements.

a) General Provisions

In accordance with the provisions of Section 3.

b) Any permitted building or structure shall receive the written approval of the Ministry of Natural Resources and the Planning Board; and

c) The placing of fill within the Environmental Protection (Flood Plain) Zone is prohibited unless written approval is received from the Ministry of Natural Resources.

9.5 Special Exception Zones

Reserved.

**SECTION 10 NOTICE**

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This document does not include any amendments or schedules. For further information please contact the Planning Board office:

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Smooth Rock Falls, ON P0L 2B0  
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