

Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law state the regulations which apply regardless of the specific zoning (Sections 5-19). Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.

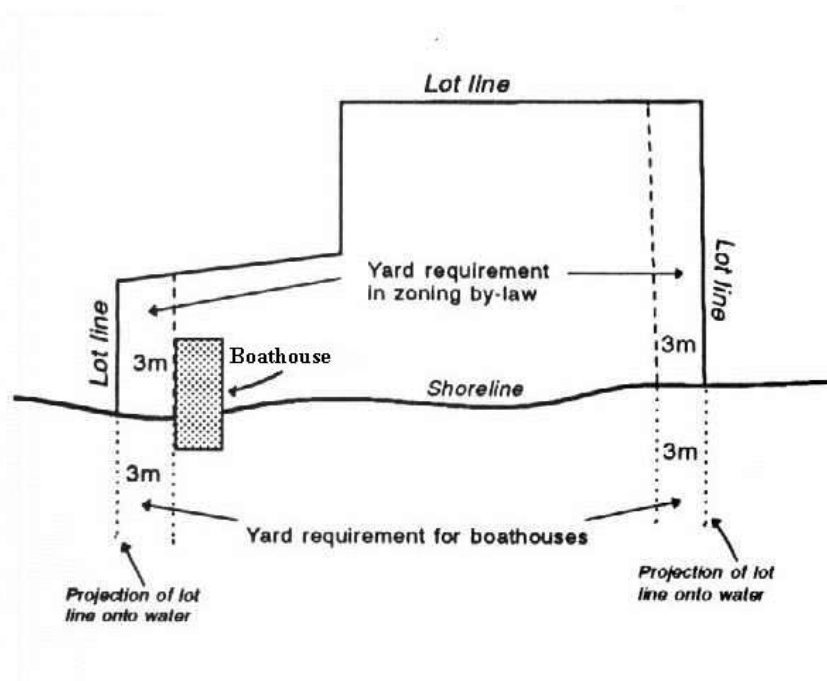
4.0 GENERAL PROVISIONS

4.1 Accessory Buildings, Structures and Uses

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

1. All uses, buildings and structures accessory to a permitted principal use are located on the same lot and in the same zone as the principal use or main building;
2. The total lot coverage or ground floor area of all accessory buildings and structures, excluding in-ground swimming pools, shall not exceed 10% up to 74 m² (800 ft.²) respectively, for a residential use in a village or hamlet; or the specified lot coverage up to 93 m² (1,000 ft.²) for a residential use in a rural area; or the lot coverage specified for any non-residential accessory use, building or structure.
3. The accessory buildings or structures are not located within any minimum front yard or a minimum exterior side yard unless specifically permitted in this By-law (*e.g. accessory buildings are permitted in the front yard where the front yard is adjacent to a water body*).
4. No accessory buildings or structures shall be erected closer to the front lot line or the exterior side lot line than the minimum front yard and exterior side yard setbacks required for the main building. This provision shall be exempted:
 - a) For lots with water frontage subject to the provisions of the Lakefront Development (LD) Zone and to **Section 4.1.1(7)**;
 - b) For a partially enclosed shelter for use by children waiting for a school bus, if such is located in a rural zone;

- c) For any farm produce outlet having a gross floor area of less than 9.3 m³ (100 ft.²), if such use is located in a rural zone.
5. No accessory buildings or structures shall be erected closer to an interior side lot line or rear lot line in the Rural (RU) Zone or the Limited Service Rural (LSR) Zone than 3 m (9.84 ft.).
6. The use of any accessory building or structure for human habitation is not permitted except where specifically listed as a permitted use.
7. Notwithstanding Section 4.1 (3) above, a boat house, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 3.0 (9.8 ft.) to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water. (See illustration)



8. For the purposes of this By-law, any building or structure which is structurally attached to the main building is not an accessory building (example: garage, carport, balcony, deck).

(Note: See individual zones for the types of permitted accessory uses, buildings or structures, maximum height and setbacks in addition to any provisions set out above.)

4.2 Automotive Service Stations, Gas Bars, and Fuel Pump Islands

Where automotive service stations and gasoline retail facilities are permitted in this By-law, such uses shall be subject to the requirements of the *Gasoline Handling Act*, the *Ontario Propane Code* or both as they respectively apply. This shall be in addition to the requirements the municipality may require for site plan control under Section 41 of the *Planning Act*.

4.3 Bed and Breakfast Establishment

A bed and breakfast establishment shall be a permitted accessory use within any permitted dwelling subject to approval of the health unit where accommodation is provided for nine or more guests.

4.4 Buildings to be Moved

No building or structure shall be moved within the limits of the Township or shall be moved from outside the Township into the Township (*example: mobile home, modular home or relocated dwelling*) unless the building or structure is a permitted use and satisfies all the requirements of the zone in which it is to be located and a building permit has been obtained from the Building Official.

(*Note: applicants may also require a special vehicle permit from MTO, the County or Township for an over-dimensional load (width, height, length, weight) or a relocation permit prior to any move.*)

4.5 Change in Lot Size

No lot shall be reduced in area, depth or width, by any means other than acquisition by a public body, which results in:

1. The lot coverage exceeding the maximum permitted by this By-law;
2. The lot area, lot frontage or a yard being less than the minimum required by this By-law.

4.6 Cumulative Standards

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 and loading space requirements for such building, structure or lot shall be the sum

of the requirements for the separate uses thereof.

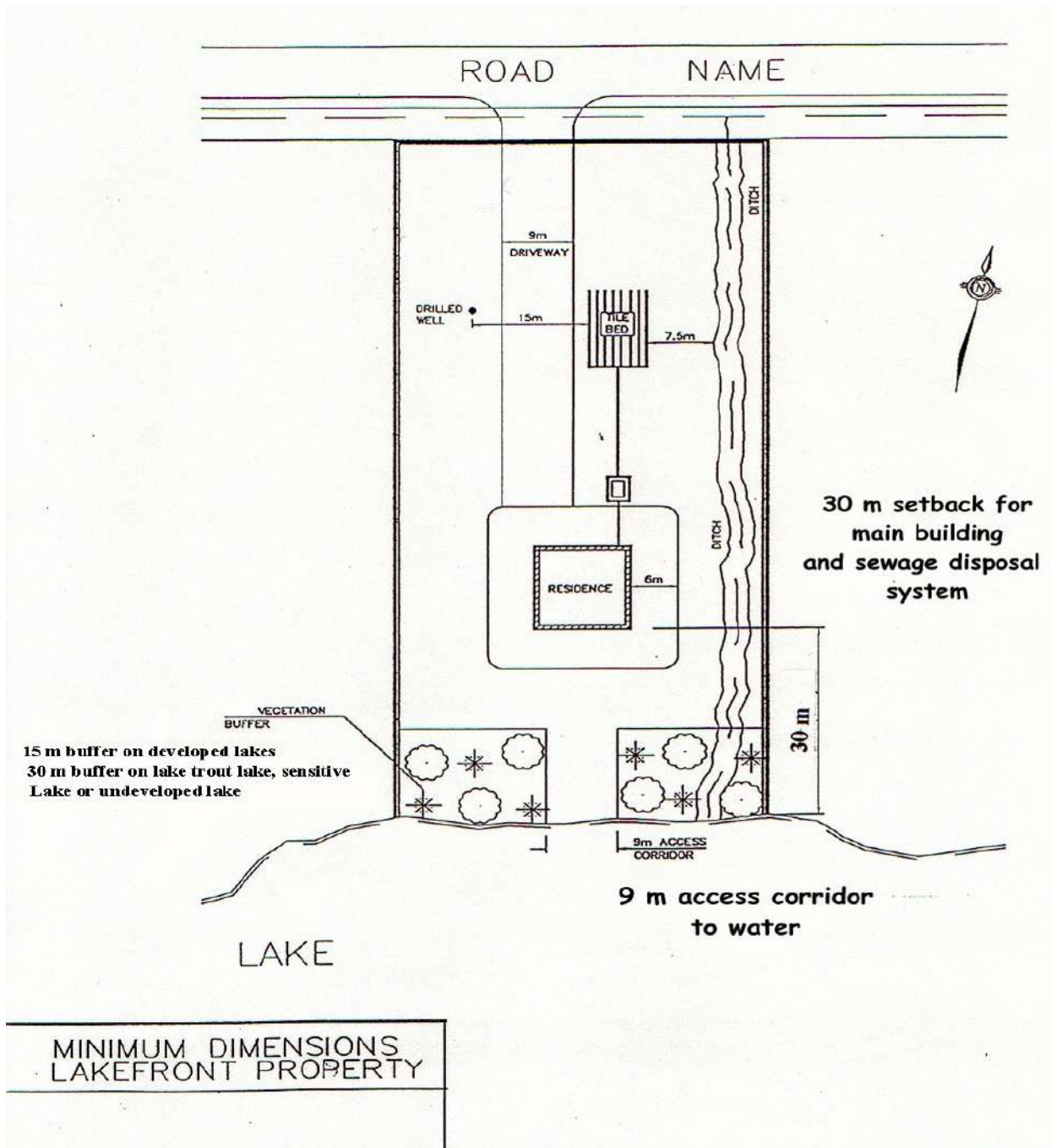
4.7 Development of Land With Access Over Public Body Rights-of-Way

1. Development of land in any zone which has access solely by means of a right-of way owned by a public body (*example: unopened municipal road allowance*), but excluding a provincial highway, shall be restricted to the following uses:
 - a) agricultural use
 - b) camp
 - c) communications facility
 - d) conservation use
 - e) forestry use
 - f) recreational facility
 - g) wayside pit
 - h) wayside quarry
2. This requirement may be exempted where an agreement has been entered into with the municipality for a person to carry out the maintenance of an unassumed or unmaintained public road allowance.

4.8 Environmental Design Requirements for Shoreline Properties

For shoreline properties adjacent to a navigable waterway within the municipality, the following environmental design requirements shall apply to new development:

1. Existing natural vegetation (native species) shall be retained as a natural vegetation buffer strip of vegetation as deep as is reasonable and practical along the shoreline, and in no case less than 15 m (49.2 ft.) in depth from the shoreline and 30 m on a lake trout lake, a sensitive lake or an undeveloped lake. The cutting or removal of trees, shrubs or ground cover will be discouraged within the natural vegetation buffer except for the removal of dead or diseased trees, debris or noxious plants or where a landscaped corridor of not greater than 9 m (29.5 ft.) in width is required for access between the dwelling and shoreline. The municipality may require that a professional competent in shoreline landscaping be engaged to prepare a shoreline vegetation management plan suitable for conserving and sustaining the natural environment (see illustration p. 13). See also **Section 4.32(6)(c) - Setbacks on water bodies** and **Section 11.3**);
2. Passive, low impact structures such as a gazebo, television tower, satellite dish, sauna, storage shed where above the flood elevation, or similar structures shall be permitted to be constructed or set back behind the



natural shoreline vegetation buffer strip within the required shoreline setback.

3. Saunas or steam baths serviced by a pressurized water system shall be setback a minimum of 30 m (98.4 ft.) from the shoreline.
4. A dock shall be permitted as an accessory structure, provided it is constructed with environmentally friendly (e.g. non-toxic) materials and provided it is either a cantilever, floating or post dock, but not a solid dock (see illustration- P.107).
5. Shoreline structures such as retaining walls, sheet metal pilings, gabions (rip-rap) or groynes shall not be permitted except where required for erosion control or conservation purposes and only where such structures have been designed or recommended by a professional in the field of environmental design; (*Explanatory note: permits are required from the Mississippi Valley Conservation Authority for fill, site alteration or construction within areas regulated by fill and construction regulations. A work permit may be required from the Ministry of Natural Resources for shoreline alteration outside of the MVCA jurisdiction.*)
6. Remediation or rehabilitation of shoreline features e.g. stabilizing eroded or de-vegetated slopes or river banks, selective cutting, planting or thinning to improve vegetation or fish habitat shall be permitted under the guidance of a professional or public body.
7. Existing sewage disposal systems which are located within a defined flood plain may only be repaired or replaced where damaged or destroyed by flooding, if they are repaired or reconstructed using approved flood proofing techniques. Sewage disposal systems which are voluntarily replaced, other than as a result of damage or destruction by flooding shall be relocated outside of the defined flood plain. Sewage disposal systems which fail for other reasons shall be repaired or reconstructed in accordance with the *Ontario Water Resources Act* and the *Building Code Act*.
8. Where storm drainage is discharged with an outlet into a lake or river, erosion protection shall be provided around the outlet. Site grading shall be carried out so as to collect surface runoff and retain phosphorous laden stormwater on site e.g. through the use of sediment traps or settling ponds.

(Note: these provisions are in addition to any controls that may be imposed under site plan control.)

4.9 Established Building Line in Built-Up Area

Despite the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a village or hamlet, where there is an established building line, such permitted building or structure may be erected closer to the centre line of the road than required by this By-law provided such permitted building or structure is not erected closer to the centre line of that road than the established building line on the date of the passing of this By-law or 14 m (45.9 ft.) whichever is greater. In the case of a County Road, the setback from the centre line shall be 17 m (55.7 ft.). The established building line for Highway 7 shall be established by the Ministry of Transportation (see illustration p. 16).

4.10 Fences

Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the *Municipal Act* or the provisions of the *Line Fences Act*.

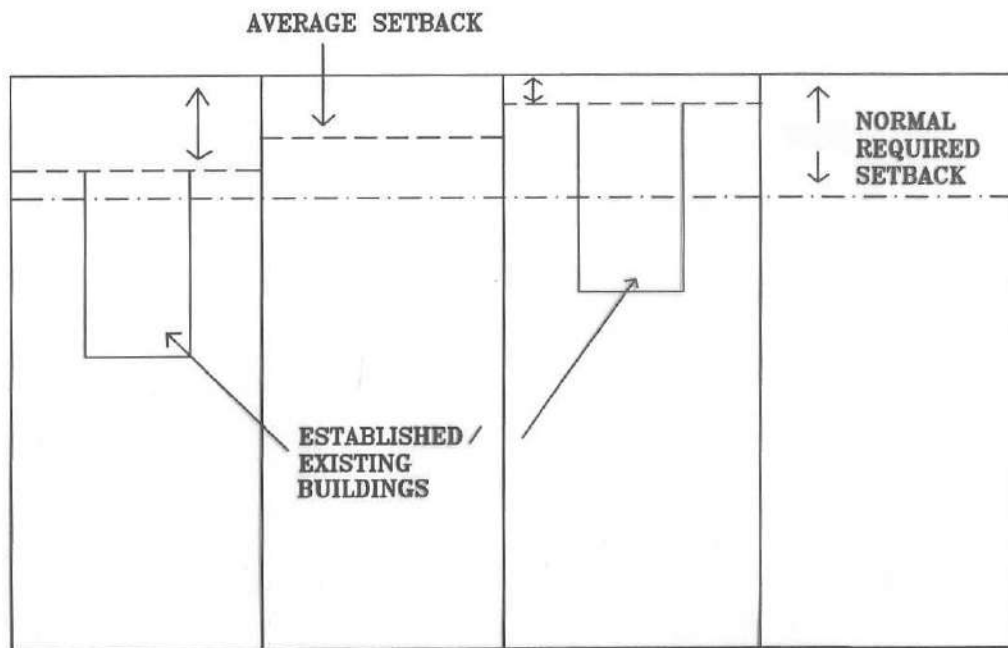
4.11 Frontage on a Public Highway or Private Road

1. No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a public street or private road as per the requirements of the respective zone within which the lot is situated except:
 - a) for any permitted use on an island provided a public access point is available on the main land and arrangements, satisfactory to the municipality, are made for parking;
 - b) a camp;
 - c) a resource related use on Crown Land;
 - d) a communications facility;
 - e) a public utility;
 - f) a wayside pit or quarry;
 - g) any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities;
 - h) a lot which has legal access (i.e. right-of way) registered title
 - i) a lot where the provisions of the *Road Access Act* are deemed to apply

(See also **Section 4.7 Development of Land With Access Over Public Body Rights-of-Way.**)

2. In addition to all the requirements of the Corporation, all development adjacent to any Provincial Highway or to a County Road is also subject to

ESTABLISHED BUILDING LINES / FRONT YARD REDUCTION



Normal required setback is the greater of the average setback or 14 m from the centre line of a municipal road or 17 m from a County Road. Established setback applies within a village or hamlet only.

the requirements and permits of the Ministry of Transportation or the

County of Lanark respectively.

3. Exception for Existing Agreements

- a) Despite **Section 4.11.1**, where a maintenance or subdivision agreement exists between the municipality and a land owner and is registered on title, frontage on an unassumed, unopened or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the standards set out in the corresponding zone or any exception thereto.
- b) Despite Section 4.11.1, a lot may be used or developed for a use permitted which does not have frontage on a public road provided that the lot has a legal access (right-of-way) registered on title.

4.12 Frontage On More Than One Street or Road (Through Lot)

Where a lot fronts on more than one road or street and is not a corner lot, the requirements for front yards contained in this By-law shall apply to each yard abutting a public highway in accordance with the provisions of the zone or zones in which such lot is located.

4.13 Garbage Storage

Except in the Waste Management Facility (WMF) Zone, no person shall use any area outside of a main building for the storage of garbage, other than that normally associated with a single detached dwelling unit, except in a location within a rear yard or in a manner which is environmentally acceptable to the Corporation and is visually screened in a manner which is in keeping with the architectural treatment of the main building. (*Note: This may be in addition to any requirements of site plan control.*)

4.14 Garden Suite

Subject to the passing of a site specific Temporary Use By-law under Section 39 of the *Planning Act*, a Garden Suite shall be permitted as a separate dwelling unit to a permitted residential dwelling provided that the following standards are met:

1. That approval of on-site sewage disposal system is obtained (see **Section 4.36**);
2. That provision is made for an adequate on-site water supply service (see **Section 4.36**);

3. That the requirements of the *Building Code* are met;
4. That there will be no adverse impacts to adjacent lands as a result of drainage or access for fire protection; and
5. That all applicable provisions of this zoning By-law are met (see zone requirements for residential zones).

4.15 Group Homes

The following provisions shall apply to the establishment of Group Homes as defined in **Section 20.G** of this By-law:

1. Group homes shall be permitted in the Rural Zone (RU), the Hamlet (H) Zone and Residential (R1 and R2) Zones;
2. No group home utilized as a Halfway House for Ex-Offenders or an Open Custody Residence shall be permitted within 5 km (3.1 miles) of another similarly classified group home located within the Township or within any adjacent municipality;
3. Group homes shall be located on a public highway which is maintained year round;
4. Despite the provisions above, this By-law is not intended to exclude other persons which may live in a group setting where provincial licensing or approval is not required, but who otherwise meet the requirements of this By-law.

4.16 Height Exceptions

1. The height regulations herein set forth shall not apply to any of the following:
 - a) air conditioning system
 - b) chimney
 - c) church spire or belfry
 - d) drying tower
 - e) elevator or stairway enclosure
 - f) enclosed mechanical and electrical equipment
 - g) farm buildings and structures such as a barn, silo or windmill
 - h) flag pole
 - i) hydro electric transmission tower
 - j) receiving and transmitting antenna
 - k) receiving stations

- l) satellite dish
 - m) solar panels, wind mills
 - n) ventilating fan or skylight
 - o) water tower or tank
- 2. Despite the foregoing, limitations prescribed by the Federal Ministry of Transport or practice recommended by the Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

4.17 Home Based Businesses

Where permitted, the following uses shall be considered accessory to any residential use:

1. Categories of Permitted Home Based Businesses

- a) professional and consulting services (examples include an architect, legal services, financial advisor, consultant, accountant, auditor, physician, teleworking, surveyor, correspondent);
- b) personal services (examples include hair care, beauty salon, esthetician, calligraphy, engraving, printing, photocopying, dress making or tailoring, pet grooming, computer services, caterer, interior decorating, secretarial or word processing, wedding planning, bait supplier);
- c) instructional services (examples include musical instruments, dance, aerobics, crafts, tutoring);
- d) private day care;
- e) offices for contractors and trades businesses (examples include electrician, heating and plumbing, home renovator, contractor);
- f) repair services (examples include small appliances, computers, clothing and shoes);
- g) home craft businesses (examples include quilting, pottery, jewellery, visual arts, woodworking, small scale assembly);
- h) high technology uses (examples include internet services, office call centres, desk top publishing, hardware and software development)
- i) transportation services (examples include taxi, limousine, school bus, handicapped) to a maximum of two vehicles;
- j) maple syrup production
- k) farm produce outlet
- l) tourist outfitting (examples include ecotourism, outdoor recreation)
- m) distribution sales offices or mail order sales.

2. Provisions

Where listed as a permitted use, up to two (2) home based businesses may

be carried on in a dwelling and/or accessory building provided that the following regulations are complied with:

- a) that the home based business shall be for the exclusive use of the householder. In addition to the owner there shall not be more than six (6) employees (including employed members of the household) operating in or on the premises at any time;
- b) that not more than 25% of the gross floor area of the dwelling shall be used for such use. Where an accessory building is used in part or in whole, the floor area of the accessory building shall not exceed 10% of the lot coverage up to a maximum of 74 m² (800 ft.²) in the Hamlet Zone, the Residential Low Density (R2) Zone or the Lakefront Development (LD) Zone, nor shall exceed 10% of the lot coverage up to a maximum of 93 m² (1,000 ft.²) in any other zone where a home based business is permitted. Where the home based business occupies part of a dwelling and part of an accessory building, the total floor area devoted to such business shall not exceed 74 m² (800 ft.²) in the Hamlet Zone, the Residential Low Density (R2) Zone or the Lakefront Development (LD) Zone, nor shall exceed 93 m² (1,000 ft.²) in any other zone where a home based business is permitted.
- c) that any home based business located on an undersized lot or in the Multiple Residential (R2) Zone shall be restricted to the dwelling only;
- d) that a sign not exceeding 1.5 m² (16.1 ft.²) shall be permitted;
- e) where home based businesses are permitted, outside storage of goods or materials shall be permitted subject to the provisions of **Section 4.26** of this By-law;
- f) that the home based business is clearly accessory to the permitted residential use and is generally compatible with adjacent uses and shall not create a nuisance by virtue of noise, odours, parking, traffic, electrical interference or visual impacts;
- g) that the home based business is dry in nature (e.g. does not require a large quantity of water or produce a large quantity of sanitary waste i.e. in excess of 10,000 litres/day). Businesses shall have the appropriate approval for on-site water and sewage disposal systems (see **Section 4.36**);
- h) that the business is legal; and

- i) that adequate parking is provided in accordance with **Section 4.27** of this By-law.
3. Despite anything in Section 4.17 (1) or(2) to the contrary, the following shall not be permitted as home based businesses: a retail store except for retailing goods produced or manufactured on the property occupied by the business, a tea room, a convalescent home, a funeral home, an auto body/automotive repair, a storage yard, a parking area or a contractor's yard.
4. Entrance permits for home based businesses onto a provincial highway shall be limited to a residential entrance only.

4.18 Illumination

Illumination of buildings and grounds shall be permitted provided that:

1. Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.
2. Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.
3. Illumination shall not cause direct or indirect glare on land or buildings or across water in any zone in which residential uses are permitted.

4.19 Land Suitability for Use and Organic Soils

Despite any other provision of this By-law, no habitable building or structure (i.e. sewage disposal system) shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction and the requirements of the *Ontario Water Resources Act* and the *Environmental Protection Act* with respect to the installation of an individual on-site sewage and water system can be met.

(Note: Zoning Schedules to this By-law identify the location of organic soils in the municipality.)

4.20 Loading Requirements - Village of Lanark

For every building or structure hereafter erected for a commercial, institutional or

industrial use, involving the shipping, loading or unloading of persons, animals, wares, merchandise or other goods, or for a change of use, there shall be provided and maintained loading facilities or spaces in accordance with the following requirements:

1. Each loading space shall have a minimum height clearance of 4.25 m (13.9 ft.) and shall be at least 3.75 m (12.3 ft.) wide by 7.5 m (24.6 ft.) long if situated inside of or at right angles to a building or structure or 3.75 m (12.3 ft.) wide by 9 m (29.5 ft.) long if situated parallel to the wall of a building or structure.
2. Loading spaces shall be located in a building or structure, an open rear yard, or an open side yard, on the same lot on which the main use is located, provided such a space shall be in an area whose distance from lot line to building or structure is not less than 7.50 m (24.6 ft.) and shall have unobstructed ingress and egress to and from a public street by means of a driveway, land or isle of a minimum width of 6 m (19.7 ft.).
3. The number of required loading spaces shall be based on net floor area of the building or structure as follows:

<u>Net Floor Area</u>		<u>Spaces Required</u>
Less than 300 m ²	(3,229.2 ft. ²)	1
For every additional 4,000 m ² or fraction thereof	(43,057 ft. ²)	1

4. The loading space requirements stated in subsection (3) above shall not apply to buildings or structures in existence as of the date of passing of this By-law but shall apply to areas of any expansion, enlargement or change of use to such buildings or structures for which building permits have been issued after the date of passing of this By-law.

4.21 Mine Hazards

No lands identified as having a mine hazard shall be used unless the mine hazard has been remediated or rehabilitated or measures taken to mitigate known or suspected hazards. Any required remediation, rehabilitation or mitigation measures shall be undertaken using acceptable engineering practices.

4.22 Natural Heritage Features

1. Requirements for Natural Heritage Features

No use of land, buildings or structures except a conservation use shall be permitted within the distances prescribed below of an identified natural

heritage feature whether or not they are shown on the Zone Schedules to this By-law, except where an Impact Assessment and/or mitigating measures or conservation practices are implemented as approved by the public body having jurisdiction. No use of land, buildings or structures or site alteration may be permitted within the habitat area of wildlife or within an Area of Natural and Scientific Interest except where an Impact Assessment and/or mitigating measures or conservation practices are implemented as approved by the public body having jurisdiction. These provisions shall not apply to a pit or quarry where otherwise governed by a license pursuant to the Aggregate Resources Act. (See illustrations p. 23)

Feature or Area

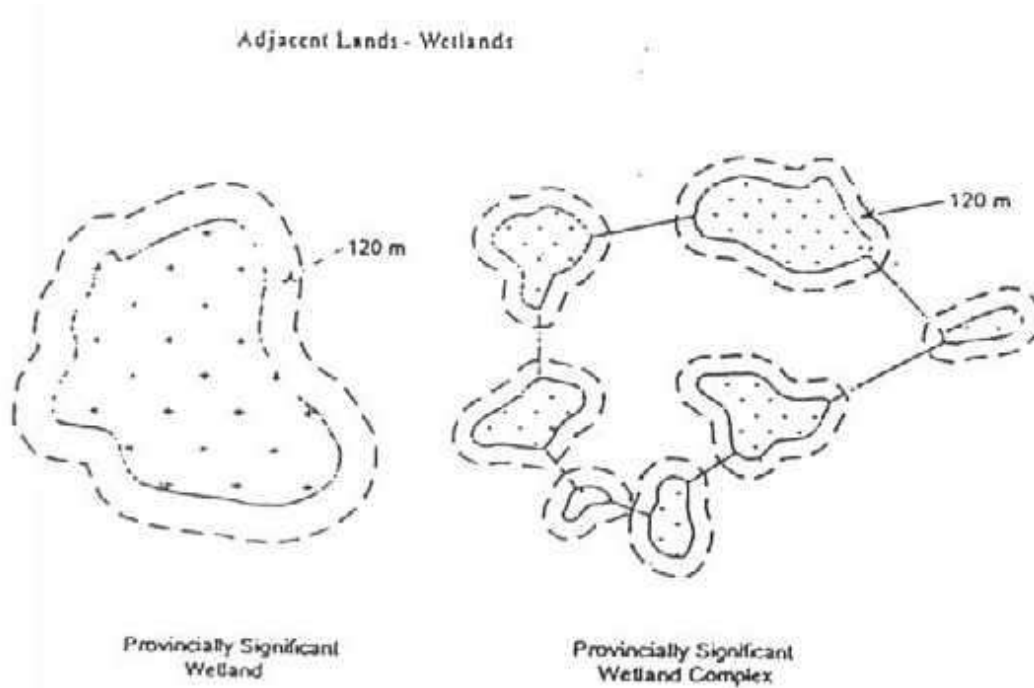
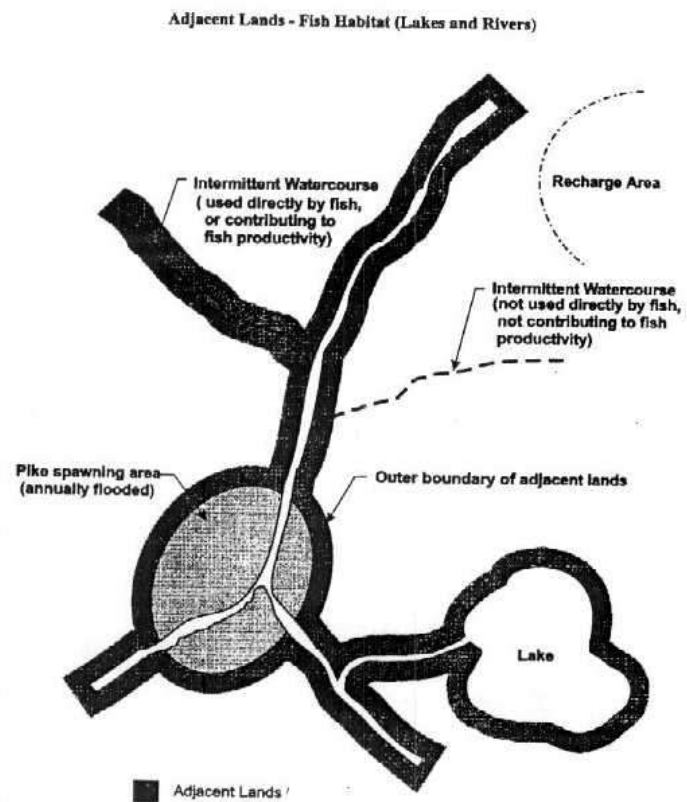
- a) Significant Portions of the habitat of Endangered & Threatened Species 50 m (164 ft.)
- b) Provincially Significant Wetlands 120 m (393.7 ft.)
- c) Fish Habitat 30 m (98.4 ft.)
- d) Significant Wildlife Habitat 50 m (164 ft.)
- e) Areas of Natural and Scientific Interest 50 m (164 ft.)

2. Bird Nesting Sites

On lands identified on the Zoning Schedules to this By-law as a bird nesting site, no use, building or structure shall be permitted which, in the opinion of the public body having jurisdiction, would negatively impact on such site or sites and any building or structure that may be permitted shall be setback such distance as may be prescribed by such public body.

Explanatory Note

Bird nesting sites include only those locations and those species identified in the Official Plan e.g. heron rookeries, osprey, turkey vulture, goshawk and red shouldered hawk and other identified species. These sites are shown on the zoning By-law schedules. The intent of the By-law is to ensure that development on "adjacent lands" to these nesting sites will not have a negative impact on these sites. As a general rule the Ministry of Natural Resources recommends that adjacent lands be considered to be those lands within 50 m (164 ft.) of the nest (or significant portion of the habitat). A separation distance between a specific nesting site and development e.g. the construction of a dwelling or other measures to protect the habitat will be determined in consultation with the Ministry of Natural Resources or a professional knowledgeable in terrestrial biology prior to permitting development.



3. Deer Yard

No use of land, buildings or structures shall be permitted within the Deer Yard Constraint Area except where acceptable mitigating measures or conservation practices are implemented as approved by the public body having jurisdiction. These provisions shall not apply to a pit or quarry where otherwise governed by a license pursuant to the Aggregate Resources Act.

4. Development shall be permitted on an unclassified wetland or locally significant wetland for a use permitted in the zone only.

4.23 Non-Conforming and Non-Complying Uses

1. Continuation of Existing Uses

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

2. Repair of Existing Buildings

If a non-conforming building or structure should be damaged by causes beyond the owner's control (e.g. fire, tornado etc.) nothing in this By-law shall prevent such building from being restored and strengthened to a safe condition, provided that the reconstruction or restoration is started within twenty-four (24) months of the date on which the damage took place.

Explanatory Note

These two sections of the By-law allow for the repair and reconstruction of buildings destroyed by a natural cause. Section 4.23 (2) applies only to buildings or structures destroyed by causes other than flooding (e.g. fire, tornado). Such buildings or structures can be reconstructed in the same location whether they are in the flood plain or not. Reconstruction or repair must start within 2 years.

3. Reconstruction of Existing Buildings in the Flood Plain

If an existing building or structure located within the flood plain should be destroyed by flooding, nothing in the By-law shall prevent such a building from being reconstructed provided the size is not increased, the location of the reconstruction is not varied except as approved and approved flood proofing techniques are used. The reconstruction shall be started within twenty-four (24) months of the date on which the damage took place.

Explanatory Note

Section 4.23 (3) applies only to buildings or structures damaged by a flood. The By-law permits the applicant to rebuild in the same location (same building foot print) provided the building is flood proofed and provided the size of the building is not increased. Flood proofing a building may include such measures such as reinforcing the foundation, ensuring that door and window sills are above the flood level or any combination of measures that will minimize flood damage in the future. Despite this provision, Council encourages the public to rebuild outside of the flood plain.

4. Less than Minimum Yard Requirements

Where a building, structure or private sanitary sewage disposal system has been erected prior to the date of passing of this By-law, on a lot having less than the minimum front, side or rear yard required by this By-law, the building, structure or private sewage disposal system may be enlarged or reconstructed provided that:

- a) the enlargement, reconstruction, repair or renovation does not further encroach upon any minimum front, side or rear yard required by this By-law;
- b) environmental regulations with respect to proximity of the sewage disposal system to water wells and to water courses are met, and;
- c) all other applicable provisions of this By-law are complied with.

5. Prior Building Permits

Nothing in this By-law shall prohibit the erection of a non-conforming building or structure for which a building permit has been issued prior to the date of passing of this By-law, provided that the erection of such building or structure is commenced within the life of the building permit, the building permit has not been revoked under the *Building Code Act*, and such building or structure is completed within twenty-four (24) months after the erection thereof is commenced.

6. Existing Undersized Lots

Where a lot having less than the minimum frontage or lot area required by this By-law is held under distinct and separate ownership from abutting lots, as shown by a registered conveyance in the records of the Registry or Land Titles Office on the date of the passing of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided

that all other applicable provisions in this By-law are met, and further that approval of the sewage disposal facilities is obtained from the public body having jurisdiction. Despite this provision, no development shall be permitted on a lot for a residential, commercial or industrial use where the lot area is 0.5 ha (1 ac.) or less.

7. Accessory Buildings and Structures

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

8. Changes of Non-Conforming Uses

The use of a lot, building, or structure, which under the provisions of this By-law is not permissible within the zone in which such lot, building or structure is located, shall not be changed except to a use permitted by the By-law for such zone, or to a use authorized by the Committee of Adjustment pursuant to its powers under the *Planning Act*. (see also **Section 3.3**)

4.24 Noxious Uses

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business, or manufacture by the *Health Protection and Promotion Act* or any regulations made thereunder. This provision shall not apply to a pit or quarry where otherwise governed by a license pursuant to the Aggregate Resources Act.

4.25 Occupancy Restrictions

Human habitation (occupancy) shall not be permitted in any of the following buildings, structures, or parts thereof unless the building, structure, or parts thereof meet all requirements of the *Fire Code*, the *Building Code* and any other applicable regulations, policies, or *Acts*. For the purposes of this By-law, occupancy shall mean the use of a building or structure or part thereof, in the list below, for permanent or long term accommodation including its use for sleeping and food preparation.

1. Any private garage or other building which is accessory to a residential use;
2. Any truck, bus, recreational vehicle, coach or streetcar body whether or not the same is mounted on wheels.

4.26 Open Storage

Where permitted, open storage shall be in accordance with the following:

1. The open storage is accessory to the principal use of the lot;
2. Open storage, as defined in this By-law, shall not be permitted within any front yard and any minimum required side or rear yard where such yard abuts a Residential use except where permitted under a site plan control agreement;
3. Despite (2) above, in any Mineral Aggregate Resource Zone open storage shall not be permitted within the required setback area;
4. Any area of open storage abutting a residential use or which is open storage associated with a permitted home based business, shall be fully and completely hidden by an opaque screen, buffer or fence or any combination thereof;
5. Any areas used for open storage shall be in addition to any minimum off-street parking areas required by this By-law;
6. Despite anything in this subsection to the contrary, in the case of an automotive or recreational vehicle sales establishment, open storage of vehicles shall be permitted in all yards provided no such use is located closer than 1 m (3.2 ft.) to any street line.

4.27 Parking Requirements

1. Parking Space Requirements

The owner or occupant of any building or structure erected, enlarged, or changed in use after the passing of this By-law shall provide off-street parking in accordance with the following provisions, and in accordance with the following schedule of parking requirements. In addition, wherever barrier-free access to a building is required under the Building Code, one barrier free parking space shall be provided for every 20 standard spaces or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements.

Parking Requirements	Minimum No. Parking Spaces Required
Use	
Residential Single Detached Dwelling Semi-detached Dwelling Seasonal Dwelling Converted Dwelling Duplex Dwelling Row or Townhouse Dwelling Triplex Dwelling Mobile Home Dwelling Park Model Trailer Seasonal Dwelling Apartment Dwelling Accessory Dwelling/Apartment	1 space per dwelling unit
Bed & Breakfast Boarding House Sleep Cabin	1 space for each guest room or cabin in addition to the required residential spaces
Group Home	1 space for each non-resident staff member plus three spaces
Other Uses: Athletic or Recreational Establishment (Other than herein listed)	The greater of 1 space per 14 m ² (150.6 ft. ²) of gross floor area, or 1 space per four persons design capacity of the establishment.
Automotive Service Station Auto Body Shop Auto Repair Garage Gasoline Retail Facility (Gas Bar)	3 spaces per service bay with 2 spaces minimum
Automotive Sales Establishment Recreational Vehicles Sales and Storage and Repair Farm Implement Sales and Repair	1 space for every 32 m ² (344.4 ft. ²) of gross floor area of sales and display area, minimum 5 spaces
Building Supply Store, Lumber Yard, Garden Centre, Nursery Farm, Produce Outlet, Commercial Greenhouse	1 space for every 20 m ² (215.2 ft. ²) of gross floor area of sales and display area and 1 space for each 35 m ² (376.7 ft. ²) of gross floor area of bulk storage

Parking Requirements Use	Minimum No. Parking Spaces Required
Car Washing Establishment	3 spaces minimum plus two stacking spaces per bay for a manual wash or 10 spaces for an automated car wash
Day Nursery	2 spaces plus 1 for each staff member
Golf Course	4 spaces per hole, minimum 50
Home Based Business	1 parking space per employee who is not a resident of the dwelling or property on which the business is located plus one space for each commercial vehicle (to a maximum of two commercial vehicles) plus one space per home based business operating on the property plus the required number of spaces for a residential dwelling
Hotels and Motels Tourist Establishment (Other than herein listed)	1 space per guest room or suite, plus the required spaces for any adjoining public or restaurant use.
Industrial Uses	1 space for every 35 m ² (376.7 ft. ²) of floor area up to 200 m (2,152.8 ft. ²), plus 1 additional space for every 200 m ² (2,152.8 ft. ²) of floor area thereafter
Marina	1 space for every seasonal boat slip, plus 1 space for every four transient boat slips plus 1 trailer space for every ten boat slips.
Medical or Dental Clinic	4 spaces/practitioner or 1 space per 15 m ² (161.4 ft. ²), whichever is greater
Nursing Home, Long term care facility, Home for the Aged	1 space per 4 beds or fraction thereof
Retirement Home	1 space per suite or living unit
Office, Public Buildings	1 space per 30 m ² (322.9 ft. ²) of gross floor area with a minimum of 2 spaces

Parking Requirements Use	Minimum No. Parking Spaces Required
Place of Assembly, Place of Worship, Arenas, Halls, Club, Theatre, Bingo Hall, Funeral Home	1 space per four persons accommodated according to the maximum permitted capacity or 1 space per 10 m ² (107.6 ft ²) where there are no fixed seats
Restaurant	1 space per four persons accommodated according to the maximum permitted capacity or 1 space per 10 m ² (107.6 ft. ²), whichever is greater
Retail Stores, convenience store, service outlets, grocery stores, video rental outlets banks	1 space per 20 m ² (215.2 ft. ²) of gross floor area with a minimum of 4 spaces
School 1. Elementary 2. High School	1. 1 space per for each staff member plus 1 space per 3.7 m ² (40 ft. ²) of floor area in the gymnasium, auditorium or assembly area. 2. 1 space per for each staff member plus 3 spaces per 3.7 m ² (40 ft. ²) of floor area in the gymnasium, auditorium or assembly area.
Camping Ground Tourist Campground Recreational Vehicle Park	1.2 spaces per camp site
Warehouse, storage facility	1 space per 100 m ² (1,076.4 ft. ²) of gross floor area
Any use not specified above except an agricultural use, conservation use, forestry use, pit, quarry or wayside pit or wayside quarry	1 space per 30 m ² (322.9 ft. ²) of gross floor area

2. Size of Parking Space

Each standard parking space shall have a minimum width of 2.6 m (8.5 ft.) in width and a minimum length of 5.5 m (18.0 ft.) in length. Each

barrier-free parking space shall have a minimum width of 3 m (9.8 ft.) and a minimum length of 6 m (19.6 ft.).

3. Cumulative Standards

Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.

4. Addition to Building/Change In Use

The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs, then parking space(s) for the addition or area change in use shall be provided.

5. Location of Parking Spaces

Required parking for a Residential use shall be provided on the same lot as the dwelling unit. For all other uses, parking shall be provided within 100 m (328.0 ft.) of the building it is intended to serve. Where required parking for other uses is not provided on the same lot, the lot or part of the lot where the parking is located shall be in the same ownership or be leased by a long term renewable agreement and the parking spaces shall be retained for the duration of the use.

6. Parking for Waterfront Access Only Lots

Parking shall be provided at or near a water access point on the same water body as the water access only lot(s) and long-term parking arrangements for the required number of parking spaces shall be secured by means of a registered lease or other legal instrument acceptable to the Corporation.

7. Access to Parking Lot

Ingress and egress directly to and from every parking space, shall be by means of a driveway, lane, or aisle having a width of at least 6.5 m (21.3 ft.) for two-way traffic and 3.5 m (11.4 ft.) for one-way traffic where parking is angled. The width of the access driveway at the streetline shall not exceed 7.5 m (24.6 ft.).

8. Rounding the Calculation of Parking Spaces

Despite the requirements for parking as set out in the Schedule for Parking Spaces, if the calculation of the minimum number of parking spaces results in a fraction, the minimum requirement shall be the next higher whole number (*i.e. if the calculation of the number of parking spaces required is 7.3, the number required shall be 8 through rounding up.*)

4.28 Pits and Quarries

The making or establishment of pits and quarries within the Municipality is prohibited unless within a Mineral Aggregate Resource MXP or MXQ Zone or is a wayside pit or a wayside quarry as approved by the public body having jurisdiction.

A wayside pit or wayside quarry shall not be permitted in within the boundaries of Lanark Village, any Hamlet Zone, any Lake Development (D) Zone, any lands zoned for a Rural Cooperative or on any lands in an Environmental Protection (EP) Zone.

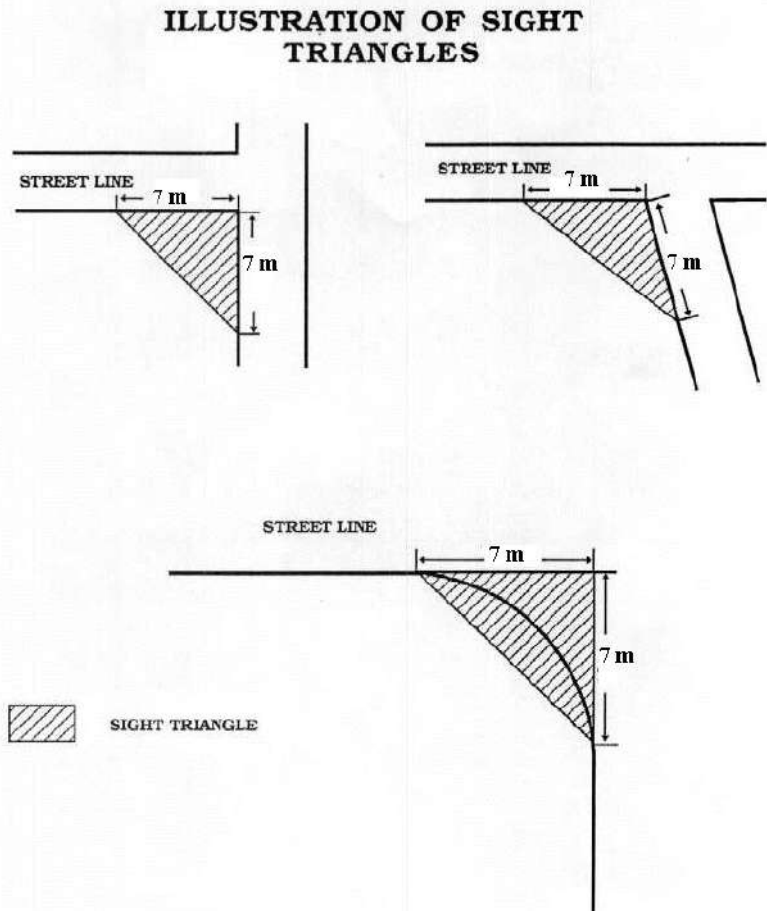
4.29 Public Service Use or Public Utility

Any land may be used and any building or structure may be erected or used for the purpose of a public use or utility by a public body in any zone provided that:

1. The lot coverage and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with;
2. Any building erected in a residential (R1, R2), Hamlet (H) or Lakefront Development (D) zone under the authority of this paragraph shall be designed and maintained in general harmony with adjacent buildings and structures;
3. Parking requirements as provided for in this By-law shall be complied with; and,
4. No building or structure shall be constructed in an Environmental Protection (EP) Zone, except for erosion or flood control.
5. In the case of a Communications Facility, as defined, the lot size and positioning of any tower shall be such that the collapse or failing of the tower shall be contained entirely within the boundaries of the lot.

4.30 Sight Triangles on Corner Lots

On a corner lot no obstruction higher than 0.75 m (2.46 ft.) (except a chain link fence for a school or park) shall be permitted on that part of a lot at the street corner composed of a triangle having sides 7 m (22.9 ft.) in length along each street line measured from the street corner formed by the lot lines, or by the straight line projection of lot lines when lot lines are connected by a curved line. (See illustration.)



4.31 Signs

Privately owned ground signs, freestanding signs, billboards, pole signs, pylon sign or portable sign which are larger than 1.5 m² (16.1 ft.²) in area shall be set back a minimum of 3 m (9.8 ft.) from any lot line.

The location, size and construction of all signs larger than 1.25 m² (13.4 ft.²) in area which are proposed to be located within any minimum front yard or minimum exterior side yard are subject to the approval of the Corporation. All signs shall conform to the *Building Code*.

(Note: the requirements for signs shall be in addition to any standards or setbacks imposed by the Ministry of Transportation or the County of Lanark or contained in any municipal sign By-law.)

4.32 Special Setbacks, Minimum Distance Separation and Influence Areas

No person shall use any land, building or structure for a sensitive land use unless

it complies with the following minimum distance separations, influence areas or special setbacks except where such distances have been waived or reduced by a public authority, where upon the revised distance, influence area or setback shall apply. Distances, influence areas or setbacks shall be measured as set out for the respective requirement. Also, the reconstruction, enlargement, etc. of buildings and structures existing prior to the date of passing of this By-law which are within any of the special setbacks noted in this subsection may be permitted subject to the regulations set out in subsection **4.23 - Non-Complying and Non-Conforming Uses** to this By-law.

1. Setback from Highway 7

The setback shall be as determined by a noise and/or vibration study if such is required by the Corporation and shall be generally measured from the point source of the emission to the property line of the receptor land use. In addition, setbacks, for land uses, buildings and structures are subject to the approval of the Ministry of Transportation.

2. Waste Management Facility

- a) The ***influence area*** shall be a distance of 500 m (1,640 ft.) from a sensitive land use measured from the boundary of the (licensed) fill area to the nearest property line of the sensitive land use. Within the influence area, no sensitive land use shall be permitted unless an Environmental Impact Assessment is undertaken, to the satisfaction of the approval authority, to demonstrate that the proposed development will not negatively be impacted by the waste management facility (e.g. leachate migration, methane gas, rodents, vectors, vermin, odour, litter, noise, etc.).
- b) No use of land, buildings or structures shall be permitted within a distance of 30 m (98.4 ft.) of the (licensed) fill area of an active waste management facility other than uses permitted in the Waste Management Facility (WMF) Zone.
- c) No waste management facility shall be permitted within a distance of 30 m (98.4 ft.) from the high water mark of any water body and no waste management facility shall be permitted on land covered by water or in any area subject to flooding (see Section 4.11.3).

3. Pits and Quarries:

- a) The minimum setback distances for pits and quarries from property lines shall be as set out in the *Aggregate Resources Act*.
- b) Within an influence area of 150 m (492.1 ft.) of a pit excavated

above the water table or aggregate reserve, or 300 m (984 ft.) of a pit excavated below the water table, measured from the zone boundary of a Mineral Aggregate (MXP or MAR) Zone, or 500 m (1,640 ft.) from the zone boundary for a quarry (MXQ Zone), or 750 m (2,460 ft.) from the zone boundary of the Tatlock Quarry respectively, the proponent of any sensitive land use shall be required to demonstrate that there will be no adverse or potential impacts (i.e. visual impacts, noise, dust, traffic or ground water quality or quantity) created on the sensitive land use, or impacts that cannot otherwise be appropriately mitigated by the proponent from an existing or proposed aggregate operation. Adverse impacts may be addressed by means of a phasing plan, rehabilitation plan, landscaping berming, specified truck routes or other measures acceptable to Council.

For the purposes of this By-law the Tatlock Quarry shall include Lots 4-6 and the west 3/4 of Lot 7, Concession 4, geographic township of Darling and the west 1/2 of Lots 5 and 6, Concession 5, geographic township of Darling.

- c) A pit or quarry or wayside pit or wayside quarry shall be set back a minimum of 30 m (98.4 ft.) from the high water mark of a water body or a distance prescribed or required by regulation or condition(s) of the license under the *Aggregate Resources Act*.

4. Industrial Uses

- a) ***Class I Industrial:*** Includes light industrial uses defined as a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions e.g. noise, dust, odour and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging and crafting services. The minimum separation distance from a sensitive land use to a Class I Industrial Use shall be 20 m (65.6 ft.) measured from property line to property line. The influence area shall be 70 m (230 ft.).
- b) ***Class II Industrial:*** Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and or periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent

movement of products and/or heavy trucks during daytime hours. Examples include feed packing plant, paint spray booths, dry cleaning services, electrical production manufacturing. The minimum separation distance for a Class II Industrial Use from a sensitive land use shall be 70 m (230 ft.) measured from property line to property line. The influence area shall be 300 m (984.2 ft.).

- c) **Class III Industrial:** Describes large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions e.g., noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated. Examples of heavy industries include refineries, salvage yard, pulp and paper mill etc. The minimum separation distance for a Class III Industrial use from a sensitive land use shall be 300 m (1,640 ft.) measured from property line to property line. The influence area shall be 1,000 m (3,280 ft.). A **Class III Industrial** use shall also apply to mining or a mine.
- d) Despite the provisions of **Sections 4.32(4) (a-c)**, the minimum separation distance shall be measured as the shortest horizontal distance from the nearest face of an industrial building or limit of an outdoor storage area or processing containment area or washing pond or waste disposal/storage area and the closest property boundary or lot line where the yard abuts a lot used or zoned for a sensitive land use.
- e) Within any influence area of an industrial use, no sensitive land use shall be permitted unless an environmental impact assessment is undertaken to the satisfaction of the approval authority, to demonstrate that the industrial use will not negatively impact on a proposed sensitive land use.

5. Agricultural Use

Shall comply with the Ministry of Agriculture and Food Minimum Distance Separation Formulae I and II in effect at the time.

6. Water Bodies

- a) The minimum setback from the shoreline for a habitable structure (dwelling) or a non-residential building shall be 30 m (98.4 ft.). The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building to the high water mark of the water body. (See also **Section 4.8 Environmental Design Requirements for Shoreline Properties**).

- b) Subject to **Section 4.36**, the minimum setback from the shoreline for an on-site sewage disposal system shall be 30 m (98.4 ft.) and shall be measured as the shortest horizontal distance from the nearest edge of the filter bed/tile bed or septic tank to the high water mark of the water body.
- c) A shoreline vegetation buffer shall be maintained in its natural state along the shoreline of any water body to a depth of 15 m (49.2 ft.). This buffer shall also apply to any lake where 50 % or more of the shoreline has been developed or lands within 200 m (656 ft.) either side of the proposed development have been developed, whichever applies, but shall be increased to a depth of 30 m (98.4 ft.) of the shoreline of a lake trout lake, a sensitive lake or a lake in which less than 50% of the shoreline is developed. A path way or access corridor to the water body through the vegetation buffer shall be permitted provided that it does not exceed 9 m (29.5 ft.) in width. This requirement may be superceded by a site plan control agreement where the same objective is achieved.
- d) Pit or Quarry, Wayside Pit, Wayside Quarry - see 4.32 (3) (b) above or Mine - see 4.32 (4) (c).

7. Septage or Communal Disposal Systems

No sensitive land use or associated well shall be constructed within 200 m (656.1 ft.) of the property boundary or boundary of any land zoned or proposed for septage disposal, a waste stabilization pond or a wastewater treatment plant or vice versa.

No septage disposal, a waste stabilization pond or a wastewater treatment plant shall be constructed closer than 180 m (590.5 ft.) of the high water mark of any water body or 30 m (98.4 ft.) of any road allowance.

8. Hydro Electric Power Transmission Corridor

No sensitive land use shall be constructed within 30 m (98.4 ft.) of the right-of-way limit of a power transmission corridor carrying a 250 KV line or greater.

9. Mine Hazards

No development shall be permitted within 500 m (1,640 ft.) of a mine hazard, unless the Corporation is satisfied that such land is safe for development or can be made safe through remediation or rehabilitation prior to issuing a building permit or granting approval.

4.33 Side Yard Requirement Exceptions

Despite any provision in this By-law to the contrary, where a lot on which an existing semi-detached dwelling or row dwelling or private garage is situated along the common wall of the building, or where a semi-detached dwelling or row or townhouse dwelling is built with the common wall corresponding to the side lot line, then the minimum interior side yard requirement for the shared lot shall be 0.0 m (0.0 ft.).

4.34 Swimming Pools - Private

Private outdoor in-ground or above-ground swimming pools, and associated structures to be used in conjunction with such a swimming pool, may be erected and used in any zone except the Environmental Protection (EP) Zone provided they are located in a side or rear yard and provided that:

1. No part of any swimming pool shall be located closer to any side or rear lot line than 1.5 m (4.9 ft.), nor closer than 3 m (9.8 ft.) to that portion of a rear lot line which coincides with the side yard of an abutting lot. Despite this provision, no part of any swimming pool shall be located closer than 30 m (98.4 ft.) shortest horizontal distance from the shoreline of any navigable water body.
2. No water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (9.8 ft.) to any rear or side lot line. Despite this provision, no part of any circulating or treatment equipment such as pumps or filters shall be located closer than 30 m (98.4 ft.) shortest horizontal distance from the shoreline of any navigable water body.
3. A swimming pool shall be totally enclosed by a free standing fence or a fence which is integrated into the design of the swimming pool provided that such fence is constructed of suitable materials so as to prevent access or climbing and has a minimum height of 1.52 m (5 ft.) above the finished grade and has a self-closing gate equipped with a lock maintained in good working order.
4. The construction of a swimming pool adjacent to a water body shall occur in consultation with, and where required, receive the approval of the appropriate Conservation Authority.
5. Despite the provisions above, a swimming pool shall be permitted to be located in a required front yard where permitted as an accessory use in a rural zone, provided that the setback of the pool from the front lot line is a minimum of 20 m (65.6 ft.).
6. The construction and installation of pools shall be undertaken such that

any discharge of water from backwashing or draining of a pool shall be treated or prevented from discharging into a navigable water body. Provisions shall be made for a containment area for any swimming pool constructed within 100 m (328 ft.) of a navigable water body.

(Note: The installation of any swimming pool on a lot adjacent to a navigable water body shall be subject to site plan control and may require the proponent to enter into an agreement with the municipality.)

4.35 Temporary Uses Permitted

Any temporary construction facilities such as sheds, scaffolds, sales offices and equipment incidental to building or construction shall be permitted on any lot in any zone for as long as work is in progress, and until work is completed or abandoned. Abandoned in this subsection shall mean the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during a continuous six month period.

4.36 Water Supply and Sewage Disposal Systems

No person shall hereafter occupy or use in whole or in part, any land, building or structure for any residential, commercial, institutional or industrial purposes unless the use, building or structure is properly connected to an approved water supply and sewage disposal system, except as otherwise exempted under the *Building Code Act* or other applicable legislation.

4.37 Yard Encroachments

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

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Sills, cornices, eaves, gutters, chimneys, bay windows pilasters or other ornamental structures	1 m (3.28 ft.) into any required front, rear or side yard
Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the established grade, with or without supporting posts	2 m (6.56 ft.) into any required yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (½) the setback of the building from the street line
Window awnings	1.2 m (3.9 ft.) into any required yard
Steps, ramps for use by handicapped, and walkways uncovered patios, sidewalks, drop-awnings, garden trellises, flag poles, planting materials, fences, retaining walls, clothes lines	No maximum into any required yard
Unenclosed porch, uncovered platform landing, patio or sun deck, balconies or steps	No maximum into any side yard and 3 m (9.8 ft.) into any required front or rear yard setback provided that a 1.3 m (4.26 ft.) minimum distance is maintained between the structure and a lot line.
Accessory building	As permitted by and as specified in this By-law