

ZONING BY-LAW
TOWNSHIP OF VAL RITA - HARTY

PN: 0433/1
DRAFTED: 28 February 2006
REVISED: 1 April 2008
25 June 2008

THE PLANTARIO GROUP LTD
EAST YORK, ONTARIO

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**THE CORPORATION OF
THE TOWNSHIP OF VAL RITA-HARTY**

**A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER,
LOCATION AND USE OF BUILDINGS AND STRUCTURES
IN THE TOWNSHIP OF VAL RITA-HARTY**

WHEREAS the Planning Act, R.S.O. 1990, as amended, provides that the council of a local municipality may pass zoning by-laws prohibiting the use of land and the erecting, locating or use of buildings and structures as may be set out in the By-law;

AND WHEREAS council may pass zoning by-laws prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils; that is contaminated, or is a sensitive ground water recharge area or headwater area or on land that contains a sensitive aquifer; that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural or scientific interest, or is a significant corridor or shoreline of a lake, river or stream, or significant natural corridor, feature or area; that is the site of a significant archaeological resource;

AND WHEREAS council may pass zoning by-law for regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality and for the minimum frontage and depth of a parcel of land and the proportion of the area thereof that any building or structure may occupy; and for regulating the minimum elevation of doors, windows and other openings in buildings and structures and for the maintaining of loading or parking facilities on the land;

**NOW THEREFORE the Council of the Corporation of the Township of Val Rita-Harty
ENACTS as follows:**

SECTION 1

INTRODUCTION

(1) TITLE OF BY-LAW

This By-law may be cited as the "Zoning By-law".

(2) SCOPE OF BY-LAW

(a) LANDS SUBJECT TO BY-LAW:

The provisions of this By-law shall apply to all lands within the corporate limits of the Township of Val Rita - Harty.

(b) CONFORMITY WITH BY-LAW:

No building or structure shall hereafter be erected, altered or located, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.

(c) EXISTING USES CONTINUED:

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the 9th day of October 1979, so long as it continues to be used for that purpose.

(d) BUILDING PERMIT 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 where a Building Permit has been issued under Section 5 of the Building Code Act, S.O. 1992, as amended, or its predecessor, prior to the 9th day of October 1979, provided:

- (i) the building or structure has been used and shall continue to be used for the purpose for which the building permit was issued;
- (ii) the erection of such building or structure was commenced within 6 months of the 9th day of October 1979 and provided the erection of such building or structure was completed within 18 months after the erection thereof was commenced; and

- (iii) such permit was not revoked under Section 6, of the Building Code Act, S.O. 1992, as amended, or its predecessor.

(e) 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.

(3) INTERPRETATION OF BY-LAW

(a) SINGULAR AND PLURAL WORDS:

In this By-law, unless the context requires otherwise, words used in the singular number include the plural and words used in the plural include the singular number.

(b) SHALL IS MANDATORY:

In this By-law, the word "shall" is mandatory.

(c) USED AND OCCUPIED:

In this By-law, unless the context requires otherwise, the word "used" shall include "designed to be used" and "arranged to be used" and the word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

(d) BUILDING, STRUCTURE AND USE CLASSIFICATION:

In this By-law, all buildings, structures and uses named as permitted uses and classified under the headings "RESIDENTIAL USES" or "NON-RESIDENTIAL USES" may be referred to as Residential or Non-Residential buildings, structures or uses respectively.

SECTION 1(4)

INTRODUCTION

(4) SCHEDULE TO BY-LAW

The following Schedule, which is attached hereto, and the information shown on such schedule, is hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein:

SCHEDULE A - ZONE MAP

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SECTION 2

DEFINITIONS

In this By-law, unless the context requires otherwise, the following definitions shall apply:

- (1) **AGRICULTURAL USE**, means the use of lands for the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings or structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- (2) **ALTER**, when used in reference to a building, structure or part thereof, means:
- to change any one or more of the external dimensions of such building or structure; or
 - to change the type of construction of the exterior walls or roof of such building or structure; or
 - to change the use of such building or structure; or
 - to change the number of uses or dwelling units contained therein.

"Alter", when used in reference to a lot, means:

- to change the boundary of such lot with respect to a street or lane; or
- to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or
- to change the use of such lot; or
- to change the number of uses located thereon.

"Altered" and "alteration" shall have corresponding meanings.

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SECTION 2(3)

DEFINITIONS

- (3) **ANIMAL HOSPITAL**, means a building where one or more licensed veterinarians and any associated staff provide medical, surgical or similar services for animals, as well as grooming and boarding for household pets.
- (4) **AUDITORIUM**, means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, assembly hall, community centre, gymnasium, stadium, theatre or similar use.
- (5) **BALCONY**, means a partially enclosed platform attached to or extending horizontally from one or more main walls of a building and used as an outdoor porch or sundeck.
- (6) **BEVERAGE ROOM**, means a building or premises, other than a restaurant, which is licensed under the Liquor License Act, as amended.
- (7) **BODY SHOP**, means a building or premises used for the painting or repairing of motor vehicle bodies, exteriors or undercarriages. Accessory uses may include a towing service and the rental of motor vehicles to customers whose motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.
- (8) **BUILDING**, means any structure, consisting of walls and a roof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials.
 - (a) **ACCESSORY BUILDING**, means a detached building which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.
 - (b) **MAIN BUILDING**, means the building which contains the principal use of the lot on which such building is located.
- (9) **BUILDING AREA**, means that portion of the lot area of a lot permitted to be covered by one or more building envelopes.

- (10) **BUILDING BY-LAW**, means any by-law of the Corporation passed pursuant to the Building Code Act, S.O. 1992, as amended.
- (11) **BUILDING CONTRACTING BUSINESS**, means an establishment engaged in the installation of building supplies including siding, roofing, plumbing, electrical, heating, air conditioning and similar items and the selling of items incidental to the operation of the business. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.
- (12) **BUILDING ENVELOPE**, means the total horizontal area of a building calculated by perpendicular projection onto a horizontal plane. This definition shall not include:
- sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or similar ornamental structures unless such structure projects more than 1.0 metre horizontally from an exterior wall of the building; or
 - unenclosed porches, balconies or steps unless such structure projects more than 2.25 metres horizontally from an exterior wall of the building.
- A swimming pool shall be considered as part of the building envelope.
- (13) **BUILDING HEIGHT**, means the vertical distance between the finished grade of the lot on which the building is situated and the highest point of the building proper.
- (14) **BUILDING PERMIT**, means a permit required by the Corporation's Building By-law.
- (15) **BUILDING SEPARATION**, means the least horizontal distance permitted between the nearest portions of any building envelopes on a lot.
- (16) **BUILDING SETBACK**, means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope or excavation on such lot.

SECTION 2(16)(a)

DEFINITIONS

- (a) **FRONT BUILDING SETBACK**, means the building setback on a lot measured from each front lot line of such lot.
 - (b) **FLANK BUILDING SETBACK**, means the building setback on a lot measured from each flank lot line of such lot.
 - (c) **REAR BUILDING SETBACK**, means the building setback on a lot measured from each rear lot line of such lot.
 - (d) **SIDE BUILDING SETBACK**, means the building setback on a lot measured from each side lot line of such lot.
-
- (17) **BUILDING SUPPLY OUTLET**, means an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items. This definition shall not include any establishment otherwise defined herein, or specifically named elsewhere in this By-law.
 - (18) **BULK STORAGE TANK**, means a tank for the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances. This definition shall not include a storage tank which is accessory to another use on the lot where such tank is located.
 - (19) **BUS DEPOT**, means a building or premises where commercial motor vehicles pick up and discharge fare-paying intercity passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.
 - (20) **BUSINESS OFFICE**, means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for repairing equipment, goods, materials or vehicles.
 - (21) **CAMPGROUND**, means an open area provided for the use of outdoor camping in tents or similar facilities. This definition shall not include a tourist camp or mobile home park as defined herein.

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SECTION 2(22)

DEFINITIONS

- (22) **CARPORT**, means a roofed structure, supported by columns, piers or not more than two walls, which is used for the sheltering of permitted vehicles.
- (23) **CEMETERY**, means land that is set apart or used as a place for the interment of the dead, or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of cremation of human remains and may include facilities for storing ashes of human remains that have been cremated, or the interment of the dead in sealed crypts or compartments.
- (24) **CHIEF BUILDING OFFICIAL**, means the employee appointed by Council for the purpose of enforcing the Corporation's Building By-law.
- (25) **CLINIC**, means a building or part of a building used solely by medical doctors, dentists and/or drugless practitioners, as well as by their staff and their patients, for the purposes of consultation, diagnosis and office treatment. This definition shall not include a home profession as defined herein, or a hospital.
- (26) **CLUB**, means a building or premises used as an athletic, recreational, service or social club. This definition may include the premises of a fraternal organization.
- (27) **COMMERCIAL GREENHOUSE**, means a building used for the growing of flowers, vegetables, shrubs, trees and similar vegetation for wholesale or retail sale. This definition shall not include any premises used for the growing of mushrooms.
- (28) **CONVENIENCE STORE**, means an establishment where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale.
- (29) **CORPORATION**, means the Corporation of the Township of Val Rita - Harty.

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SECTION 2(30)

DEFINITIONS

- (30) **COUNCIL**, means the Council of the Corporation of the Township of Val Rita - Harty.
- (31) **DAYCARE CENTRE**, means a daycare within the meaning of the Day Nursery Act, as amended.
- (32) **DETACHED**, when used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.
- (33) **DINING ROOM**, means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.
- (34) **DRIVEWAY**, means an unobstructed passageway used to provide vehicular access to a lot from a street or lane.
- (35) **DRIVEWAY SETBACK**, means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any driveway on such lot.
- (36) **DRY CLEANING OR LAUNDRY OUTLET**, means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to a process of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or good of fabric which have been receiving therein.
- (37) **DWELLING HOUSE**, means a detached building occupied or capable of being occupied as the home or residence of one or more persons. This definition shall not include any part of any vehicle as defined herein.
- (a) **ACCESSORY DWELLING HOUSE**, means a single detached dwelling house which is accessory to a permitted Non-Residential use and is occupied either by the owner of such Non-Residential use or by a family of a person, or person employed on the lot where such dwelling house is located.

- (b) **APARTMENT BUILDING**, means a dwelling house containing three or more, separate dwelling units. This definition may include a senior citizen's apartment building, but shall not include any dwelling house otherwise defined herein or specifically named elsewhere in this By-law.
- (c) **BASEMENT APARTMENT**, means an additional dwelling unit contained entirely within the basement of an existing single detached dwelling house, thus creating two dwelling units within the original dwelling house.
- (d) **BOARDING HOUSE**, means a dwelling house, erected prior to the date of passing of this By-law, which contains not more than 4 guest rooms wherein, for gain or profit, lodgings, with or without meals, are provided to the public.
- (e) **BUNKHOUSE**, means a building designed or used for the accommodation, during the planting, growing or harvesting season, of up to 10 agricultural workers and consisting of at least one bathroom and not fewer than 2 rooms providing therein living, dining and sleeping accommodation in appropriate individual or combination rooms.
- (f) **CONVERTED DWELLING HOUSE**, means a dwelling house, erected prior to the 9th day of October 1979, the interior of which has been altered so as to provide therein, not more than two dwelling units.
- (g) **DUPLEX DWELLING HOUSE**, means the whole of a dwelling house divided horizontally into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.
- (h) **GROUP HOME**, means the use of a dwelling house for a residential care facility accommodating up to ten persons, excluding resident staff, who, by reason of their emotional, mental, social or physical condition, require specialized residential care in a group living arrangement, as licensed or approved by the applicable Provincial agency. This definition excludes all group homes licensed or approved by a Federal agency.

- (i) **MOBILE HOME**, means a prefabricated building, designed to be transported on its own chassis (notwithstanding that its running gear is or may be removed), or by other means, and designed and equipped for year-round occupancy. This definition shall not include any tourist vehicle nor any trailer, as defined herein, which has a gross floor area of less than 30.0 square metres.
 - (j) **MODULAR DWELLING HOUSE**, means a prefabricated single-detached dwelling house being so constructed or assembled that the shortest side of such dwelling house is not less than 6.1 metres in width.
 - (k) **SEMI-DETACHED DWELLING HOUSE**, means the whole of a dwelling house divided vertically by a common wall, above the finished grade, into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.
 - (l) **SINGLE DETACHED DWELLING HOUSE**, means a dwelling house containing only one dwelling unit.
 - (m) **TOWNHOUSE**, means the whole of a dwelling house divided vertically into three or more separate dwelling units, each such dwelling unit having two independent entrances directly from outside the building.
- (38) **DWELLING UNIT**, means a suite of two or more habitable rooms occupied by not more than one household unit, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance either directly from outside the building or through a common corridor or vestibule inside the building. This definition shall not include any part of any vehicle as defined herein.
- (a) **ACCESSORY DWELLING UNIT**, means a dwelling unit which is part of, and accessory to, a permitted Non-Residential building other than a service station or a commercial garage. Such dwelling unit shall be occupied either by the owner of such Non-Residential building or by a person employed on the premises where such dwelling unit is located.

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- (b) **BACHELOR DWELLING UNIT**, means a dwelling unit, consisting of one bathroom and not more than two habitable rooms, designed to provide living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- (39) **ENTRANCE**, when used with reference to a lot, means the area of intersection between a driveway and a street line.
- (40) **ENTRANCE SEPARATION**, means the least horizontal distance permitted between the nearest portions of any entrances on the lot.
- (41) **ENTRANCE SETBACK**, means the least horizontal distance permitted between an intersection of street lines and the nearest portion of any entrance, measured along the street line.
- (42) **ENTRANCE WIDTH**, means the horizontal distance permitted between the extremities of an entrance, measured along the street line.
- (43) **ERECT**, means to build, construct, place, reconstruct or relocate and, without limiting the generality of the word, also includes:
- any preliminary operation such as excavating, filling or draining;
 - altering any existing building or structure by an addition, enlargement, extension or other structural change; and
 - any work which requires a building permit.
- "Erected" and "erection" shall have corresponding meanings.
- (44) **EXISTING**, means existing on the 9th day of October 1979.

- (45) **FARM PRODUCE OUTLET**, means a use, accessory to a farm, which consists of the retail sale of agricultural products.
- (46) **FINANCIAL OFFICE**, means the premises of a bank, trust company, finance company, mortgage company, investment company or credit union.
- (47) **FINISHED GRADE**, means the median elevation between the highest and lowest points of the finished surface of the ground (measured at the base of a building or structure), but exclusive of any embankment in lieu of steps.
- (48) **FITNESS CENTRE**, means a private club where equipment is available so that individuals can undertake activity to obtain physical fitness and this shall include related lounge facilities, office space and retail shops.
- (49) **FLOOD PLAIN**, means the area below the high water mark of a waterbody.
- (50) **FLOOR AREA**, means the horizontal area of a storey, measured between the exterior faces of the exterior walls at the floor level of such storey.
- (a) **DWELLING UNIT AREA**, means the aggregate of the floor areas of all habitable rooms in a dwelling unit, excluding the thickness of any exterior walls.
 - (b) **GROSS FLOOR AREA**, means the aggregate of all floor areas of a building or structure.
 - (c) **GROUND FLOOR AREA**, means the floor area of the first storey of a dwelling unit, excluding any portion of such first storey which is not a habitable room and which has no habitable room, or portion thereof, located thereover.
 - (d) **NET FLOOR AREA**, means that portion of the gross floor area of a building which is used by a Non-Residential use defined herein or specifically named elsewhere in this By-law, but excluding:

SECTION 2(50)(d)

DEFINITIONS

- any part of such building used by another Non-Residential use which is defined herein or specifically named elsewhere in this By-law;
 - any part of such building used as a dwelling unit;
 - any part of such building used for the parking or storage of motor vehicles;
 - any part of such building used for equipment to heat such building or a portion thereof; and
 - the thickness of any exterior walls of such building.
- (51) **FORESTRY USE**, means the management, development and cultivation of timber resources.
- (52) **FUEL PUMP ISLAND**, means a structure which is an accessory use intended to provide fuel for vehicles.
- (a) **FUEL PUMP ISLAND, PRIVATE**, means a fuel pump island used to dispense fuel solely to vehicles owned or leased by the occupant of the lot where such fuel pump island is located. This definition shall not include a service station, as defined herein, or any other facility for the sale of fuels.
- (53) **GARAGE, COMMERCIAL**, means an establishment or premises where vehicles owned by the general public are repaired or maintained.
- (54) **GARAGE, DUAL**, means the whole of a building that is divided vertically along a lot line into two separate private garages.
- (55) **GARAGE, MAINTENANCE**, means an establishment or premises where vehicles owned or leased by the occupant of such premises are repaired or maintained.

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SECTION 2(56)

DEFINITIONS

- (56) **GARAGE, PRIVATE**, means an accessory building or portion of a dwelling house which is fully enclosed and used for the sheltering of permitted vehicles. This definition shall not include a carport, as defined herein, or other open shelter.
- (57) **GRAVEL PIT**, means any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include:
- any excavation incidental to the erection of a building or structure for which a building permit has been issued;
 - any excavation incidental to the construction of any public works;
 - any asphalt plant, cement manufacturing plant or concrete batching plant; and
 - any wayside pit as defined herein.
- (58) **GUEST ROOM**, means a room or suite of rooms which contains no facilities for cooking and which is used or maintained, for gain or profit, by providing accommodation to the public.
- (59) **HABITABLE ROOM**, means a room designed to provide living, dining, sleeping or kitchen accommodation for persons. This definition may include a bathroom, den, library or enclosed sun room, but shall not include any private garage, carport, porch, verandah, unfinished attic, unfinished basement or unfinished cellar.
- (60) **HIGH WATER MARK**, means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and continued so long that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side.

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SECTION 2(61)

DEFINITIONS

- (61) **HOME INDUSTRY**, means a use accessory to a permitted residential use which may include a carpentry shop; a craft shop; an electrical shop; a metal working shop; a plumbing shop; a storage building for school buses, boats or recreational vehicles; a welding shop; or similar uses.
- (62) **HOME OCCUPATION**, means any occupation conducted for gain or profit within a dwelling unit. This definition may include dressmaking; hairdressing; instruction in arts, crafts, dancing or music to not more than six pupils at any one lesson; molding; painting; sculpting; weaving; or the making or repairing of garden or household ornaments, clothing, personal effects or toys.
- (63) **HOME OCCUPATION, RURAL**, means any occupation conducted for gain or profit as an accessory use to a permitted agricultural use. This definition may include a retail outlet for farm supplies or produce, a produce grading station or a merchandise service shop.
- (64) **HOME PROFESSION**, means any profession practised within a dwelling unit. This definition may include the offices of an accountant, architect, auditor, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary, realtor, or town planner.
- (65) **HOUSEHOLD UNIT**, means one or more human beings living together as a single housekeeping unit. This definition may also include domestic servants and not more than two roomers or boarders. This definition shall not include a group home as defined herein.
- (66) **LANDSCAPING AREA**, means that portion of the lot area of a lot required for the growth and maintenance of grass, flowers, bushes, trees and other landscaping, including planting strips. This definition may include any surfaced walk, surfaced patio, play facility or similar area, but shall not include any driveway or ramp (whether surfaced or not) or any curb, retaining wall, parking area or any open space beneath or within a building or structure.

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SECTION 2(67)

DEFINITIONS

- (67) **LANE**, means a public thoroughfare, whether or not improved for use, which has a right-of-way width of 10.0 metres or less and which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.
- (68) **LOT**, means a parcel of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act.
- (a) **CAMP LOT**, means a parcel of land within a tourist camp, occupied by a tent, tourist trailer or tourist vehicle.
 - (b) **CORNER LOT**, means a lot having four or fewer lot lines and situated at the intersection of two street lines which contain an angle of not more than 135 degrees. Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.
 - (c) **EXISTING LOT**, means a lot which, on the 9th day of October 1979, was capable of being legally conveyed in accordance with the Planning Act.
 - (d) **FULLY SERVICED LOT**, means a lot which is served by a public water system and a public sanitary sewer system.
 - (e) **INTERIOR LOT**, means a lot, other than a corner lot or a through lot, which has street access, but has no water access.
 - (f) **MOBILE HOME LOT**, means a lot used for the placement of a mobile home in a mobile home park.
 - (g) **PARTLY SERVICED LOT**, means a lot which is served by a public sanitary sewer system only.
 - (h) **THROUGH LOT**, means a lot, other than a corner lot, which has street access on two or more street lines, but has no water access.

SECTION 2(68)(i)

DEFINITIONS

- (i) **UNSERVICED LOT**, means a lot which is not served by a public water system or a public sanitary sewer system.
- (69) **LOT AREA**, means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain located on such lot.
- (70) **LOT FRONTAGE**, means, in the case of a corner lot, an interior lot or a through lot, the horizontal distance between the two lot lines which intersect the front lot line of a lot, such distance being measured along a line which is parallel to the front lot line and distant from the front lot line a distance equal to the minimum front building setback required, herein, for the specified use in the zone where such lot is located.
- (71) **LOT LINE**, means any boundary of a lot or the vertical projection thereof.
 - (a) **FRONT LOT LINE**, means, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line, except where the lot lines abutting a street are the same length, then the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line.
 - (b) **FLANK LOT LINE**, means any lot line other than a front lot line which is also a street line.
 - (c) **REAR LOT LINE**, means any lot line which is not a front lot line, a flank lot line or a side lot line.
 - (d) **SIDE LOT LINE**, means a lot line which intersects a front lot line or a flank lot line provided that, if any side lot line or portion thereof is the rear lot line of an abutting lot, such lot line or portion thereof shall be deemed to be a rear lot line.

SECTION 2(72)

DEFINITIONS

- (72) **MARINE FACILITY**, means a building or structure which is used to place a boat into, or take a boat out of, a waterbody; or to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse, but excludes any boat service, repair or sales facility, or building or portion thereof being used for human habitation.
- (73) **MOBILE HOME PARK**, means land which has been provided and designed for the location thereon of 2 or more occupied mobile home dwelling houses.
- (74) **MUNICIPAL YARD**, shall mean any land and buildings owned by the Municipality, or any local board or commission, and used for the storage, maintenance and repair of equipment, or supplies or materials used in connection with civic works. This definition may include a business office used to plan, direct or administer any civic works. This definition may also include a yard which is owned by the Province or its designate.
- (75) **NON-COMPLYING**, when used in reference to a lot, building or structure, means a lot, building or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.
- (76) **NON-CONFORMING**, when used in reference to a use, building or structure, means a use, building or structure which is not a permitted use in the zone where such use, building or structure is located.
- (77) **NOXIOUS USE**, means a use which, by its nature or the materials used or produced therein, is declared to be a noxious trade, business or manufacturer, or a noxious use as defined in the Health Protection and Promotion Act, as amended.
- (78) **NURSING HOME**, means a building wherein lodgings, with or without meals, are provided for gain or profit and wherein medical treatment or nursing care may be provided for the occupants. This definition may include a rest home or convalescent home, but shall not include a clinic as defined herein, or a hospital.

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- (79) **OPEN STORAGE AREA**, means land used for the outside storage of equipment, goods or materials. This definition shall not include, a salvage yard, a vehicle agency, a parking area, or a parking space as defined herein, or a storage use located in a building.
- (80) **PARK**, means an area, consisting largely of open space, which may include a recreational area, a trail, a playground, a playfield or a similar use, but shall not include a mobile home park or tourist camp as defined herein.
- (a) **PUBLIC PARK**, means a park owned or operated by the Corporation, any local board of the Corporation or any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada.
- (b) **PRIVATE PARK**, means a park other than a public park.
- (81) **PARKING AREA**, means an area or structure provided for the parking of motor vehicles and includes any related driveways and parking spaces, but shall not include any part of a street or lane as defined herein. This definition may include a carport or private garage.
- (82) **PARKING LOT**, means any parking area other than a parking area which is accessory to a permitted use and located on the same lot therewith.
- (83) **PARKING SPACE**, means a portion of a parking area, exclusive of any driveways, which may be used for the temporary parking or storage of a motor vehicle.
- (84) **PERMITTED**, means permitted by this By-law.
- (85) **PERMITTED USE**, means a use which is permitted in the zone where such use is located.

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SECTION 2(86)

DEFINITIONS

- (86) **PERSON**, means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- (87) **PLACE OF WORSHIP**, means a building owned or occupied by a religious congregation or religious organization dedicated exclusively to worship and other religious activities. Accessory uses may include a hall, auditorium or Sunday school, but does not include a daycare centre or school, as defined herein.
- (88) **PLANTING STRIP**, means an area which shall be used for no purpose other than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres 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 trees, shrubs, flowers, grass or similar vegetation.
- (89) **PLANTING STRIP WIDTH**, means the least horizontal dimension of a planting strip measured perpendicularly to the lot line abutting such planting strip.
- (90) **PRIVATE HOME DAYCARE**, means the temporary care and custody, for reward or compensation, of five children or less who may not be of common parentage, where such care is provided in a private residence for a continuous period not exceeding 24 hours.
- (91) **PUBLIC USE**, means a building, structure or lot used for public services by the Corporation, any local board of the Corporation, any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, any public utility corporation or any railway company authorized under the Canada Transportation Act, S.C. 1996, as amended.
- (92) **RECREATIONAL FACILITY**, means buildings, structures or the use of land for outdoor and indoor sports and recreation intended for passive or active use. This definition shall include any equipment related to the activities.

SECTION 2(93)

DEFINITIONS

- (93) **RESTAURANT**, means a building or part of a building where food is offered for sale or sold to the public for immediate consumption in the dining room of such building or for consumption off the premises.
- (94) **RETAIL STORE**, means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.
- (95) **SALVAGE YARD**, means an establishment or premises where bones, bottles, hides, junk, rags, scrap metals, wrecked vehicles or parts therefrom are stored wholly or partly in the open.
- (96) **SATELLITE SIGNAL BROADCAST OR RECEIVING DISH**, shall mean any device used or intended to be used to send or receive signals to or from satellites.
- (97) **SCHOOL**, means a school under the jurisdiction of a Board as defined in the Education Act, as amended.
- (98) **SERVICE SHOP, MERCHANDISE**, means an establishment wherein articles or goods such as appliances, furniture or similar items may be repaired or serviced. The definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles.
- (99) **SERVICE SHOP, EQUIPMENT**, means an establishment wherein heavy equipment such as mining and forestry equipment may be repaired or serviced. The definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles.
- (100) **SERVICE SHOP, PERSONAL**, means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty shop, a dress making shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

- (101) **SERVICE STATION**, means an establishment primarily engaged in the retail sale of fuels or lubricants for motor vehicles or recreational vehicles. Accessory uses may include the sale of motor vehicle or recreational vehicle accessories and minor maintenance or repair operations for such vehicles, other than bodywork or painting.

If any vehicle, other than a private automobile, a tow truck or similar service vehicle, is kept on the premises of the establishment, except while awaiting repair, maintenance or sale, then such establishment shall be classified as a commercial garage as defined herein.

If more than two vehicles are kept on the premises for the purpose of selling such vehicles, then such establishment shall be classified as a vehicle agency as defined herein.

- (102) **SEWAGE TREATMENT FACILITY**, means a building or structure, approved by the Ministry of the Environment, where domestic and/or industrial waste is treated.

- (103) **SEWER SYSTEM, PUBLIC SANITARY**, means a system of underground conduits, operated by the Corporation or by the Ministry of the Environment, which carries sewage to an approved sewage treatment facility.

- (104) **SEWER SYSTEM, STORM**, means a sewer which carries storm surface water and storm drainage, but does not carry sewage or industrial waste.

- (105) **SHORELINE**, means any lot line or portion thereof which abuts a waterbody.

- (106) **SIGHT TRIANGLE**, means the triangular space on a lot formed by two intersecting street lines and a line drawn from a point in one street line across such lot to a point in the other street line, each such point being a distance 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.

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SECTION 2(107)

DEFINITIONS

- (107) **SIGN**, means a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot, and which directs attention to an object, product, place, activity, person, institute, organization or business.
- (a) **LEGAL SIGN**, means a sign which complies with the Corporation's Sign By-law.
- (108) **STONE QUARRY**, means any open excavation made for the removal of any limestone, sandstone, shale or consolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include:
- any excavation incidental to the erection of a building or structure for which a building permit has been issued;
 - any excavation incidental to any public works;
 - any asphalt plant, cement manufacturing plant or concrete batching plant; and
 - any wayside quarry as defined herein.
- (109) **STOREY**, means that portion of a building or structure between any floor level of such building or structure and the floor, ceiling or roof next above such floor level.
- (a) **ATTIC**, means that portion of a building situated wholly or partly within the roof, but which is not a one-half storey.
- (b) **BASEMENT**, means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).
- (c) **CELLAR**, means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).
- (d) **FIRST STOREY**, means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres above finished grade.

- (e) **ONE-HALF STOREY**, means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 metres (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.
 - (f) **SECOND STOREY**, means that portion of a building situated above the first storey and in which there is a vertical dimension of at least 2.0 metres (measured from finished floor to finished ceiling) over a floor area equal to at least 75% of the floor area of the storey next below.
- (110) **STREET**, means a public thoroughfare under the jurisdiction of either the Corporation or the Province of Ontario. This definition shall not include a lane, a private right-of-way, or a registered right-of-way.
- "Street allowance" shall have a corresponding meaning.
- (a) **IMPROVED STREET**, means a street defined herein as a "Provincial Highway" or a "Township Street" which is maintained on a year-round basis and shown on Schedule A hereto.
 - (b) **PROVINCIAL HIGHWAY**, means Highway No. 11.
 - (c) **TOWNSHIP STREET**, means a street, other than a street under the jurisdiction of the Province of Ontario.
 - (d) **UNIMPROVED STREET**, means a street defined herein as a "Township Street" which is not maintained on a year-round basis and shown on Schedule A hereto.
- (111) **STREET ACCESS**, means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.
- (112) **STREET LINE**, means the limit of a street allowance and is the dividing line between a lot and a street.

- (113) **STREET SETBACK**, means the least horizontal distance required between the centreline of a street allowance and the nearest part of any building envelop or excavation on a lot (measured at right angles to such centreline).
- (114) **STRUCTURE**, means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground. This definition shall include a private sewerage system.
- (115) **TOURIST CAMP**, means any land used to provide temporary accommodation for the public, or members of an organization, in tents, tourist trailers or tourist vehicles, whether or not a fee is charged or paid for such accommodations.
- (116) **TOURIST ESTABLISHMENT**, means a building or buildings designed or used for the accommodation of the travelling or vacationing public.
- (a) **MOTEL**, means a tourist establishment containing therein five or more guest rooms, each guest room having a separate entrance directly from outside the building. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses.
- (b) **RENTAL CABIN OR RENTAL COTTAGE**, means a tourist establishment designed to accommodate one family in a detached building.
- (117) **TOURIST TRAILER**, means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (notwithstanding that its running gear is or may be removed).
- (118) **TOURIST VEHICLE**, means a self-propelled vehicle capable of being used for the temporary living, sleeping or eating accommodation of persons. This definition may include a bus, motor home, truck or van.
- (119) **TRAILER**, means any vehicle designed to be towed by a motor vehicle.

- (120) **TRUCK TERMINAL**, means a location where more than one commercial motor vehicle, with a gross weight exceeding 4,500 kilograms is parked for any period of time and may include a warehouse for the storing or transferring of any goods or materials, brought to that location, for distribution elsewhere. This definition excludes any other use or location defined herein.
- (121) **USE**, when used as a noun, means the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained.
- "Uses" shall have a corresponding meaning.
- "Use" (when used as a verb), "used" and "to use" shall have corresponding meanings.
- (a) **ACCESSORY USE**, means a use which is incidental, subordinate and exclusively devoted to a main building, main structure or main use and located on the same lot therewith.
- (b) **MAIN USE**, means the principal use of a lot.
- (122) **VEHICLE**, means an all-terrain vehicle, automobile, a boat, a commercial motor vehicle, a farm implement, a motorcycle, a snowmobile, a truck, a tourist trailer, a tourist vehicle or a trailer.
- (123) **VEHICLE AGENCY**, means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for their repair and maintenance.
- (124) **WAREHOUSE**, means a building or part of a building used only for the bulk storage of goods, wares, merchandise or materials and accessory office space, and shall include a wholesale establishment.
- (125) **WATER ACCESS**, means, when referring to a lot, that such lot has a lot line or portion thereof which is also a shoreline.

SECTION 2(126)

DEFINITIONS

- (126) **WATERBODY**, means any bay, lake, natural watercourse or canal, other than a drainage ditch or irrigation channel.
- (127) **WATER SETBACK**, means the straight line horizontal distance from a high water mark of a waterbody to the nearest part of any excavation, building, structure or open storage area on the lot.
- (128) **WATER SUPPLY PLANT**, means a building or structure, approved by the Ministry of the Environment, where water is treated for human consumption.
- (129) **WATER SYSTEM, PUBLIC**, means a distribution system of underground piping and related storage, including pumping and purification appurtenances, owned and operated by the Corporation or by the Ministry of the Environment.
- (130) **WAYSIDE PIT**, means a temporary open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock, opened and used by a public authority solely for the purpose of a particular project or contract of construction.
- (131) **WAYSIDE QUARRY**, means a temporary open excavation made for the removal of any limestone, sandstone, shale or consolidated rock, opened and used by a public authority solely for the purpose of a particular project or contract of construction.
- (132) **YARD**, means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.
- (a) **FRONT YARD**, means a yard located between the front lot line and the nearest part of any excavation or main building on the lot and extending across the full width of the lot.

- (b) **FLANK YARD**, means a yard located between a flank lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such flank lot line, but excluding any front yard.
 - (c) **PRIVACY YARD**, means a yard adjoining an exterior wall of a dwelling unit or mobile home, clear and unobstructed by any public or common pedestrian access, driveway or surface parking area, other than a private driveway serving only one dwelling unit or mobile home.
 - (d) **REAR YARD**, means a yard located between a rear lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such rear lot line, but excluding any front yard or flank yard.
 - (e) **SIDE YARD**, means a yard located between a side lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such side lot line, but excluding any front yard, flank yard or rear yard.
- (133) **ZONE**, means a designated area of land use shown on Schedule A hereto and includes any special zone used in this By-law.
- (134) **ZONE PROVISION**, means any provision of this By-law which is listed under the heading "ZONE PROVISIONS" and includes anything contained in Section 3 hereof which is applicable to the zone or use.
- (135) **ZONED AREA**, means all the lands within the corporate limits of the Township of Val Rita - Harty.
- (136) **ZONING ADMINISTRATOR**, means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

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SECTION 3

GENERAL PROVISIONS

(1) ACCESSORY USES

Any use, building or structure, which is accessory to a permitted use in a zone shall be permitted in such zone, except that none of the following accessory uses shall be permitted in any zone, unless such accessory use is listed as a permitted use in such zone: an accessory manufacturing use; a building or portion thereof used for human habitation; a disposal site; a fuel pump island; a livestock facility; a marine facility; any occupation for gain or profit conducted within or accessory to a dwelling unit or accessory to an agricultural use; an open storage use; and a private fuel pump island.

Notwithstanding any other provision herein to the contrary, accessory buildings shall be erected to the rear of the front building line of the main building on the lot where such accessory buildings are to be located.

(2) ACCESS REGULATIONS

No person shall erect any building or structure in any portion of the Zoned Area unless the lot upon which such building or structure is to be erected, fronts on and has access to an Improved Street as defined herein.

(a) EXISTING LOT:

The above provision shall not apply to an existing lot, created in accordance with the Planning Act, which does not front on an Improved Street. For such a lot, being vacant, shall be permitted to construct or use the lot in accordance with the approved use and the zone provisions for the zone in which the lot is located.

(b) EXISTING BUILDINGS AND STRUCTURES:

The above provision shall not apply to a lot which lacks frontage on and access to an Improved Street, but contains a legally existing building or structure. For such existing building or structure, not permitted by the zone where the lot is located, their rebuilding or repair shall be permitted in accordance with Section 3(18)(a) hereof. For such existing building or structure, permitted by the zone where the lot is located, their rebuilding or repair shall be permitted in accordance with Section 3(17)(a) hereof.

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Accessory buildings and structures may be permitted in accordance with Section 3(1) hereof.

(c) REMOTE HUNTING AND FISHING CAMPS:

The above provision shall not apply to a parcel of land for which a Land Use Permit has been obtained from the Ministry of Natural Resources for the use of Crown land for the development of a remote hunting or fishing camp.

(d) REGISTERED PLAN OF SUBDIVISION:

The above provision shall not apply to a lot on a registered plan of subdivision, registered subsequent to the 9th day of October 1979 for which an Agreement, containing a provision for municipal assumption and ownership of the street on which the lot is located, has been signed and registered on title between the developer and the Corporation.

(3) ADDITION TO OR CHANGE OF EXISTING USE

When a building or structure has insufficient parking spaces, or if a planting strip was not adequate on the 9th day of October 1979 to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency or inadequacy be made up prior to the construction of any addition, if such addition does not increase the building area of such building or structure by more than 10%. However, no addition which increases the building area by more than 10%, and no change of use may occur if the effect of an addition or change of use would be to increase such deficiency or inadequacy.

(4) BUILDING LINES IN RESIDENTIAL AREAS

Notwithstanding any other provision of this By-law to the contrary, where a building or structure is to be erected within a built-up residential area containing an established building line, such building or structure may be erected closer to the street line than required by this By-law provided such building or structure is not erected closer to the street line than the established building line on the 9th day of October 1979.

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(5) CONSTRUCTION USES

A building or structure incidental to construction on a lot where such building or structure is situated shall be permitted in any portion of the Zoned Area, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned.

"Abandoned" in this subsection means the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during any continuous six-month period.

(6) DWELLING UNITS**(a) LOCATION IN PRIVATE GARAGE:**

No dwelling unit shall be located in or above a detached private garage.

(b) LOCATION IN CELLAR:

No dwelling unit shall be located in any cellar of any Non-Residential building. No part of any dwelling unit, except a bedroom, furnace room, laundry room, recreation room, storage room, washroom or similar room, shall be located in the cellar of a Residential building.

(c) LOCATION IN BASEMENT:

No dwelling unit shall be located in the basement of a Non-Residential building. A dwelling unit may be located in the basement of a Residential building, provided that the finished floor level of such basement is not below the level of any sanitary sewer system or storm sewer system serving the building in which such basement is located and provided further that the finished floor of such basement is not more than 1.0 metre below finished grade.

(7) GRAVEL PITS AND STONE QUARRIES

No gravel pit or stone quarry shall be established or made in any portion of the Zoned Area, except in a zone where such use is a permitted use. No gravel pit or stone quarry shall be established or made in any landscaping area or planting strip required by this By-law.

(8) GROUP HOMES

A group home is only permitted within a detached dwelling house and must be spaced at least 300.0 metres from another similar facility.

(9) HEIGHT EXCEPTIONS

The building height provisions of this By-law shall not apply to the following uses:

- an aid to navigation or aviation;
- a barn;
- a belfry;
- a bridge;
- a bulk storage tank;
- a chimney;
- a church spire;
- a communications tower;
- a corn crib;
- a drying elevator;
- an electric power facility, other than a building;
- an elevator lifting devise;
- a farm implement shed;
- a feed or bedding storage use;

- a fire hose tower;
- a fire tower station;
- a flagpole;
- a forestry tower;
- a piece of heating, cooling or ventilating equipment;
- a mine headframe;
- a power transmission tower;
- a federally licensed radio or television antenna or satellite signal broadcast or receiving dish;
- a railroad signal;
- a silo;
- a skylight;
- a solar panel;
- a stack;
- a water storage tank; and
- a windmill.

(10) HOME INDUSTRIES AND RURAL HOME OCCUPATIONS

No home industry or rural home occupation use shall be permitted in any portion of the Zoned Area unless such home industry, or rural home occupation, complies with the following provisions:

(a) EMPLOYMENT:

Not more than three persons, other than an occupant of the premises, shall be employed in a home industry or rural home occupation.

(b) ADVERTISING:

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the lot is being used for a home industry or rural home occupation purpose.

(c) USES PROHIBITED:

No home industry or rural home occupation use shall be permitted which interferes with television or radio reception. As well, the home industry, or rural home occupation use, shall not create or become a public nuisance, in particular, in regard to noise, traffic or parking.

(11) HOME OCCUPATIONS AND HOME PROFESSIONS

No home occupation or home profession use shall be permitted in any portion of the Zoned Area unless such home occupation or home profession use complies with the following provisions:

(a) SIZE:

Not more than 25% of the dwelling unit area shall be used for the purpose of a home occupation or a home profession use.

(b) ACCESSORY BUILDING:

No accessory building shall be erected, altered or used for the purpose of carrying on a home occupation or home profession use.

(c) SALES OR RENTALS:

On any lot containing a home occupation use, there shall be no goods, wares or merchandise, other than those which are part of the home occupation, offered or exposed for sale or rent on such premises.

(d) EMPLOYMENT AND OCCUPANCY:

No person, other than an occupant of the dwelling unit containing the home occupation or home profession use, shall be engaged in a home occupation or home profession use, except that one person, other than an occupant of a dwelling unit containing a home profession use, shall be permitted.

(e) ADVERTISING:

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than a residential use.

(f) OPEN STORAGE AREA:

No part of any lot containing a home occupation or a home profession use shall be used as an open storage area accessory to that home occupation or home profession use.

(g) USES PROHIBITED:

No home occupation or home profession use shall be permitted which interferes with television or radio reception. As well, the home occupation or home profession use shall not create or become a public nuisance, in particular, in regard to noise, traffic or parking.

(12) ILLUMINATION

Lighting fixtures, which are not public uses and which are designed for exterior illumination, shall be installed with the light directed downward and deflected away from adjacent lots and streets. Such lighting fixtures shall not be more than 9.0 metres above ground and no closer than 4.5 metres to any street line.

(13) 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 building setback for such lot, provided that no part of any building or structure is located within such right-of-way.

(14) LOTS CONTAINING MORE THAN ONE USE

Where a lot contains more than one use, the lot area requirement shall be the sum of the requirements for the separate uses thereof, but the lot frontage requirement shall be no less than the greater of the lot frontage requirements for each individual use in the zone where such lot is located.

Where a building, structure or lot accommodates more than one use, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

(15) 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. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.

(16) LOTS REDUCED BY ROAD CONSTRUCTION

Notwithstanding any other provision of this By-law, where, for the purpose of laying out a street, a street widening, or a street realignment, the Corporation, or the Province, acquires a portion of a lot which contains a building or structure, then the remaining portion of the lot and any building or structure thereon shall be deemed to comply with the provisions of this By-law, provided any reduction in a required building or structure setback is not greater than 75% of the minimum setback required by this By-law and,

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provided that the lot area provision and the building or structure situated thereon were lawful prior to the date of such acquisition.

As well, nothing in this By-law shall prevent the use of a vacant lot altered by expropriation for the purpose of laying out a street, a street widening, or a street realignment which has a lesser area and/or frontage than the applicable minimum lot area and/or minimum lot frontage required herein.

(17) 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, repair or replacement of an existing, non-complying building or structure provided such enlargement, reconstruction, renovation, repair or replacement shall not:

- (i) increase the number of dwelling units in the replacement building over those of the original number of dwelling units if the original number of dwelling units exceeds the applicable maximum number of dwelling units permitted herein;
- (ii) increase the portion of the lot area covered by building envelopes if such coverage exceeds the applicable maximum building area permitted herein;
- (iii) reduce the size of any yard adjoining that portion of such building or structure which is less than the applicable minimum building setback required herein;
- (iv) reduce the distance between building envelopes if such distance is less than the applicable minimum building separation required herein;
- (v) increase the overall vertical dimension of such building or structure if such dimension exceeds the applicable maximum building height permitted herein;

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- (vi) reduce the dwelling unit area of any dwelling unit if it is less than the applicable minimum dwelling unit area required herein;
- (vii) reduce the gross floor area of any building or structure if it is less than the applicable minimum gross floor area required herein;
- (viii) increase the net floor area of any building or structure if it exceeds the applicable maximum net floor area permitted herein;
- (ix) reduce the portion of the lot used for landscaping purposes if such portion is less than the applicable minimum landscaping area required herein;
- (x) reduce the size of any planting strip required herein; or
- (xi) contravene any other zone provisions.

(b) USE OF UNDERSIZED VACANT LOTS:

Nothing in this By-law shall prevent the use of a vacant lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and/or minimum lot frontage required herein provided: such lot is an existing lot as defined herein; the proposed use of such lot is a permitted use; and the proposed use shall not contravene any other zone provisions.

(18) NON-CONFORMING BUILDINGS AND STRUCTURES

(a) REBUILDING, REPAIR OR REPLACEMENT PERMITTED:

Nothing in this By-law shall prevent the rebuilding, repair or replacement of an existing non-conforming building or structure that is damaged or destroyed subsequent to the 9th day of October 1979, provided that the external dimensions of the original building or structure, excluding building height, are not increased, the size and number of dwelling units of the original building are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

Notwithstanding the above, where a building or structure is destroyed by a flood or a flood related incidence such as erosion or slumping, then such rebuilding or replacement shall not be permitted unless in conformity with this By-law.

(b) STRENGTHENING PERMITTED:

Nothing in this By-law shall prevent the strengthening to a safe condition of an existing non-conforming building or structure, 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.

(c) VACANT LOTS CREATED BY CONSENT:

Nothing in this By-law shall prevent the use of land, or the construction of any building or structure where a vacant existing lot was created by consent, and the purpose for which the lot was intended is not in accordance with the list of permitted uses for the zone the lot is located in, provided that the use of the land, or the construction of any building or structure is in accordance with the intended use, as stated in the consent.

(19) OBNOXIOUS USES

No person shall within the Zoned Area use any lot or erect, alter or use any building or structure for an animal or fish glue manufacturing use, a blood boiling use, a gas manufacturing use, a noxious use, or a tannery.

(20) OCCUPANCY OF PARTIALLY COMPLETED DWELLING HOUSES

No new dwelling house, or the addition to an existing dwelling house, shall be used for human habitation before the main walls and roof have been erected, the external roofing and siding have been completed, and services and utilities have been installed and are operable.

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(21) PARKING AREAS

(a) SIZE:

Each parking space shall be at least 6.0 metres long, 3.0 metres wide and have a vertical clearance of at least 2.0 metres.

(b) LOCATION:

The required parking area shall not form part of any street or lane. The required parking area shall be provided on the lot occupied by the building, structure or use for which the said parking area is required. No part of any parking space shall be located closer to any front lot line than 1.5 metres, provided such parking area complies with the provisions of Section 3(28) herein, and to any side lot line for the lesser of, any driveway setback or any required side yard setback for that zone.

(c) ACCESS:

Access to parking spaces shall be by means of a driveway contained within the lot on which the parking spaces are located and leading to an adjacent Improved Street.

(d) 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.

(e) RESTRICTIONS IN RESIDENTIAL ZONES:

No person shall use any outdoor parking area or parking space in a Residential zone to park a vehicle, unless such vehicle bears a vehicle license plate, or sticker, which is currently valid.

(22) PEDESTRIAN ACCESS

Where dwelling units are permitted in Non-Residential buildings, such dwelling units shall be provided with pedestrian access through a hallway common to the residential uses then, directly to an adjacent street for the sole use of the occupants of the dwelling units.

(23) PLANTING STRIPS

(a) SIZES:

Each planting strip shall be at least 3.0 metres wide and have a vertical dimension of at least 1.5 metres, unless otherwise specifically set out in a zone.

(b) INTERRUPTION FOR DRIVEWAY OR WALKWAY:

Where a driveway or walkway extends through a planting strip, it shall be permissible to interrupt the planting strip within 3.0 metres of the edge of such driveway, or within 1.5 metres of the edge of such walkway.

(c) LANDSCAPING AREA:

A planting strip referred to in this subsection may form part of any landscaping area required by this By-law.

(24) PRIVACY YARDS

Where this By-law requires a privacy yard to be provided, the size of such privacy yard shall be calculated in accordance with the following:

- the minimum depth of a privacy yard shall be a distance (measured from and at right angles to the exterior wall adjoining such privacy yard) as set out herein for the applicable use in the zone where such use is located; and
- the minimum width of a privacy yard shall be 5.0 metres (measured parallel to the exterior wall adjoining such privacy yard so that, on each side of the vertical centerline of the window requiring such privacy yard, there shall be a minimum width of 2.5 metres).

(25) PUBLIC USES**(a) STREETS AND INSTALLATIONS:**

Nothing in this By-law shall prevent the use of land for a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, overhead or underground electrical or telephone line or other supply line or communication line or structure clearly ancillary to the foregoing, provided that the location of such street, main, line, fixture or structure has been approved by the Corporation. Notwithstanding the generality of the foregoing, this approval by the Corporation shall not be required for any public works project which has been authorized pursuant to the Environmental Assessment Act, as amended.

(b) ZONES WHERE PERMITTED:

Except as provided in clause (a) hereof, the only public uses permitted in a specific zone shall be those public uses listed as permitted uses in the said zone.

(c) REQUIREMENTS IN RESIDENTIAL ZONES:

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

(26) SATELLITE DISHES, TELEVISION AND RADIO ANTENNAE**(a) USES PERMITTED:**

A satellite signal broadcast or receiving dish, television and radio antennae and their supporting towers are permitted in all zones.

(b) LOCATION:

Radio and television antennae and their supporting towers may be located in all parts of rear and side yards, but no part of any such structure may be extended beyond the limits of the lot upon which it is erected.

A satellite signal broadcast or receiving dish shall be permitted in all yards, provided such dishes are not located closer to any lot line than a distance equal to the greater of, the diameter of the satellite signal broadcast receiving dish or, where the use is a residential dwelling, the minimum yards required in the zone.

(c) HEIGHT:

Satellite signal broadcast or receiving dishes may be located on the roof of a building, but the height may not exceed the height limits of the zone in which the building is located. When located in a Non-Residential zone where the building abuts a Residential zone the height limits may not exceed the height of the abutting Residential zone. This restriction shall not apply to federally licensed installations.

(27) SETBACKS FROM SPECIAL USES

(a) SEPARATION DISTANCES BETWEEN AGRICULTURAL AND NON-AGRICULTURAL USES:

Where a non-agricultural use is to be built or expanded in close proximity to existing livestock facilities, or new or expanding livestock facilities are being constructed and/or expanded near a non-agricultural use, whether existing or approved for development, the separation distance shall be in accordance with the Minimum Distance Separation Formulae of the Ministry of Agriculture and Food.

In cases where a building or structure requires rebuilding, repair or replacement because it is damaged or destroyed by a catastrophe, subsequent to the 9th day of October 1979, nothing shall prevent such rebuilding, repair or replacement. However, where a livestock facility is to be rebuilt, repaired or replaced, the livestock type may not be switched to a type with a higher odour potential, no increase in the number of nutrient units housed therein is permitted, and no switch to a manure system type with a higher odour potential is permitted.

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(b) PIPELINE RIGHTS-OF-WAY:

No building, structure or excavation shall be allowed on a pipeline right-of-way. All permanent buildings, structures and excavations shall be set back 20.0 metres from the right-of-way. In addition, no person shall undertake exploration within 40.0 metres of a pipeline or any works connected therewith.

(c) RAIL RIGHTS-OF-WAY:

No use of any land adjacent to a designated main rail right-of-way shall be permitted for sensitive land uses, as determined by the Ministry of the Environment, within 100.0 metres of the right-of-way.

(d) STREET SETBACKS:

No person shall erect any building in any portion of the Zoned Area, unless such building complies with the following street setback requirements:

Provincial Highway: - 23.0 metres,
plus the minimum front building setback required for such use in the zone
where it is located.

Township Street: - 10.0 metres,
plus the minimum front building setback required for such use in the zone
where it is located.

(e) WATER SETBACKS:

No building or structure with the exception of a building or structure accessory to flood or erosion control; a building or structure normally associated with watercourse protection works or bank stabilization projects; a hydro electric project; a marine facility; or a sewage treatment facility, shall be built within 30.0 metres of the highwater mark of a waterbody.

(28) SIGHT TRIANGLES

(a) SIZE:

The distance from the point of intersection of the street lines shall be 10.0 metres.

(b) USES PROHIBITED:

Within any area defined as a sight triangle, the following uses shall be prohibited: a building, structure or use which would obstruct the vision of a driver of a vehicle; a fence, a tree, a hedge, a bush or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the centreline of the street; any portion of a parking space; a berm or other ground surface which exceeds the elevation of the centreline of the street by more than 0.5 metre; and a sign, other than a pole sign, the body of which is not less than 2.0 metres above the elevation of the centreline of the street.

(29) SIGNS

Nothing in this By-law shall apply to prevent the erection, alteration or use of any sign, provided such sign complies with the by-laws of the Corporation regulating signs and provided such sign complies with the provisions of Section 3(28) herein.

(30) STORAGE OF SPECIAL VEHICLES

(a) RECREATION VEHICLES PERMITTED:

No person shall use any lot in any Residential zone for the purpose of parking or storing more than: two boats; three snowmobiles; one tourist vehicle; and one tourist trailer.

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(b) COMMERCIAL VEHICLES PERMITTED:

No person shall use any lot in any Residential zone for the purpose of parking or storing more than one commercial motor vehicle as defined by the Highway Traffic Act, as amended.

(c) YARDS WHERE PERMITTED:

In any Residential zone, the storage of special vehicles shall only be permitted in a garage, a carport or other building and not in any parking space or sight triangle, however, a permitted vehicle, as provided in Section 3(30)(a), may also be parked in any interior side yard or rear yard, but no closer than 1.5 metres to any lot line.

(31) STORAGE OF CONSTRUCTION TYPE EQUIPMENT AND VEHICLES

The use of land for the storage of construction type equipment and vehicles shall only be permitted where the subject land is zoned for a building construction business or contracting business, actively conducting business, or an equipment rental business.

(32) SWIMMING POOLS

(a) LOCATION IN RESIDENTIAL ZONES:

In a Residential zone, a swimming pool may be erected and used in a side yard or rear yard provided:

- (i) no interior wall surface of any such swimming pool shall be located closer than 1.5 metres to any rear lot line or side lot line, nor closer than 3.0 metres to that portion of a rear lot line which adjoins a side lot line of the adjoining lot.
- (ii) no water circulating or treatment equipment such as pumps or filters shall be located closer than 3.0 metres to any side lot line or rear lot line.

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(b) FENCING SWIMMING POOLS:

Fences shall be provided around all swimming pools in compliance with the by-laws of the Corporation regulating swimming pool fences and provided such fences comply with the provisions of Section 3(28) herein.

SECTION 4

ZONES

(1) ZONE CLASSIFICATIONS

For the purpose of this By-law, all lands within the Zoned Area are divided into zones and are classified as Residential, Institutional, Commercial, Industrial or Restricted zones. Following each zone name is a corresponding alpha-numeric symbol referred to herein as a "zone symbol".

(a) RESIDENTIAL ZONES:

Low Density Residential zone	R1
Medium Density Residential zone	R2
Mobile Home Residential zone	R3

(b) INSTITUTIONAL ZONES:

General Institutional zone	T1
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(b) COMMERCIAL ZONES:

Urban Commercial zone	C1
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(c) INDUSTRIAL ZONES:

General Industrial zone	M1
Extractive Industrial zone	M2
Disposal Industrial zone	M3

(e) RESTRICTED ZONES:

Open Space zone	P1
Environmental zone	E1
Sensitive zone	S1
Rural zone	A1

(2) ZONE SYMBOLS

The zone symbols listed in Section 4(1) hereof may be used to refer to buildings and structures and the uses of lots, buildings and structures permitted in this By-law in the said

zones, and whenever in this By-law the word "zone" is used, preceded by any of the said zone symbols, such reference shall mean any portion of the Zoned Area delineated on Schedule A hereto and designated thereon by the said zone symbol.

(3) SPECIAL ZONES

Where a zone symbol is followed by a dash and a number (for example "M1-1"), this denotes a special zone. The permitted uses and the zone provisions for such special zones shall be set out in subsections of the Section of this By-law applicable to the said zone symbol.

(4) PERMITTED USES AND ZONE PROVISIONS

For each zone listed in Section 4(1) hereto, there shall be a section of this By-law which sets out the permitted uses and the zone provisions for such zone.

(5) ZONE BOUNDARIES

The extent and boundaries of all zones and special zones are shown on Schedule A hereto. When determining the location of a zone boundary on Schedule A or on any schedule which amends Schedule A, the following provisions shall apply.

(a) CORPORATION BOUNDARIES:

All boundaries of the Corporation shall be zone boundaries.

(b) TOWNSHIP LOT OR CONCESSION LINES:

A zone boundary indicated as approximately following a Township lot line or concession line shall be deemed to follow such Township lot line or concession line.

(c) STREET LINES:

A zone boundary indicated as approximately following a street line shall be deemed to follow such street line.

(d) RIGHTS-OF-WAY:

A zone boundary indicated as approximately following a right-of-way for a private road, railroad, powerline, pipeline, etc., shall be deemed to follow such right-of-way.

(e) SHORELINES:

A zone boundary indicated as approximately following a shoreline of a waterbody shall be deemed to be the present controlled high water mark of such waterbody.

(f) SUBDIVISION LOT LINES:

A zone boundary indicated as approximately following a lot line on a plan of subdivision shall be deemed to follow such lot line.

(g) OTHER PROPERTY LINES:

A zone boundary indicated as approximately following any other property line shall be deemed to follow such property line.

(h) DIMENSIONS AND MEASUREMENTS:

If the location of a zone boundary cannot be determined using any of the preceding methods, its location shall be according to the dimensions shown on the schedule. If such dimensions are not shown, its location shall be as measured on the schedule at the original size and scale of such schedule.

SECTION 5

LOW DENSITY RESIDENTIAL (R1) ZONE

(1) USES PERMITTED

No person shall within any R1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

(a) RESIDENTIAL USES:

- a basement apartment;
- a converted dwelling house;
- a duplex dwelling house;
- an existing mobile home;
- a group home;
- a modular dwelling house;
- a semi-detached dwelling house;
- a single detached dwelling house.

(b) NON-RESIDENTIAL USES:

- a home occupation;
- a home profession;
- a private home daycare.

(2) ZONE PROVISIONS

No person shall within any R1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita or a public sanitary sewer system when in the townsite of Harty and, is in accordance with the following provisions:

(a) LOT AREA (minima):

- (i) in the townsite of Val Rita - 720.0 square metres
- (ii) in the townsite of Harty - 1,390.0 square metres

(b) LOT FRONTAGE (minima):

- (i) in the townsite of Val Rita - 20.0 metres
- (ii) in the townsite of Harty - 30.0 metres

(c) DWELLING HOUSES PER LOT (maximum):

- 1 only

SECTION 5(2)(d)**LOW DENSITY RESIDENTIAL (R1) ZONE**

- (d) **BUILDING AREA (maximum):** - 40%
provided that accessory uses shall not occupy more than 10% of the lot
- (e) **BUILDING SETBACK, FRONT (minimum):** - 6.0 metres
- (f) **BUILDING SETBACK, FLANK (minimum):** - 6.0 metres
- (g) **BUILDING SETBACK, REAR (minima):**
 - (i) main building - 6.0 metres
 - (ii) accessory building - 1.5 metres
- (h) **BUILDING SETBACK, SIDE (minima):**
 - (i) one side - 1.5 metres
 - (ii) other side - 4.5 metres
except where a private garage or carport is provided,
whether attached or not, then the setback shall be 1.5 metres
 - (iii) dual garage - nil
 - (iv) other accessory buildings - 1.5 metres
- (i) **BUILDING SEPARATION (minimum):** - 3.0 metres
- (j) **BUILDING HEIGHT (maxima):**
 - (i) main building - 10.0 metres
 - (ii) accessory building - 6.0 metres
- (k) **DWELLING UNIT AREA (minima):**
 - (i) basement apartment - 60.0 square metres
 - (ii) other dwelling units - 72.0 square metres
- (l) **LANDSCAPING AREA (minimum):** - 30%
- (m) **ENTRANCES PER LOT (maximum):** - 1 only
- (n) **ENTRANCE WIDTH (minimum):** - 3.5 metres
- (o) **DRIVEWAY SETBACK (minimum):** - 1.5 metres

SECTION 5(2)(p)

LOW DENSITY RESIDENTIAL (R1) ZONE

(p) PARKING SPACES (minima):

(i) Residential uses

- 1 for each dwelling unit

(ii) Non-Residential uses

- 1 for each use

(q) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 6

MEDIUM DENSITY RESIDENTIAL (R2) ZONE

(1) USES PERMITTED

No person shall within any R2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R2 uses, namely:

(a) RESIDENTIAL USES:

an apartment building;
a townhouse.

(b) NON-RESIDENTIAL USES:

prohibited.

(2) ZONE PROVISIONS

No person shall within any R2 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita or a public sanitary sewer system when in the townsite of Harty and, is in accordance with the following provisions:

(a) LOT AREA (minima):

- | | | |
|------|-----------------------------|-------------------------|
| (i) | in the townsite of Val Rita | - 1,050.0 square metres |
| (ii) | in the townsite of Harty | - 2,500.0 square metres |

(b) LOT FRONTAGE (minima):

- | | | |
|------|-----------------------------|---------------|
| (i) | in the townsite of Val Rita | - 25.0 metres |
| (ii) | in the townsite of Harty | - 60.0 metres |

(c) DWELLING HOUSES PER LOT (maximum):

- 1 only

(d) BUILDING AREA (maximum):

- 40%

provided that accessory uses shall not occupy more than 10% of the lot

(e) BUILDING SETBACK, FRONT (minimum):

- 6.0 metres

SECTION 6(2)(f)**MEDIUM DENSITY RESIDENTIAL (R2) ZONE**

- (f) **BUILDING SETBACK, FLANK (minimum):** - 6.0 metres
- (g) **BUILDING SETBACK, REAR (minimum):** - 6.0 metres
- (h) **BUILDING SETBACK, SIDE (minima):**
- (i) main building - 3.0 metres
 - (ii) accessory building - 1.5 metres
- (i) **BUILDING SEPARATION (minimum):** - 3.0 metres
- (j) **BUILDING HEIGHT (maxima):**
- (i) main building - 10.0 metres
 - (ii) accessory building - 6.0 metres
- (k) **DWELLING UNIT AREA (minima):**
- (i) dwelling units in an apartment building - 50.0 square metres,
plus 12.0 square metres
for each bedroom
 - (ii) a dwelling unit in a townhouse - 80.0 square metres
- (l) **LANDSCAPING AREA (minimum):** - 35 %
- (m) **PRIVACY YARD PROVISIONS (minimum):** - 1 for each lot,
except where a lot contains 10 or fewer dwelling units, no privacy yard shall be
required
- (n) **PRIVACY YARD DEPTH (minimum):** - 3.5 metres
provided that, where the exterior wall of a dwelling unit contains a habitable room
window, any portion of which is less than 2.4 metres above finished grade, the
minimum privacy yard depth shall be 6.0 metres
- (o) **PLAY FACILITIES (minimum):** - 1 for each lot,
except where an apartment building is to be used exclusively for senior citizens or
where the apartment building or townhouse has less than 10 dwelling units, then
no play facilities are required
- (p) **ENTRANCES PER LOT (maximum):** - 2

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SECTION 6(2)(q)

MEDIUM DENSITY RESIDENTIAL (R2) ZONE

- (q) ENTRANCE WIDTH (minimum):** - 3.5 metres
- (r) ENTRANCE SEPARATION (minimum):** - 15.0 metres
- (s) DRIVEWAY SETBACK (minimum):** - 1.5 metres
- (t) PARKING SPACES (minima):**
 - (i) an apartment building used exclusively for senior citizens - 0.25 for each dwelling unit
 - (ii) an apartment building - 1.5 for each dwelling unit
 - (iii) a townhouse - 1.25 for each dwelling unit
- (u) GENERAL PROVISIONS:**

In accordance with the provisions of Section 3 hereof.

SECTION 7

MOBILE HOME RESIDENTIAL (R3) ZONE

(1) USES PERMITTED

No person shall within any R3 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R3 uses, namely:

(a) RESIDENTIAL USES:

a mobile home.

(b) NON-RESIDENTIAL USES:

a home occupation;
a home profession.

(2) ZONE PROVISIONS

No person shall within any R3 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita and, is in accordance with the following provisions:

- (a) LOT AREA (minimum): - 575.0 square metres
- (b) LOT FRONTAGE (minimum): - 15.0 metres
- (c) DWELLING HOUSES PER LOT (maximum): - 1 only
- (d) BUILDING AREA (maximum): - 40%
provided that accessory uses shall not occupy more than 10% of the lot
- (e) BUILDING SETBACK, FRONT (minimum): - 6.0 metres
- (f) BUILDING SETBACK, FLANK (minimum): - 6.0 metres
- (g) BUILDING SETBACK, REAR (minima):
 - (i) main building - 3.0 metres
 - (ii) accessory building - 1.5 metres

SECTION 7(2)(h)**MOBILE HOME RESIDENTIAL (R3) ZONE**

- (h) **BUILDING SETBACK, SIDE (minima):**
- (i) one side - 1.5 metres
 - (ii) other side - 4.5 metres
except where a private garage or carport is provided,
whether attached or not, then the setback shall be 1.5 metres
 - (iii) other accessory buildings - 1.5 metres
- (i) **BUILDING SEPARATION (minimum):** - 3.0 metres
- (j) **BUILDING HEIGHT (maximum):** - 6.0 metres
- (k) **DWELLING UNIT AREA (minimum):** - 55.0 square metres
(maximum): - 94.0 square metres
- (l) **LANDSCAPING AREA (minimum):** - 30%
- (m) **ENTRANCES PER LOT (maximum):** - 1 only
- (n) **ENTRANCE WIDTH (minimum):** - 3.5 metres
- (o) **DRIVEWAY SETBACK (minimum):** - 1.5 metres
- (p) **PARKING SPACES (minima):**
- (i) Residential uses - 1 for each dwelling unit
 - (ii) Non-Residential uses - 1 for each use
- (q) **GENERAL PROVISIONS:**
In accordance with the provisions of Section 3 hereof.

SECTION 8

GENERAL INSTITUTIONAL (T1) ZONE

(1) USES PERMITTED

No person shall within any T1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following T1 uses, namely:

(a) RESIDENTIAL USES:

a dwelling unit, accessory to a daycare centre or a place of worship;
a single detached dwelling house, accessory to a place of worship.

(b) NON-RESIDENTIAL USES:

an auditorium, accessory to another T1 use;
a cemetery;
a daycare centre;
a library;
a nursing home;
a place of worship;
a school.

(2) ZONE PROVISIONS

No person shall within any T1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita or a public sanitary sewer system when in the townsite of Harty and, is in accordance with the following provisions:

- | | | |
|-----|---|--------------|
| (a) | DWELLING UNITS PER LOT (maximum): | - 1 only |
| (b) | BUILDING AREA (maximum):
provided that accessory uses shall not occupy more than 10% of the lot | - 50% |
| (c) | BUILDING SETBACK, FRONT (minima): | - 6.0 metres |
| (d) | BUILDING SETBACK, FLANK (minimum): | - 6.0 metres |

SECTION 8(2)(e)**GENERAL INSTITUTIONAL (T1) ZONE**

- (e) **BUILDING SETBACK, REAR (minimum):** - 3.0 metres
- (f) **BUILDING SETBACK, SIDE (minima):**
 - (i) one side - 1.5 metres
 - (ii) other side - 3.0 metres
except where a private garage or carport is provided,
whether attached or not, then the setback shall be 1.5 metres
 - (iii) other accessory buildings - 1.5 metres
- (g) **BUILDING SEPARATION (minimum):** - 5.0 metres
- (h) **BUILDING HEIGHT (maximum):** - 10.0 metres
- (i) **DWELLING UNIT AREA (minima):**
 - (i) a dwelling unit within a non-residential building - 60.0 square metres
 - (ii) a dwelling unit within a
single detached dwelling house - 72.0 square metres
- (j) **LANDSCAPING AREA (minimum):** - 30%
- (k) **ENTRANCES PER LOT (maximum):** - 2
- (l) **ENTRANCE SETBACK (minimum):** - 1.5 metres
- (m) **ENTRANCE WIDTH (minimum):** - 5.5 metres
(maximum): - 10.0 metres
- (n) **DRIVEWAY SETBACK (minimum):** - 1.5 metres
- (o) **PARKING SPACES (minima):**
 - (i) Residential uses - 1 for each dwelling unit
 - (ii) a school - 1 for each classroom and office
 - (iii) a place of worship - 1 for each 10 fixed seats,
or fraction thereof
 - (iv) a nursing home - 1 for each 5 beds,
or fraction thereof

SECTION 8(2)(o)(v)

GENERAL INSTITUTIONAL (T1) ZONE

- (v) a daycare - 1 for every fifteen registered children, or fraction thereof
- (vi) other Non-Residential use -1 per lot

(p) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

(3) USES PERMITTED IN T1-1 ZONE

No person shall within any T1-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following T1-1 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a cemetery.

(4) ZONE PROVISIONS FOR T1-1 ZONE

No person shall within any T1-1 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 8(2) hereof, except as provided in the following provisions:

(a) BUILDING SETBACK, SIDE (minimum): - 3.0 metres

(b) ENTRANCE SETBACK (minimum): - 5.0 metres

SECTION 9

URBAN COMMERCIAL (C1) ZONE

(1) USES PERMITTED

No person shall within any C1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:

(a) RESIDENTIAL USES:

- an accessory dwelling unit;
- an apartment building;
- a boarding house.

(b) NON-RESIDENTIAL USES:

- a beverage room;
- a bus depot;
- a business office;
- a car wash;
- a cenotaph;
- a clinic;
- a convenience store;
- a dining room;
- a financial office;
- a fitness centre;
- a fuel pump island;
- a laundromat;
- a merchandise service shop;
- a motel;
- a municipal office;
- a museum;
- a parking lot;
- a personal service shop;
- a police station;
- a post office;
- a restaurant;
- a retail store;
- a service station.

REVISED: 1 April 2008

(2) ZONE PROVISIONS

No person shall within any C1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita or a public sanitary sewer system when in the townsite of Harty and, is in accordance with the following provisions:

- (a) **LOT AREA (minimum):** - 1,000.0 square metres
- (b) **LOT FRONTAGE (minima):** - 20.0 metres
- (c) **DWELLING UNITS PER LOT (maximum):** - 6
- (d) **BUILDING AREA (maximum):** - 50%
provided that accessory uses shall not occupy more than 10% of the lot
- (e) **BUILDING SETBACK, FRONT (minimum):** - 6.0 metres
- (f) **BUILDING SETBACK, FLANK (minimum):** - 6.0 metres
- (g) **BUILDING SETBACK, REAR (minimum):** - 6.0 metres
- (h) **BUILDING SETBACK, SIDE (minimum):** - 4.0 metres
- (i) **BUILDING SEPARATION (minimum):** - 3.0 metres
- (j) **BUILDING HEIGHT (maximum):** - 10.5 metres
- (k) **DWELLING UNIT AREA (minima):**
 - (i) dwelling unit in an apartment building - 40.0 square metres,
plus 12.0 square metres
for each bedroom
 - (ii) other residential uses - 60.0 square metres
- (l) **ENTRANCE SETBACK (minimum):** - 1.5 metres

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- (m) **ENTRANCE WIDTH (minimum):** - 5.5 metres
(maximum): - 8.0 metres
- (n) **ENTRANCES PER LOT (maximum)** - 2
- (o) **PARKING SPACES (minima):**
- (i) Residential uses - 1 for each dwelling unit
 - (ii) a clinic - 1 for each treatment room
 - (iii) a motel - 1 for each guest room
 - (iv) a beverage room or a dining room - 1 for each 4 seats of design capacity, or fraction thereof
 - (v) a restaurant - 1 for each 15.0 square metres of net floor area, or fraction thereof
 - (vi) other Non-Residential uses - 1 for each 30.0 square metres of net floor area, or fraction thereof
- (p) **FUEL PUMP ISLAND LOCATION:**
 No part of any fuel pump island shall be located closer than 15.0 metres to any street line, or 10.0 metres to any other lot line.
- (q) **VEHICLE WAITING LINES FOR CAR WASHES:**
 The following provisions shall apply to vehicle waiting lines on any lot used as a car wash:
- (i) every self-service car wash shall provide at least 1 vehicle waiting spaces for each washing bay.
 - (ii) a vehicle waiting space shall be not less than 6.0 metres in length and 3.0 metres in width.
 - (iii) vehicle waiting lines shall be reserved for vehicles awaiting access to car wash facilities.

REVISED: 1 April 2008

(r) PATIO SEATING AREA:

Notwithstanding any other provision herein to the contrary, a patio seating area may be permitted in relationship to a beverage room, a dining room or a restaurant provided the area is located on a platform above grade; does not provide a cover over head; is separated from any adjacent, required parking area by a protective safety barrier; and no outside entertainment is provided. A patio seating area may be licensed in accordance with the Liquor Licence Act, as amended, in conjunction with the licensing of the beverage room, dining room or restaurant.

(s) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 10

GENERAL INDUSTRIAL (M1) ZONE

(1) USES PERMITTED

No person shall within any M1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1 uses, namely:

(a) RESIDENTIAL USES:

- an accessory dwelling house;
- an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

- a body shop;
- a building contracting business;
- a building supply outlet;
- a business office, as part of another M1 use;
- a club;
- a commercial garage;
- an equipment rental business;
- an equipment storage building;
- a factory outlet, as part of a manufacturing plant;
- a fuel pump island;
- a maintenance garage, as part of another M1 use;
- a manufacturing plant;
- a municipal yard;
- an open storage area;
- a private fuel pump island;
- a railroad use;
- a rental storage building;
- a restaurant, as part of another M1 use;
- a saw mill;
- a service station;
- a truck terminal;
- a vehicle agency;
- a warehouse;
- a water supply plant.

REVISED: 1 April 2008

(2) ZONE PROVISIONS

No person shall within any M1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita or a public sanitary sewer system when in the townsite of Harty and, is in accordance with the following provisions:

- (a) **LOT FRONTAGE (minimum):** - 30.0 metres
- (b) **DWELLING UNITS PER LOT (maximum):** - 1 only
- (c) **BUILDING AREA (maximum):** - 50%
provided that accessory uses shall not occupy more than 10% of the lot
- (d) **BUILDING SETBACK, FRONT (minimum):** - 6.0 metres
- (e) **BUILDING SETBACK, FLANK (minimum):** - 6.0 metres
- (f) **BUILDING SETBACK, REAR (minimum):** - 15.0 metres
except the minimum rear setback for a water supply plant shall be 6.0 metres
- (g) **BUILDING SETBACK, SIDE (minimum):** - 6.0 metres
except the minimum side setback for a water supply plant shall be 3.0 metres on one side and 1.5 metres on the other side
- (h) **BUILDING SEPARATION (minimum):** - 5.0 metres
- (i) **BUILDING HEIGHT (maximum):** - 12.0 metres
- (j) **DWELLING UNIT AREA (minimum):** - 60.0 square metres
- (k) **LANDSCAPING AREA (minimum):** - 10%
- (l) **ENTRANCES PER LOT (maximum):** - 2
- (m) **ENTRANCE WIDTH (minimum):** - 10.0 metres
(maximum): - 15.0 metres

- (n) **DRIVEWAY SETBACK (maximum):** - 10.0 metres
- (o) **PARKING SPACES (minima):**
- (i) a Residential use - 1 for each dwelling unit
 - (ii) a body shop, a club, a commercial garage,
a service station, a truck terminal
or a vehicle agency - 10 per lot
 - (iii) a building supply outlet, an equipment
rental business or a warehouse - 1 for each 50.0 square metres
of net floor area, or fraction thereof
 - (iv) a building contracting business
or a rental storage building - 5 per lot
 - (v) a restaurant - 1 for each 20.0 square metres
of net floor area, or fraction thereof
 - (vi) a manufacturing plant - 1 for each 40.0 square metres
of net floor area, or fraction thereof
 - (vii) other Non-Residential uses - nil
- (p) **FUEL PUMP ISLAND OR PRIVATE FUEL PUMP ISLAND LOCATION:**
No part of any fuel pump island or private fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.
- (q) **OPEN STORAGE AREA REGULATIONS:**
No open storage area shall be permitted except in accordance with the following provisions:
- (i) no open storage shall be permitted in a front yard or a flank yard;
 - (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
 - (iii) no open storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone;
 - (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.8 metres in height and constructed of uniform material; and
 - (v) no portion of any open storage area for combustible materials shall be located closer than 15.0 metres to any lot line.
- (r) **GENERAL PROVISIONS:**
In accordance with the provisions of Section 3 hereof.

(3) USES PERMITTED IN M1-1 ZONE

No person shall within any M1-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-1 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling house.

(b) NON-RESIDENTIAL USES:

a building contracting business;
a truck terminal.

(4) ZONE PROVISIONS FOR M1-1 ZONE

No person shall within any M1-1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita and, is in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- | | |
|--|-------------------------|
| (a) LOT AREA (minimum): | - 1,375.0 square metres |
| (b) LOT FRONTAGE (minimum): | - 25.0 metres |
| (c) BUILDING AREA (maximum): | - 20% |
| (d) BUILDING SETBACK, REAR (minimum): | - 3.0 metres |
| (e) BUILDING SETBACK, SIDE (minima): | |
| (i) one side | - 6.0 metres |
| (ii) other side | - 3.0 metres |
| (f) BUILDING SEPARATION (minimum): | - 5.0 metres |
| (g) BUILDING HEIGHT (maximum): | - 11.0 metres |

(h) PARKING AREA LOCATION:

Notwithstanding any other provision herein to the contrary, no part of any parking space shall be located closer to a front lot line than 1.0 metre; closer to a rear lot line than 3.0 metres; and closer to one side lot line than 1.0 metre and 18.0 metres to the other side lot line.

(5) USES PERMITTED IN M1-2 ZONE

No person shall within any M1-2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-2 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a building contracting business;
a truck terminal.

(6) ZONE PROVISIONS FOR M1-2 ZONE

No person shall within any M1-2 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita and, is in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- | | |
|---|-------------------------|
| (a) LOT AREA (minimum): | - 1,375.0 square metres |
| (b) BUILDING AREA (maximum): | - 20% |
| (c) BUILDING SETBACK, FRONT (minimum): | - 14.0 metres |
| (d) BUILDING SETBACK, REAR (minimum): | - 14.0 metres |

- (e) **BUILDING SETBACK, SIDE (minima):**
- (i) one side - 12.0 metres
 - (ii) other side - 6.0 metres
- (f) **BUILDING HEIGHT (maximum):** - 11.0 metres
- (g) **PARKING AREA LOCATION:**
Notwithstanding any other provision herein to the contrary, no part of any parking space shall be located closer to a front lot line than 1.0 metre; closer to a rear lot line than 14.0 metres; and closer to a side lot line than 1.0 metre.

(7) USES PERMITTED IN M1-3 ZONE

No person shall within any M1-3 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-3 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling house.

(b) NON-RESIDENTIAL USES:

a building contracting business;
a school bus business.

(8) ZONE PROVISIONS FOR M1-3 ZONE

No person shall within any M1-3 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita and, is in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- (a) **LOT AREA (minimum):** - 1,300.0 square metres

SECTION 10(8)(b)**GENERAL INDUSTRIAL (M1) ZONE**

- (b) **LOT FRONTAGE (minimum):** - 28.0 metres
- (c) **BUILDING AREA (maximum):** - 20%
- (d) **BUILDING SETBACK, REAR (minimum):** - 1.5 metres
- (e) **BUILDING SETBACK, SIDE (minimum):** - 1.5 metres
- (f) **BUILDING HEIGHT (maximum):** - 11.0 metres
- (g) **PARKING AREA LOCATION:**
Notwithstanding any other provision herein to the contrary, no part of any parking space shall be located closer to a front lot line than 6.0 metre; closer to a rear lot line than 1.5 metres; and closer to one side lot line than 1.5 metres and 15.0 metres to the other side lot line.

(9) USES PERMITTED IN M1-4 ZONE

No person shall within any M1-4 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-4 uses, namely:

- (a) **RESIDENTIAL USES:**
prohibited.
- (b) **NON-RESIDENTIAL USES:**
a commercial garage.

(10) ZONE PROVISIONS FOR M1-4 ZONE

No person shall within any M1-4 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita and, is in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

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GENERAL INDUSTRIAL (M1) ZONE

- (a) LOT FRONTAGE (minimum):** - 18.0 metres
- (b) BUILDING SETBACK, SIDE (minima):**
 - (i) one side - 2.7 metres
 - (ii) other side - 6.0 metres

(11) USES PERMITTED IN M1-5 ZONE

No person shall within any M1-5 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses of Section 10(1) hereof.

(12) ZONE PROVISIONS FOR M1-5 ZONE

No person shall within any M1-5 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof.

(13) USES PERMITTED IN M1-6 ZONE

No person shall within any M1-6 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-6 uses, namely:

- (a) RESIDENTIAL USES:**
 - an accessory dwelling house.
- (b) NON-RESIDENTIAL USES:**
 - a truck terminal.

(14) ZONE PROVISIONS FOR M1-6 ZONE

No person shall within any M1-6 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita and, is in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- (a) **LOT AREA (minimum):** - 2,800.0 square metres
- (b) **LOT FRONTAGE (minimum):** - 40.0 metres
- (c) **BUILDING AREA (maximum):** - 20%
- (d) **BUILDING SETBACK, FRONT (minima):**
 - (i) Residential uses - 6.0 metres
 - (ii) Non-Residential uses 10.0 metres
- (e) **BUILDING SETBACK, REAR (minimum):** - 9.0 metres
- (f) **BUILDING SETBACK, SIDE (minimum):** - 12.0 metres
- (g) **BUILDING HEIGHT (maximum):** - 11.0 metres
- (h) **LANDSCAPE OPEN SPACE (minimum):** - 20%
- (i) **PARKING SPACES (minima):**
 - (i) a Residential use - 1 per dwelling unit
 - (ii) a Non-Residential use - 5 per lot
- (j) **PARKING AREA LOCATION:**
Notwithstanding any other provision herein to the contrary, no part of any parking space shall be located closer to a front lot line than 1.0 metre; closer to a rear lot line than 9.0 metres; and closer to a side lot line than 12.0 metre.

(15) USES PERMITTED IN M1-7 ZONE

No person shall within any M1-7 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-7 uses, namely:

(a) **RESIDENTIAL USES:**

prohibited.

(b) **NON-RESIDENTIAL USES:**

a truck terminal.

(16) ZONE PROVISIONS FOR M1-7 ZONE

No person shall within any M1-7 zone use any lot or erect, alter or use any building or structure without such lot being served by a public sanitary sewer system when in the townsite of Harty and, is in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

(a) **BUILDING SETBACK, FRONT (minimum):** - nil

(b) **BUILDING SETBACK, REAR (minimum):** - 2.5 metres

(c) **BUILDING SETBACK, SIDE (minimum):** - 10.0 metres

(d) **BUILDING HEIGHT (maximum):** - 10.0 metres

(e) **PLANTING STRIP:**

A planting strip shall be required along any lot line which abuts a residential zone, except for the lot line abutting 3 Belanger Road. The planting strip may be part of the landscape open space required by the By-law. Each planting strip shall be at least 3.0 metres wide.

(f) **SPECIAL ENTRANCE PROVISION:**

The entrance to the property shall be permitted from the adjoining lands zoned R1 and known locally as 3 Belanger Road.

(17) USES PERMITTED IN M1-8 ZONE

No person shall within any M1-8 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-8 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a saw mill.

(18) ZONE PROVISIONS FOR M1-8 ZONE

No person shall within any M1-8 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- (a) BUILDING SETBACK, FRONT (minimum):** - 10.0 metres
- (b) BUILDING SETBACK, SIDE (minimum):** - 15.0 metres
- (c) BUILDING AREA (maximum):** - 15%

(19) USES PERMITTED IN M1-9 ZONE

No person shall within any M1-9 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-9 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling house.

(b) NON-RESIDENTIAL USES:

a commercial garage.

(20) ZONE PROVISIONS FOR M1-9 ZONE

No person shall within any M1-9 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- (a) **LOT AREA (minimum):** - 1,900.0 square metres
- (b) **LOT FRONTAGE (minimum):** - 35.0 metres
- (c) **DWELLING UNIT AREA (minimum):** - 55.0 square metres

(21) USES PERMITTED IN M1-10 ZONE

On any lands designated M1-10 on Schedule A hereto, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-10 uses, namely:

- (a) **RESIDENTIAL USES:**
 - an accessory dwelling house.
- (b) **NON-RESIDENTIAL USES:**
 - a body shop.

(22) ZONE PROVISIONS FOR M1-10 ZONE

On any lands designated M1-10 on Schedule A hereto, no person shall use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- (a) **LOT AREA (minimum):** - 1,850.0 square metres
- (b) **BUILDING SETBACK, FRONT (minimum):** - 6.5 metres

- (c) **BUILDING SETBACK, SIDE (minimum):** - 1.2 metres

(23) USES PERMITTED IN M1-11 ZONE

No person shall within any M1-11 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-11 uses, namely:

(a) **RESIDENTIAL USES:**

prohibited.

(b) **NON-RESIDENTIAL USES:**

a rental storage building.

(24) ZONE PROVISIONS FOR M1-11 ZONE

No person shall within any M1-5 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof.

(25) USES PERMITTED IN M1-12 ZONE

No person shall within any M1-12 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-12 uses, namely:

(a) **RESIDENTIAL USES:**

prohibited.

(b) **NON-RESIDENTIAL USES:**

a communications tower.

REVISED: 1 April 2008

(26) ZONE PROVISIONS FOR M1-12 ZONE

No person shall within any M1-12 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

(a) SPECIAL FRONTAGE PROVISION:

No frontage on or access to an improved street is required.

(27) USES PERMITTED IN M1-13 ZONE

No person shall within any M1-13 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-13 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a truck terminal.

(28) ZONE PROVISIONS FOR M1-13 ZONE

No person shall within any M1-13 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

(a) LOT AREA (minimum):

- 4.0 hectares

REVISED: 1 April 2008

(29) USES PERMITTED IN M1-14 ZONE

No person shall within any M1-14 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-14 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

an equipment storage building,
a lighting system signalling a flight path.

(30) ZONE PROVISIONS FOR M1-14 ZONE

No person shall within any M1-5 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof.

(31) USES PERMITTED IN M1-15 ZONE

No person shall within any M1-15 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1-15 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a municipal yard.

REVISED: 1 April 2008

(32) ZONE PROVISIONS FOR M1-15 ZONE

No person shall within any M1-15 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 10(2) hereof, except as provided in the following provisions:

- (a) **LOT AREA (minimum):** - 2.5 hectares

REVISED: 1 April 2008

SECTION 11

EXTRACTIVE INDUSTRIAL (M2) ZONE

(1) USES PERMITTED

No person shall within any M2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a portable asphalt plant;
a business office, accessory to another M2 use;
an equipment storage building, accessory to another M2 use;
a gravel pit;
a maintenance garage, accessory to another M2 use;
a mineral milling or processing plant;
a mining operation;
an open storage area, accessory to another M2 use;
a private fuel pump island, accessory to another M2 use;
a stone quarry;
a warehouse, accessory to another M2 use;
a wayside pit;
a wayside quarry.

(2) ZONE PROVISIONS

No person shall within any M2 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the following provisions:

- | | | |
|-----|---|----------------|
| (a) | LOT FRONTAGE (minimum): | - 200.0 metres |
| (b) | BUILDING AREA (maximum): | - 30% |
| (c) | BUILDING SETBACK, FRONT (minimum): | - 15.0 metres |
| (d) | BUILDING SETBACK, FLANK (minimum): | - 10.0 metres |

- (e) **BUILDING SETBACK, REAR (minima):**
 - (i) main building - 15.0 metres
 - (ii) accessory building - 5.0 metres
- (f) **BUILDING SETBACK, SIDE (minimum):** - 10.0 metres
- (g) **BUILDING SEPARATION (minimum):** - 5.0 metres
- (h) **BUILDING HEIGHT (maximum):** - 12.0 metres
- (i) **LANDSCAPING AREA (minimum):** - 10%
- (j) **VEGETATION STRIP PROTECTION:**
Within the minimum building setback area for the subject lot, no vegetation shall be removed, except where required for the location of a driveway.
- (k) **ENTRANCE SETBACK (minimum):** - 10.0 metres
- (l) **ENTRANCE WIDTH (minimum):** - 10.0 metres
(maximum): - 15.0 metres
- (m) **ENTRANCES PER LOT (maximum):** - 2
- (n) **PARKING SPACES (minimum):** - the greater of: 5 per lot;
or 1 for each 100.0 square metres
of gross floor area, or portion thereof
- (o) **PRIVATE FUEL PUMP ISLAND LOCATION:**
No part of any private fuel pump island shall be located closer than 20.0 metres to any street line, or 15.0 metres to any other lot line.
- (p) **OPEN STORAGE AREA REGULATIONS:**
No open storage area shall be permitted except in accordance with the following provisions:
 - (i) no open storage shall be permitted in a front yard or a flank yard;
 - (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
 - (iii) no open storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone;

- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.8 metres in height and constructed of uniform material; and
- (v) no portion of any open storage area for combustible materials shall be located closer than 20.0 metres to any lot line.

(q) EXCAVATION LOCATION:

No part of any excavation for a pit or a wayside pit that has not been closed shall be located closer than 70.0 metres to any lot line which abuts a zone other than a M2 Zone. No part of any excavation for a quarry or a wayside quarry that has not been closed shall be located closer than 300.0 metres to any lot line which abuts a zone other than a M2 Zone.

(r) BERM LOCATION AND REQUIREMENTS

A berm shall be required along any portion of a lot line which is also a street line. The berm shall be 3.0 metres in height above the surrounding land with a slope not to exceed a 3:1 ratio. A vegetation strip may replace a berm where its width exceeds 6.0 metres and the planted material has obtained a height of at least 3.0 metres.

(s) SPECIAL PROVISIONS:

- (i) Parcels 2571 CC, 6116 CC and 12350 CC, located in part of Lot 11 and Parcels 12350 CC and 2034 CC in part of Lot 12, all in Concession I, in the geographic Township of Williamson

Notwithstanding any other provision herein to the contrary this parcel shall also be required to provide a berm along any portion of a lot line which fronts southward. No part of any excavation shall be located closer than 70.0 metres from a front lot line and 50.0 metres to a side or rear lot line.

- (ii) Crown Land, located in part of Lot 22, Concession II, in the geographic Township of Williamson

Notwithstanding any other provision herein to the contrary this parcel shall also be required to provide a berm along any portion of a lot line which fronts westward. No part of any excavation shall be located closer than 30.0 metres from a front lot line, 70.0 metres to a side lot line and 0.0 metres to a rear lot line.

(t) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 12

DISPOSAL INDUSTRIAL (M3) ZONE

(1) USES PERMITTED

No person shall within any M3 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M3 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

an equipment storage building, related to another M3 use;
a landfill site;
a salvage yard;
a sewage treatment facility.

(2) ZONE PROVISIONS

No person shall within any M3 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the following provisions:

(a) LOT AREA (minima):

- | | |
|---------------------------------|----------------|
| (i) landfill site | - 4.0 hectares |
| (ii) salvage yard | - 2.0 hectares |
| (iii) sewage treatment facility | - 3.0 hectares |

(b) LOT FRONTAGE (minimum):

- 100.0 metres

(c) BUILDING AREA (maximum):

- 10%

(d) BUILDING SETBACK, FRONT (minimum):

- 20.0 metres

(e) BUILDING SETBACK, FLANK (minimum):

- 20.0 metres

(f) BUILDING SETBACK, REAR (minimum):

- 10.0 metres

(g) BUILDING SETBACK, SIDE (minimum):

- 20.0 metres

- (h) **BUILDING SEPARATION (minimum):** - 10.0 metres
- (i) **BUILDING HEIGHT (minimum):** - 10.0 metres
- (j) **LANDSCAPING AREA (minimum):** - 10%
- (k) **VEGETATION STRIP PROTECTION:**
Within the minimum building setback area for the subject lot, no vegetation shall be removed, except where required for the location of a driveway.
- (l) **ENTRANCE SETBACK (minimum):** - 15.0 metres
- (m) **ENTRANCE WIDTH (minimum):** - 5.0 metres
(maximum): - 10.0 metres
- (n) **PARKING SPACES (minimum):** - 2 for each use
- (o) **FILL AREA LOCATION:**
No dumping or disposal of any waste material in a fill area of a landfill site shall be permitted within 30.0 metres of any lot line.
- (p) **WASTE STABILIZATION POND LOCATION:**
No storage or treatment of any waste material in a waste stabilization pond of a sewage treatment facility shall be permitted within 150.0 metres of any lot line.
- (q) **GENERAL PROVISIONS:**
In accordance with the provisions of Section 3 hereof.

SECTION 13

PARK (P1) ZONE

(1) USES PERMITTED

No person shall within any P1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following P1 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

an auditorium;
a club, as part of a recreation facility;
a conservation use;
a cultural heritage resource site;
a public park;
a recreational facility;
a recreational trail.

(2) ZONE PROVISIONS

No person shall within any P1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and a public sanitary sewer system when in the townsite of Val Rita or a public sanitary sewer system when in the townsite of Harty and, is in accordance with the following provisions:

- | | |
|--|---------------|
| (a) BUILDING AREA (maximum): | - 30% |
| (b) BUILDING SETBACK, FRONT (minimum): | - 15.0 metres |
| (c) BUILDING SETBACK, FLANK (minimum): | - 15.0 metres |
| (d) BUILDING SETBACK, REAR (minimum): | - 7.5 metres |
| (e) BUILDING SETBACK, SIDE (minimum): | - 7.5 metres |
| (f) BUILDING SEPARATION (minimum): | - 5.0 metres |

SECTION 13(2)(g)

PARK (P1) ZONE

- (g) **BUILDING HEIGHT (maximum):** - 12.0 metres
- (h) **ENTRANCES PER LOT (maximum):** - 2
- (i) **ENTRANCE WIDTH (maximum):** - 15.0 metres
- (j) **ENTRANCE SETBACK (minimum):** - 10.0 metres
- (k) **DRIVEWAY SETBACK (minimum):** - 5.0 metres
- (l) **PARKING SPACES (minima):**
 - (i) an auditorium or a recreation facility
 - the greater of:
 - 1 for each 6 fixed seats,
or fraction thereof;
 - or 1 for each 15.0 square metres
of gross floor space,
or portion thereof
 - (ii) a conservation use or a public park
 - 10 for each 1.0 hectare
of lot area, or portion thereof
in excess of 0.2 hectares
- (m) **GENERAL PROVISIONS:**
In accordance with the provisions of Section 3 hereof.

SECTION 14

ENVIRONMENTAL (E1) ZONE

(1) USES PERMITTED

No person shall within any E1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following E1 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

an agricultural use, other than a building;
a conservation use, other than a building;
a flood control and erosion protection use;
an outdoor recreational use, other than a building;
a private park, other than a building;
a public park, other than a building;
a recreational trail, other than a building.

(2) ZONE PROVISIONS

No person shall within any E1 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the following provisions:

(a) EXCEPTION FOR ACCESSORY BUILDINGS AND STRUCTURES:

No accessory buildings or structures are permitted in relation to any E1 use, except a parking lot and a rest room.

(b) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 15

SENSITIVE (S1) ZONE

(1) USES PERMITTED

No person shall within any S1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following S1 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

an archaeological site;
a conservation use;
a cultural/heritage use;
a display or interpretation centre;
a heritage site;
a wildlife and/or fish management area.

(2) ZONE PROVISIONS

No person shall within any S1 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the following provisions:

(a) BUILDING AREA (maximum): - 30%

(b) BUILDING SEPARATION (minimum): - 10.0 metres

(c) BUILDING HEIGHT (maximum): - 12.0 metres

(d) EXCEPTION FOR ACCESSORY BUILDINGS AND STRUCTURES:

No accessory buildings or structures are permitted in relation to any S1 use, except a parking lot and a rest room.

(e) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

SECTION 16

RURAL (A1) ZONE

(1) USES PERMITTED

No person shall within any A1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A1 uses, namely:

(a) RESIDENTIAL USES:

- an accessory dwelling house;
- a bunkhouse;
- a group home;
- a modular dwelling house;
- a single detached dwelling house.

(b) NON-RESIDENTIAL USES:

- an agricultural use;
- a commercial greenhouse;
- an equipment storage building;
- a farm produce outlet;
- a forestry use;
- a home industry;
- a home occupation;
- a home profession;
- a kennel;
- a livestock facility;
- an open storage area;
- a post office, located in a detached dwelling house;
- a private fuel pump island;
- a private home daycare;
- a produce building;
- a recreational trail;
- a remote hunting or fishing camp;
- a rural home occupation;
- a tree nursery;
- a wayside pit;
- a wayside quarry.

REVISED: 1 April 2008

(2) ZONE PROVISIONS

No person shall within any A1 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the following provisions:

- (a) **LOT AREA (minima):**
 - (i) an existing lot - 10.0 hectares
 - (ii) other lots - 30.0 hectares
- (b) **LOT FRONTAGE (minimum):** - 365.0 metres
- (c) **DWELLING HOUSES PER LOT OTHER THAN A FARM LOT (maximum):** - 1 only
- (d) **BUILDING AREA (maximum):** - 1 %
- (e) **BUILDING SETBACK, FRONT (minima):**
 - (i) fronting on Highway No. 11 - 30.0 metres
 - (ii) fronting on any other street - 10.0 metres
- (f) **BUILDING SETBACK, FLANK (minima):**
 - (i) fronting on Highway No. 11 - 30.0 metres
 - (ii) fronting on any other street - 10.0 metres
- (g) **BUILDING SETBACK, REAR (minima):**
 - (i) Residential uses and Non-Residential uses - 10.0 metres
 - (ii) accessory buildings and structures - 5.0 metres
- (h) **BUILDING SETBACK, SIDE (minimum):** - 9.0 metres
- (i) **BUILDING SEPARATION (minima):**
 - (i) between residential and non-residential uses - 5.0 metres
 - (ii) between residential uses - 3.0 metres
 - (iii) between non-residential uses - 3.0 metres
- (j) **BUILDING HEIGHT (maximum):** - 12.0 metres

SECTION 16(2)(k)**RURAL (A1) ZONE**

- (k) **DWELLING UNIT AREA (minima):**
- (i) accessory dwelling house
or a detached dwelling house
constructed prior to 1 June 2006 - 55.0 square metres
 - (ii) other detached dwelling houses
constructed after 31 May 2006 - 85.0 square metres
- (l) **ENTRANCES PER LOT (maximum):** - 1 only,
except where a field entrance has been approved for farm use
as a secondary entrance
- (m) **ENTRANCES WIDTH (maximum):** - 4.0 metres
- (n) **PARKING SPACES (minima):**
- (i) Residential uses - 1 per lot
 - (ii) home occupation, rural home occupation,
home profession, or home industry - the greater of: 2 per lot;
or 1 for each 20.0 square metres
of net floor area, or portion thereof
 - (iii) other Non-Residential uses - nil
- (o) **PRIVATE FUEL PUMP ISLAND LOCATION:**
No part of any private fuel pump island shall be located closer than 10.0 metres to
any street line, or 15.0 metres to any other lot line.
- (p) **OPEN STORAGE:**
No open storage area shall be permitted except in accordance with the following
provisions:
- (i) no open storage area shall be permitted in a front yard or a flank yard;
 - (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot
line of such lot which abuts a Residential zone;
 - (iii) no open storage area shall be permitted in a side yard adjacent to a side lot
line of such lot which abuts a Residential zone;
 - (iv) no portion of any open storage area for combustible materials shall be
located closer than 20.0 metres to any lot line; and
 - (v) no open storage area shall be permitted on a lot where Section 15(2)(q)
applies.

REVISED: 1 April 2008

(q) CONSENT GIVEN FOR RESIDENTIAL LOT:

Notwithstanding any provisions of Section 15(2)(a), Section 15(2)(b) or Section 15(2)(d) hereof to the contrary, where a consent is given to create a residential lot, such lot may be used for a single detached dwelling house, a group home or a modular dwelling house, in addition to a home occupation, a home profession or a private home day care, provided the minimum lot area is 1.0 hectare, the minimum lot frontage is 60.0 metres and the maximum building area is 20%.

(r) LAND USE PERMIT GIVEN FOR A REMOTE HUNTING/FISHING CAMP:

Notwithstanding any provisions of Section 16(2)(a) or Section 16(2)(b) hereof to the contrary, where a Land Use Permit has been given on Crown land, such land may be used for a remote hunting/fishing camp provided the minimum lot area is 1.0 hectares and the minimum lot frontage is 45.0 metres.

(s) EXCAVATION LOCATION:

No part of any excavation for a wayside pit that has not been closed shall be located closer than 70.0 metres to any lot line which abuts a zone other than a M2 Zone. No part of any excavation for a wayside quarry that has not been closed shall be located closer than 300.0 metres to any lot line which abuts a zone other than a M2 Zone.

(t) GENERAL PROVISIONS:

In accordance with the provisions of Section 3 hereof.

(3) USES PERMITTED IN A1-1 ZONE

No person shall within any A1-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses of Section 16(2) hereof.

(4) ZONE PROVISIONS FOR A1-1 ZONE

No person shall within any A1-1 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 16(2) hereof, except as provided in the following provisions:

REVISED: 1 April 2008

(a) LOT FRONTAGE (minima):

- | | |
|-----------------|---------------|
| (i) one lot | - 28.5 metres |
| (ii) second lot | - 43.0 metres |

(5) USES PERMITTED IN A1-2 ZONE

No person shall within any A1-2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses of Section 16(2) hereof.

(6) ZONE PROVISIONS FOR A1-2 ZONE

No person shall within any A1-2 zone use any lot or erect, alter or use any building or structure without such lot being in accordance with the provisions of Section 3 and Section 16(2) hereof, except as provided in the following provisions:

- | | |
|------------------------------------|---------------|
| (a) LOT FRONTAGE (minimum): | - 35.0 metres |
|------------------------------------|---------------|

REVISED: 1 April 2008

SECTION 17

ADMINISTRATION

(1) ZONING ADMINISTRATOR

This By-law shall be administered by the Zoning Administrator.

(2) ISSUANCE OF PERMITS AND LICENSES

Notwithstanding any provision of the Building By-law or any other by-law of the Corporation to the contrary, no permit or license shall be issued where the proposed building, structure or use would be in violation of any provision of this By-law.

(3) REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-law shall be accompanied by three (3) copies of the Corporation's "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW".

(4) INSPECTIONS

(a) CONDITIONS FOR ENTRY:

Subject to clause (b) of this subsection, the Zoning Administrator, Chief Building Official or any other officer or employee of the Corporation, acting under the direction of Council, is hereby authorized to enter, at reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

(b) RESTRICTIONS FOR ENTRY OF DWELLING UNITS:

Notwithstanding any provision of clause (a) of this subsection to the contrary, no officer or employee of the Corporation shall enter any room or place being used as a dwelling unit or part thereof without the consent of the occupant, except under the authority of a search warrant issued pursuant to the Provincial Offences Act, as amended.

(5) VIOLATIONS AND PENALTIES

Every person who contravenes a by-law passed under Section 34 or 38 or an Order made under Section 47 of the Planning Act and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and, on conviction is liable, on a first conviction to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), and on a subsequent conviction to a fine of not more than Ten Thousand Dollars (\$10,000.00) for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Where a corporation is convicted under the above, the maximum penalty that may be imposed is, on a first conviction, a fine of not more than Fifty Thousand Dollars (\$50,000.00), and on a subsequent conviction to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided above.

If an offence has been committed under a by-law passed under Section 34 or 38 of the Planning Act, and a proceeding in respect of the offence is undertaken by the Municipality and a conviction has been entered, the proceeds of any fine in relation to the offence shall be paid to the Treasurer of the Municipality. Section 2 of the Administration of Justice Act, as amended and Section 4 of the Fines and Forfeitures Act, do not apply in respect of the fine.

(6) REMEDIES

Where any building or structure is to be erected or altered, or any part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any ratepayer or the Corporation pursuant to the provisions of the Planning Act or the Municipal Act 2001, S.O. 2001, as amended, in their behalf.

(7) VALIDITY

If any section, clause or provision of this By-law including anything contained in Schedules A, B and C attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof, other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

(8) LEGISLATIVE REFERENCE

All references to the Planning Act are for the Revised Statutes of Ontario, 1990, as amended, as of the date of the passing of this By-law. All other Provincial legislation is referenced to the R.S.O. 1990, unless otherwise identified. All Federal legislation is referenced to the date the legislation came into force.

CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 839-08

SECTION 18

REPEALS AND APPROVALS

All by-laws of the Corporation passed under Section 34 of the Planning Act, or a predecessor thereof are hereby repealed. These shall include, but are not limited to, By-law Nos. 350-86, 353-86, 390-87, 404-88, 414-88, 426-89, 434-89, 435-89, 456-90, 461-90, 462-90, 474-91, 472-91, 488-92, 491-92, 530-94, 531-94, 547-95, 580-97, 594-97, 604-98, 608-98, 634-99, 640-99, 684-01, 685-01, 686-01, and 707-02.

This By-law shall become effective on the date hereof subject to:

- (i) the expiration of the time period specified for the filing of objections by the notice of the passing of this By-law, provided that no notice of objection has been filed within the time period specified, or
- (ii) the determination or direction of the Ontario Municipal Board where an objection to the approval of this by-law has been filed within the time period specified in the notice of the passing of this By-law.

THIS BY-LAW read a first and second time this 26th day of June 2008.

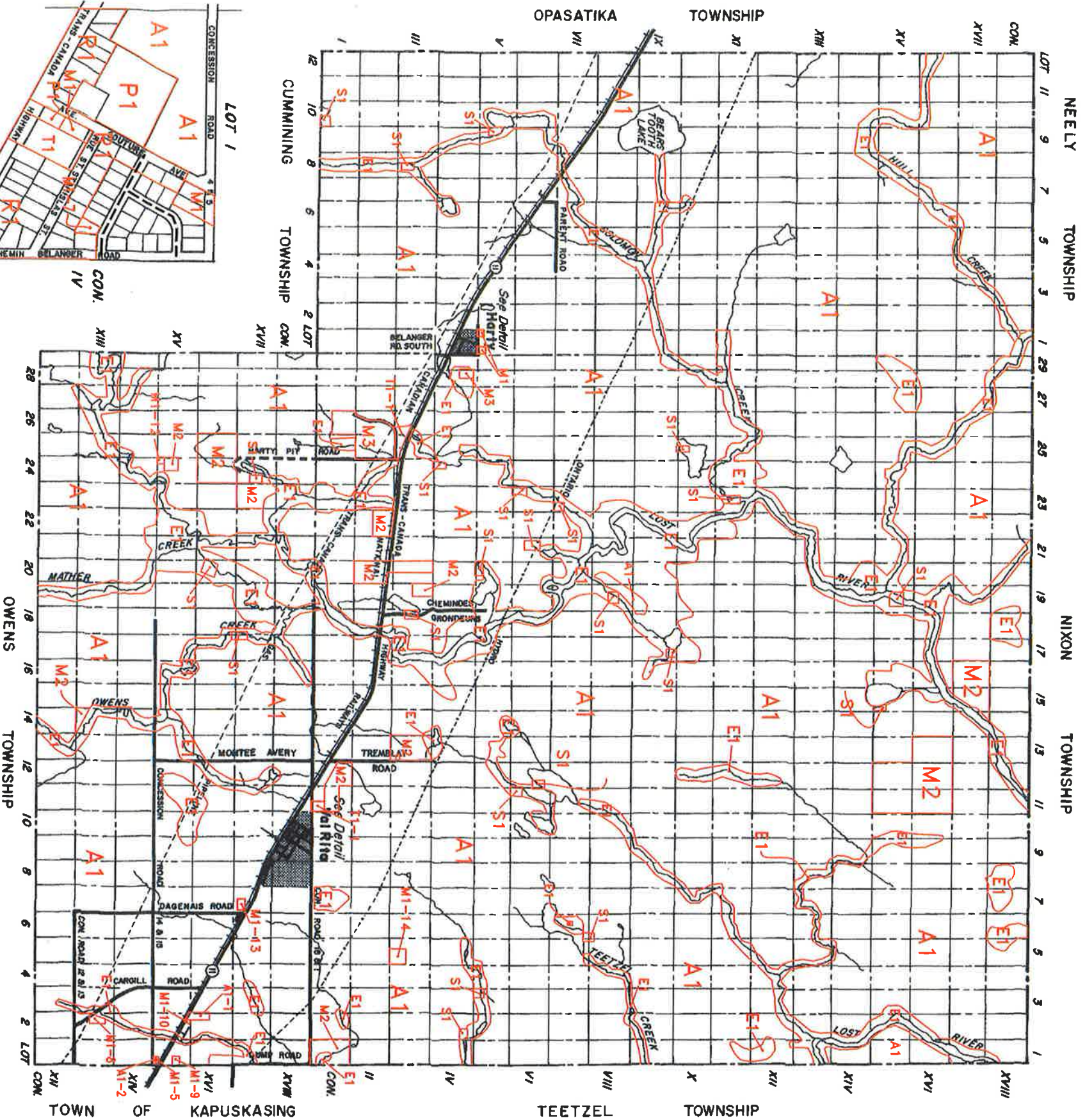
Signed: Lauren Bangor
(Mayor)

Signed: AK
(Clerk)

THIS BY-LAW read a third time and passed this 16th day of July 2008.

Signed: Lauren Bangor
(Mayor)

Signed: AK
(Clerk)



SCHEDULE B

MINIMUM DISTANCE SEPARATION I

The MDS I is for the purpose of calculating the minimum distance separation for non-agricultural uses establishing or expanding in proximity to livestock/poultry facilities.

In determining separation distances, measurements are calculated, for proposed industrial, commercial, institutional, recreational or residential uses created by consent or subdivision, as the shortest distance between the livestock facility and the area of land use change. If the consent is for a residential lot and the lot is no greater than the size required to provide private sewerage (septic) services, (not greater than 1.0 hectare), the measurement is taken as the shortest distance between the livestock facility and the lot line of the lot being created. However, where larger lots are proposed, a suitable location must be identified for a building envelope of approximately 1.0 hectare outside the minimum separation distance.

For the purpose of this Schedule, the following definitions shall apply:

- (1) **Active Recreational Use** means, a recreational use usually with buildings and/or with a concentration of uses such as golf courses, other playing fields, trailer parks, campgrounds and conservation areas with facilities.
- (2) **Agriculturally Related Commercial / Industrial Uses** means, uses directly related to agriculture and necessary in close proximity to farm operations, such as animal husbandry services, produce or grain storage facilities, or farm machinery outlets.
- (3) **Animal Group** means, livestock and poultry grouped according to their manure production. (See Table 1)
- (4) **Housing Capacity** means, the total maximum livestock capacity for the facility at any one time. (See "Livestock Housing Capacity Tables" provided by the Ministry of Agriculture and Food.)
- (5) **Livestock Unit** means, the equivalent values for various types of animals and poultry based on manure production and production cycles.
- (6) **Multiple Residential** means, three or more residential units in the same building.

- (7) **Passive Recreation Use** means, a recreational use not requiring buildings or not altering the soil or topography, such as open space and environmental areas.
- (8) **Rural Residential Cluster** means, four or more adjacent rural residential lots, generally one hectare or less in size, sharing a common boundary. Lots located directly across a road from one another shall be considered as having a common boundary.
- (9) **Tillable Hectares** means, land including pasture that can be worked or cultivated.
- (10) **Urban Expansion** means outward expansion of cities, towns, villages, or hamlets for such uses as residential, recreational, institutional, commercial and industrial.

STEP 1 - CALCULATE TOTAL LIVESTOCK UNITS (A)

Column 1 TYPE OF LIVESTOCK/ POULTRY	Column 2 HOUSING CAPACITY	Column 3 NUMBER OF ANIMALS PER LIVESTOCK UNIT (from Table 1)	Column 4 NUMBER OF LIVESTOCK UNITS (column 2 ÷ column 3)
(A) = TOTAL LIVESTOCK UNITS (sum of Column 4)			(A)

If there are more than 300 livestock units, reference must be made to a full set of tables available from the Ministry of Agriculture and Food.

**TABLE 1
ANIMAL GROUPS**

Animal Group 1	Animal Group 2	Animal Group 3	Animal Group 4	Animal Group 5
1 Livestock Unit equals	1 Livestock Unit equals	1 Livestock Unit equals	1 Livestock Unit equals	1 Livestock Unit equals
200 Chicken Broilers 1 Horse ³	4 Adult Sheep ³ 1 Beef Cow ¹ (Confinement) 10 Feeder Lambs 100 Ducks 5 Emu 4 Adult Goats ³ 3 Ostrich 500 Pullets 50 Turkeys > 10kg 75 Turkeys 5 - 10 kg 100 Turkeys < 5 kg	1 Beef Cow ¹ (Yard / Barn) 2 Beef Feeder (Yard / Barn) 1 Dairy Cow ^{1, 2} 2 Dairy Heifer (Yard / Barn) 40 Adult Rabbits ⁴ 3 Red Veal < 300 kg 125 Chicken Breeder Layers 75 Turkey Breeder Layers	80 Adult Mink ⁴ 40 Adult Fox ⁴ 125 Caged Layers	4 Feeder Hogs 5 Sows / boars 20 Weaners 4 - 30 kg 6 White Veal

¹ Includes calf to 150 kg; ² Multiply the number of milking cows by 1.5 to account for dry cows, heifers and calves on the same farm; ³ Includes offspring until weaned; ⁴ Includes offspring to market size

STEP 2 - LAND BASE ASSESSMENT (B)

Number of tillable hectares on site _____ X 5 = _____ (B) Potential Livestock Units
(The maximum answer (B) could be is 150 Livestock Units).

STEP 3 - NUMBER OF LIVESTOCK UNITS

Enter the greater of (A) Total Livestock Units from Step 1, or (B) Potential Livestock Units from Step 2. Use this figure to enter in Column 1 of Table 2. _____

STEP 4 - CALCULATION

Using the answer from Step 3 above, read across the appropriate line from Column 1 to the respective Animal Group (from Table 1 above) and within the appropriate Land Use Type. This number is the Minimum Distance Separation requirement in metres from a livestock/poultry facility.

TABLE 2
MINIMUM DISTANCE SEPARATION FROM LIVESTOCK FACILITY

COLUMN 1	TYPE "A" LAND USE					TYPE "B" LAND USE				
	To permit:					To permit:				
	- up to 3 rural residential lots, either by consent or by plan of subdivision - the severance of an existing dwelling - passive recreational - the building of a dwelling on an existing lot of record - agriculturally related commercial - industrial					- residential subdivision - active recreational - institutional - commercial - urban expansion - multiple residential - or result in a Rural Residential Cluster				
Greater of Livestock Units (A) or Potential Livestock Units (B), from Step 3 above	Animal Group					Animal Group				
	-1	-2	-3	-4	-5	-1	-2	-3	-4	-5
1 - 5 10 15 20 25	3955 6572 78	4260 7078 84	4868 8089 95	6085 1001 1111 9	8598 1151 2713 6	7310 4122 1351 46	9012 8151 1671 79	1121 6018 8208 224	1121 6018 8208 224	1601 8321 5238 256
3035404550	8286 8992 95	8892 9699 102	1011 0611 0113 117	1261 3213 7142 146	1441 5115 7162 167	1541 6116 7173 178	1661 7318 0186 192	1891 9820 6213 219	2372 4725 7266 274	2712 8329 4304 313
5560657075	9810 0102 1051 07	1051 0811 0113 115	1201 2312 6129 131	1501 5415 8161 164	1721 7618 0184 188	1831 8819 2196 200	1972 0220 7211 215	2252 3123 6241 246	2822 8929 5302 308	3223 3033 8345 352
80859095100	1091 1111 2114 116	1171 1912 1123 125	1341 3613 8140 143	1671 7017 3176 178	1911 9419 8201 204	2042 0721 1214 217	2192 2322 7230 234	2512 5525 9263 267	3133 1932 4329 334	3583 6437 0376 382
110120130140150	1191 2212 5127 130	1281 3113 4137 140	1461 5015 4157 160	1831 8819 2196 200	2092 1421 9224 228	2232 2923 4239 244	2402 4625 2257 262	2752 8128 8294 300	3433 5236 0368 375	3924 0241 1420 428
160170180190200	1331 3613 9143 146	1431 4715 0154 157	1641 6817 2175 179	2052 1021 4219 224	2342 4024 5251 256	2502 5626 2268 273	2692 7528 2288 294	3073 1432 2329 336	3843 9340 2411 420	4394 4946 0470 480

210	1491	1601	1831	2292	2622	2792	3013	3443	4294	4915
220	5215	6416	8719	3423	6727	8529	0731	5135	3944	0151
230	5158	7171	4195	9244	3278	1297	3320	8365	8457	2522
240	162	174	199	248	284	303	326	373	466	532
250										
260	1651	1771	2032	2532	2902	3093	3323	3803	4754	5435
270	6817	8118	0721	5826	9530	1532	3934	8739	8449	5356
280	1174	4188	0214	3268	1306	1327	5352	5402	3502	4574
290	177	191	218	273	312	333	358	409	511	584
300										

STEP 5 - CALCULATION

The following table is used to calculate MDS requirements in metres from manure storage associated with a livestock facility. Using the resulting MDS distance from Table 2, read across the appropriate line to Column 1, 2, 3 or 4. Select the distance under the appropriate Land Use Type. This is the Minimum Distance Separation requirement from the manure storage of a livestock facility for the establishment of a non-farm use.

For the purpose of Table 3, when calculating the Minimum Distance Separation from a manure storage area, the following definitions shall apply.

Column 1 means a roofed or covered storages for manure, runoff, and milkhouse washwater. Includes any covered or roofed concrete, steel or earthen storages, in-barn solid manure packs and storages under fully slatted floors.

Column 2 means an open solid manure pile on concrete slab. Includes the runoff storages (concrete or earthen) used for capturing seepage liquids from solid manure storage or runoff liquids from yards. If yards are scraped into runoff storage, use column 3 when runoff storage is a concrete or steel tank and column 4 when runoff storage is earthen. Milkhouse washwater may be added to runoff storage.

Column 3 means an open concrete or steel tanks used for storing liquid manure, milkhouse washwater, or yard runoff where yard is scraped into storage.

Column 4 means an open earth-sided or earth-sided storage with concrete floor to be used for storing liquid manure or yard runoff when yard is scraped into storage or milkhouse washwater.

TABLE 3
MINIMUM DISTANCE SEPARATION FROM MANURE STORAGE

Distance for Livestock Facilities (from Table 2)	Column 1		Column 2		Column 3		Column 4	
	Covered Storage Systems		Open Solid and Runoff Storage Systems		Open Liquid Tank and Runoff Storage Systems		Earthen Liquid and runoff Storage Systems	
	Type "A" Land Use	Type "B" Land Use	Type "A" Land Use	Type "B" Land Use	Type "A" Land Use	Type "B" Land Use	Type "A" Land Use	Type "B" Land Use
4045505560	4.05e+09	-	5.56e+09	-	1.19e+14	-	3.24e+14	-
6570758085	6.57e+09	-7.1e+07	7.98e+09	-1.0e+11	1.40e+14	-2.4e+11	3.35e+14	-6.9e+11
9095100110120	9.10e+12	9.10e+12	1.03e+14	1.22e+14	1.61e+14	2.58e+14	3.46e+14	6.96e+14
130140150160170	1.30e+14	1.30e+14	1.42e+14	1.61e+14	1.95e+14	2.92e+14	3.64e+14	7.14e+14
180190200210220	1.80e+14	1.80e+14	1.91e+14	2.09e+14	2.37e+14	3.35e+14	3.86e+14	7.36e+14
230240260280300	2.30e+14	2.30e+14	2.39e+14	2.58e+14	2.80e+14	3.77e+14	4.08e+14	7.58e+14
3.20340360380e+23	3.20e+23	3.20e+23	3.27e+23	3.46e+23	3.56e+23	4.53e+23	4.48e+23	7.98e+23

SCHEDULE C

MINIMUM DISTANCE SEPARATION II

The MDS II is for the purpose of calculating the Minimum Distance Separation for livestock and poultry facilities establishing or expanding in proximity to non-agricultural uses.

In determining separation distances, the distance to the nearest neighbour's dwelling is measured as the shortest distance between the barn or manure storage and the dwelling. Distances to residential subdivisions, urban areas, areas zoned or designated agriculturally related commercial, passive recreational, institutional, active recreational or commercial/industrial are measured as the shortest distance between the barn or manure storage and the land uses noted herein. Distances to the nearest side lot line, rear lot line and nearest road allowance are measured between the closest point of the barn or manure storage and the lot line or road allowance.

For the purpose of this Schedule, the following definitions shall apply:

- (1) **Active Recreational Use** means, a recreational use usually with buildings and/or with a concentration of uses such as golf courses, other playing fields, trailer parks, campgrounds and conservation areas with facilities.
- (2) **Agriculturally Related Commercial Uses** means, uses directly related to agriculture and necessary in close proximity to farm operations, such as animal husbandry services, produce or grain storage facilities, or farm machinery outlets.
- (3) **Housing Capacity** means, the total maximum livestock capacity for the facility at any one time. (See "Livestock Housing Capacity Tables" provided by the Ministry of Agriculture and Food.)
- (4) **Institutional Use** means, uses such as schools, churches, hospitals, senior complexes.
- (5) **Livestock Facilities** means, livestock/poultry barns where agricultural animals are housed and the associated manure storage.
- (6) **Livestock Unit** means, the equivalent values for various types of animals and poultry based on manure production and production cycles.
- (7) **Passive Recreation Use** means, a recreational use not requiring buildings or not altering the soil or topography, such as open space and environmental areas.
- (8) **Residential Areas** means, areas zoned or designated residential.

- (9) **Tillable Hectares** means, land including pasture that can be worked or cultivated.
- (10) **Urban Area** means cities, towns, villages, and hamlets for such uses as residential, recreational, institutional, commercial and industrial.

STEP 1 - CALCULATE TOTAL LIVESTOCK UNITS

**TABLE 1
LIVESTOCK UNITS**

Type of Livestock / Poultry	Existing Barn Capacity	Livestock Units	Additional Barn Capacity	Livestock Units	Total Barn Capacity	Total Livestock Units
Total 1			Total 2		Total 3	

STEP 2 - CALCULATE PERCENTAGE INCREASE

$$\text{Total 2} \rightarrow [\quad] \div \text{Total 1} \rightarrow [\quad] \times 100 = [\quad]\%$$

STEP 3 - CALCULATE FACTORS

Factor A: Livestock / poultry to be added. (See Table 3)

Factor A: []

Factor B: Total number of livestock units. (See Table 4)

Factor B: []

Factor C: Percentage increase. (See Table 5)

Factor C: []

Factor D: type of manure system (solid = 0.7, liquid = 0.8)

Factor D: []

STEP 4 - CALCULATE BUILDING BASE DISTANCE (from Factors above) AND MANURE STORAGE BASE DISTANCE (from Table 5)

Building Base Distance:

(Factor A X Factor B X Factor C X Factor D)

Base Distance 'F': []

Manure Storage Base Distance from Table 6:

Base Distance 'S': []

TABLE 2
BUILDING BASE DISTANCE
and
MANURE STORAGE BASE DISTANCE

Minimum Distance Separation Summary:		Building: 'F' Base Distance [] (Use from above calculation)		Manure Storage 'S' Base Distance [] (Use from above calculation)	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Neighbouring Land Use or Boundary	Factor	Distance "F" X Column 2	Actual Distance	Distance "S" X Column 2	Actual Distance
Nearest Neighbour's Dwelling	1				
Areas zoned or designated Agriculturally Related Commercial Use, Passive Recreational or Industrial	1				
Areas zoned or designated Residential, Institutional, Active Recreational or Commercial. Urban Areas	2				
Nearest Side or Rear Lot Line	0.2				
Nearest Road Allowance (side or front lot line)	0.25				

TABLE 3
FACTOR 'A'
Barn Odour Potential

Livestock/ Poultry*	Animals per Livestock Unit	Type and Issues	Factor 'A'
Beef	1.12212512513e+58	Beef Cow barn confinement	0.7
		Beef Cow barn with yard	0.8
		Beef Feeders barn confinement	0.7
		Beef Feeders barn with yard	0.8
Chicken		Caged Layers manure stored in barn	1.0
		Caged Layers daily manure removal	0.8
		Chicken Breeder Layers	0.8
		Chicken Broilers/Roasters	0.65
		Pullets (replacement layers)	0.7
Dairy		Milking Cow ^{1 2} tie-stall	0.65
		Milking Cow free-stall	0.7
		Dairy Heifers barn confinement	0.7
		Dairy Heifers barn with yard	0.8
Duck		Ducks	0.7
Emu		Emu	0.7
Fox		Adult Fox ³	1.1
Goat		Adult Goats ³	0.7
		Feeder Goats > 20 kg	0.7
Horse		Horse ³	0.65
Mink		Adult Mink ³	1.1
Ostrich		Ostrich	0.7
Rabbit		Adult Rabbits ³	0.8
Sheep		Adult Sheep ³	0.7
		Feeder Lambs > 20 kg	0.7
Swine		Sows / Boars	1.0
		Weaners 4 - 30 kg ⁵	1.0
		Feeder Hogs 30 - 120 kg	1.0
Turkeys		Meat Turkeys > 10 kg	0.7
		Meat Turkeys 5 - 10 kg	0.7
		Turkey Breeder Layers	0.8
		Meat Turkeys < 5 kg	0.7
		Pullets (replacement breeders)	0.7
Veal		White Veal	1.0
		Red Veal < 300 kg	0.8

* For all other livestock/poultry use 1 livestock unit per 450 kg housed at one time (A=0.8)

¹. Includes calf to 150 kg; ². A dairy farm usually has milking cows, dry cows, heifers and calves. Multiply the number of milking cows by 1.5 to account for the followers when they are all kept on the same farm; ³. Includes offspring until weaned; ⁴. Includes offspring to market size; ⁵. Multiply number of sows by 2.4 to determine the number of weaners

TABLE 4
FACTOR 'B'
Total Number of Livestock Units

Livestock Units	Factor B	Livestock Units	Factor B	Livestock Units	Factor B	Livestock Units	Factor B
5	107	95	313	500	578	1600	821
6	119	100	318	520	585	1650	829
7	129	110	327	540	592	1700	836
8	138	120	335	560	598	1750	844
9	145	130	343	580	605	1800	851
10	152	140	350	600	611	1850	858
12	164	150	357	620	617	1900	865
14	175	160	366	640	623	1950	872
16	183	170	374	660	629	2000	879
18	191	180	383	680	635	2100	892
20	198	190	392	700	640	2200	905
22	205	200	400	720	646	2300	917
24	210	210	409	740	651	2400	929
26	216	220	418	760	656	2500	941
28	221	230	426	780	661	2600	952
30	225	240	435	800	666	2700	963
32	230	250	444	850	679	2800	974
34	234	260	452	900	690	2900	985
38	241	280	470	1000	713	3200	1015
40	245	290	478	1050	723	3400	1034
45	253	300	487	1100	733	3600	1053
50	261	320	501	1150	743	3800	1071
60	275	360	522	1250	762	4200	1105
65	281	380	531	1300	771	4400	1121
70	287	400	540	1350	780	4600	1136
75	293	420	548	1400	780	4800	1152
80	298	440	556	1450	797	5000	1166
85	304	460	564	1500	805	7500	1326
90	309	480	571	1550	813	1000	1455

TABLE 5
FACTOR 'C'
Percentage Increase

Percentage Increase	Factor C	Percentage Increase	Factor C	Percentage Increase	Factor C
0-50	0.70	120	0.86	280	1.03
55	0.72	130	0.88	300	1.04
60	0.73	140	0.90	325	1.05
65	0.75	150	0.91	350	1.06
70	0.76	160	0.92	375	1.07
75	0.77	170	0.94	400	1.08
80	0.78	180	0.95	425	1.09
85	0.79	190	0.96	450	1.10
90	0.81	200	0.97	500	1.11
95	0.82	220	0.99	550	1.12
100	0.83	240	1.00	650	1.13
110	0.85	260	1.02	700	1.14

Note: For new livestock farms, or if the % increase is > 700 percent, use Factor C = 1.14

TABLE 6
SITING DISTANCES FOR MANURE STORAGE

For the purpose of Table 6, for calculating the Minimum Distance Separation from a manure storage area, the following definitions shall apply.

Column 1 means a roofed or covered storages for manure, runoff, and milkhouse washwater. Includes any covered or roofed concrete, steel or earthen storages, in-barn solid manure packs and storages under fully slatted floors.

Column 2 means an open solid manure pile on concrete slab. Includes the runoff storages (concrete or earthen) used for capturing seepage liquids from solid manure storage or runoff liquids from yards. If yards are scraped into runoff storage, use column 3 when runoff storage is a concrete or steel tank and column 4 when runoff storage is earthen. Milkhouse washwater may be added to runoff storage.

Column 3 means an open concrete or steel tanks used for storing liquid manure, milkhouse washwater, or yard runoff where yard is scraped into storage.

Column 4 means an open earth-sided or earth-sided storage with concrete floor to be used for storing liquid manure or yard runoff when yard is scraped into storage or milkhouse washwater.

Schedule C Cont'd
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Minimum Base Distance 'F' for the Building	Column 1	Column 2	Column 3	Column 4
	Covered Storage Systems	Open Solid and Runoff Storage Systems	Open Liquid Tank and Runoff Storage Systems	Earthen Liquid and Runoff Storage Systems
4.04550556066e+119	4.04550556066e+119	5.56065707480e+121	1.19123128132e+131	3.24326328331e+131