

Amendments to by-law 27-2006 since its passage on July 11th 2006 are "not" reflected in the by-law. Anyone wishing to obtain current zone information should contact the Town of Bancroft

COMPREHENSIVE ZONING BY-LAW

By-Law No. 27- 2006

CORPORATION OF THE TOWN OF BANCROFT



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Bancroft, Ontario

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**THE CORPORATION OF
THE TOWN OF BANCROFT
COMPREHENSIVE ZONING BY-LAW
(BY-LAW NO. 27-2006)**

Being a By-law to regulate the use of lands and the character, location, and use of buildings and structures within the Town of Bancroft, pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended.

WHEREAS Section 34 of The Planning Act provides that the governing body of a municipal corporation may pass By-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Bancroft has recommended that such a By-law be enacted which reflects the amalgamation of the former Town of Bancroft and the former Township of Dungannon, to ensure proper and orderly development within the corporate limits of the Town of Bancroft;

AND WHEREAS the Council for the Corporation of the Town of Bancroft has deemed it to be in the public interest that such a By-law be enacted;

NOW THEREFORE the Council; of the Town of Bancroft ENACTS as follows:



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**PART 1
ADMINISTRATION**

PART I

**ADMINISTRATION, DEFINITIONS AND
GENERAL PROVISIONS**



**PART 1
ADMINISTRATION**

PART 1 - SECTION 1

ADMINISTRATION



PART 1 ADMINISTRATION

1.0 ADMINISTRATION

1.1 TITLE OF BY-LAW

This By-law may be cited as "The Town of Bancroft Comprehensive Zoning By-law".

1.2 ZONING ADMINISTRATION

This By-law shall be administered by a person appointed by the Council of the municipality as the Chief Building Official.

1.3 SCOPE OF BY-LAW

1.3.1 Lands Subject To By-law

The provisions of this By-law shall apply to all those lands lying within the Corporate limits of the Town of Bancroft.

1.3.2 Conformity with By-law

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

1.3.3 Existing Uses Continued

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

1.4 PLANS APPROVED PRIOR TO BY-LAW

Nothing in this By-law shall prevent the erection or use of any building or structure that does not comply with one or more of the provisions of this By-law, if the plan for such building or structure were approved by the Corporation and a building permit was issued prior to the date of passing of this By-law, and was not subsequently revoked, provided that:

- a) when such a building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which said building or structure was intended when such building permit was issued and shall not be altered in any way except in conformity with the provisions of this By-law; and
- b) the erection of such building is commenced within six months of the issuance of any such building permit and is completed within 24 months of the erection thereof is commenced.



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1.4.1 Compliance With Other Restrictions

This By-law shall not be construed so as to reduce, permit, or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

1.5 EXISTING BY-LAWS

All By-laws in force within the Corporation regulating the use of lands and the character, location, bulk, height and use of buildings and structures are amended insofar only as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern unless otherwise specified.

1.6 REPEAL OF EXISTING ZONING BY-LAWS

By-law No. 660-95 as amended of the Corporation of the Town of Bancroft is hereby repealed.

By-law No. 10-79 as amended of the Corporation of the Township of Dungannon is hereby repealed.

1.7 VALIDITY

If any section, clause or provision of this By-law, including anything contained on the schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause, or provision so declared to be invalid and 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 take effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

1.8 ISSUANCE OF BUILDING PERMITS

Where land is proposed to be used or a building or structure is proposed to be erected or used in violation of this By-law, no permit or licence required under any By-law of the Corporation for the use of the land or for the erection or the use of the building or structure shall be issued.

1.9 APPLICATIONS FOR BUILDING PERMITS

In addition to the requirements of the Building Code Act, the Corporation's Building By-law or any other By-law of the Corporation, every application for a building permit shall be accompanied by plans (which depending upon the nature and location of the work to be undertaken may be required, by the Corporation, to be based upon an actual survey prepared by an Ontario Land Surveyor) drawn to an appropriate scale and showing the following:

- a) the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
- b) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is being applied for;
- c) the location of every building or structure already erected or partly erected on such lot;
- d) the proposed locations and dimensions of yards, landscaped open spaces, parking areas, and



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loading spaces required by this By-law;

- e) proposed grading or change in elevation or contour of the land and the proposed method for the disposal of storm and surface water from the land and from any building or structures thereon; and
- f) a written statement signed by the owner or his agent duly authorized, filed with the Chief Building Official, which statement shall set forth in detail the intended use of each building and structure or part thereof and giving all information necessary to determine whether or not every such building or structure conforms with the regulations of this By-law.

In addition to the above requirements, every application which involves the installation, enlargement, or reconstruction of a well or a sewage disposal system, shall be accompanied by:

- a) in the case of a well, a well driller's report demonstrating a water pumping capacity satisfactory to the Chief Building Official;
- b) in the case of a well, a bacteriological analysis demonstrating a potable water supply;
- c) in the case of a well and/or sewage disposal system, approval in writing from the appropriate responsible authority for the proposed well or method of sewage disposal.

1.10 INSPECTION OF LAND OR BUILDINGS

- a) Where the Chief Building Official has reason to believe that any person has used land or used a building or structure contrary to this By-law, he/she, or an employee of the municipality authorized by him/her, may at any reasonable hour, enter and inspect the land, building or structure.
- b) Notwithstanding Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under the Provincial Offences Act (R.S.O. 1990) c.P.33, S.158, or any successor thereto.

1.11 OCCUPATION OF BUILDINGS

Occupation of all new buildings and converted dwellings shall require a Certificate of Occupancy from the municipal Building Department in accordance with the Building Code Act and any other municipal By-laws.

1.12 CERTIFICATE OF CONVERSION

Where a Certificate is for the conversion of a seasonal dwelling to a permanent dwelling, the following additional regulations apply.

- a) A rezoning to a zone category deemed appropriate by the municipality shall be required.



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- b) The applicant shall prepare a site plan showing the location and size of all existing and proposed buildings and structures and the location of the existing or proposed sanitary sewage disposal system.
- c) The applicant shall comply with the regulations of the approving agency with respect to sewage disposal for year-round occupancy.
- d) The applicant has been issued a building permit in accordance with the Building Code Act in effect at the time of the zone change.
- e) The applicant has satisfied the municipality that the electrical system has been inspected and approved by the appropriate authority.
- f) The applicant shall submit a letter of compliance from a heating contractor that the heating system is adequate for permanent year-round occupancy.
- g) The applicant has entered into an agreement with the municipality indicating that the municipality will not be held responsible for road maintenance, waste collection, insulation value or structural deficiencies.

1.13 INSPECTION

- a) The Zoning Enforcement Officer, or any other officer or employee of the Corporation is authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.
- b) Notwithstanding Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under the Provincial Offences Act (R.S.O. 1990) c.P.33, S.158 or any successor thereto.

1.14 INTERPRETATION OF BY-LAW

1.14.1 Definitions

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply. Where a term is not defined, its common usage shall apply.

1.14.2 Gender and Number

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



PART 1 ADMINISTRATION

1.14.3 “Shall” is mandatory

In this By-law, the word “shall” denotes that a requirement is mandatory.

1.14.4 “Use” and “Occupy”

In this By-law, unless the context requires otherwise:

- a) the verb “use” shall include “design to be used”, “arrange to be used”, “intend to be used”, and “permit to be used”; and
- b) the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

1.14.5 Measurements

All measurements of length or area used in this By-law shall be subject to the normal rules of rounding numbers, within a degree of precision specified by the number of digits following the decimal point (if any), so that:

- a) for a *whole number*, measurements of *less than 0.5* shall be rounded *downward* to the next whole unit;
- b) for a *whole number*, measurements of *0.5 and greater* shall be rounded *upward* to the next whole unit;
- c) for a number having *one decimal place*, measurements of *less than 0.05* shall be rounded *downward* to the next one-tenth unit; and
- d) for a number having *one decimal place*, measurements of *0.05 and greater* shall be rounded *upward* to the next one-tenth unit.

Ratios and percentage figures shall not be subject to rounding.

1.14.6 Schedules and Tables

All Schedules and Tables attached to this By-law form part of this By-law.

1.14.7 Examples and Illustrations

Examples and illustrations are for the purpose of clarification and convenience, and do not form part of this By-law.

1.14.8 Interpretation of Zone Boundaries

Please see Section 4.



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PART 1 - SECTION 2

DEFINITIONS



PART 1 ADMINISTRATION

2.0 DEFINITIONS

For the purposes of this By-law, the definitions and interpretations in this Section shall govern unless the context indicates otherwise. The word "shall" is mandatory and not directory. Words used in the present tense include the future tense and the reverse. Words used in the plural number include the singular number and the reverse.

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- 2.1 "ABANDONED BUILDING OR STRUCTURE"** shall mean the failure to proceed expeditiously with the construction of a work, authorized by a building permit.
- 2.2 "ABATTOIR"** shall mean building, structure, or lot or part thereof used for the slaughter of livestock, dressing and cutting up of carcasses, wrapping for sale for human consumption with cooler and freezer storage and may include indoor confinement of animals while awaiting slaughter but shall not include the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer, or any other inedible product.
- 2.3 "ACCESSORY BUILDING OR STRUCTURE"** shall mean a detached building, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith and includes, but is not limited to, the following: sauna, boathouse, gazebo, pumphouse, deck, detached private garage and detached carport.
- 2.4 "ACCESSORY DWELLING"** shall mean a single detached dwelling, which is accessory to a permitted non-residential use, located on the same lot therein and is occupied by either the owner or the person employed on the lot where such dwelling is located.
- 2.5 "ACCESSORY DWELLING UNIT"** shall mean a dwelling unit which is accessory to a permitted non-residential use, located in the same building or structure as the non-residential use, and occupied by either the owner or the person employed on the lot.



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- 2.6** "ACCESSORY USE" shall mean a use customarily incidental and subordinate to, and exclusively devoted to the main use of the lot, building or structure and located on the same lot as such main use.
- 2.7** "ADJACENT LANDS" shall mean those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.
- 2.8** "AGGREGATE SALE/STORAGE USE" shall mean the use of land for the storage or sale of sand, gravel, and other similar materials.
- 2.9** "AGRICULTURE/AGRICULTURAL USE" shall mean 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 and structures, including the storage and sale of such produce, crops, livestock or poultry on the same, and may include a grain drying facility, a livestock assembly area or a livestock exchange, a riding club or boarding stable.
- 2.10** "AGRICULTURE, INTENSIVE" shall mean lands used for the purposes of accommodating livestock, which either exceed 150 livestock units, or exceed 50 livestock units with a livestock density of greater than 5 livestock units per tillable hectare.
- 2.11** "AGRICULTURAL PRODUCE SALES OUTLET" shall mean a seasonal use accessory to a farm which consists of the retail sale of agricultural products such as fruit, vegetables, flowers or farm produce, the majority of which are produced on the farm where such outlet is located.
- 2.12** "AGRICULTURAL IMPLEMENT & SUPPLY DEALER" shall mean an establishment for the sale and or storage of seeds, fertilizers and other materials and goods in agriculture, and the repair and/or sale of agricultural implements including the sale of fuel, lubricants and related items for agricultural equipment on the same premises.
- 2.13** "ALTER" shall mean any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a building or structure or any increase in the area or cubic contents of a building or structure. When used in reference to a lot, the word "alter" means to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.
- 2.14** "AMUSEMENT MACHINE" shall mean any mechanical, electronic or computerized machine or device, or any combination thereof, intended for use as a game, entertainment, or amusement which is offered for use to the public by any person for profit or gain and shall include a pinball machine, television game, shooting gallery, vending machine, video game or other similar devices, but shall not include games of chance as defined by the Criminal Code, or any machine used for playing recorded music.



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- 2.15** "ARENA" shall mean a building or structure constructed around an ice rink, including spectator seating, two or more seating areas for visiting teams and provisions made for storage and access of ice cleaning equipment and all other required equipment used for the purpose of organized activities including sports and other group functions.
- 2.16** "ASSEMBLY OPERATION" shall mean the assembling of finished parts or materials into a final product but shall not include any large scale manufacturing operation or any operation discharging large amounts of liquids.
- 2.17** "ATTACHED" shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.18** "AUCTION OUTLET" shall mean a building or part of a building where goods, merchandise, substances, articles or things are sold at a public sale to the person who bids or offers a higher price than any other is willing to pay.
- 2.19** "AUTOMOBILE SERVICE STATION" shall mean and be limited to a building and/or lot used for the sale of fuels for motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles and the sale of automotive accessories and related products. An automobile service station may operate on a self-serve basis.
- 2.20** "BASEMENT" shall mean that portion of a building or structure which has at least one half of its clear height below the average lot grade.
- 2.21** "BED & BREAKFAST ESTABLISHMENT" shall mean a home occupation within a single detached dwelling in which no more than 4 guest rooms are made available for the short-term accommodation of the public. Meals or food are served only to overnight guests. The definition does not include a convention facility, hotel, motel, boarding house, restaurant, or tourist establishment.
- 2.22** "BIOMASS CONVERSION FACILITY" shall mean a processing facility operated for the purposes of converting biomass, such as wood, wood chips, corn stalks, paper, tree trimmings or other similar products into energy. These products are burned, producing heat that is then used to turn a steam turbine, which in turn moves a generator to produce electricity.
- 2.23** "BOARDING OR ROOMING HOUSE" shall mean a dwelling in which long-term lodging with or without meals is supplied for gain to not more than 4 guest rooms but does not mean or include a motel, hotel, hospital or similar commercial, community facility or institutional use, an apartment building or a bed and breakfast establishment.
- 2.24** "BREWING ON PREMISES ESTABLISHMENT" shall mean a commercial establishment where individuals produce wine, beer and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, and equipment and storage areas are used for a fee by the same individuals.
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- 2.25 "BUFFER PLANTING STRIP"** shall mean an uninterrupted vegetative buffer intended to minimize potential nuisances such as the transmission of noise, dust, odour, litter, and glare of automobile headlights; to provide visual buffering and to provide for the separation of spaces; to safeguard and enhance property values; to protect public and private investment; and, to protect the public health, safety and general welfare.
- 2.26 "BUILDING"** shall mean any structure whether temporary or permanent, used or built for the sheltering any use or occupancy or enclosure of persons, animals, or chattels.
- 2.27 "BUILDING HEIGHT"** shall mean the vertical distance between the established grade and:
- a) the highest point of a flat roof;
 - b) the deck line of a mansard roof;
 - c) the mean height between the eaves and ridges of a gabled or hip roof;
- but exclusive of*
- d) a roof or penthouse structure accommodating an elevator, staircase, tank, ventilating fan or other similar equipment; a smoke stack; barn; silo; communications tower; drive-in theatre screen; or other utilitarian structure which does not provide habitable living space.
- 2.28 "BUILDING SUPPLY OUTLET"** shall mean a building or structure in which building or construction and home improvement materials, such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning materials and related tools and supplies, are offered or kept for sale at retail and made include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.
- 2.29 "BUILDING, PRINCIPAL"** shall mean a building or structure in which the primary use is conducted.
- 2.30 "BULK STORAGE YARD"** shall mean a place where land is used for the storage in the open of goods and materials, machinery, petroleum products and/or equipment, but does not include the storage of such items as would require approval under the Health Promotion and Protection Act, as amended, nor does it include a salvage yard as defined by this By-law.
- 2.31 "BUSINESS, ADMINISTRATIVE OR PROFESSIONAL OFFICE"** shall mean any building or part of a building in which one or more persons are employed in the management, direction, or conducting of a business or where professionally qualified persons and their staff service clients or patients who seek advice, consultation or treatment and may include the offices of any government, ministry, board, authority, agency, commission, or non-profit or charitable organization.



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- 2.32 "BY-LAW ENFORCEMENT OFFICER"** shall mean the officer or employee of the municipality appointed by the Corporation with the duty of administering and enforcing the provisions of all municipal By-laws.
- 2.33 "CABIN, SLEEPING"** shall mean an accessory and subordinate detached building or structure with a maximum of 29.7 sq. m (320 sq. ft) designed as sleeping accommodation only to permit the better or more convenient enjoyment of the principal seasonal residential dwelling and shall not contain any plumbing or sanitary waste disposal systems. In no case shall the definition of a sleeping cabin be deemed to include premises for the temporary accommodation of members of the public for a fee.
- 2.34 "CABIN, TOURIST"** shall mean a detached building for the sleeping accommodation of guests in which sanitary facilities may be provided, for a fee, but shall not contain any facilities for the preparation or cooking of food.
- 2.35 "CAMP, CHARITABLE"** shall mean a seasonal camp operated by a charitable corporation approved under the Charitable Institutions Act.
- 2.36 "CAMPER TRAILER"** shall mean any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for temporary living, shelter and sleeping accommodation with or without cooking facilities, which is collapsible and compact while being drawn by an automobile.
- 2.37 "CAMPING ESTABLISHMENT"** shall mean a tourist establishment consisting of camping lots and comprising land used or maintained as grounds for the camping or temporary parking of travel trailers, motorized mobile homes, recreational vehicles, truck campers, camper trailers or tents but does not include parks or camping grounds maintained by any ministry or department of the Government of Ontario or Canada or any Crown corporation, commission or board.
- 2.38 "CARPORT"** shall mean an unenclosed, attached building or structure used for the parking or storage of private passenger automobiles or commercial vehicles of less than one tonne capacity.
- 2.39 "CARTAGE OR EXPRESS TRUCK TERMINAL"** shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or tractor-trailers trucks stored or parked on the property, are dispatched for hire as common carriers, and which may include a warehouse.
- 2.40 "CERTIFICATE OF OCCUPANCY"** shall mean a certificate issued by the Chief Building Official for the occupancy of any land, building or structure, residential, commercial or industrial purposes to the effect that the proposed use or activity complies with this By-law.



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- 2.41** "CHIEF BUILDING OFFICIAL" shall mean the officer or employee of the municipality and appointed by the Corporation with the duty of administering the provisions of Building Code Act, S.O. 1990, C.23, Building By-law and Zoning By-law.
- 2.42** "CEMETERY" shall mean the land that is set apart or used as a place for the internment of the deceased or in which human bodies have been buried.
- 2.43** "CHURCH (PLACE OF WORSHIP)" shall mean a building which may include a church hall, auditorium, Sunday school, convent, monastery or other related uses, dedicated to public worship by a recognized religion that is:
- a) charitable according to the laws of Ontario;
 - b) organized for the conduct of religious worship; and
 - c) permanently established both as to the continuity of its existence and as to its religious beliefs and practices.
- 2.44** "CLINIC" shall mean a building or part thereof used by qualified medical practitioners, dentists, osteopaths, or drugless practitioners, numbering more than two for public or private medical, surgical, physiotherapeutic or other human health purposes, but does not include a private or public hospital.
- 2.45** "CLUB" see "PRIVATE CLUB" and "COMMERCIAL CLUB"
- 2.46** "COMMERCIAL" shall mean the use of land, buildings or structures for the purpose of buying and selling commodities and supplying services as distinguished from such uses as the manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.
- 2.47** "COMMERCIAL CLUB" shall mean a building or part of a building where a club is operated for gain or profit and may include facilities for physical fitness and recreation.
- 2.48** "COMMERCIAL VEHICLE" shall mean any automobile having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor busses including school busses and tractor trailers used for hauling purposes on the highway.
- 2.49** "CONSERVATION/CONSERVATION USES" shall mean the preservation, protection, improvement and use of land and/or water for the purpose of planned management of these natural resources.
- 2.50** "CONTRACTOR'S YARD" shall mean a place where land is used for the storage in the open, of goods and materials, machinery and/or equipment normally utilized by the construction industry and may include the repair of machinery, but does not include the storage of such items as would require approval under the Health



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Promotion and Protection Act, R.S.O. 1980, Chapter 400, as amended, nor does it include a salvage yard as defined by this By-law nor equipment or materials used for blasting.

- 2.51** "CONVERTED DWELLING" see "DWELLING, CONVERTED"
- 2.52** "CORNER LOT" see "LOT, CORNER"
- 2.53** "CORPORATION" shall mean the Corporation of the Town of Bancroft.
- 2.54** "COTTAGE, HOUSEKEEPING" shall mean a temporary dwelling unit in a tourist establishment designed for human habitation and equipped with a kitchen, and having a water supply in common with the other buildings in a group, should the cottage be part of a group of similar cottages.
- 2.55** "COUNCIL" shall mean the Municipal Council of the Corporation of the Town of Bancroft.
- 2.56** "CRAFT SHOP" shall mean a building or structure where manufacturing is performed by tradesmen or craftsmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a potter's shop, a jeweller's shop, sculptor's studio or similar uses. A craft shop may also involve the sale of goods or materials manufactured on the premises.
- 2.57** "DAY NURSERY" shall mean a facility operated for pre-school age children within the meaning of the Day Nurseries Act, as amended.
- 2.58** "DECK" shall mean a structure having a horizontal surface supported on piers, free of any roof or other covering and which a railing, the height of which is governed by the Building Code Act, may surround.
- 2.59** "DEER YARD" shall mean any area where deer concentrate in the winter months.
- 2.60** "DERELICT VEHICLE" shall mean an automobile, whether or not intact or operable, which:
- a) is not currently licensed or is not exempt from licensing for operation on a highway under the provisions of the Highway Traffic Act; and
 - b) has not been moved under its own power during any period of 21 consecutive days; and
 - c) is not located in an enclosed building or other location so as not to be visible from any adjacent lands which are not occupied by the owner of the vehicle;
- but shall not include an automobile which is kept for sale or repair upon premises which are lawfully used hereunder for an automobile body shop, automobile service station or an automobile sales agency.
- 2.61** "DEVELOPMENT AND SITE ALTERATION" shall mean the creation of a new lot, change in land use, or the, erection, or placing of a building or structure of any kind or the making of an addition or alteration to a building or
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structure that has the effect of increasing the size or usability thereof, and includes such related activities as site grading and the placing or dumping of fill and/or any other operations that disrupt the natural environment in, on, over or under land or water.

- 2.62** **"DOCK"** shall mean a structure built at or anchored to the shore at which boats or other floating vessels are berthed or secured to and which may provide a foundation for a boathouse.
- 2.63** **"DOCK, COMMUNAL"** shall mean any dock owned and/or used by more than one interest.
- 2.64** **"DRIVE-IN RESTAURANT"** see **"RESTAURANT, DRIVE-IN"**
- 2.65** **"DRIVE-THROUGH FACILITY "** shall mean premises used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A drive-through facility may be in combination with other uses, such as a financial institution, personal service shop, retail store, eating establishment, or take out eating establishment. A drive-through facility does not include a vehicle washing establishment or vehicle fuel station.
- 2.66** **"DRIVEWAY"** shall mean an area of land that provides vehicular access from the travelled portion of a street to a parking aisle.
- 2.67** **"DRY CLEANING SHOP"** see **"LAUNDRY AND DRY CLEANING SHOP"**
- 2.68** **"DRY INDUSTRY"** shall mean an industry that does not require the excessive use of water or other fluids in an industrial process.
- 2.69** **"DWELLING"** shall mean a building or structure or part of a building or structure occupied and capable of being occupied for human habitation, and includes a building that would be or could be intended to be used for such purpose except for its state of disrepair and shall include any mobile dwelling unit.
- 2.70** **"DWELLING, CONVERTED"** shall mean a dwelling erected prior to passing of this By-law altered to contain not more than 2 dwelling units.
- 2.71** **"DWELLING, DUPLEX"** shall mean a building that is divided horizontally into 2 dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 2.72** **"DWELLING, MULTIPLE"** shall mean a separate building containing 3 or more dwelling units which are horizontally and/or vertically attached with masonry walls and which have separate private entrances from the exterior of the building or from a common hallway.



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- 2.73** "DWELLING, SEASONAL" shall mean a detached building constructed and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.
- 2.74** "DWELLING, SEMI-DETACHED" shall mean a separate building containing 2 single dwelling units separated vertically by a common wall, each unit having separate entrance and exit facilities.
- 2.75** "DWELLING, SENIOR CITIZENS RESIDENTIAL" shall mean any multiple unit dwelling for senior citizens, and such multiple dwellings may include auxiliary uses such as club and lounge facilities, and food service area, usually associated with senior citizens' development.
- 2.76** "DWELLING, SINGLE DETACHED" shall mean a separate building designed and intended to be occupied as a single housekeeping unit.
- 2.77** "DWELLING UNIT" shall mean a suite of 2 or more rooms, designed or intended for use by one or more persons, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside.
- 2.78** "DWELLING UNIT, ACCESSORY" shall mean a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage. Such dwelling unit shall be occupied by the owner of the non-residential building or by a person employed on the lot where such dwelling unit is located.
- 2.79** "DWELLING UNIT, BACHELOR" shall mean a dwelling unit consisting of 1 bathroom and not more than 2 habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- 2.80** "EATING ESTABLISHMENT" shall mean a building or part of a building where food is prepared and/or cooked for sale to the public, and includes a restaurant, a drive-in restaurant, a take-out restaurant, a snack bar, a dairy bar, coffee shop, café, ice cream parlour, tearoom or refreshment stand but does not include a boarding or rooming house or a chip wagon or chip truck.
- 2.81** "ELDERLY PERSONS' CENTRE" shall mean any facility intended primarily for the use of elderly persons for purposes which include social, cultural, athletic or recreational activities, and shall include any centre established under the Elderly Persons Centres Act, as amended.
- 2.82** "ENVIRONMENTAL IMPACT STUDY (EIS)" shall mean a study prepared in accordance with established procedures, as outlined in Section 3.2.8 of the County of Hastings Official Plan.



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- 2.83** "EQUIPMENT SALES/RENTAL AND REPAIR ESTABLISHMENT" shall mean a building or part of a building, structure or yard in which articles, machinery and equipment, including heavy machinery are offered for rent and may be serviced or repaired, and may be offered or kept for rent, lease or hire under agreement for compensation.
- 2.84** "ERECT" when used in this By-law includes construction, reconstruction, and relocation of buildings and structures, and without limiting the generality of the work, also includes:
- a) any preliminary physical operation such as excavating, filling, re-grading or draining;
 - b) altering any existing building or structure by adding, enlarging, extending, remodeling, renovating, moving, demolishing, or effecting other structural changes;
 - c) any work for the doing of which a building permit is required under the Building By-law of the Corporation; and erect, erected or erection shall have a corresponding meaning.
- 2.85** "ESTABLISHED BUILDING LINE" shall mean the average setback of at least 3 existing buildings erected on any one side of a continuous 300 m (984.3 ft) of land with street frontage.
- 2.86** "ESTABLISHED GRADE" shall mean the average elevation of the ground level or sidewalk adjoining the front wall of the building or structure.
- 2.87** "EXISTING" unless otherwise described, shall mean existing as of the date of the passing of this By-law.
- 2.88** "EXTERIOR SIDE LOT LINE" see "LOT LINE, EXTERIOR SIDE"
- 2.89** "EXTERIOR SIDE YARD" see "YARD, SIDE"
- 2.90** "FACTORY OUTLET" shall mean a building or part of a building in which the wholesale sale of products to the general public is carried on. The outlet may or may not be in the factory in which the goods were produced nor must the outlet be located on the same property in which the factory is located.
- 2.91** "FISH" shall mean fish, shellfish, crustaceans and marine animals, at all stages of their lifecycles.
- 2.92** "FISH HABITAT" shall mean spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes, in accordance with Section 35 of the Federal Fisheries Act.
- 2.93** "FLEA MARKET" shall mean a building or part of a building where second hand goods and antiques are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified herein.



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- 2.94** "FLOOD FRINGE" shall mean, where the two-zone concept is applied, the outer portion of the floodplain, between the flood way and the flooding hazard limit, where depths and velocities of flooding are generally less severe than those experienced in the flood way.
- 2.95** "FLOOD PLAIN" shall mean the area, usually low lands adjoining a watercourse or small inland lake, which has been or may be subject to flooding hazards.
- 2.96** "FLOODING HAZARD" shall mean the inundation of areas adjacent to a shoreline, river or stream system and not ordinarily covered by water.
- 2.97** "FLOODWAY" shall mean the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. Where a one-zone concept is applied, the floodway is the entire contiguous floodplain. Where the two-zone concept is applied, the floodway is the contiguous inner portion of the floodplain, representing the area required for safe passage of flood flow and/or the area where flood depths and/or flood velocities are considered to be such that they pose a potential threat to life and/or property damage.
- 2.98** "FLOOR, GROUND" shall mean the lowest storey of a building, approximately at or first above the finished grade level.
- 2.99** "FLOOR AREA, GROSS" shall mean the total floor area of all the storeys of a building and shall include the floor area of any apartment or areas common to the tenants, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level, but excluding car parking areas within the building and any finished or unfinished basement or cellar. For the purpose of this definition, the walls of an inner court are and shall be deemed to be exterior walls.
- 2.100** "FLOOR AREA, GROUND" shall mean the floor area of the lowest storey of a building, approximately at or first above the finished grade level, of which the area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building and any finished or unfinished basement or cellar. For the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.
- 2.101** "FORESTRY/FORESTRY USES" shall mean the management, development, cultivation and harvesting of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resource.
- 2.102** "FOUNDATION" shall mean a system or arrangement of structural members including footings, rafts or piles through which the loads from a building are transferred to supporting soil or rock.



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- 2.103** **"FUEL STORAGE TANK"** shall mean a tank for the bulk storage of petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.
- 2.104** **"FUNERAL HOME"** shall mean a building, or a portion of a building, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.
- 2.105** **"GARAGE, COMMERCIAL"** see **"AUTOMOBILE SERVICE STATION"**
- 2.106** **"GARAGE, PRIVATE"** shall mean a separate building or a part of the principal building used for the parking or storage of private passenger motor vehicles or commercial vehicles of less than one tonne capacity and wherein neither servicing nor repairing is carried on for remuneration.
- 2.107** **"GARDEN CENTRE/NURSERY/GREENHOUSE"** shall mean a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, sod, trees, or similar vegetation, which are for wholesale or retail sale, together with gardening tools and implements, landscaping materials and related accessory supplies offered for sale to the general public.
- 2.108** **"GARDEN SUITE"** shall mean a dwelling unit, which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing dwelling unit; such dwelling unit is clearly ancillary to the existing dwelling and shall be independently serviced.
- 2.109** **"GAS BAR"** shall mean one or more pump islands, each consisting of one or more gasoline pumps and shelter having a floor area of not more than 9.3 sq. m (100 sq.ft), excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing, but this definition shall not include a kiosk on a pump island.
- 2.110** **"GASOLINE PUMP ISLAND"** shall mean a structure, which is an accessory use, intended to provide gasoline for vehicles.
- 2.111** **"GAZEBO"** shall mean a freestanding, roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.
- 2.112** **"GIFT SHOP"** shall mean a building or part of a building where crafts, souvenirs, gifts or similar items are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified in this By-law.
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- 2.113** "GOLF COURSE, PRIVATE" shall mean a private area operated for the purpose of playing golf and includes a par 3 or larger golf course and driving ranges, and may include a restaurant, the sale of golf equipment and an assembly hall, but does not include miniature courses or similar uses operated for commercial purposes.
- 2.114** "GOLF COURSE, COMMERCIAL" shall mean an area operated for the purposes of playing golf and includes driving ranges, miniature courses and similar uses operated for commercial purposes, and may include a restaurant.
- 2.115** "GREENHOUSE" shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are primarily intended to be transplanted outdoors.
- 2.116** "GROUP HOME" shall mean a dwelling unit in which not less than 3 and not more than 10 people receive specialized or sheltered residential care and accommodation by virtue of their physical, mental, emotional, social or legal status and which is approved or licensed in accordance with any Act of the Parliament of Ontario. Without limiting the generality of the foregoing, group homes include a home for foster children, a home for elderly persons, a home for developmentally delayed or physically disabled persons and a home for people who are convalescing after hospital treatment and are under medical supervision but does not include a facility maintained and operated primarily for persons:
- a) who have been placed on probation under the Probation Act, the Criminal Code (Canada) or the Juvenile Delinquent Act (Canada); or
 - b) who have been released on parole under the Ministry of Correctional Services Act; the Parole Act (Canada) or the Provincial Offences Act; or
 - c) who are admitted to the institution for correctional purposes.
- 2.117** "HEALTH SPA" shall mean a building or buildings and associated land, facilities and accessory buildings and uses which provide for the physical and emotional treatment of the human body.
- 2.118** "HEREAFTER" shall mean after the date of the passing of this By-law.
- 2.119** "HEREIN" shall mean in this By-law and shall not be limited to any particular section of this By-law.
- 2.120** "HIGH WATER MARK" shall mean 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 so long continued 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 of the mark.
- 2.121** "HOME FOR THE AGED OR REST HOME" shall mean home for the aged or a rest home established or maintained under the Homes for the Aged and Rest Homes Act, as amended.
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- 2.122** "HOME INDUSTRY" shall mean a service industry or a non-effluent producing industry which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted within a single dwelling or in an accessory building to a single dwelling, by an inhabitant thereof. Such industries shall include: a woodworking shop; a welding shop; a small engine repair shop; a blacksmith shop or similar use.
- 2.123** "HOME OCCUPATION" shall mean a use which is clearly incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an inhabitant thereof and shall not use more than 25% of the gross floor area of the dwelling. Such uses may, among others, include an outlet or office for a real estate agent; hairdresser; dressmaker; dentist; doctor; chiropractor; physiotherapist; licensed masseur or masseuse or osteopath or other professional; or a bed and breakfast.
- 2.124** "HOSPITAL, PRIVATE" shall mean a house in which four or more patients are or may be admitted for treatment, as defined by the Private Hospitals Act, as amended from time to time, but does not include:
- a) an independent health facility within the meaning of the Independent Health Facilities Act or a hospital within the meaning of the Public Hospitals Act;
 - b) a children's residence licensed under Part IX (Licensing) of the Child and Family Services Act; or
 - c) a lodging house otherwise defined within this By-law.
- 2.125** "HOSPITAL, PUBLIC" shall mean any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act, as amended from time to time.
- 2.126** "HOTEL" shall mean a building or structure used for the purpose of catering to the needs of the travelling public by supplying sleeping accommodations, and may or may not include food and refreshments and which may include permanent staff accommodation and may or may not be licensed under the Liquor Licence Act. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities, and/or pub.
- 2.127** "HOUSEKEEPING COTTAGES" shall mean self-catering cottages equipped with household items such as refrigerator and stove, cooking utensils, pots and pans, dishes and glassware, coffee maker and toaster, and providing short-term lodging. These establishments are designed to accommodate vacationers and may include access to private beaches and fishing.
- 2.128** "HUNT CAMP" shall mean a base camp for recreational activities such as hunting and fishing which provides seasonal or temporary accommodation only, in a remote location where municipal or community services are



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usually not available and shall not mean a dwelling unit or a commercial facility and shall not be used for habitation on a permanent basis.

- 2.129** "KENNEL" shall mean a building or structure where dogs, cats or other domestic household pets are kept, boarded and/or bred, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment and shall contain no more than 12 dogs over the age of 4 months and in which enclosed outside runs shall be permitted.
- 2.130** "LANDSCAPED, OPEN SPACE/OPEN SPACE USES" shall mean the open, unobstructed space on a lot, including the open, unobstructed space accessible to all occupants of any residential or commercial building or structure, which is suitable and used for the growth of grass, flowers, bushes and other vegetation and may include any surface pedestrian walk, patio, pool, or similar area, but does not include any driveway, ramp or parking spaces, parking aisles, loading spaces, vehicular manoeuvring areas or similar areas.
- 2.131** "LARGE FORMAT RETAIL/BIG BOX RETAIL FORMAT FACILITIES" shall mean retail facilities located in large industrial style buildings or stores with footprints that generally range from 1858 sq. m (20,000 sq. ft) to 18,580 sq. m (200,000 sq. ft), including discount department stores (i.e. Wal-Mart), category stores (i.e. Home Depot), and warehouse clubs (i.e. Costco), which draw consumers from a wide area.
- 2.132** "LAUNDRY & DRY CLEANING ESTABLISHMENT" shall mean a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a commercial process of laundering, dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process and shall include self-service laundry and/or self-service dry cleaning establishments.
- 2.133** "LIVESTOCK" shall mean poultry, turkeys, cattle, hogs, horses, mink, rabbits, sheep, goats, fur bearing animals or any other domesticated animal used for consumption.
- 2.134** "LIVESTOCK FACILITY" shall mean a farm unit which includes the raising or keeping of livestock as defined herein.
- 2.135** "LOADING SPACE" shall mean an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:
- a) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
 - b) is suitable for the temporary parking of one commercial motor vehicle;
 - c) is not upon or partly upon any street, lane or alley; and
 - d) has adequate access to permit ingress and egress of a commercial motor vehicle from a street



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by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

- 2.136** "LODGE" shall mean an establishment catering to the vacationing public by providing meals and sleeping accommodation to at least 5 guests in rooms or cabins, but shall not include any establishment otherwise defined herein.
- 2.137** "LOGGING" shall mean the removal or cutting of merchantable timber either by strip or clear or total cutting operations but does not include the selective harvesting of mature timber nor does it include the clearing of land incidental to putting the land into a condition necessary for the bonafide exercise of a use specifically permitted herein and selective harvesting as used herein means the harvesting of mature timber while causing a minimum of damage to adjacent growth in accordance with good forestry practice.
- 2.138** "LOT" shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the Planning Act.
- 2.139** "LOT AREA" shall mean the total horizontal area within the lot line of a lot, and in the case of a corner lot having street lines rounding at the corner with a radius of 6 m (19.7 ft) or less, the lot area of such lot is to be calculated as if the lot lines were projected to their point of intersection.
- 2.140** "LOT COVERAGE" shall mean that percentage of the lot area covered by all buildings or structures but excluding any part of a building or structure constructed entirely below grade. For the purposes of calculating lot coverage, the lot coverage of each zone shall be deemed to apply only to that portion of such lot that is located within the said zone.
- 2.141** "LOT DEPTH" shall mean the horizontal distance between the midpoints of the front and rear lot lines, and where there is no rear lot line, lot depth means the length of a line within the lot between the midpoint of the front lot line and the most distance point of the apex(s) of a triangle formed by the side lot lines.
- 2.142** "LOT FRONTAGE" shall mean the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured 9 m (29.5 ft) back from the front lot line and parallel to the chord of the lot frontage. For the purpose of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.
- 2.143** "LOT, CORNER" shall mean a lot situated at the intersection of two or more streets or private roads, having an angle of intersection of not more than 135°. The front lot line on a corner lot is deemed to be either lot line abutting the street.
- 2.144** "LOT, INTERIOR" shall mean a lot other than a corner lot.
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- 2.145** "LOT, THROUGH" shall mean a lot bounded on two opposite sides by streets. If any lot qualifies as being both a corner lot and a through lot as herein defined, such lot shall be deemed a corner lot for the purpose of this By-law.
- 2.146** "LOT LINE" shall mean any boundary of a lot.
- 2.147** "LOT LINE, EXTERIOR SIDE" shall mean the longer of the lot lines of a corner lot which abuts a street.
- 2.148** "LOT LINE, FRONT" shall mean the line that divides a lot from a street, a private road or a navigable waterway. In the case of a lot with frontage on a street, the front lot line shall be deemed to be the line that divides the lot from the street. In the case of a lot with frontage on a private road and/or a navigable waterway, either lot line may be deemed to be the front lot line. In the case of a corner lot either lot line may be deemed to be the front lot line.
- 2.149** "LOT LINE, REAR" shall mean the lot line farthest from and opposite to the front lot line and where the side lot lines converge at the rear of the lot to form a triangular shaped parcel of land, the rear lot line shall mean the apex of the triangle formed by the side lot lines. Furthermore, where the rear lot line is situated adjacent to a body of water, such lot line shall be the line formed by the high water mark of a body of water.
- 2.150** "LOT LINE, SIDE" shall mean any lot line other than the rear or front lot line.
- 2.151** "LUMBER YARD" shall mean an area where finished and unfinished lumber is stored but does not include an establishment or area otherwise defined in this By-law.
- 2.152** "MANUFACTURING OR PROCESSING PLANT" shall mean a plant in which the process of producing a product suitable for use by hand and/or mechanical power and machinery is carried on systematically with division of labour.
- 2.153** "MARINA, COMMERCIAL" shall mean an building, structure or place, containing docking facilities located on a recognised navigable waterway where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and includes facilities used to take a boat into or out of a waterbody such as a boat launching ramp and/or, boat lift, a pumping station, dock or boathouse and a water pumphouse and may include a boat service, repair or sales facility but shall not include any building used for human habitation.
- 2.154** "MERCHANDISE SERVICE SHOP" shall mean a business providing sharpening, repairs and servicing, sales or rental of typical household tools, lawn/garden equipment, snowmobiles, outboard motors, motorcycles, and hand-operated machinery, chainsaws, power tools, etc., and including the sale of parts and petroleum products incidental thereto but excluding vehicles, trucks, and trailers licensed for street use.



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- 2.155 "MINIMUM DISTANCE SEPARATION"** shall mean a separation requirement as provided for in Appendix 1 and 2.
- a) Minimum Distance Separation I provides minimum distance separation for new or expanding development from existing livestock facilities.
- b) Minimum Distance Separation II provides minimum distance separation for new or expanding livestock facilities from existing or approved development.
- 2.156 "MOBILE HOME/RECREATIONAL VEHICLE"** shall mean any motor vehicle so constructed as to be a self-contained, self-propelled unit capable of being utilized for the living, sleeping or eating accommodation of persons.
- 2.157 "MODULAR HOME"** shall mean a detached structural dwelling unit designed to be and capable of being transported after fabrication, to a lot, and manufactured by a Canadian Standards Association (CSA) A277 certified factory, in accordance with the Building Code Act, and any and all regulations passed pursuant thereto and which is suitable for year round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly, placement on defined supporting structures and connections to utilities.
- 2.158 "MOTEL"** shall mean an establishment which consists of 1 or more than 1 building containing more than 1 rental unit, accessed directly from the outside, for the purpose of catering to the travelling public, to whom the automobile is the principal means of transportation, by furnishing sleeping accommodations with or without meals and which may include permanent staff accommodation and may or may not be licensed under the Liquor Licence Act.
- 2.159 "MOTORIZED ALL TERRAIN VEHICLE (A.T.V.)"** shall mean a motorized recreational vehicle within the meaning of the Off-Road Vehicles Act.
- 2.160 "MOTORIZED SNOW VEHICLE (SNOWMOBILE)"** shall mean a motorized snow vehicle within the meaning of the Motorized Snow Vehicle Act.
- 2.161 "MUNICIPAL PUBLIC UTILITIES YARD"** shall mean a lot which may include a building or structure and also associated storage structures used for the storage, maintenance or repair of equipment, machinery or motor vehicles used in connection with civil works and shall include a public works yard.
- 2.162 "MUNICIPALITY"** shall mean the Corporation of the Town of Bancroft.
- 2.163 "NATURAL FEATURES AND AREAS"** shall mean significant habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, significant wildlife habitat and significant areas of natural and scientific interest.
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- 2.164 "NON-COMPLYING USE"** shall mean a permitted land use, building or structure existing at the date of the passing of this By-law which does not fulfil the requirements of the Zone Regulations (e.g. yard setbacks) for the zone within which it is located, but which may continue to be used or exist, provided there is no change in that use (e.g. enlargement of the structure).
- 2.165 "NON-CONFORMING USE"** shall mean a lawful and specific use, building, structure or land existing at the date of the passing of this By-law which does not fulfil the requirements of the use provisions for the zone in which it is located, but which may continue to be used for such purposes or activities, provided there is no change in that use.
- 2.166 "NUISANCE"** shall mean any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.
- 2.167 "NURSERY SCHOOL"** shall mean a day nursery within the meaning of the Day Nurseries Act, as amended from time to time, and shall include a day care centre.
- 2.168 "NURSING HOME"** as defined in the Nursing Homes Act, as amended, means any premises maintained and operated for persons requiring care or in which such care is provided to 2 or more residents, but does not include any premises falling under the jurisdiction of the Homes for the Aged and Rest Homes Act, as amended, the Private Hospitals Act, as amended and the Public Hospitals Act, as amended.
- For the purpose of this definition, a 'resident' means a person who is cared for or lodged for hire in such premises.
- 2.169 "OBNOXIOUS USE"** shall mean the use of premises in any manner that causes a nuisance or is offensive by the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any lot lines of the premises.
- 2.170 "ORNAMENTAL STRUCTURE"** shall mean any ornamental fountain, statue, monument, cenotaph or other memorial or decorative structure not being part of or accessory to any other structure.
- 2.171 "OUTDOOR WOODBURNING FURNACE"** shall mean an outdoor wood-burning combustion appliance located in a building separate from the main building that is used to provide heat or heated water to the main building on a lot.
- 2.172 "OUTSIDE STORAGE"** shall mean an accessory storage area outside of the principal or main building on the lot.
- 2.173 "PARK, PRIVATE"** shall mean a park other than a public park.



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- 2.174** "PARK, PUBLIC" shall mean a recreational area owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or Government of Canada.
- 2.175** "PARKING AISLE" shall mean an area of land which abuts and provides direct vehicular access to one or more parking spaces.
- 2.176** "PARKING ANGLE" shall mean the angle, equal to or less than a right angle, formed by the intersection of the side of the parking space and line parallel to the aisle.
- 2.177** "PARKING AREA" shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located or upon a privately owned lot situated within 60 m (196.9 ft) of the said lot and which areas comprise all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, vehicular manoeuvring areas, entrances, exits and similar areas used for the purpose of gaining access to or egress from the said parking spaces.
- 2.178** "PARKING LOT" shall mean any parking area other than a parking area accessory to a permitted use.
- 2.179** "PARKING SPACE" shall mean an area of land having a width of not less than 2.7 m (8.9 ft) and a length of not less than 6 m (19.69 ft), exclusive of aisles or any other land used for access or vehicular manoeuvring, for the temporary parking of one motor vehicle. A parking space may be located in the open or within a private garage, carport, building or other covered area and shall have adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles or similar areas.
- 2.180** "PERSON(S)" shall mean any human being, association, firm, partnership, private club, incorporated company, corporation, agent, or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 2.181** "PERSONAL CARE" shall mean personal services such as the provision of aid to residents in walking or climbing or descending stairs, in getting in or out of bed, in feeding, dressing, bathing or in other matters of personal hygiene, and includes the preparation of special diets, the provision of tray service for meals, the supervision of medication and other similar types of personal assistance.
- 2.182** "PERSONAL SERVICE SHOP" shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons. Personal service shops include such establishments as barber shops, hairdressing salons, shoe repair and shoeshine shops, and depots for collecting dry-cleaning and laundry.



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- 2.183** "PIT" shall mean land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under the Aggregate Resources Act.
- 2.184** "PLACE OF AMUSEMENT" shall mean any building or part thereof containing three or more amusement machines which are operated for gain and made available for the entertainment or amusement of the general public. This definition shall not include premises licensed under the Liquor Licenses Act; establishments selling amusement machines provided that such machines are not made available on the premises for use by the general public and premises with amusements that are contrary to the Criminal Code of Canada.
- 2.185** "PLACE OF ASSEMBLY" shall mean a room or space within a building in which the possible maximum occupancy is more than 50 persons assembling for religious, recreational, educational, political, fraternal, social or amusement purposes, or for the consumption of food or drink, except school classrooms, libraries, courtrooms, or any portion of a private dwelling, and may include labour union halls, dance halls, theatres, community centres, banquet halls or convention centres.
- 2.186** "PLANTING SCREEN" shall mean a continuous hedgerow of evergreen trees or shrubs, not less than 1.6 m (5.25 ft) in height, immediately adjacent to the lot line or portion thereof along which such planting screen is required herein.
- 2.187** "PORTABLE CANTEEN" shall mean a vehicular and mobile facility where light meals and drink are prepared and served to the public and which does not necessarily provide for consumption thereof on the premises and shall include a chip truck or chip wagon.
- 2.188** "PRINTING/PUBLISHING ESTABLISHMENT" shall mean a building or part of a building in which the business of producing books, newspapers or periodicals by mechanical means and reproducing techniques such as photo copying occurs and may include the sale of newspapers, books, magazines, periodicals or the like, to the general public.
- 2.189** "PRIVATE CLUB" shall mean a building or part of a building used as a meeting place for members sharing a common interest and includes a fraternal lodge or organization and a labour union hall. Such private clubs shall not be operated for profit.
- 2.190** "PRIVATE ROAD" shall mean a vehicular access route established by legal description and registration but not including a "Street" as defined in this By-law.
- 2.191** "PROVINCIALY SIGNIFICANT WETLANDS" shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants, including a swamp, marsh, bog or fen, and which has been identified as



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provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the province as amended from time to time.

- 2.192** "PUBLIC USE" shall mean the Corporation of the municipality and any Boards or Commissions thereof, any telecommunications company, any company supplying natural gas to the municipality, the electric authority, the County of Hastings and any Department of the Government of Ontario and Canada or other similarly recognized agencies.
- 2.193** "PUBLIC PARK" see "PARK, PUBLIC"
- 2.194** "QUARRY" shall mean land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under the Aggregate Resources Act.
- 2.195** "RACEWAY" shall mean a track, viewing areas and accessory buildings for the running of automobiles, recreational vehicles, snowmobiles, motorcycles and similar motorized vehicles.
- 2.196** "REAR LOT LINE" see "LOT LINE, REAR"
- 2.197** "REAR YARD" see "YARD, REAR"
- 2.198** "RECREATION OR COMMUNITY CENTRE" shall mean any tract of land, building or buildings used for recreation or community activities, social activities, meetings or other leisure activities, and may include an arena, whether used for commercial purposes or not, the control of which is operated under the Community Centres Act, as amended from time to time.
- 2.199** "RECREATIONAL ESTABLISHMENT, COMMERCIAL" shall mean a building used or intended to be used for a theatre, bowling alley, curling rink, swimming pool, billiard parlour, health club, athletic club or similar uses, operated for profit.
- 2.200** "RECREATIONAL USE" shall mean the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, riding clubs, day camps, community centres, snow skiing and all similar uses, together with accessory buildings and structures, but does not include an arcade or a track for the racing of animals, motor vehicles, snowmobiles or motorcycles.
- 2.201** "RECREATIONAL USE, ACTIVE OUTDOOR" shall mean uses such as golf courses, lawn bowling greens, tennis courts, outdoor skating rinks and swimming pools, together with necessary and accessory buildings and structures.



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- 2.202 "RECREATIONAL USE, PASSIVE OUTDOOR"** shall mean such uses as hiking and ski trails, nature observation locations and open space as opposed to (for example) tennis courts, golf courses and baseball diamonds.
- 2.203 "RECREATIONAL VEHICLE SALES AND SERVICE"** shall mean an building, structure or place, where motorized all-terrain vehicles, motorized snow vehicles, boats and motors, docking equipment and supplies are offered for sale and may include a recreational vehicle service and repair facility.
- 2.204 "REGULATORY LEVEL"** shall mean the peak water level experienced during the regulatory flood event, as delineated as the Regulatory Flood Level on the Flood Damage Reduction Plan (FDRP) Flood Risk Map of the York River, prepared by Cumming Cockburn Limited, and dated September 20, 1989.
- 2.205 "RELIGIOUS INSTITUTION"** shall mean buildings used as dwellings by religious orders for their own members, such as a convent or monastery.
- 2.206 "RENEWABLE ENERGY SYSTEM"** Renewable energy systems include facilities which are designed to produce electrical power from an energy source that is renewed by natural processes including, but not limited to wind, water, biomass resource or product, or solar and geothermal energy. These facilities may be used for domestic or commercial purposes.
- 2.207 "RESEARCH FACILITY"** shall mean a building or part of a building or an area of open space in which investigation or inquiry for the purpose of producing new information or products is carried on, and shall be conducted in accordance with the provisions of Sections 3.25 and 3.20 of this By-law.
- 2.208 "RESIDENTIAL"** shall mean the use of land, buildings, or structures for human habitation.
- 2.209 "RESTAURANT"** shall mean a building or part of a building where food is prepared and/or cooked and offered for sale or sold to the public and where dining tables and table service are provided.
- 2.210 "RESTAURANT, DRIVE-IN"** shall mean premises consisting of a building or structure, together with a parking lot, where food is prepared and/or cooked and offered for sale or sold to the public for consumption either in a motor vehicle parked on the parking lot or for consumption on the premises and where dining tables may be provided but table service is not provided.
- 2.211 "RESTAURANT, TAKE-OUT"** shall mean a building or part of a building where food is prepared and/or cooked and offered for sale or sold to the public and where neither dining tables nor table service are provided.
- 2.212 "RETAIL"** shall mean the sale of goods, wares, merchandise, substances and articles to the final consumer or end user, but does not include a supermarket.



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- 2.213** **"RETAIL ESTABLISHMENT"** shall mean 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.
- 2.214** **"RETAIL STORE, CONVENIENCE"** shall mean a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers.
- 2.215** **"RETIREMENT RESIDENCE - PRIVATE "** shall mean any privately owned and operated multiple unit assisted living facilities for senior citizens, and such multiple dwellings shall include auxiliary uses such as food service facilities, club and lounge facilities.
- 2.216** **"SALVAGE YARD"** shall mean a fenced lot and/or land for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, may include vehicles, tires, metal, used bicycles, waste paper and/or other scrap material and salvage.
- 2.217** **"SANITARY SEWER"** shall mean a system of underground conduits, operated either by the Corporation or by the Ministry of the Environment, which carries sewage to a place of treatment which meets with the approval of the Ministry of the Environment.
- 2.218** **"SAUNA"** shall mean an enclosed structure, which does not exceed 10 sq. m (107.6 sq. ft) in area with an approved heating device to produce steam.
- 2.219** **"SAW AND/OR PLANING MILL"** shall mean a building, structure or area where timber is cut, sawed or planed, either to finished lumber or as an intermediary step and may include facilities for the kiln drying and storage of lumber and may or may not include the distribution of such products on a wholesale or retail basis.
- 2.220** **"SCHOOL"** shall mean a public, separate, or high school under the jurisdiction of the Board of Education or the Roman Catholic Separate School Board, a private school, a continuation school, a technical school, a vocational school, a college, a university or other educational institution, but not a commercial school.
- 2.221** **"SEASONAL RESIDENCE"** see **"DWELLING, SEASONAL"**
- 2.222** **"SEASONAL FARM WORKER"** shall mean one or more persons employed as a farm worker for a period of less than 12 months in any one calendar year.
- 2.223** **"SECONDARY FARM OCCUPATION"** shall mean an operation conducted by individuals residing on a farm property that is clearly secondary and incidental to the principal use of farming on the subject property and is intended to provide active farmers with a secondary or supplementary means of income. The types of uses permitted as secondary farm occupations shall be limited to those involved in the manufacture or fabrication of goods (i.e. farm gates, hay bale elevators, animal feeders), uses considered to be trade occupations (i.e.



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electrician, plumber, carpenter, welder, mechanic), and those occupations which are primarily and directly related to agriculture and farming.

- 2.224** **"SELECTIVE CUTTING"** shall mean the harvesting of mature timber without causing undue damage to adjacent standing growth.
- 2.225** **"SELF STORAGE BUILDING"** shall mean a building (or part thereof) containing individual doorways each accessing a fully enclosed room that is used for storage of inactive and stable dry goods only.
- 2.226** **"SEMI-DETACHED DWELLING"** see **"DWELLING, SEMI-DETACHED"**
- 2.227** **"SENIOR CITIZEN HOUSING"** shall mean housing owned and operated by the municipality to provide residential accommodation for senior citizens.
- 2.228** **"SETBACK"** shall mean the least horizontal dimension between the centreline of a street allowance, measured at right angles to such centreline, and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
- 2.229** **"SHOPPING CENTRE"** shall mean a group of commercial uses which has been designed and developed as a unit by a single owner or group of owners, as distinguished from a business area consisting of unrelated individual commercial uses.
- 2.230** **"SHORELINE"** shall mean any lot line or portion thereof that abuts a waterbody.
- 2.231** **"SIDE LOT LINE"** see **"LOT LINE, SIDE"**
- 2.232** **"SIDE YARD"** see **"YARD, SIDE"**
- 2.233** **"SINGLE DETACHED DWELLING"** see **"DWELLING, SINGLE DETACHED"**
- 2.234** **"SIGHT TRIANGLE"** shall mean an area free of buildings or structures, the area of which is determined by measuring from the point of intersection of street lines on a corner lot or where a corner is rounded from the point at which the extended street lines meet, the distance required by this By-law along each such street line and joining such points with a straight line thereby creating a triangular-shaped parcel of
- land. This triangular-shaped parcel of land located between the intersecting street lines and the straight line joining the points, and located the required distance along the street line, is the sight triangle.
- 2.235** **"SITE ALTERATION"** shall mean activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site.



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- 2.236** "SPECIAL NEEDS PARKING" shall mean parking spaces designated as disabled parking spaces for persons needing special consideration due to a medical disability and who have been issued an Ontario Handicap Parking Permit.
- 2.237** "STORMWATER MANAGEMENT" shall mean long and short term management of stormwater runoff quality and quantity which may require the construction and installation of permanent stormwater facilities.
- 2.238** "STORMWATER MANAGEMENT FACILITIES" shall mean a designated area or structural device that would control the quantity or quality or velocity of stormwater runoff leaving a property to achieve specific objectives such as reduce flooding and erosion, remove pollutants and provide other amenities.
- 2.239** "STREET" shall mean a public highway as defined under the Public Transportation and Highway Improvement Act, as amended, from which access may be taken to an abutting lot and which is dedicated, assumed and maintained by a municipality, a county, or the Province of Ontario. A street does not include an unopened road allowance, a lane or an unassumed road on a Registered Plan, which has been deemed not to be a Registered Plan under the Planning Act.
- 2.240** "STREET LINE" shall mean the limit of the street allowance and is the dividing line between a lot and a street.
- 2.241** "STRUCTURE" shall mean anything constructed or erected, the use of which requires location on the ground, or which is attached to something having location on the ground.
- 2.242** "SUPERMARKET" shall mean a self-service retail food store with grocery, meat, and produce departments and devoted to the sale of food and associated household items, and may include an in-house bakery and deli.
- 2.243** "TAKE-OUT RESTAURANT" see "RESTAURANT, TAKE-OUT"
- 2.244** "TAVERN" shall mean "a tavern" as defined by the Liquor Licence Act, as amended from time to time.
- 2.245** "TEA ROOM" shall mean a public room accommodating no more than 20 persons, where tea and light refreshments, but not complete meals, are served for immediate consumption within the building. A tea room does not include premises licensed under the Liquor Licence Board of Ontario or any other form of eating establishment as defined herein.
- 2.246** "TENT" shall mean every kind of temporary shelter that is not permanently affixed to the site and that is capable of being easily moved.
- 2.247** "TENT AND TRAVEL TRAILER PARK" shall mean a parcel of land maintained for the temporary parking of tents or travel trailers on individual sites, and shall be subject to the provisions of this By-law.



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2.248 "THROUGH LOT" see "LOT, THROUGH"

2.249 "TOP OF BANK" shall mean a point or line which is the beginning of a significant change in the land surface, then from which the land surface slopes downward towards a water body. When 2 or more slopes are located together, the slope that is highest and farthest away from the top of the slope shall be the slope considered for the top of bank. For the purposes of this definition, the term shall include geomorphological formations associated with post-glacial waterbody, where a remnant water feature remains.

2.250 "TOURIST ESTABLISHMENT" shall mean any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided, and without limiting the generality of the term, also includes a lodge, tourist cabins and a housekeeping cottage as well as docks, eating establishments and convenience stores but does not include:

- a) a camp operated by a charitable corporation approved under the Charitable Institutions Act;
- b) a summer camp within the meanings of the regulations under the Health Promotion and Protection Act; or
- c) a club owned by its members and operated without profit or gain.

2.251 "TRACTOR TRAILER TRUCK" shall mean a self-propelled motor vehicle designed for the haulage of goods in an attached trailer but not for the carriage of any load when operating independently.

2.252 "TRAVEL TRAILER" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used or intended for the temporary living, sleeping or eating accommodation of persons therein, and shall be deemed to include a tent, truck camper or camper trailer, and may not be placed on a foundation.

2.253 "TRAVEL TRAILER SITE" shall mean an area of land within a travel trailer park that is or is intended to be occupied by 1 tent or 1 trailer or similar vehicle within the meaning of a trailer as defined above with adequate access to a driveway or public street.

2.254 "TRUCK CAMPER" shall mean any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being utilized for the temporary living, sleeping or eating accommodation of persons.

2.255 "USE" shall mean the purpose for which any land, building or structure is arranged, designed, or intended to be used, occupied or maintained.



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- 2.256** "USE, ACCESSORY" shall mean a use customarily incidental and subordinate to the principal use or building located on the same lot.
- 2.257** "VETERINARY CLINIC" shall mean a building and land where animals are brought for prevention, cure and treatment of disease and injury by a veterinarian and may include the following facilities: a reception area; an examination room/treatment area; a pharmacy; a laboratory; a library; radiology equipment; supplies for the administering of anaesthesia; surgical preparation area; operating room; and provisions for the for the sheltering of animals during the confinement and treatment period. An animal hospital may include facilities for the performance of an autopsy on an animal.
- 2.258** "WAREHOUSE" shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things and may include facilities for a wholesale or retail commercial outlet but shall not include a truck terminal.
- 2.259** "WASTE DISPOSAL SITE" shall mean any land or land covered by water (such as in the case of a sewage lagoon) upon, into, in or through waste, exclusive of liquid industrial waste, is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste and shall include a sewage treatment plant or sewage lagoon.
- 2.260** "WASTE MANAGEMENT SYSTEM" shall mean all facilities, equipment and operations for the complete management of waste including the collection, handling, transportation, storage, processing and disposal thereof and may include one or more waste disposal sites.
- 2.261** "WATER FRONTAGE" shall mean all property abutting a water body measured along the high water mark.
- 2.262** "WATERBODY" shall mean any bay, lake, wetland, canal or natural watercourse but excludes a drainage or irrigation channel.
- 2.263** "WATERBODY, NARROW" shall mean an area where the minimum average distance from shoreline to shoreline is 150 m (492.1 ft) for a lake and 50 m (164.0 ft) for a river.
- 2.264** "WATERCOURSE" shall mean any surface creek, stream or river and includes a natural channel for an intermittent stream and a municipal drain as defined by the Drainage Act, as amended.
- 2.265** "WAYSIDE PIT" shall mean:
- A temporary sand or gravel pit opened and used by a governmental authority or authorized contractor for the purpose of a particular public project such as road construction.
 - A minor sand and gravel pit on a farm unit required only for the use of that farm unit.
 - But shall not include a sand or gravel pit operated for the purpose of sales of sand or gravel to



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private individuals or companies.

- 2.266 "WAYSIDE QUARRY"** shall mean a temporary quarry opened and used by a governmental authority or authorized contractor for the purpose of a particular public project such as road construction, but shall not include sales to. All such excavations shall have regard for and follow the regulations of the Aggregate Resources Act, as amended from time to time.
- 2.267 "WETLANDS"** shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of Wetlands are swamps, marshes, bogs and fens.
- 2.268 "WOODLOT"** shall mean a wooded area in which the majority of trees are at least 10.2 cm (4.0"n) in diameter and in which there is a minimum of a 50% closed canopy of tree foliage.
- 2.269 "WORKSHOP"** shall mean a building or structure where manufacturing is performed by tradespeople requiring manual or mechanical skills and may include a carpenter's shop, a woodworker's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, an upholsterer's shop, a welder's shop or similar uses.
- 2.270 "YARD"** shall mean the space appurtenant to a building or structure on the same lot, which is open, uncovered, and unoccupied except for such accessory buildings, structures, or uses specifically permitted by this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
- Where the regulations of a zone include a requirement that the minimum yard of a lot or parcel of land shall be a specific number of meters, such minimum yard shall be determined by measuring at right angles from either the street line of the public street or the lot line abutting such yard in the direction of such lot or parcel of land a distance equal to the said specific number of metres, in the relevant regulation of such zone.
- 2.271 "YARD, FRONT"** shall mean the yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any buildings or structures on the lot. The "minimum" front yard shall mean the distance between the front lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.
- 2.272 "YARD, REAR"** shall mean the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any principal building or structure on the lot. Where a rear yard is required for an accessory building in this By-law then this definition shall apply except that the words "accessory building" shall be substituted for "principal building". The "minimum" rear yard shall mean the minimum distance between the rear lot line and the nearest wall of any principal building or accessory building on the lot, according to the context in which the term is used.



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- 2.273** "YARD, SIDE" shall mean the yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on the lot.
- 2.274** "YARD, INTERIOR SIDE" shall mean the side yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on any lot and excluding any exterior side yard. The "minimum" interior side yard shall mean the minimum distance between an interior side lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.
- 2.275** "YARD, EXTERIOR SIDE" shall mean the side yard of a corner lot in which the side yard extends from the front yard to the rear yard between the side street line and the nearest part of any building or structure on the corner lot. The "minimum" exterior side yard shall mean the distance between the exterior side lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.
- 2.276** "ZONE" shall mean a designated area of land use shown on the schedules of this By-law.



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3.0 GENERAL PROVISIONS

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be altered, in whole or in part, except in conformity with the applicable provisions of Section 3 "General Provisions".

3.1 ACCESSORY BUILDINGS

Where this By-law permits a lot to be used or a building or structure to be erected and used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no accessory dwelling shall be permitted in any zone other than a zone in which such use is specifically listed as a permitted use. No accessory building or use shall be established on any lot until the main building or use to which it is accessory, is established. Except in accordance with Section 3.1.3, no accessory building shall be erected prior to the erection of a principal building or structure.

3.1.1 Accessory Buildings and Uses in Non-Residential Zones

- a) Total Lot Coverage - In no case shall the lot coverage of all buildings on a lot exceed the maximum lot coverage of the principal use set out in the applicable provisions of this By-law.
- b) Building Location - Any accessory building which is not part of the main building shall be erected to the rear of the projected front or exterior side wall of the main building. Where accessory buildings are located behind the main buildings, they shall be located in accordance with the provisions of the particular zone.
 - i. Where an accessory building is attached to the main building, the front yard, side yard, rear yard and area requirements of this By-law shall be complied with as if the accessory building was part of the main building.
 - ii. An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law, except where otherwise permitted herein.
 - iii. The minimum distance of an accessory building from a principal building shall be 3.0 m (9.8 ft).
- c) No person shall use an accessory building for human habitation except where a dwelling is permitted as an accessory building.

3.1.2 Accessory Buildings and Uses in Residential Zones

Unless otherwise specifically provided for in this By-law, no person shall erect or maintain an accessory building in any Residential Zone, except a Rural Residential Zone, and except in accordance with the following provisions:

- a) Total Lot Coverage - In a Residential Zone, the total lot coverage of accessory buildings and structures including detached private garages shall not exceed 5% of the lot area except where a swimming pool or



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tennis court is provided, in which case the total lot coverage for accessory uses shall not exceed 20%.

- b) Dwelling Location - Where a dwelling unit is attached to the main building, the front yard, side yard, rear yard and area requirements of this By-law shall be complied with as if the accessory building was part of the main building.
- c) Notwithstanding the provisions of Section 3.1.1.b), common semi-detached garages may be erected on a mutual side lot line.

3.1.3 Dwelling or Dwelling Unit as an Accessory Use in a Non-Residential Setting

No person shall use any lot or erect, alter or use any building or structure for the purpose of a dwelling or dwelling unit where the zoning is not residential except in accordance with the following regulations:

3.1.3.1 Accessory Dwelling:

- a) An accessory dwelling may be permitted with a private water supply and sewage disposal system having the approval of the appropriate authorities.
- b) An accessory dwelling, as a separate structure, shall have a minimum gross floor area of 89 sq. m (958.0 sq. ft) and where there is more than one floor, a minimum ground floor area of 44.5 sq. m (479.0 sq. ft).
- c) An accessory dwelling shall have separate bathroom and kitchen facilities from those of the non-residential use.
- d) Each accessory dwelling shall have separate parking spaces as required by the parking requirements of Section 3.25 of this By-law.

3.1.3.2 Accessory Dwelling Unit:

- a) The accessory dwelling unit shall have a separate building entrance to that provided for the non-residential use.
- b) An accessory dwelling unit within a non-residential building shall have a minimum gross floor area of 55 sq. m (592.0 sq. ft).
- c) An accessory dwelling unit shall have separate bathroom and kitchen facilities from those of the non-residential use.
- d) Separate storage facilities containing a minimum of 2.8 sq. m (30 sq. ft) shall be provided for each dwelling unit.
- e) In a commercial zone, one dwelling unit shall be permitted in a non-residential building provided it is located on the second storey of such building, or at the rear of such building if on the main floor.



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- f) Notwithstanding the provisions of clause 3.1.3.2(c) of this subsection, the gross floor area of the residential portion of a non-residential building in a Commercial zone shall not exceed 100 percent of the non-residential floor area.
- g) A single detached dwelling, as a separate structure shall be permitted if occupied by the owner, caretaker, watchman, or similar person, provided that such person is employed on the lot on which such dwelling house is located.
- h) A dwelling unit shall be permitted in a portion of a non-residential building, except in the case of an automobile service station or automobile sales agency where such dwelling unit shall not be permitted.

3.2 AGRICULTURE - MINIMUM DISTANCE SEPARATION

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no development shall be located on a legal lot of record having an area of 1 ha (2.47 ac.) or more and permitted by a specific zone, unless it complies with the guidelines of Minimum Distance Separation (MDS I) or its calculation using Appendix 1 to this By-law.

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded within an RU zone unless it complies with the guidelines of the Minimum Distance Separation (MDS II) or its calculations using Appendix 2 to this By-law. Prior to issuance of a building permit for a new livestock structure or the construction of an earthen manure storage facility, approved nutrient management strategy shall be required to the satisfaction of the Ontario Ministries of Agriculture, Food and Rural Affairs, and/or Environment.

For the purposes of MDS II above, the measurement factor that applies to the "nearest neighbour's dwelling" shall also apply to an area zoned the Rural Residential (RUR) Zone. Notwithstanding the aforementioned, where a cluster of 4 or more RuR lots is located with a density of 1.5 dwellings per hectare or greater, the measurement shall be made to the RuR zone boundary in accordance with areas zoned for urban uses.

3.3 AREAS OF INFLUENCE

Land uses and activities impact adjacent lands. The degree to which one activity or land use influences another is determined by the relative similarities or differences between the two, and by the intensity or degree of that difference. The area over which a certain activity or land use exerts an influence over other activities or land uses is known as its area of influence.

- a) No person shall erect any residential structure in any zone within 500 m (1,640.4 ft) of quarries zoned the Extractive Industrial (M3) Zone and 300 m (984.25 ft), of pits or quarries without blasting, crushing or screening, without the approval of the Ministry of Natural Resources upon successful application for a minor variance and provided the residential use is a permitted use on the adjacent lands within the area of influence.
- b) No person shall erect a residential structure in any zone within 500 m (1,640.4 ft) of lands zoned the



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Waste Disposal Industrial (M3) Zone.

3.4 BUFFER PLANTING STRIP

a) Required Location

Where an interior side, exterior side, front or rear lot line in a Commercial or Industrial zone, abuts a sensitive land use such as a Community Facility zone or use or a Residential zone or use, a planting strip forming a visual barrier or screen and used for no other purpose than landscaped open space shall be provided along that lot line.

b) Composition

The planting strip shall be comprised of shrubs and evergreen trees forming an unbroken hedgerow, the minimum height of which shall be 1.75 m (5.7 ft) in height. The vegetation shall be planted so as to ensure a minimum depth of 3.0 m (9.8 ft) for the planting strip.

c) Maintenance

A buffer/planting strip shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located. Any die-back shall be replaced by new vegetation to ensure continuance of an unbroken hedgerow.

d) Landscaped Open Space

A buffer/planting strip referred to in this subsection may form a part of any landscaped open space required by this By-law.

e) Interruption for Driveways or Pedestrian Walks

In all cases where ingress and egress driveways or walks extend through a buffer/planting strip it shall be permissible to interrupt the strip within 3 m (9.8 ft) of the edge of such driveway or within 1.5 m (4.9 ft) of the edge of such walk.

3.5 DERELICT VEHICLES AND EQUIPMENT

No land in the municipality shall be used for the storage or parking of a derelict vehicle, unused and/or discarded farm implements and similar abandoned equipment.

3.6 DRIVE THROUGH USES

A drive through use shall comply with the following:

a drive through use in a commercial zone shall have a minimum of 30 m (98.43 ft) of frontage;



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- a) electronic devices such as loudspeakers, automobile service order devices, car speakers, and similar instruments shall not be located in the side yard of a drive-through use, where that side yard or rear yard abuts a residential zone or use; and
- b) the exterior lights used for illumination of a drive-through shall be so arranged as to divert the light away from adjacent residential zone or use lots and streets.

3.7 ESTABLISHED BUILDING LINE

Notwithstanding the provisions of this By-law to the contrary, where a building, structure or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling or accessory use is not to be erected closer to the street line or to the centre line of the road or street, as the case may be, than the established building line on the date of passing of this By-law.

3.8 EXTERNAL DESIGN

The following building materials shall not be used for more than 5% of the exterior vertical facing of any wall of any residential building within the municipality:

- a) building paper;
- b) asphalt roll-type siding;
- c) insulbrick.

3.9 FENCES

No fence exceeding a maximum height of 1.8 m (5.9 ft) shall be erected in an urban area. Notwithstanding the above, a fence in excess of 1.8 m (5.9 ft) in height may be erected for a public use or where provincial/federal regulations require a fence to be erected in excess of 1.8 m (5.9 ft).

Notwithstanding Section 3.8.1 above, fences erected for the purposes of providing a buffer between sensitive land uses and industrial or commercial uses shall be a minimum of 2.4 m (8 ft) in height and constructed of a double thickness of fencing material to ensure maximum absorption of noise, vibration and dust.

3.10 FLOODING HAZARD, LANDS PRONE TO

Development is not permitted within any lands prone to flooding adjacent to a river, stream or small lakes within the Town of Bancroft.

Notwithstanding the foregoing, development within the York River Special Policy Area, as defined in Section 22.2 of this By-law, may be permitted, in accordance with the following:

- a) structural design shall be completed to withstand hydrostatic forces and preferably no basement will be



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included in the design;

- b) building materials shall not subject to deterioration;
- c) sanitary sewers should be tight against inflow and capacity of any sewage pumping station should be adequate to prevent sanitary sewers from surcharging and causing basement flooding;
- d) no building openings to residential buildings shall be below the Regulatory Flood Level subject to consideration of floodproofing criteria where appropriate;
- e) where the renovation or restoration of existing structures is to be undertaken where site conditions do not permit a minimum opening elevation above the Regulatory Flood Level, special measures may be permitted for non-residential buildings. Such measures may include the following:
 - i) doors and windows designed to withstand hydrostatic forces;
 - ii) all mechanical, electrical and heating equipment located above the Regulatory Flood Level;
 - iii) all building contents should be capable of being floodproofed or moved above the Regulatory Flood Level;
 - iv) no building opening shall be more than 1.0 m (3.3 ft) below the Regulatory Flood Level;
 - v) access and parking areas shall be floodproofed to a minimum of 0.3 m (1 ft) below the Regulatory Flood Level.

3.11 FRONTAGE ON A PUBLIC STREET

No person shall erect any building or structure in any zone, except in the Limited Service Residential (LSR) Zone unless the lot upon which such building or structure is to be erected fronts upon a public street. For the purposes of this By-law a street does not include an unopened road allowance, a lane, or an unassumed road on a Registered Plan, which has been deemed not to be a Registered Plan under the Planning Act. The above provisions shall not apply to prohibit the erection of any building on a lot on a registered plan of subdivision where a subdivision agreement has been entered into but in which the streets will not be assumed until the end of the maintenance period.

3.12 GARDEN SUITES

Garden suites will be permitted only within the Rural (RU) Zone, the Rural Residential (RuR) Zone, the Residential Type One (R1) Zone, and the Waterfront Residential (WR) Zone.

3.13 GROUP HOMES

Group Homes are permitted as of right, in all Residential zones, as a residential use, provided such homes:

- a) meet provincial licensing requirements;



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- b) meet the requirements of the Town's group home licensing by-law, if any; and
- c) establish a separation from any other group home of a minimum of 500 m.

3.14 HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration or use of the following accessory buildings or structures provided the principal use is a use permitted within the zone in which it is located: a church spire, belfry, flag pole, light standard, clock tower, barn, silo, chimney, water tank, windmill, radio or television antenna, air conditioner duct, incidental equipment required for processing and external equipment associated with internal building equipment.

3.15 HOME INDUSTRY

Home Industries are categorized as Type 'A' and Type 'B' Home Industries. Home Industries Type 'A' and Type 'B' are permitted in the zones as indicated in this By-law in accordance with the following provisions.

- a) There is no open storage of goods or materials.
- b) There is no display, other than a sign of a maximum size of 0.55 sq. m (6.0 sq. ft) to indicate to persons outside, that any part of the dwelling or accessory building is being used for a purpose other than residential. Furthermore, such a sign shall be set back a minimum of 3 m (9.8 ft) from any lot line.
- c) The home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.
- d) Where an interior side yard and/or rear yard abuts a residential zone, then such interior side yard and/or rear yard shall be a minimum of 15 m (49.2 ft). This 15 m (49.2 ft) area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 15 m (49.2 ft) area.
- e) The home industry does not interfere with television or radio reception.
- f) There are no goods, wares or merchandise, publicly offered or exposed for sale on the premises outside of any buildings.
- g) Off-street parking is provided in accordance with Section 3.25.

3.15.1 Additional Provisions for Type 'A' Home Industries

Type 'A' Home Industries shall include craft shops, woodworking, repair and service shops and similar type uses and associated retail sales in accordance with the following provisions.



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- a) Any accessory structure used for a Type 'A' Home Industry shall not exceed 39 sq. m (419.8 sq. ft).
- b) Not more than 1 non-resident shall be permitted to be employed on the lot.

3.15.2 Additional Provisions for Type 'B' Home Industries

Type 'B' Home Industries shall include craft shops, woodworking, light manufacturing, repair and service shops and other similar type uses and associated retail sales in accordance with the following.

- a) Any accessory structure used for a Type 'B' home industry shall not exceed 50 sq. m (538.2 sq. ft).
- b) Not more than 2 non-residents shall be permitted to be employed on the lot.
- c) The minimum lot size for a Type 'B' home occupation shall be 2 hectares (4.94 ac.).
- d) One commercial vehicle associated with the home industry is permitted.
- e) Where an interior side yard and/or rear yard abuts a residential zone, then such interior side yard and/or rear yard shall be a minimum of 30 m (100 ft). This 30 m shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 30 m area.

3.16 HOME OCCUPATIONS

Home Occupations are categorized as Type 'A' and Type 'B' Home Occupations. Home Occupations Type 'A' and Type 'B' are permitted in the zones as indicated in this By-law in accordance with the following provisions.

- a) There is no display, other than a sign of a maximum size of 0.5 sq. m (6.0 sq. ft) to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. Furthermore, such a sign shall be setback a minimum of 3 m (9.8 ft) from any lot line.
- b) Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular, in regard to noise, obnoxious odours, emission of smoke, traffic or parking.
- c) Such home occupation does not interfere with television or radio reception.
- d) Not more than 25% of the gross floor area of the dwelling is used for the purposes of home occupation uses except in the case of a bed and breakfast establishment in which situation the provisions of subsection 3.13.3 shall apply.

3.16.1 Additional Provisions for Type 'A' Home Occupations

Type 'A' Home Occupations shall be conducted entirely within the principal residence and shall be limited to administrative office type uses only and may employ 1 employee other than those residing in the dwelling.



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3.16.2 Additional Provisions for Type 'B' Home Occupations

Type 'B' Home Occupations shall be conducted entirely within the principal residence and shall be limited to personal service and medical occupations such as hairdressers, day nurseries limited to 5 children or less, doctors and dentists offices and may employ 1 person in addition to persons residing in the residence.

3.16.3 Additional Provisions for Bed and Breakfast as a Home Occupation

Where a bed and breakfast establishment is established as a Home Occupation, no more than 4 guest rooms shall be maintained for the accommodation of the public.

3.17 KENNELS

Kennels shall be separated from a residential zone or use by a minimum of 100 m (328.1 ft).

- a) No more than 12 dogs over the age of 4 months shall be kept in the kennels.
- b) No kennel shall be erected within 45 m (147.6 ft) of the lot line of adjacent lands held in separate and distinct ownership.
- c) Enclosed exercise areas or runs shall be provided.
- d) A minimum of 9.3 square m (100 sq. ft) shall be provided for each animal.
- e) Where a kennel existed as of the date of passing of this By-law which does not comply with the foregoing setback or yard requirements, such kennel shall not be extended, enlarged, reconstructed or altered if the effect of such extension, enlargement, reconstruction or alteration thereof is to further reduce or encroach on the setback, yard or yards that is or are less than required.

3.18 LANDS SEVERED BY PUBLIC UTILITY LINES

Where lands are acquired for the purpose of a public utility line and such acquisition deprives a parcel of land of street frontage, the part of such parcel so deprived of street frontage shall be deemed for the purpose of this By-law to have frontage on such street providing the land has a permanent right of access to such street.

3.19 LIMITED SERVICE RESIDENTIAL DEVELOPMENT

Development that is proposed on a lot located on a private road or with water access only shall be rezoned to a Limited Service Residential Zone before the municipality issues a building permit.

Legal access to the lot shall be proven, to the satisfaction of the municipality, before a building permit may be issued.

Before a building permit can be issued for new development, an Agreement must be registered on title by the Owner, acknowledging that the lot is in an area of limited municipal service. This shall ensure that the municipality does not maintain and will not be expected to maintain the private road leading to the property or perform any other services normally



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associated with public highways in the municipality.

3.20 LOADING SPACE REQUIREMENTS

No person shall erect or use any building or structure in any zone for any commercial or industrial purpose involving the movement of goods unless loading spaces are provided and maintained in accordance with the following provisions:

- | a) Gross floor area | No. of Loading Spaces |
|--|--|
| i) Up to 280 sq. m | 1 |
| ii) 280 sq. m - 930 sq. m (3,014 sq. ft- 10,010.8 sq. ft) | 2 |
| iii) Greater than 930 sq. m (10,010.8 sq. ft) | 2 plus a minimum of 1 additional loading space for each 1400 sq. m (15,070.0 sq. ft) or fraction thereof in excess of 930 sq. m (10,010.8 sq. ft). |
| b) Each loading space shall be at least 9.0 m (29.5 ft) long, 3.5 m (11.5 ft) wide and have a vertical clearance of at least 4.0 m (13.1 ft). | |
| c) The required loading spaces shall be provided on the lot occupied by the building or structure for which the said loading spaces are required and shall not form a part of any street or lane. | |
| d) For any commercial or industrial use, no loading space or part thereof shall be located and no land shall be used for loading purposes within 1.5 m (4.9 ft) of any lot line, or within 3 m (9.8 ft) of any street line or boundary of any residential zone or urban residential zone, or within 3 m (9.8 ft) of the lot line of a residential use. | |
| e) Access to loading spaces shall be by means of a driveway at least 6 m (19.7 ft) wide contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located. | |
| f) The driveways, loading spaces, and turning areas shall be maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles. | |
| g) The loading requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the gross floor area as it existed at the date is not increased. If an addition is made, then additional loading spaces shall be provided up to the number required for such addition. | |

3.21 MODULAR HOMES

A modular home shall be permitted in any residential zone, subject to the following:

- a) a building permit is required to erect a modular home.



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3.22 NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS

3.22.1 Building on Existing Lots

Where a building has been lawfully erected prior to the date of the passing of this By-law on a lot having less than the minimum frontage and/or area, or having less than the minimum front yard, side yard, rear yard or usable open space required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided said enlargement, reconstruction, repair or renovation does not serve to further reduce a required yard or required usable open space and provided all other provisions of this By-law are complied with.

3.22.2 Existing Undersized Lots

Where a lot having a lesser lot area and/or lot frontage than that required herein 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 passing of this By-law, or where such a lot is created as a result of an expropriation, the smaller lot may be used and a building or structure may be erected, altered or used on the smaller lot, provided that the parcel has a minimum frontage of 50% or more of the minimum frontage required by the zone in which the parcel is situated, provided that an adequate supply of potable water is available to service the proposed use, provided such erection, alteration or use does not contravene any other provisions of this By-law and provided that all relevant requirements of the appropriate authority are complied with.

3.23 NON-CONFORMING USES

3.23.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this By-law if such lot, building, or structure was lawfully used for such purpose on the day of passing of this By-law, so long as it continues to be used for that purpose. Livestock may be reintroduced to legal non-conforming livestock facilities in the Rural (RU) Zone that have not continuously housed livestock prior to the passing of this By-law.

3.23.2 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the passing of this By-law been approved and a permit issued by the municipality's Chief Building Official so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided that the erection of such a building or structure is commenced within one year after the day of the passing of this By-law and the building or structure is completed within a reasonable time after the erection thereof is commenced.



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3.23.3 Restoration to a Safe Condition

The provisions of this By-law shall not apply to prevent the strengthening to a safe condition of any non-conforming building or structure or part thereof provided such strengthening generally does not increase the height, size, or volume, of such building or structure, and provided that such improvements meet the requirements of the Building Code Act and its regulations.

3.24 NOXIOUS USES

Notwithstanding anything contained herein, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is noxious, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both.

- a) By the creation of noise or vibration in excess of the limits of the Environmental Protection Act.
- b) By reason of the emission of gas, fumes, smoke, dust or objectionable odour in excess of the limits of the Environmental Protection Act, except in the case of agricultural uses operating in compliance with reasonable agricultural practices.
- c) By reason of the storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material. Or
- d) By any combination of those things described in Clauses 3.21 (a), 3.21 (b) and 3.21 (c) of this subsection.

3.25 OFF STREET PARKING PROVISIONS

For every building or structure to be erected for, altered for, or its use converted to any of the uses specified in Section 3.25.1, off-street parking facilities shall be provided and maintained either on the same lot on which the principal use is located or, where this is not possible, on a lot within 60 m (196.9 ft) of the lot on which the principal use is located and in accordance with Section 3.25.1 and other provisions contained in this subsection unless otherwise specifically provided.

3.25.1 Parking Requirements

- a) Each parking space must be readily accessible at all times and arranged in such a manner to provide access and maneuvering space for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle, except that this shall not apply in the case of a single detached dwelling.
- b) Ingress and egress to and from the parking aisles prescribed by this section shall be provided by a sufficient number of adequate, unobstructed driveways having a minimum width of 6 m (19.7 ft), except that in the case of a single detached dwelling, the width may be reduced to 3.5 m (11.5 ft).
- c) All off-street parking spaces, driveways and aisles required herein shall be constructed and maintained with a stable surface.



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- d) Where a ramp to parking aisles provides access from a street, such a ramp shall not be located closer than 7.5 m (24.6 ft) from the street line and a level stopping space shall be provided between the ramp and the street grade so as to provide adequate vision to the street in both directions.
- e) Where a lot, building or structure accommodates more than one type of use, the parking requirement for the whole building shall be the sum of the requirements for the separate parts of the lot, building or structure occupied by the separate types of uses.
- f) The parking requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the gross floor area as it existed at that date is not increased or the use changed. If an addition is made or the use is changed, then additional parking spaces shall be provided up to the number required for such addition.
- g) Where the application of ratios results in a fraction of a parking space, the required number of spaces shall be increased to the next whole number.
- h) In the case of a parking structure completely or partly below finished grade, it shall not be necessary to comply with the setback requirements of the particular zone, except that the minimum distance between such a structure and the street line shall be 7.5 m (24.6 ft).
- i) Where parking requirements are related to seating capacity and seating is by open benches, each 0.6 m (2.0 ft) of open bench shall be counted as one seat.
- j) The lights used for illumination of parking spaces, aisles and driveways shall be so arranged as to divert the light away from adjacent lots and streets.
- k) A structure not more than 4.5 m (14.8 ft) in height and not more than 4.5 sq. m (48.4 sq. ft) in area may be erected in the parking area for the use of parking attendants.
- l) No sign shall be erected in any parking area other than a directional sign, signs necessarily incidental to the efficient operation of a commercial parking lot, and a sign which gives the name of the owner. The maximum size of any such sign shall be 1 sq. m (10.8 sq. ft).
- m) No gasoline pump or other service station equipment shall be located or maintained on any parking space or aisle.
- n) In a residential zone not more than 50% of the aggregate area of the side yards and rear yard shall be occupied by parking spaces, aisles or driveways.
- o) Entrances and exits to parking spaces shall not pass through zones other than the zones requiring the parking spaces.
- p) Where off-street parking abuts a Residential Type One (R1) Zone, Residential Type Two (R2) Zone or



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Multiple Residential (R3) Zone, a wooden fence at least 1.5 m (4.9 ft) in height shall be erected and maintained and the land within 3 m (9.8 ft) of the residential zone shall be maintained in an open space condition.

- q) No parking or loading facility or part thereof shall be located and no land shall be used for the parking or storage of any vehicle within 1 m (3.3 ft) of any lot line or street line, or within 3 m (9.8 ft) of the boundary of any residential zone. Notwithstanding Section 3.22.3 of this By-law to the contrary, where any building, structure, use or activity is permitted or is legally in existence at the date of passing of this By-law and is subsequently changed in use or enlarged or extended in floor area, number of employees, number of dwelling units, seating capacity or otherwise which results in the reduction of the minimum required parking facilities and/or number of parking spaces and such number of parking spaces or part thereof cannot be provided in accordance with the minimum requirements, then such required parking spaces or part thereof shall be subject to a cash-in-lieu contribution towards municipal parking facilities, the cost of which shall be established by the Council of the municipality from time to time for the determined deficiency.

3.25.2 Special Needs Parking

Special needs parking spaces shall be provided for all commercial uses listed in Section 3.25.3 at the rate of 1 space per 500 sq. m (5,382.0 sq. ft) with a minimum of 2 spaces. Special needs parking spaces should be a minimum of 3.5 m (11.5 ft) wide and be located in close proximity to the commercial establishment.

3.25.3 Minimum Parking Space Requirements

Minimum Parking Space Requirement calculations for non residential uses shall include parking spaces for use by staff.

- | | | |
|----|--|---|
| a) | Residential | 2 spaces for every dwelling unit |
| c) | Senior Citizen Multiple Dwelling | Up to 30 dwelling units, parking spaces shall equal 50% of the number of dwelling units |
| d) | Senior Citizen Multiple Dwelling | Between 30 and 60 units, parking spaces shall equal 40% of the number of dwelling units |
| e) | Private or Public Hospital or Nursing Home | 1 space for every 2 beds |
| f) | Private Club | 1 space for every 3 persons to be accommodated in the design capacity of the building |
| g) | Commercial Club | 1 space for every 3 persons to be accommodated in the design capacity of the building |



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h)	Funeral Home	1 space for every 3 chapel seating spaces or fraction thereof with a minimum of 10 spaces
i)	Church, Community Hall, Arena	1 space for every 3 persons to be accommodated according to maximum permitted capacity
j)	Schools	1 space per classroom, and one space for each 10 people of maximum design capacity of the assembly hall or auditorium
k)	Government or Public Utility Building	1 space for every 23 sq. m (247.6 sq. ft) of gross floor area
l)	Business or Professional Office	1 space for every 23 sq. m (247.6 sq. ft) of gross floor area or where such use conflicts with the office of a doctor or dentist, there shall be a minimum of 3 parking spaces provided on the same lot
m)	Hotel/Motel/Resort	1 space for every guest room and 1 space for every 8 sq. m (86.1 sq. ft) of gross floor area devoted to public use
n)	Boarding or Rooming House	1 space for each bedroom
o)	Tourist Home	1 space for each bedroom
p)	Place of Assembly	1 space for every 3 persons of maximum design capacity
q)	Bowling Lanes and Billiard Establishments	1 space for every 2 persons of design capacity. Design capacity shall mean 6 persons per bowling lane and 2 persons per billiard table.
r)	Drive In Restaurant or Take-Out Restaurant	1 space for every 8 sq. m (86.11 sq. ft) of gross floor area
s)	Restaurant or Tavern	1 space for every 6 sq. m (64.59 sq. ft) of public floor area or 1 space for every 4 persons of design capacity, whichever is the greater with a minimum of 10 spaces
t)	Retail, Wholesale Sales, Merchandise Service Shop, or Studio	1 space for every 28 sq. m (391.4 sq. ft) of gross floor area
u)	Retail Lumber and Building Supply Outlet	1 space for every 28 sq. m (391.4 sq. ft) of retail floor space with a minimum of 6 spaces
v)	Automotive Sales Establishment	A minimum of 10 spaces plus 1 space for every employee working on the premises during the peak business period



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w)	Industrial Establishment	1 space for every 37 sq. m (398.3 sq. ft) of gross floor area
x)	Warehouse or Bulk Storage Yard	1 space for every employee working on the premises during the peak business period
y)	Post Offices, Museums, and Libraries	1 space for every 46 square m (495.2 sq. ft) or fraction thereof of public floor area
z)	Home Occupation or Home Industry	1 space for every 18 sq. m (193.8 sq. ft) of floor area devoted to the use
	Uses permitted by this By-law other than those listed above but excluding accessory uses to single detached dwellings	1 space for every 28 sq. m (301.4 sq. ft) of gross floor area

3.26 OPEN STORAGE

Open storage of goods or materials shall be permitted only if the goods are accessory to a use permitted in the zones and in accordance with other provisions of this By-law.

3.26.1 Travel Trailers, Motorized Mobile Homes/Recreational Vehicles, Camper Trailers, Truck Campers

Unless specifically permitted in this By-law, the accessory open storage of recreational vehicles, trailers, or boats in any zone shall not be permitted except in accordance with the following provisions.

- a) A maximum of 1 motorized mobile home, truck camper, travel trailer or camper trailer shall be permitted to be parked or stored on a residential lot, provided there is an existing residential dwelling located on the lot.
- b) The use of any of the above mentioned or similar vehicles shall not be used for human habitation, except in any Resort/Recreational Commercial (C4) Zone.

3.26.2 Storage And Parking Of Motor Vehicles And Tractor Trailer Trucks

No tractor-trailer trucks shall be parked overnight on a single occasion or continuous basis within any urban residential zone as established in this By-law.

No land in the municipality shall be used for the parking of a motor vehicle, which is undergoing repairs unless:

- a) such repairs are effected within an enclosed building; or
- b) such repairs are completely effected within a period of not more than 72 consecutive hours and while the vehicle is parked upon a driveway or rear yard as herein provided; or
- c) such repairs are undertaken while the vehicle is parked in a location such that it is not visible from any



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adjacent lands, which are not occupied by the owner of the vehicle.

3.26.3 Storage Of Motor Vehicle Parts

No land in the municipality shall be used for the outdoor storage of motor vehicle parts unless such motor vehicle parts are stored in a location such that they are not visible from any adjacent lands, which are not occupied by the owner of such parts.

3.26.4 Storage of Tires

No land in the municipality shall be used for the outdoor storage of tires.

3.27 PLANNED WIDTH OF ROAD

Notwithstanding any other provision contained in this By-law, no building or structure shall be hereafter erected in any zone closer than the sum of the front yard or exterior side yard requirement for such zone and the following where applicable.

- a) 15.5 m (50.9 ft) from the constructed road centreline of Provincial Highways; and
- b) 10 m (32.8 ft) from the constructed road centreline of all other public roads in the municipality.

3.28 PROHIBITIONS

- a) No person, except a public authority engaged in the implementation of public works or services shall reduce in area or frontage any lot already built upon, either by conveyance or alteration, so that the lot coverage of the building exceeds the maximum permitted by this By-law, or so that the area or frontage of the lot will be less than the minimum permitted by this By-law for the zone in which the lot is located.
- b) The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected and no land shall be severed from a lot, if such change, erection or severance creates a situation that contravenes any of the provisions of this By-law applicable to each individual remaining building, accessory building or lot. The requirements of this By-law respecting any use must be maintained at all times and failure to do so will constitute an ongoing offence under the By-law.
- c) Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot nor shall any land be used for any permitted use unless it comprises a lot as defined herein; but this provision shall not prevent the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure except a fence.
- d) No person shall erect or use any building as a dwelling upon any lot on which a building already exists, or which is in the course of construction or for which a building permit has been issued.



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- e) Notwithstanding anything contained in this By-law, no person shall use or occupy any building for residential purposes:
 - i. unless such building has been substantially completed and finished in all respects in accordance with the plans and specifications filed upon application for the building permit;
 - ii. unless such building is serviced with electricity, a pressure well water supply system, and an appropriate sanitary sewage disposal system.
- f) Notwithstanding anything contained in this By-law, no cellar/basement or part of a cellar/basement of any building shall be used as a whole dwelling unit, and the whole or any part of a cellar/basement shall not be used for calculating the required minimum gross floor area or minimum ground floor area of any dwelling or dwelling unit.
- g) Notwithstanding anything contained in the By-law, no person shall use any building, structure or land for any purpose that would have a negative impact on groundwater resources in the municipality. As part of the building permit, severance or rezoning process, the applicant may be required to obtain Ministry of Environment approval for any use.
- h) No building permit shall be issued for any building or structure which requires a septic tank unless the building permit application is accompanied by approval in writing from the appropriate responsible authority for the proposed method of sewage disposal.

3.29 PUBLIC USES AND UTILITIES AND COMMUNITY FACILITIES

Notwithstanding anything contained in this By-law, the municipality or any local board thereof, any telephone or telecommunications company, any transportation system owned, operated, or authorized by or for the municipality, any Department of the Federal or Provincial Government may, for purposes of public service, use any land or erect or use any building or structure in any zone except Environmental Protection or Environmental Protection Wetland provided:

- a) that such use, building or structure, shall be in compliance with the height, coverage, landscaped open space and yard regulations prescribed for such a zone;
- b) that where a public use or public utility is located within a Residential Zone, there shall be no open storage of goods, materials, or equipment in the yards and that building or structure erected or used in any residential zone shall be of a character and shall be compatible in terms of height, bulk, location and character with the buildings of the type permitted in the said zone;
- c) nothing in this By-law shall prevent the use of any land as a public park, a public street or for the location of a properly authorized traffic sign or signal, or any sign or notice of any Municipal, Provincial or Federal government department or authority;



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- d) where in a zone in this By-law under the heading of "Permitted Uses" a public use is specifically permitted within a zone, then such use shall only be permitted within that zone;
- e) where in this By-law a public use is not specifically referred to in any zone, then such public use shall be permitted in any zone;
- f) the minimum distances of buildings or structures owned or operated by any utilities from any lot line shall be 2.5 m (8.2 ft) and from the centerline of any road shall be 10 m (32.8 ft).

3.30 RENEWABLE ENERGY SYSTEMS

Renewable energy systems include facilities which are designed to produce electrical power from an energy source that is renewed by natural processes including, but not limited to wind, water, biomass resource or product, or solar and geothermal energy. These facilities may be used for domestic or commercial purposes.

Notwithstanding any other provision of this By-law, no building permit shall be issued for any renewable energy system or facility unless the building permit application is accompanied by approval in writing from the appropriate responsible authority for the proposed renewable energy facility, and provided that the application meets all requirements and provisions of the zone within which the facility is proposed.

- a) Domestic Solar Collectors, Wind Turbines and Ground Source Heat Pumps

Solar collectors and wind turbines subordinate to a residential dwelling and designed specifically for the collection of solar energy and/or wind energy for the purposes of converting such energy for heating, lighting, water production for domestic purposes, shall be permitted as *an accessory structure* within any Residential (R) or Rural (RU) zone, provided such facilities have been designed in accordance with all applicable federal and provincial legislation, regulations and licensing requirements.

Ground source heat pumps are permitted to be located within any zone in accordance with CSA standard C448, as amended from time to time, governing the design and installation of earth energy systems, in accordance with the provisions and regulations applicable to that zone.

- b) Commercial Wind Turbines

Establishment of commercial wind turbines is regulated by the Province of Ontario, through the Environmental Assessment Act, for Air Emissions (Noise and Vibration). Commercial wind turbines may be permitted to locate within the Light Industrial (M1) and General Industrial (M2) zones, provided that the turbines have been designed in accordance with all applicable federal and provincial legislation, regulations, marketing and licensing requirements.

- c) Commercial Biomass Production Facility



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A commercial processing facility operated for the purposes of converting biomass, such as wood, wood chips, corn stalks, paper, tree trimmings or other similar products into electrical energy may be permitted within any General Industrial (M2) zone, provided that the facility meets or exceeds all relevant provincial regulations, marketing, and licensing requirements.

d) Waterpower Projects

Establishment of a water power project may be permitted within the Environmental Protection (EP) Zone or Natural Hazards (H) Zone, provided such facilities has been designed in accordance with all applicable federal and provincial legislation, regulations and licensing requirements. Approvals requirements for proposed projects will depend on the location, features and operations of the waterpower facility. Waterpower development generally involves Crown land under the administration and control of the Ministry of Natural Resources. The disposition and development of potential waterpower sites is governed by the Lakes and Rivers Improvement Act and the Public Lands Act. Various other statutes and regulations administered by provincial and federal agencies also govern waterpower development such as the Environmental Assessment Act, the federal Navigable Waters Act, and the federal Fisheries Act.

3.31 REPLACEMENT OF BUILDINGS OR STRUCTURES

A building or structure, including a legal non-conforming and/or legal non-complying building or structure, may be replaced with a new building or structure in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or act of God, or demolition by order of the municipality, the local Health Unit, or other authority for safety, health or sanitation requirements, providing such building or structure is serviced by a well and sewage disposal system approved by the appropriate responsible authority. The provisions of Section 3.22 shall apply in the case of the reconstruction of a legal *non-complying* building or structure and the provisions of Section 3.23 shall apply in the case of the reconstruction of a legal *non-conforming* building or structure.

3.32 RESIDENTIAL EXTERIOR SIDE YARDS

Notwithstanding any provisions of this By-law to the contrary, the minimum required exterior side yard may be reduced to a minimum of 3 m (9.8 ft) provided that for every one 1 m or part thereof, the exterior side yard is reduced below the minimum requirement, the minimum front yard shall be correspondingly increased by the same distance.

3.33 SECONDARY FARM OCCUPATION

Secondary Farm Operations, as defined herein, are permitted within the Rural (RU) Zone subject to the following provisions.

- a) The secondary farm occupation is clearly secondary and incidental to the principal use of farming on the subject property.
- b) Not more than 1 secondary farm occupation use shall be permitted on a farm property.



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- c) The secondary farm occupation operation does not result in the loss of productive farm land.
- d) The secondary farm occupation shall only be conducted by an individual residing on the farm property and who is physically involved in conducting the farm operation on a day-to-day basis; one full-time equivalent employee shall be permitted in conjunction with the secondary farm occupation.
- e) The types of uses permitted as secondary farm occupations shall be limited to those involved in the manufacture or fabrication of goods, uses considered to be trade occupations, and other occupations which are primarily and directly related to agriculture and farming.
- f) All secondary farm occupations shall be conducted inside of buildings and/or structures.
- g) A secondary farm operation shall be operated as part of the farm unit and shall cease if the farm use is discontinued.
- h) The secondary farm occupation shall not be operated in a manner that will impede or interfere with the ability of the farmer to conduct the farming operation on the subject property.
- i) A secondary farm occupation shall be conducted wholly within an accessory building or structure or structures the combined floor area of which shall not exceed 186 sq. m (2,002.2 sq. ft).
- j) Buildings and structures must be designed in such a manner that they can be converted/reverted to a farming use and must be located in proximity to the principal farm building.
- k) The minimum setback for such building(s) from the rear and side property lines shall be 15.2 m (50 ft).
- l) A separate access driveway serving the secondary farm occupation use shall not be permitted.
- m) Secondary farm occupations shall not be located in any front yard and shall not be closer to any public road than the principal building on the lot.

3.34 SIGHT TRIANGLES

Unless otherwise specified in this By-law, on a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each point being measured 9 m (29.5 ft) along the street lines from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected and no trees, shrubs, hedges, fences or walls shall be planted, erected or maintained of greater height than 1 m (3.3 ft) above the centre line of the adjacent road at the lowest point. 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 tangents to the street lines.

3.35 SWIMMING POOLS

A swimming pool is permitted as an accessory use in any residential, agricultural, commercial, community facility or open



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space zone, in accordance with the following provisions.

- a) No part of such pool shall be located closer to any lot line or street line than the minimum distance required for an accessory building located on such lot.
- b) Except in the case of an above ground pool, the maximum height of such pool shall be 2.5 m (8.2 ft) above the established grade.
- c) Any building or structure required for changing clothing or for pumping or filtering facilities, or other similar accessory uses shall meet all accessory building requirements of the zone in which the pool is located.
- d) Except in the case of an above ground pool, every swimming pool shall be enclosed by a fence of at least 1.52 m (5.0 ft) in height that is located at a distance of not more than 4.5 m (14.8 ft) from the pool or by the walls of a dwelling in conjunction with a fence located as described above. An above ground swimming pool shall be enclosed by a fence included as part of the swimming pool's standard equipment and where such fencing is not provided by a fence erected in accordance with the criteria set out above.

3.36 TEMPORARY USES

Nothing in this By-law shall prevent the use of any land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure including a temporary sales or rental office, which is incidental to and necessary for construction work of the premises, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned. "Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work authorized by a building permit.

3.37 TRUCK, BUS AND COACH BODIES

Except as otherwise specifically permitted in this By-law, no truck, bus, coach body or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the municipality shall be used for human habitation or storage of goods and materials within any area affected by this By-law, whether or not the same is mounted on wheels or other form of mounting or foundation.

3.38 USES PROHIBITED

Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone.

- a) Refining coal oil or petroleum products
- b) Tanning hides or skins
- c) Manufacturing gas
- d) Manufacturing glue; locating or storing on any land for any purpose whatsoever, any disused railroad car, truck, bus or coach body, whether or not the same is situated on a foundation.



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3.38.1 Health Hazards

In addition to the uses prohibited in Clause 3.38, any use is prohibited which by its nature or the materials used therein is declared under the Health Protection and Promotion Act to be a health hazard.

3.39 **WATERTAKING PERMITS**

All lands that are the subject of an application to the Ministry of the Environment for a Permit to Take Water under the Ontario Water Resources Act and the Environmental Bill of Rights, shall be subject to an amendment to this By-law and shall be zoned to a special Natural Hazard (H) Zone.

3.40 **YARD ENCROACHMENTS PERMITTED**

Except as otherwise provided in this By-law, every part of any required yard shall be open and unobstructed by any building or structure from the ground to the sky, except for:

- a) sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental features, provided however that the same shall not project more than 0.6 m (2 ft) into any required yard;
- b) drop awnings, clothes poles, garden trellises, TV or radio antennae including satellite dish antennae, or similar accessories;
- c) fences, parking lots, retaining walls, gatehouses in industrial zones, driveways, patios and other such uses as specifically permitted in this By-law;
- d) signs shall be erected in accordance with the provisions of any Sign By-law of the Municipality, County or the Ministry of Transportation.

In lieu of a Municipal Sign By-law:

- i. in a residential zone, there shall be no display other than a sign of a maximum size of 0.55 sq. m (6.0 square ft) to indicate that any part of a dwelling is being used for a purpose other than residential. Furthermore, such a sign shall be set back a minimum of 3 m (9.8 ft) from any lot line;
- ii. in an industrial, rural, or local commercial zone, 1 temporary, portable roadside sign per lot frontage may be located with the written approval of the property owner and Council. The temporary portable sign shall be located on private property and shall not interfere with parking or traffic circulation on the site or adjoining roadway.
- e) light standards, fuel pump islands and fuel pumps of automobile service stations, provided however that the same shall be erected in accordance with the applicable provisions of this By-law;
- f) fire escapes, provided however that the same shall project into any required side or rear yard a distance



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of not more than 1.5 m (4.9 ft);

- g) notwithstanding yard provisions of this By-law to the contrary, canopies, steps and unenclosed and uncovered decks and porches may project into any required front or rear yard a maximum distance of 1.5 m (4.9 ft). This however, does not permit the addition to a dwelling of a balcony and/or porch intended to circumvent the intent of this Section, to extend into a required yard.



PART II

SECTION 4 – ZONES AND ZONE REGULATIONS

PART 2 - SECTION 4

ZONES AND ZONE REGULATIONS

**PART II****SECTION 4 – ZONES AND ZONE REGULATIONS****4.0 ZONES AND ZONE REGULATIONS****4.1 ESTABLISHMENT OF ZONES**

For the purposes of this By-law, the following zones are established. Zones may be referred to by classification, symbol, or name.

ZONE CLASS	NAME	SYMBOL	SECTION
Rural	RURAL	RU	5
Residential	RESIDENTIAL TYPE ONE	R1	6
	RESIDENTIAL TYPE TWO	R2	7
	MULTIPLE RESIDENTIAL ZONE	R3	8
	RURAL RESIDENTIAL	RUR	9
	LIMITED SERVICE RESIDENTIAL ZONE	LSR	10
	WATERFRONT RESIDENTIAL	WR	11
Commercial	COMMERCIAL CENTRE	C1	12
	SERVICE COMMERCIAL	C2	13
	LOCAL COMMERCIAL	C3	14
	RECREATION / RESORT COMMERCIAL	C4	15
Industrial	LIGHT INDUSTRIAL	M1	16
	GENERAL INDUSTRIAL	M2	17
	DISPOSAL INDUSTRIAL	M3	18
	EXTRACTIVE INDUSTRIAL	M4	19
Other	COMMUNITY FACILITY	CF	20
	ENVIRONMENTAL PROTECTION	EP	21
	NATURAL HAZARDS	H	22
	SOURCE WATER PROTECTION	SWP1 & 2	23

4.2 ZONE SYMBOLS AND REGULATIONS

The zone symbols may be used to refer to buildings or structures and to the uses of lots, buildings and structures permitted by this By-law in the said zones.

Wherever in this By-law the word “zone” is used, preceded by any of the said zone symbols, such reference shall mean any



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part of the zoned area delineated on Schedule "A"- Maps 1 and 2 and designated thereon by the said symbol.

For each zone established by this By-law, a separate section of this By-law sets out the "PERMITTED USES" and "ZONE REGULATIONS" respectively.

Except as otherwise specifically provided hereon, the specific zone requirements set out for each zone shall apply to such zone in addition to the general provisions set out in Section 3.

4.3 EXCEPTION ZONE REGULATIONS

Wherever a zone symbol on Schedule "A" is followed by a dash and a number such as *R1-1*, the lands so designated shall be subject to, and used in accordance with, all the provisions of the By-law applicable to that zone symbol, except as otherwise specifically provided by special provisions relating to that number as set out in the "Exceptions" subsection of the applicable zone section.

4.4 FLOODING HAZARD ZONES

Where any zone symbol as shown on the attached schedules is followed by the symbol "(f)", this signifies that no person shall use any land, erect, alter, enlarge, use or maintain any building or structure except in accordance with the provisions for flood hazard lands set out in Section 3.10, of this By-law, as amended from time to time.

4.5 HOLDING ZONES

Where any zone symbol as shown on the attached schedules is followed by the symbol 'h', this signifies that no person shall use any land, erect, alter, enlarge, use or maintain any building or structure until such time as the holding symbol has been removed by the municipality in accordance with the provisions of the Planning Act. Upon removal of the holding symbol the permitted use of the subject property and the erection of any buildings or structures thereon shall be undertaken in accordance with the provisions of the underlying zoning category.

All special provisions of this Section 4 "ZONES AND ZONE REGULATIONS" shall apply, where applicable to any land, lot, building, structure, or use within zones subject to the aforementioned "Holding" criteria.

4.6 TEMPORARY USE ZONES

In accordance with Section 39 of the Planning Act, Council may, in a By-law passed under Section 34, authorize for a specified period of time, the temporary use of land, buildings or structures for any purpose set-out therein that is otherwise prohibited by this By-law.

4.7 MULTIPLE USES, MULTIPLE ZONES AND COMPOUND ZONES

Except in a commercial or industrial zone, not more than one permitted use shall be allowed on a lot unless specifically permitted in this By-law. This section shall not prohibit the establishment of a home occupation or home industry in



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conjunction with a dwelling where such use is permitted.

4.7.1 Multiple Uses

- a) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of the By-law, which are applicable to such use in the zone in which the said lot is located as if the use existed independently of any other use.
- b) Where the zone requirements pertaining to two or more uses on one lot are in conflict, the highest or more restrictive requirements shall prevail.
- c) Notwithstanding anything contained in this By-law, where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, provided that no dwelling shall be located closer than 3 m (9.8 ft) to any other building on the lot except a building accessory to such dwelling. A dwelling or dwelling unit as an accessory use will be allowed where permitted by this By-law in accordance with Section 3.1.

4.7.2 Multiple Zones

- a) Where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-law, which are applicable to the zone in which such portion of the said lot is located.
- b) Where a portion of a lot is designated the Environmental Protection (EP) Zone and/or the Natural Hazards (H) Zone, those lands may be used in calculating minimum lot area and minimum lot frontage requirements.
- c) Notwithstanding anything to the contrary in Subsection 4.7.2(a), where a use or uses are permitted by the zones applying to two or more portions of the lot, those portions shall be considered to constitute a single lot as defined herein and the highest or restrictive zone requirements pertaining to such use or uses in all the applicable zones shall apply throughout.

4.8 ZONE BOUNDARIES

4.8.1 Zone Boundary Uncertain

The extent and boundaries of all zones and restricted area are set out on Map 1 and Map 2, comprising Schedule "A" hereto and shall be interpreted in accordance with the following.

- a) Boundaries of zones and restricted areas shall be construed, wherever possible, to be concurrent with the centreline of a street, right-of-way, railway right-of-way, transmission line, pipeline corridor, or



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watercourse, or with lot lines (other than street lines), or boundaries of registered plans.

- b) In the event that an unopened road allowance forms the boundary between two or more different zones, the boundary of such zones shall be construed as being the centreline of the road allowance.
- c) Where the boundary line of a zone does not correspond to a property line, to the centreline of a street, highway line, right-of-way or watercourse, the location of said boundary line shall be scaled from the scale shown on the attached schedules.
- d) Where the boundary of any zone is uncertain and notwithstanding the provisions of this subsection, the dimensions contained in any amending By-law shall apply.

4.8.1.1 Minimum Lot Area

Subject to the provisions of Section 3.22.2, the minimum lot area shall be as contained in the appropriate section of this By-law for the zone in which the lot is located or such larger area as may be required by the appropriate authority pursuant to the provisions of the Health Promotion and Protection Act.

4.9 ZONE REGULATIONS

4.9.1 Minimum Gross Floor Area In A Dwelling Unit

Single detached dwelling	74.3 sq. m (800 sq. ft)
Seasonal dwelling	58.99 sq. m (635 sq. ft)
Converted dwelling	42 sq. m (452.1 sq. ft) plus 13 sq. m (139.9 sq. ft) for each additional bedroom
Accessory dwelling unit in Mobile Home Residential	74 sq. m (796.6 sq. ft) zone
Accessory dwelling unit (non-residential setting and in C4 Zone	See Section 3.1
Triplex, fourplex, townhouse and low-rise apartment complex	74.3 sq. m (800 sq. ft)



PART II
SECTION 5 – RURAL (RU) ZONE

5.0 RURAL (RU) ZONE

No person shall, within any Rural (RU) Zone, use any land, or erect, alter, or use any building or structure, except in accordance with the following provisions.

5.1 PERMITTED USES

- a) Agricultural Uses:
 - i) agricultural uses, and uses, buildings and structures accessory thereto;
 - ii) a secondary farm occupation in accordance with the provisions of Section 3.33 of this By-law.
- b) One single detached dwelling on one lot, and uses, buildings, and structures accessory thereto
- c) Conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife
- d) Cemetery
- e) Hunt camp
- f) Kennel
- g) Logging operations
- h) A public use
- i) Public park
- j) Research facility, directly related to a permitted use of this zone
- k) Religious institution (existing)
- l) Warehouse, as a secondary use
- m) Wayside pits and wayside quarries
- n) A woodlot
- o) Type 'A' or Type 'B' Home Occupation, in accordance with the provisions of Section 3.16 of this By-law
- p) Type 'A' or Type 'B' Home Industry, in accordance with the provisions of Section 3.15 of this By-law
- q) An outdoor wood burning furnace, in accordance with Section 5-3 of this By-law

5.2 ZONE REGULATIONS

- a) **For Residential Uses and Uses Other than Hunt Camps, Logging Operations, Kennels and Accessory Buildings**
 - i) Lot Area (Minimum) 6 ha (15 ac)
 - ii) Lot Frontage (Minimum) 60 m (196.9 ft)
 - iii) Building Height (Maximum)



PART II
SECTION 5 – RURAL (RU) ZONE

-
- | | | |
|-------|--|-----------------|
| | • Agricultural Uses | 45 m (147.6 ft) |
| | • Other uses | 25 m (82.0 ft) |
| iv) | Front Yard and Exterior Side Yard (Minimum) | 20 m (65.6 ft) |
| v) | Interior Side Yard (Minimum) | 5 m (16.4 ft) |
| vi) | Rear Yard (Minimum) | 20 m (65.6 ft) |
| vii) | Off-street parking shall be provided in accordance with Section 3.25 | |
| viii) | Livestock facilities shall be located in accordance with Section 3.2 | |

b) **For Accessory Buildings Not Attached To The Principal Building**

- | | | |
|------|------------------------------|-----------------|
| i) | Rear Yard (Minimum) | 3.0 m (9.8 ft) |
| ii) | Interior Side Yard (Minimum) | 3.0 m (9.8 ft) |
| iii) | Exterior Side Yard (Minimum) | 20 m (65.6 ft) |
| iv) | Building Height (Maximum) | 4.5 m (14.8 ft) |

c) **For Hunt Camps**

Notwithstanding other provisions of this By-law, hunt camps shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

- | | | |
|------|--|------------------|
| i. | Lot area (Minimum) | 40.5 ha (100 ac) |
| ii. | The minimum distance of buildings or structures from a residential zone shall be 200 m (656.2 ft). | |
| iii. | A building permit shall be required for any buildings or structures on the site. | |
| iv. | New hunt camps shall not be permitted to establish on a public road. | |
| v. | The Chief Building Official shall decide if buildings or structures on the site are fit for human occupancy. Cottage Standards as outlined in the <u>Building Code Act</u> may be applied. | |

d) **For Logging Operations**

Notwithstanding other provisions of this By-law, no logging operation shall be permitted within:



PART II

SECTION 5 – RURAL (RU) ZONE

- i. 600 m (1,968.5 ft) of settlement areas or urban areas;
- ii. 120 m (393.7 ft) of an area zoned the Environmental Protection (EP) Zone;
- iii. 120 m (393.7 ft) from the highwater mark of any lake, river or stream, except an intermittent stream;
- iv. 120 m (393.7 ft) from the boundary of a Provincial Highway;
- v. 23 m (75.5 ft) from the boundary of a municipal road; and
- vi. 30 m (98.4 ft) from a residence on an adjacent property;
- vii. but nothing in this By-law shall prevent the selective cutting, as defined in this By-law, of mature timber within such distances.

5.3 OUTDOOR WOODBURNING FURNACES

An outdoor woodburning furnace shall be permitted to be located only within a Rural (RU) Zone and shall comply with the following regulations.

- a) No outdoor furnace shall be constructed or installed on a lot without the issuance of a building permit for construction from the municipality. For the purposes of this subsection, the term “construction” has the same meaning as set out in Section 1(1) of the Building Code Act, as amended.
- b) Must be located a minimum of 46 m (150 ft) from all property lines.
- c) Must be located at a minimum of 9 m (30 ft) from any building on the property or other distance certified by an approved testing agency (as detailed in the *manufacturer's installation instructions*).
- d) Must be located such that the perimeter ground area around the unit to a minimum distance of 3 m (10 ft) from the unit shall be of a non-combustible surface (i.e. gravel, concrete pad).
- e) The unit's chimney cap shall be fitted/equipped with a rain cap/spark arrester.
- f) The unit's chimney shall be erected to the minimum chimney height, as per the Fire Code, or least 1 m (3 ft) above the point where it exits the roof, and a minimum of 0.6 m (2 ft) higher than any part of the roof within 3.2 m (10 ft).

5.4 RURAL EXCEPTION (RU-*) ZONES

5.4.1 RU-1 (Part Lot 21, Concession 5 – Dungannon)

Within the RU-1 Zone, all the provisions of the RU Zone shall apply, except as hereunder:

- a) Minimum Lot Frontage 37 m (121.4 ft)



PART II
SECTION 5 – RURAL (RU) ZONE

5.4.2 RU-2 (Part Lot 14, Concession 11 – Dungannon)

Within the RU-2 and EP Zone, all the provisions of the RU Zone and EP Zone shall apply, except as hereunder:

5.4.2.1 Permitted Use

- a) The manufacture and sale of concrete lawn ornaments which is considered a home industry

5.4.3 RU-3 (Part of Lot 26, Concession 10 being Plan 21R4427, Part 1–Dungannon)

Within the RU-3 and EP Zone, all the provisions of the RU Zone and EP Zone shall apply, except as hereunder:

5.4.3.1 Permitted Use

- a) A tack shop and sale of new and used horse supplies on lands and/or in an existing structure



PART II

SECTION 6 – RESIDENTIAL TYPE ONE (R1) ZONE

6.0 RESIDENTIAL TYPE ONE (R1) ZONE

Within any Residential Type One (R1) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

6.1 PERMITTED USES

- a) A single detached dwelling
- b) An accessory building or use to the above uses
- c) Type 'A' or Type 'B' Home Occupation, according to the provisions of Section 3.16 of this By-law
- d) Type 'A' Home Industry, according to the provisions of Section 3.15 of this By-law

6.2 ZONE REGULATIONS**a) For a Single Detached Dwelling**

- i) Lot Area (Minimum)
 - Public water and sanitary sewers 550 sq. m (5,920.3 sq. ft)
 - Public water and private sewage disposal 1,110 sq. m (11,840.7 sq. ft)
 - Private water and sewage disposal 4,000 sq. m (43,057.1 sq. ft)
- ii) Lot Frontage (Minimum)
 - Public water and sanitary sewers 18 m (59.1 ft)
Except in the case of a corner lot for which the minimum lot frontage shall be 21 m (68.9 ft)
 - Public water and private sewage disposal 24 m (78.7 ft)
 - Private water and sewage disposal 45 m (147.6 ft)
- iii) Front or Rear Yard 7.5 m (24.6 ft)
- iv) Interior Side Yard (Minimum) 2 m (6.7 ft)
- v) Exterior Side Yard (Minimum) 4.5 m (14.8 ft)
- vi) Gross Floor Area (Minimum) 74.3 sq. m (800 sq. ft)



PART II

SECTION 6 – RESIDENTIAL TYPE ONE (R1) ZONE

- | | | |
|-------|---|----------------|
| vii) | Building Height (Maximum) | 11 m (36.1 ft) |
| viii) | Landscaped Open Space (Minimum) | 30 percent |
| ix) | Off-street parking shall be provided in accordance with Section 3.25. | |

6.3 RESIDENTIAL TYPE ONE – EXCEPTION (R1- *) ZONES

6.3.1 R1-1 (Granite Ridge)

Within the Residential Type One - Exception 1 (R1-1) Zone, no person shall use any land or use, erect, locate, occupy or alter any building or structure except as permitted by and in compliance with the requirements of the Residential Type One (R1) Zone and the provisions of this By-law.

6.3.1.1 Permitted Uses

- a) The permitted uses of the R1 zone shall apply to the R1-1 Zone.

6.3.1.2 Specific Provisions

- | | | |
|----|----------------------|---|
| a) | Minimum Lot Frontage | 40 m |
| b) | Minimum Lot Area | 4000 sq. m |
| c) | Minimum Lot Services | Public water supply and private sewage treatment and disposal approved under the <u>Building Code Act</u> |

6.3.2 R1-2 (Part 1, Plan 21R-18727, #5 Sherbourne Street North)

Within the Residential Type One - Exception 2 (R1-2) Zone, no person shall use any land or use, erect, locate, occupy or alter any building or structure except as permitted by and in compliance with the requirements of this By-law.

6.3.2.1 Permitted Use

- a) A single detached residence, including a law office

6.3.3 R1-3 (Part lots 1 and 2, Concession 15, Part Lots1 and 2, Concession 16 and WHR, Part Lots 71,72,73,74,75 – Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Residential Type One - Exception 3 (R1-3)



PART II
SECTION 6 – RESIDENTIAL TYPE ONE (R1) ZONE

Zone, the following special provisions shall apply:

6.3.3.1 Permitted Uses

- a) Permitted uses of the Residential Type One (R1) Zone

6.3.3.2 Specific Provisions

All provisions of the Residential Type One (R1) Zone as established in this By-law shall apply to the Residential Type One - Exception Three (R1-3) Zone, except as hereinafter varied:

- | | | |
|----|---|--|
| a) | Lot area (Minimum) | 1500 sq. m (4921 sq. ft) |
| b) | Lot frontage (Minimum) | 24 m (78.7 ft) |
| c) | Minimum Gross Floor Area of Dwelling Unit | 160 sq. m (1722 sq. ft) |
| d) | Required Services | |
| | • Water Supply | Public |
| | • Sanitary Sewer | Individual septic approved under the
<u>Building Code Act</u> |

6.3.4 R1-4(f) (Part lots 1 and 2, Concession 15, Part Lots 1 and 2, Concession 16 and WHR, Part Lots 71,72,73,74,75 – Bancroft)

Within the Residential Type One - Exception Four - Floodprone (R1-4(f)) Zone, no person shall use any land or use, erect, locate, occupy or alter any building or structure except as permitted by and in compliance with Section 3.10 of this By-law.

6.3.4.1 Permitted Uses

- a) Permitted uses of the Residential Type One (R1) Zone



PART II

SECTION 6 – RESIDENTIAL TYPE ONE (R1) ZONE

6.3.5 R1-5 (Reserved)

6.3.6 R1-6 (Reserved)

6.4 RESIDENTIAL TYPE ONE - HOLDING (R1-h) ZONES

6.4.1 R1-h (Part Lot 29, EHR, L'Amable, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Residential Type One - Holding (R1-h) and located in Part Lot 29, EHR, L'Amable, Dungannon, the following special provisions shall apply:

6.4.1.1 Removal of Holding 'h' Symbol

The Holding 'h' symbol may be removed by Council once it is satisfied that all necessary development conditions, including provision of sufficient on-site potable water, have been met.

All other provisions of this By-law shall apply.

6.4.2 R1-h (Part Lots 73, 74 and 75, WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Residential Type One – Holding (R1-h) Zone and located in Part Lots 73,74,75 WHR, Bancroft, the following special provisions shall apply:

6.4.2.1 Removal of Holding 'h' Symbol

The Holding 'h' symbol may be removed by Council once it has approved a Development Agreement for the site.

All other provisions of this By-law shall apply.



PART II
SECTION 7 –RESIDENTIAL TYPE TWO (R2) ZONE

7.0 RESIDENTIAL TYPE TWO (R2) ZONE

Within any Residential Type Two (R2) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

7.1 PERMITTED USES

- a) Single detached dwelling
- b) Semi-detached dwelling
- c) Duplex dwelling
- d) Converted dwelling
- e) Boarding or rooming house
- f) An accessory building or use to the above uses
- g) Type 'A' or Type 'B' Home Occupation, according to the provisions of Section 3.16 of this By-law
- h) Type 'A' Home Industry, according to the provisions of Section 3.15 of this By-law

7.2 ZONE REGULATIONS

a) **For a Single Detached Dwelling and Accessory Buildings Not Attached to the Principal Building**

- i) Lot Area (Minimum)
 - Public water and sanitary sewers 550 sq. m (5,920.3 sq. ft)
 - Public water and private sewage disposal 1,110 sq. m (11,840.7 sq. ft)
 - Private water and sewage disposal 4,000 sq. m (43,057.1 sq. ft)
- ii) Lot Frontage (Minimum)
 - Public water and sanitary sewers 18 m (59.1 ft)
 - Except in the case of a corner lot for which the minimum lot frontage shall be: 21 m (68.9 ft)
 - Public water and private sewage disposal 24 m (78.7 ft)



PART II
SECTION 7 –RESIDENTIAL TYPE TWO (R2) ZONE

	• Private water and sewage disposal	45 m (147.6 ft)
iii)	Front or Rear Yard	7.5 m (24.6 ft)
iv)	Interior Side Yard (Minimum)	2 m (6.7 ft)
v)	Exterior Side Yard (Minimum)	4.5 m (14.8 ft)
vi)	Gross Floor Area (Minimum)	74.3 sq. m (800 sq. ft)
vii)	Building Height (Maximum)	11 m (36.1 ft)
viii)	Landscaped Open Space (Minimum)	30 percent
ix)	Off-street parking shall be provided in accordance with Section 3.25.	
b)	<u>For a Semi-Detached Dwelling, a Duplex Dwelling, a Boarding or Rooming House and a Converted Dwelling</u>	
i)	Lot Area (Minimum)	
ii)	• Public water and sanitary sewers	800 sq. m (8,611.4 sq. ft)
	• Public water and private sewage disposal	1,600 sq. m (17,223 sq. ft)
	• Private water and sewage disposal	6,000 sq. m (64,586 sq. ft)
iii)	Lot Frontage (Minimum)	
iv)	• Public water and sanitary sewers	21 m (68.9 ft)
v)	• Public water and private sewage disposal	45 m (147.6 ft)
vi)	• Private water and sewage disposal	60 m (196.8 ft)
vii)	Front Yard (Minimum)	10 m (32.8 ft)
viii)	Rear Yard (Minimum)	10 m (32.8 ft)
ix)	Interior Side Yard (Minimum)	3 m (9.8 ft)
	- For attached wall of a semi-detached dwelling	Nil
x)	Exterior Side Yard (Minimum)	10 m (32.8 ft)
xi)	Gross Floor Area (Minimum)	180 sq. m (1,937.6 sq. ft)



PART II
SECTION 7 –RESIDENTIAL TYPE TWO (R2) ZONE

- | | | |
|-------|---|----------------|
| xii) | Lot Coverage (Maximum) | 30 percent |
| xiii) | Building Height (Maximum) | 11 m (36.1 ft) |
| xiv) | Off-street parking shall be provided in accordance with Section 3.25. | |

7.3 RESIDENTIAL TYPE TWO – EXCEPTION (R2-*) ZONES

7.3.1 R2-1 (Reserved)

7.3.2 R2-2 (Reserved)

7.3.3 R2-3 (Reserved)

7.4 RESIDENTIAL TYPE TWO – HOLDING (R2-h) ZONES

7.4.1 R2-h (Reserved)



PART II

SECTION 8 – MULTIPLE RESIDENTIAL (R3) ZONE

8.0 MULTIPLE RESIDENTIAL (R3) ZONE Within any Multiple Residential (R3) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

8.1 PERMITTED USES

- a) Existing single detached dwelling
- b) Semi-detached dwelling
- c) Duplex dwelling
- d) Multiple dwelling including triplex, fourplex, townhouse and low-rise apartment complex
- e) Home for the Aged or Rest Home
- f) Private retirement residence
- g) Senior citizen's residential dwelling
- h) A converted dwelling
- i) Type 'A' Home Occupation in accordance with Section 3.16
- j) An accessory building or use to the above uses

8.2 ZONE REGULATIONS

a) **For the Principal Building**

Multiple Residential development will be permitted only on full public services

- i) Lot Area (whichever is greater)
 - Minimum 8,000 sq. m (86,114.1 sq. ft)
 - Minimum Per Dwelling Unit 800 sq. m (8,611.4 sq. ft)
- ii) Lot Frontage (Minimum) 60 m (196.9 ft)
- iii) Front Yard (Minimum) 10 m (32.8 ft)
- iv) Rear Yard (Minimum) 10 m (32.8 ft)
- v) Interior Side Yard (Minimum):



PART II

SECTION 8 – MULTIPLE RESIDENTIAL (R3) ZONE

- To a wall of a building containing windows to habitable rooms 8 m (26.2 ft)
 - To a wall of a building containing no windows to habitable rooms 3 m (9.8 ft)
 - vi) Interior Side Yard (Minimum) (between dwelling units) nil
 - vii) Exterior Side Yard (Minimum) 10 m (32.8 ft)
 - viii) Building Height (Maximum) 11 m (36.1 ft)
 - ix) Lot Coverage (Maximum) 30 percent
 - x) Minimum Guest Room Area 23 sq. m (247.6 sq. ft) for each room
 - xi) Minimum Number of Dwelling 3 dwelling units in 1 principal building
 - xii) Off-street parking shall be provided in accordance with Section 3.25.
- b) **For Accessory Buildings Not Attached To The Principal Building**
- i) Rear Yard (Minimum) 2.5 m (8.2 ft)
 - ii) Interior Side Yard (Minimum) 2.5 m (8.2 ft)
 - iii) Exterior Side Yard (Minimum) 10 m (32.8 ft)
 - iv) Building Height (Maximum) 4.5 m (14.8 ft)
- c) **For a Converted Dwelling**
- i) The minimum gross floor area of a one bedroom dwelling unit shall be 40 sq. m (430.6 sq. ft) plus an additional 10 sq. m (107.6 sq. ft) for each additional bedroom.
 - ii) The minimum lot area per dwelling unit shall be 1,400 sq. m (15,070.0 sq. ft).
 - iii) No external stairway other than an open fire escape shall be provided.
 - iv) Such dwelling shall be certified by the Chief Building Official to be structurally suitable for such conversion.
 - v) The 3.0 m (9.8 ft) strip immediately adjacent to any lot line shall be landscaped.
 - vi) Off-street parking shall be provided in accordance with Section 3.25.
 - vii) The sewage disposal system has been inspected and approved by the appropriate authority.
-



PART II
SECTION 8 – MULTIPLE RESIDENTIAL (R3) ZONE

8.3 MULTIPLE RESIDENTIAL - EXCEPTION (R3-*) ZONES

8.3.1 R3-1 (Lots 357, 358, RP 411, Sherbourne Street Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Multiple Residential - Exception One (R3-1) Zone and shown on Schedule 'A' - Map 1, the following special provisions shall apply:

8.3.1.1 Zone Regulations

- | | | |
|----|--|----|
| a) | Number of apartment dwelling units (Maximum) | 11 |
| b) | Number of parking spaces (Minimum) | 11 |

All other provisions of this By-law shall apply.

8.3.2 R3-2 (Lot 34, Plan M33, L'Amable, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Multiple Residential - Exception Two (R3-2) Zone and shown on Schedule 'A' – Map 2, the following special provisions shall apply:

8.3.2.1 Permitted Use

- a) An apartment dwelling

8.3.2.2 Zone Regulations

- | | | |
|----|--|-----------------------------|
| a) | Lot area (Minimum) | 3,151 sq. m (33,919 sq. ft) |
| b) | Lot frontage (Minimum) | 57 m (187 ft) |
| c) | Lot coverage, all buildings (Maximum) | 20% |
| d) | Number of dwelling units per lot (Maximum) | 6 |
| e) | Landscaped Open Space (Minimum) | 60% |
| f) | Number of parking spaces (Minimum) | 1.5 per dwelling unit |

All other provisions of this By-law shall apply.

8.3.3 R3-3 (Sherbourne Street – Bancroft)

Within the Multiple Residential – Exception Three (R3-3) Zone, no person shall use any land or use, erect, locate,



PART II

SECTION 8 – MULTIPLE RESIDENTIAL (R3) ZONE

occupy or alter any building or structure except as permitted by and in compliance with the requirements of this By-law.

8.3.3.1 Permitted Uses

- a) Antiques/collectibles business, art gallery and rental facility within the existing building.

8.3.4 R3-4 (Lot 2, Concession 11, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Multiple Residential – Exception Four (R3-4) Zone and shown on Schedule 'A' - Map 2, the following special provisions shall apply:

8.3.4.1 Permitted Use

- a) Four unit multiple dwelling

8.3.4.2 Zone Regulations

a)	Lot Area (Minimum)	400 sq. m (4,305.7 sq. ft)
b)	Lot Frontage (Minimum)	46 m (150.9 ft)
c)	Front Yard (Minimum)	15 m (49.2 ft)
d)	Interior Side Yard (Minimum)	7.5 m (24.6 ft)
e)	Rear Yard (Minimum)	7.5 m (24.6 ft)
f)	Exterior Side Yard (Minimum)	15 m (49.2 ft)
g)	Lot Coverage (Maximum)	30 percent
h)	Building Height (Maximum)	11 m (36.1 ft)
i)	Setback from street centre line (Minimum)	
	• Provincial	35 m (114.8 ft)
	• Municipal	25 m (82.0 ft)
j)	Gross floor area per unit (Minimum)	68 sq. m (731.96 sq. ft)
k)	Lot coverage (all buildings) (Maximum)	33%



PART II

SECTION 8 – MULTIPLE RESIDENTIAL (R3) ZONE

l)	Landscaped Open Space (Minimum)	30%
m)	Number of dwelling units (Maximum)	4
n)	Building Height (Maximum)	10.5 m (34.4 ft)

All other provisions of this By-law shall apply.

8.3.5 R3-5 (Reserved)

8.3.6 R3-6 (Reserved)



PART II

SECTION 9 – RURAL RESIDENTIAL (RUR) ZONE

9.0 RURAL RESIDENTIAL (RUR) ZONE

Within any Rural Residential (RUR) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

Rural non-farm buildings and structures shall be constructed in accordance with MDS requirements, in accordance with Section 3.2.

9.1 PERMITTED USES

- a) Single detached dwelling
- b) An accessory building or use
- c) Type 'A' or Type 'B' Home Occupation in accordance with the provisions of Section 3.16 of this By-law
- d) Type 'A' Home Industry in accordance with the provisions of Section 3.15 of this By-law
- e) Public use

9.2 ZONE REGULATIONS

a) For Single Detached Dwelling

- | | |
|---|-------------------------------|
| i) Lot Area (Minimum) | 4,000 sq. m (43,057.1 sq. ft) |
| ii) Lot Frontage (Minimum) | 60 m (196.9 ft) |
| iii) Front Yard (Minimum) | 20 m (65.6 ft) |
| iv) Interior Side Yard (Minimum): | 3 m (9.8 ft) |
| v) Rear Yard (Minimum) | 10 m (32.8 ft) |
| vi) Exterior Side Yard (Minimum) | 20 m (65.6 ft) |
| vii) Lot Coverage (Maximum) | 30 percent |
| viii) Building Height (Maximum) | 11 m (36.1 ft) |
| ix) Off-street parking shall be provided in accordance with Section 3.25. | |



PART II
SECTION 9 – RURAL RESIDENTIAL (RUR) ZONE

b) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	3.0 m (9.8 ft)
ii)	Interior Side Yard (Minimum)	3.0 m (9.8 ft)
iii)	Exterior Side Yard (Minimum)	3 m (9.8 ft)
iv)	Building Height (Maximum)	4.5 m (14.8 ft)

9.3 RURAL RESIDENTIAL - EXCEPTION (RUR - *) ZONES

9.3.1 RUR-1 (RESERVED)

9.3.2 RUR-2 (RESERVED)

9.4 RURAL RESIDENTIAL - HOLDING (RUR-h) ZONES

9.4.1 RUR-h (Lot 24, Concession 5, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Rural Residential – Holding (RUR-h) Zone in Lot 24, Concession 5, Dungannon) and shown on shown on Schedule 'A'- Map 2, the following special provisions shall apply.

9.4.1.1 Removal of Holding 'h' Symbol

The Holding 'h' symbol may be removed by Council when it is satisfied that a sufficient on-site source of potable water is available.

All other provisions of this By-law shall apply.

9.4.2 RUR-h (Lot 26, Concession 1, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Rural Residential – Holding (RUR-h) Zone in Lot 26, Concession 1 Dungannon, and shown on Schedule 'A'- Map 2, the following special provisions shall apply:

9.4.2.1 Removal of Holding 'h' Symbol

The Holding 'h' symbol may be removed by Council when it is satisfied that a sufficient on-site source of potable water is available as well as suitable access to the site is provided.

All other provisions of this By-law shall apply.



PART II

SECTION 10 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

10.0 LIMITED SERVICE RESIDENTIAL (LSR) ZONE

Within a Limited Service Residential (LSR) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

In a Limited Service Residential (LSR) Zone, there is no commitment or requirement by the municipality to assume responsibility for ownership or maintenance of any private road. Due to road conditions of privately maintained roads, there is no commitment or requirement by the municipality to ensure that emergency vehicles are able to access privately owned roads.

10.1 PERMITTED USES

- a) Seasonal dwelling
- b) Single detached dwelling
- c) An accessory building or use, including 1 sleeping cabin

10.2 ZONE REGULATIONS**a) For the Principal Building**

- | | | |
|-------|--|-----------------------------|
| i) | Lot Area (Minimum) | 4,000 sq. m (43,057 sq. ft) |
| ii) | Lot Frontage on a Private Road and/or a Navigable Waterway (Minimum) | 46 m (150 ft) |
| iii) | Front Yard (Minimum) | 15 m (49.2 ft) |
| iv) | Interior Side Yard (Minimum) | 3 m (9.8 ft) |
| v) | Rear Yard (Minimum) | 10 m (32.8 ft) |
| vi) | Exterior Side Yard (Minimum) | 3 m (9.8 ft) |
| vii) | Lot Coverage (Maximum) | 20 percent |
| viii) | Building Height (Maximum) | 11 m (36.1 ft) |
| ix) | Off-street parking shall be provided in accordance with Section 3.25 | |

b) For Accessory Buildings Not Attached To The Principal Building

- | | | |
|----|---------------------|----------------|
| i) | Rear Yard (Minimum) | 3.0 m (9.8 ft) |
|----|---------------------|----------------|
-



PART II

SECTION 10 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

- | | | |
|------|------------------------------|-------------------------|
| ii) | Interior Side Yard (Minimum) | 3.0 m (9.8 ft) |
| iii) | Exterior Side Yard (Minimum) | 3.0 m (9.8 ft) |
| iv) | Building Height (Maximum) | 4.5 m (14.8 ft) |
| v) | Gross Floor Area (Maximum) | 23 sq. m (247.6 sq. ft) |

c) **Vegetative Buffer Adjacent To The Shoreline**

- i) A natural vegetative buffer strip 15 m (49.2 ft) in width shall be maintained.
- ii) Access for boat launching may be provided within this strip.

d) **For Lots on a Narrow Water Body**

Where a lot (with or without road frontage) fronts on a narrow water body as defined in this By-law, the required water frontage shall be 100 m (328.1 ft).

10.3 LIMITED SERVICE RESIDENTIAL – EXCEPTION (LSR-*) ZONES

10.3.1 LSR-1 (Lot 23 and 24, Part 1, Concession 5, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Limited Service Residential - Exception One (LSR-1) Zone and shown on the attached Schedule, the following special provisions shall apply:

10.3.1.1 Permitted Uses

- a) Seasonal residential dwelling
- b) Uses accessory to the above use

10.3.1.2 Zone Regulations

- a) The seasonal residential structure may be constructed within 20.1 m (66 ft) of the highwater mark.

All other provisions of this By-law shall apply.

10.3.2 LSR-2 (Lot 23 and 24, Part 3, Concession 5, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Limited Service Residential - Exception Two (LSR-2) Zone and shown on the attached schedules, the following special provisions shall apply.

10.3.2.1 Permitted Uses

- a) Seasonal residential dwelling



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SECTION 10 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

- b) Uses accessory to the above use

10.3.2.2 Zone Regulations

- a) The seasonal residential structure may be constructed within 18.3 m (60 ft) of the highwater mark.

All other provisions of this By-law shall apply.

10.3.3 LSR-3 (Reserved)

10.4 LIMITED SERVICE RESIDENTIAL - HOLDING (LSR-h) ZONES

10.4.1 LSR-h (Reserved)



PART II

SECTION 11 – WATERFRONT RESIDENTIAL (WR) ZONE

11.0 WATERFRONT RESIDENTIAL (WR) ZONE

Within any Waterfront Residential (WR) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

11.1 PERMITTED USES

- a) Single detached dwelling
- b) Seasonal dwelling
- c) An accessory building or use
- d) Type 'A' or Type 'B' Home Occupation, in accordance with the provisions of Section 3.16 of this By-law
- e) Type 'A' Home Industry, in accordance with the provisions of Section 3.15 of this By-law

11.2 ZONE REGULATIONS

- a) **For the Principal Building**
 - i) Lot Area (Minimum) 4,000 sq. m (43,057.1 sq. ft)
 - ii) Road Frontage (Minimum) 46 m (150.1 ft)
 - iii) Water Frontage (Minimum) 46 m (150.1 ft)
 - iii) Front Yard (Minimum) 20 m (65.6 ft)
 - iv) Rear Yard (Minimum) 30 m (98.4 ft)
 - v) Interior Side Yard (Minimum) 3 m (9.8 ft)
 - vi) Exterior Side Yard (Minimum) 20 m (65.6 ft)
 - v) Lot Coverage (Maximum) 20 percent
 - vi) Building Height (Maximum) 11 m (36.1 ft)
 - vii) Off-street parking shall be provided in accordance with Section 3.25.
- b) **For Accessory Buildings Not Attached To The Principal Building**
 - i) Rear Yard (Minimum) 3 m (9.8 ft)



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SECTION 11 – WATERFRONT RESIDENTIAL (WR) ZONE

- ii) Interior Side Yard (Minimum) 3 m (9.8 ft)
- iii) Exterior Side Yard (Minimum) 3 m (9.8 ft)
- iv) Building Height (Maximum) 4.5 m (14.8 ft)
- c) **Vegetative Buffer Adjacent To The Shoreline**
 - i) A natural vegetative buffer strip 15 m (49.2 ft) in width shall be maintained.
- d) **For Lots on a Narrow Water Body**
 - i) Where a lot (with or without road frontage) fronts on a narrow water body as defined in this By-law, the required water frontage shall be 100 m (328.1 ft).

11.3 WATERFRONT RESIDENTIAL - EXCEPTION (WR-*) ZONES

11.3.1 **WR-1 (Lot 29, R.P. M33, Lot 24, Concession EHR, Dungannon)**

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Waterfront Residential - Exception One (WR-1) Zone, the following special provisions shall apply.

11.3.1.1 Permitted Use

- a) Three unit dwelling

All other provisions of this By-law shall apply.

11.3.2 **WR-2 (Reserved)**

11.3.3 **WR-3 (Reserved)**



PART II

SECTION 12 – COMMERCIAL CENTER (C1) ZONE

12.0 COMMERCIAL CENTRE (C1) ZONE

Within any Commercial Centre (C1) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

12.1 PERMITTED USES

- a) Art gallery
- b) Bake shop
- c) Bank and/or trust company
- d) Brewing-on-premises establishments
- e) Business, administrative and/or professional office
- f) Convenience stores
- g) Daycare center or nursery school
- h) Eating establishment including a banquet hall, tea room, take-out restaurant, and drive-in restaurant
- i) Funeral home
- j) Gas bar
- k) Gift shop
- l) Hotel/motel
- m) Laundry and/or dry cleaning shop including coin operated establishments
- n) Liquor Control Board or Brewer's Retail Outlet
- o) Medical or dental clinic
- p) Museum
- q) Printing or publishing establishment
- r) Private or commercial club
- s) Retail store
- t) Personal service shop
- u) Supermarket



PART II

SECTION 12 – COMMERCIAL CENTER (C1) ZONE

-
- v) Tavern
 - w) Taxi depot
 - x) Theatre, cinema or other place of entertainment
 - y) Veterinary clinic
 - z) Any undertaking established or maintained by a governmental board, authority, agency or commission
 - aa) A public or private parking area, including parking facilities associated with the principal use(s) permitted under this section.
 - bb) Dwelling units in the form of apartments as an accessory use in buildings in which commercial uses are permitted as per Section 3.1, except uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of Sections 3.24.
 - cc) An accessory building or use to the above uses.

12.2 ZONE REGULATIONS

a) **For All Uses Except A Gas Bar, Hotel or Motel**

- i) Lot Frontage (Minimum) 45 m (147.6 ft)
- ii) Front Yard (Minimum) 6 m (19.7 ft)
- iii) Rear Yard (Minimum) 6 m (19.7 ft)
- iv) Interior Side Yard (Minimum) 3 m (9.8 ft)
- v) Exterior Side Yard (Minimum) 8 m (26.2 ft)
- vi) Building Height (Maximum) 11 m (36.1 ft)
- vii) Lot Coverage (Maximum) 40 percent
- viii) Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20
- ix) Access to an accessory dwelling unit shall be separate from access to a commercial use

b) **For Accessory Buildings Not Attached To The Principal Building**

- i) Rear Yard (Minimum) 2.5 m (8.2 ft)
 - ii) Interior Side Yard (Minimum) 2.5 m (8.2 ft)
-



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SECTION 12 – COMMERCIAL CENTER (C1) ZONE

iii)	Exterior Side Yard (Minimum)	10 m (32.8 ft)
iv)	Building Height (Maximum)	4.5 m (14.8 ft)
c)	<u>For A Gas Bar</u>	
i)	Lot Frontage (Minimum)	45 m (147.6 ft)
ii)	Lot Depth (Minimum)	45 m (147.6 ft)
iii)	Front Yard (Minimum)	15 m (49.2 ft)
iv)	Rear Yard (Minimum)	7.5 m (24.6 ft)
	Except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 m (49.2 ft) of which the 4.5 m (14.8 ft) adjacent to the lot line shall be retained in an open space condition.	
v)	Side Yard (Minimum)	7.5 m (24.6 ft)
	Except where one or both side yards abut a residential zone, the side yard shall be a minimum of 15 m (49.2 ft) of which the 4.5 m (14.8 ft) adjacent to the lot line shall be retained in an open space condition.	
vi)	A sight triangle of 15 m (49.2 ft) minimum shall be provided on a corner lot.	
vii)	Light stands and signs may be located in any required minimum yard at a minimum distance of 2.5 m (8.2 ft) from any street line.	
viii)	Fuel pump islands and fuel pumps may be located in any required minimum yard at a minimum distance of 6 m (19.7 ft) from any street line. A sight triangle is not to be construed to be part of the required minimum yard for the purposes of this paragraph. Where a lot is a corner lot, no portion of any pump island or gasoline pump shall be located closer than 3 m (9.8 ft) to a straight line between a point in the front lot line and a point in the exterior side lot line, each point being distant 15 m (49.2 ft) from the intersection of such lot lines.	
ix)	The distance between means of access or ramps shall be 12 m (39.4 ft) and on a corner lot, no ramp may be located within 15 m (49.2 ft) of the intersection of the street lines.	
x)	Each ramp shall have a width of 7.5 m (24.6 ft) and the interior angle formed between the lot line and the centre line of the ramp shall be between 70° and 90°.	
xi)	No ramp shall be located within 4.5 m (14.8 ft) of a side lot line.	
xii)	Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20.	
d)	<u>For Hotels</u>	
i)	Gross Guest Room Area (Minimum)	23 sq. m (247.6 sq. ft)
ii)	Lot Frontage (Minimum):	



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SECTION 12 – COMMERCIAL CENTER (C1) ZONE

	Public water and sanitary sewers	38 m (124.7 ft)
	Public water and private sewage disposal system	45 m (147.6 ft)
	Private water supply and private sewage disposal system	54 m (177.2 ft)
e)	<u>For Motels</u>	
i)	Gross Guest Room Area (Minimum)	23 sq. m (247.6 sq. ft)
ii)	Lot Area (Minimum):	
	Public water and sanitary sewers	930 sq. m (10,010.8 sq. ft)
	Public water and private sewage disposal system	2,780 sq. m (29,924.7 sq. ft) or where a dwelling unit is located in a portion of a non-residential building, an additional 370 sq. m (3,982.8 sq. ft) of lot area shall be provided
	Public water and private sewage disposal system	3,700 sq. m (39,827.8 sq. ft) or where a dwelling unit is located in a portion of a non-residential building, an additional 370 sq. m (3,982.8 sq. ft) of lot area shall be provided
iii)	Lot Frontage (Minimum)	
	Public water and sanitary sewers	38 m (124.7 ft)
	Public water and private waste disposal system	45 m (147.6 ft)
	Private water and private sewage disposal system	53 m (173.9 ft)
iv)	Front Yard Depth (Minimum)	12 m (39.4 ft)
v)	Exterior Side Yard Width (Minimum)	12 m (39.4 ft)
vi)	Interior Side Yard Width (Minimum)	6 m (19.7 ft) or where the interior side lot line abuts a residential zone, the minimum interior side yard width shall be 9 m (29.7 ft)
vii)	Rear Yard Depth (Minimum):	7.5 m (24.6 ft)
	Where the rear lot line abuts a Residential zone	9 m (29.7 ft)
viii)	Lot Coverage (All Buildings) (Maximum)	25 percent
ix)	Setback from Street Centreline (Minimum):	
	Provincial Highway	32 m (105 ft)



PART II

SECTION 12 – COMMERCIAL CENTER (C1) ZONE

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- | | | |
|--|----------------|----------------|
| | • Urban Street | 13 m (42.7 ft) |
|--|----------------|----------------|
-
- | | | |
|------|---------------------------------|----------------|
| x) | Landscaped Open Space (Minimum) | 20 percent |
| xi) | Height of Buildings (Maximum) | 11 m (36.1 ft) |
| xii) | Distance Between Buildings: | |
-
- | | | |
|--|---|--|
| | • Where two or more buildings are erected on the same lot, the minimum distance between buildings shall not be less than the minimum distance which would be required if each building were on a separate lot and subject to the minimum yard requirements of this section. | |
|--|---|--|
-
- f) **For a Banquet Hall**
- | | | |
|-------|---|-----------------|
| i) | Lot Frontage (Minimum) | 45 m (147.6 ft) |
| ii) | Front Yard (Minimum) | 6 m (19.7 ft) |
| iii) | Rear Yard (Minimum) | 6 m (19.7 ft) |
| iv) | Interior Side Yard (Minimum): | 3 m (9.8 ft) |
| v) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| vi) | Building Height (Maximum) | 11 m (36.1 ft) |
| vii) | Lot Coverage (Maximum) | 40 percent |
| viii) | Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20. | |
| ix) | Access to an accessory dwelling unit shall be separate from access to a commercial use. | |
-
- g) **For Accessory Buildings Not Attached To The Principal Building**
- | | | |
|------|--|-----------------|
| i) | Rear Yard (Minimum) | 1.5 m (4.9 ft) |
| ii) | Interior Side Yard (Minimum) | 1.5 m (4.9 ft) |
| iii) | Exterior Side Yard (Minimum) | 3 m (9.8 ft) |
| iv) | Building Height (Maximum) | 4.5 m (14.8 ft) |
| v) | Minimum distance from any other building on the lot shall be 3 m (9.8 ft) provided that in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky. | |
-
- h) **For Lands Abutting A Residential Zone**
-



PART II

SECTION 12 – COMMERCIAL CENTER (C1) ZONE

- i) Notwithstanding the above provisions, where an interior side yard and/or rear yard abuts a residential zone then such interior side yard shall be a minimum of 5 m (16.4 ft) and such rear yard shall be a minimum of 9 m (29.5 ft). The 1 m (3.3 ft) strip immediately adjacent to the rear and/or interior side lot line shall be landscaped.

12.3 COMMERCIAL CENTRE – EXCEPTION (C1- *) ZONES

12.3.1 C1-1 (Lot 1, Concession 15, Lot 69, WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Commercial Centre - Exception One (C1-1) Zone and shown on the attached schedules, the following special provisions shall apply.

12.3.1.1 Permitted Uses

- a) All uses permitted in the Commercial Centre (C1) zone provided no new structural development is necessary

12.3.1.2 Zone Regulations

- a) All building openings shall be above the minimum elevation of 327.92 m GSC datum

All other provisions of this By-law shall apply.

12.3.2 C1-2 (Lot 70, Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Commercial Centre – Exception Two (C1-2) Zone and shown on Schedule 'A' - Map 1, the following special provisions shall apply.

12.3.2.1 Permitted Uses

- a) Medical clinic
- b) Business or professional office
- c) Retail establishment
- d) Service shop

12.3.2.2 Prohibited Uses

- a) Arcade
- b) Laundromat
- c) Take-out restaurant



PART II
SECTION 12 – COMMERCIAL CENTER (C1) ZONE

12.3.2.3 Zone Regulations

- | | | |
|----|------------------------------------|----------------------|
| a) | Building height (Maximum) | 1 storey |
| b) | Interior side yard width (Minimum) | 3 m (9.8 ft) (north) |
| c) | Front yard depth (Minimum) | 20 m (65.6 ft) |

All other provisions of this By-law shall apply.

12.3.3 C1-3 (Lot 70, Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Commercial Centre - Exception Three (C1-3) Zone and shown on Schedule 'A' – Map 1, the following special provisions shall apply.

12.3.3.1 Permitted Use

- a) Rental, repair and sales of non-motorized recreational vehicles, including bicycles, skis and canoes

12.3.3.2 Zone Regulations

- a) Gross floor area - existing building (Maximum) 9 m x 11 m (29.5 ft x 36.1 ft)
- b) No additional buildings, structures or enlargements of existing buildings or structures.

All other provisions of this By-law shall apply.

12.3.4 C1-4 (Lot 58, Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Commercial Centre – Exception Four (C1-4) Zone and shown on Schedule 'A' – Map 1, the following special provisions shall apply.

12.3.4.1 Permitted Uses

- a) Interior design studio with retail space to sell furniture, wall treatments, flooring, accessories, and services
- b) Office and consultation room for client meetings



PART II

SECTION 12 – COMMERCIAL CENTER (C1) ZONE

12.3.6.3(b) above.

12.4 COMMERCIAL CENTRE – HOLDING (C1- h) ZONES

12.4.1 C1-h (Lots 63 and 64, Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Commercial Centre - Holding (C1-h) Zone and located in Lots 63 and 64, Concession WHR, Bancroft), the following special provisions shall apply:

12.4.1.1 Removal of Holding 'h' Symbol

Properties within the C1-h zone as described above are subject to site plan agreement. The Holding 'h' provision may be removed by Council when it is satisfied that all necessary conditions for development have been met.

All other provisions of this By-law shall apply.

12.4.2 C1-h (Lot 66, Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Commercial Centre – Holding (C1-h) Zone and located in Lot 66, Concession WHR, Bancroft), the following special provisions shall apply:

12.4.2.1 Removal of Holding 'h' Symbol

The Holding 'h' provision may be removed by Council when it is satisfied that all necessary conditions for development of the property have been met.

All other provisions of this By-law shall apply.



PART II

SECTION 13 – SERVICE COMMERCIAL (C2) ZONE

13.0 SERVICE COMMERCIAL (C2) ZONE

Within any Service Commercial (C2) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

13.1 PERMITTED USES

- a) Automobile sales and rental establishment
- b) Commercial recreational establishment such as a bowling or billiard establishment or other similar use
- c) Large format retail establishment
- d) Private or commercial club
- e) Supermarket
- f) Theatre, cinema or other place of entertainment
- g) Any undertaking established or maintained by a governmental board, authority, agency or commission
- h) Uses permitted within the Commercial Centre (C1) Zone
- i) Uses permitted within the Local Commercial (C3) Zone

13.2 ZONE REGULATIONS**a) Large Format Retail Establishment**

- | | |
|--|---|
| i) Lot Frontage (Minimum) | 45 m (147.6 ft) |
| ii) Front and Exterior Side Yard Depth (Minimum) | 6 m (19.7 ft) plus 1 m (3.3 ft) per 3 m (9.8 ft) of main building height or fraction thereof above the first 3 m (9.8 ft) |
| iii) Lot Depth (Minimum) | 60 m (197.0 ft) |
| iv) Interior Side and Rear Yard (Minimum): | |
| • Abutting a residential zone | 6.0 m (19.7 ft) plus 1.0 m (3.3 ft) per 3.0 m (9.8 ft) of main building height or fraction thereof above the first 3.0 m (9.8 ft) |
| • Abutting a non-residential zone | 3.0 m (9.8 ft) plus 1.5 m (4.9 ft) for each |



PART II

SECTION 13 – SERVICE COMMERCIAL (C2) ZONE

4.0 m (13.1 ft) of building height or fraction thereof above the first 4.0 m (13.1 ft) from any other non-residential zone boundary and nil within the same C2 Zone

- | | | |
|-------|---|----------------|
| v) | Building Height (Maximum) | 12 m (39.4 ft) |
| vii) | Lot Coverage (Maximum) | 30 percent |
| viii) | Landscaped Open Space | 15 percent |
| ix) | Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20. | |

b) **For A Supermarket**

- | | | |
|-------|---|-----------------|
| i) | Lot Frontage (Minimum) | 45 m (147.6 ft) |
| ii) | Lot Depth (Minimum) | 45 m (147.6 ft) |
| iii) | Front Yard (Minimum) | 15 m (49.2 ft) |
| iv) | Rear Yard (Minimum): | 7.5 m (24.6 ft) |
| | <ul style="list-style-type: none">• Except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 m (49.2 ft) of which the 4.5 m (14.8 ft) adjacent to the lot line shall be retained in an open space condition. | |
| v) | Side Yard (Minimum): | 7.5 m (24.6 ft) |
| | <ul style="list-style-type: none">• Except where one or both side yards abut a residential zone, the side yard shall be a minimum of 15 m (49.2 ft) of which the 4.5 m (14.8 ft) adjacent to the lot line shall be retained in an open space condition. | |
| vi) | A sight triangle of 15 m (49.2 ft) minimum shall be provided on a corner lot. | |
| vii) | Light stands and signs may be located in any required minimum yard at a minimum distance of 2.5 m (8.2 ft) from any street line. | |
| viii) | Fuel pump islands and fuel pumps may be located in any required minimum yard at a minimum distance of 6 m (19.7 ft) from any street line. A sight triangle is not to be construed to be part of the required minimum yard for the purposes of this paragraph. Where a lot is a corner lot, no portion of any pump island or gasoline pump shall be located closer than 3 m to a straight line between a point in the front lot line and a point in the exterior side lot line, each point being distant 15 m from the intersection of such lot lines. | |
| ix) | The distance between means of access or ramps shall be 12 m (39.4 ft) and on a corner lot, no ramp may be located within 15 m (49.2 ft) of the intersection of the street lines. | |
| x) | Each ramp shall have a width of 7.5 m (24.6 ft) and the interior angle formed between the lot line and the centre line of the ramp shall be between 70° and 90°. | |
| xi) | No ramp shall be located within 4.5 m (14.8 ft) of a side lot line. | |



PART II

SECTION 13 – SERVICE COMMERCIAL (C2) ZONE

- xii) Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20.
- xiii) Notwithstanding the above provisions, where an interior side yard and/or rear yard abuts a residential zone then such interior side yard shall be a minimum of 5 m (16.4 ft) and such rear yard shall be a minimum of 9 m (29.5 ft). The 1 m (3.3 ft) strip immediately adjacent to the rear and/or interior side lot line shall be landscaped.

c) **For All Other Uses**

- | | | |
|-------|---|-----------------|
| i) | Lot Frontage (Minimum) | 45 m (147.6 ft) |
| ii) | Front Yard (Minimum) | 6 m (19.7 ft) |
| iii) | Rear Yard (Minimum) | 6 m (19.7 ft) |
| iv) | Interior Side Yard (Minimum) | 3 m (9.8 ft) |
| v) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| vi) | Building Height (Maximum) | 11 m (36.1 ft) |
| vii) | Lot Coverage (Maximum) | 40 percent |
| viii) | Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20. | |

13.3 SERVICE COMMERCIAL - EXCEPTION (C2-*) ZONE

13.3.1 C2-1 (Reserved)

13.4 SERVICE COMMERCIAL - HOLDING (C2-h) ZONES



PART II

SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

14.0 LOCAL COMMERCIAL (C3) ZONE

Within any Local Commercial (C3) Zone, no person shall use any land, erect, alter, enlarge or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

14.1 PERMITTED USES

- a) Agricultural implement and supply dealer, including the sale and service of lawn and garden equipment
- b) Agricultural produce sales outlet
- c) Auction outlet
- d) Automobile sales and rental establishment
- e) Automobile service station
- f) Banquet hall
- g) Building supply outlet
- h) Bulk sales outlet
- i) Convenience retail store
- j) Diesel, propane and/or natural gas outlet
- k) Eating establishment
- l) Fertilizer mixing and sales establishment
- m) Flea market
- n) Garden center, greenhouse or nursery
- o) Hotel/motel
- p) Merchandise service shop
- q) Mobile home or travel trailer sales agency
- r) Personal service shop
- s) Recreational vehicle sales and service
- t) Restaurant



PART II

SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

- u) Retail establishment
- v) Self-storage buildings
- w) Supermarket
- x) Tavern
- y) Veterinary clinic

14.2 PROHIBITED USES

The following uses shall not be permitted.

- a) Large format retail establishment.

14.3 ZONE REGULATIONS

a) **For The Principal Building, excepting an Automobile Service Station, Hotel, or Motel**

- | | | |
|-------|---|-------------------------------|
| i) | Lot Area (Minimum) | 4,000 sq. m (43,057.1 sq. ft) |
| ii) | Lot Frontage (Minimum) | 45 m (147.6 ft) |
| iii) | Front Yard (Minimum) | 8 m (26.2 ft) |
| iv) | Rear Yard (Minimum) | 8 m (26.2 ft) |
| v) | Interior Side Yard (Minimum) | 3 m (9.8 ft) |
| vi) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| vii) | Building Height (Maximum) | 11 m (36.1 ft) |
| viii) | Building Size (Maximum) | 2000 sq. m (21,528.5 sq. ft) |
| ix) | Lot Coverage (Maximum) | 40 percent |
| ix) | Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20. | |
| x) | Access to an accessory dwelling unit shall be separate from access to a local commercial use. | |

b) **For An Automobile Service Station**

- | | | |
|----|------------------------|-----------------|
| i) | Lot Frontage (Minimum) | 45 m (147.6 ft) |
|----|------------------------|-----------------|
-



PART II

SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

- | | | |
|-------|--|-----------------|
| ii) | Lot Depth (Minimum) | 45 m (147.6 ft) |
| iii) | Front Yard (Minimum) | 15 m (49.2 ft) |
| iv) | Rear Yard (Minimum): | 7.5 m (24.6 ft) |
| | <ul style="list-style-type: none">Except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 m (49.2 ft) of which the 4.5 m (14.8 ft) adjacent to the lot line shall be retained in an open space condition. | |
| v) | Side Yard (Minimum): | 7.5 m (24.6 ft) |
| | <ul style="list-style-type: none">Except where one or both side yards abut a residential zone, the side yard shall be a minimum of 15 m (49.2 ft) of which the 4.5 m (14.8 ft) adjacent to the lot line shall be retained in an open space condition. | |
| vi) | A sight triangle of 15 m (49.2 ft) minimum shall be provided on a corner lot. | |
| vii) | Light stands and signs may be located in any required minimum yard at a minimum distance of 2.5 m (8.2 ft) from any street line. | |
| viii) | Fuel pump islands and fuel pumps may be located in any required minimum yard at a minimum distance of 6 m (19.7 ft) from any street line. A sight triangle is not to be construed to be part of the required minimum yard for the purposes of this paragraph. Where a lot is a corner lot, no portion of any pump island or gasoline pump shall be located closer than 3 m (9.8 ft) to a straight line between a point in the front lot line and a point in the exterior side lot line, each point being distant 15 m (49.2 ft) from the intersection of such lot lines. | |
| ix) | The distance between means of access or ramps shall be 12 m (39.4 ft) and on a corner lot, no ramp may be located within 15 m (49.2 ft) of the intersection of the street lines. | |
| x) | Each ramp shall have a width of 7.5 m (24.6 ft) and the interior angle formed between the lot line and the centre line of the ramp shall be between 70° and 90°. | |
| xi) | No ramp shall be located within 4.5 m (14.8 ft) of a side lot line. | |
| xii) | Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20. | |

d) **For Hotels**

- | | | |
|-----|--|---|
| i) | Gross Guest Room Area (Minimum) | 23 sq. m (247.6 sq. ft) |
| ii) | Lot Frontage (Minimum): | |
| | <ul style="list-style-type: none">Public water and sanitary sewersPublic water and private sewage disposal systemPrivate water supply and private sewage disposal system | <ul style="list-style-type: none">38 m (124.7 ft)45 m (147.6 ft)54 m (177.2 ft) |



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SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

e) **For Motels**

i)	Gross Guest Room Area (Minimum)	23 sq. m (247.6 sq. ft)
ii)	Lot Area (Minimum):	
	• Public water and sanitary sewers	930 sq. m (10,010.8 sq. ft)
	• Public water and private sewage disposal system	2,780 sq. m (29,924.7 sq. ft) or where a dwelling unit is located in a portion of a non-residential building, an additional 370 sq. m (3,982.8 sq. ft) of lot area shall be provided
	• Private water and private sewage disposal system	3,700 sq. m (39,827.8 sq. ft) or where a dwelling unit is located in a portion of a non-residential building, an additional 370 sq. m (3,982.8 sq. ft) of lot area shall be provided
iii)	Lot Frontage (Minimum)	
	• Public water and sanitary sewers	38 m (124.7 ft)
	• Public water and private waste disposal system	45 m (147.6 ft)
	• Private water and private sewage disposal system	53 m (173.9 ft)
iv)	Front Yard Depth (Minimum)	12 m (39.4 ft)
v)	Exterior Side Yard Width (Minimum)	12 m (39.4 ft)
vi)	Interior Side Yard Width (Minimum):	6 m (19.7 ft)
	• Where the interior side lot line abuts a residential zone	9 m (29.7 ft)
vii)	Rear Yard Depth (Minimum):	7.5 m (24.6 ft)
	• Where the rear lot line abuts a residential zone	9 m (29.7 ft)
viii)	Lot Coverage (All Buildings) (Maximum)	25 percent
ix)	Setback from Street Centreline (Minimum):	
	• Provincial Highway	32 m (105 ft)
	• Urban Street	13 m (42.7 ft)
x)	Landscaped Open Space (Minimum)	20 percent
xi)	Height of Buildings (Maximum)	11 m (36.1 ft)
xii)	Distance Between Buildings:	



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SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

- Where two or more buildings are erected on the same lot, the minimum distance between buildings shall not be less than the minimum distance which would be required if each building were on a separate lot and subject to the minimum yard requirements of this section.

f) **For Accessory Buildings Not Attached to the Principal Building**

i)	Rear Yard (Minimum)	1.5 m (4.9 ft)
ii)	Interior Side Yard (Minimum)	1.5 m (4.9 ft)
iii)	Exterior Side Yard (Minimum)	8 m (26.2 ft)
iv)	Building Height (Maximum)	4.5 m (14.8 ft)

g) **For Land Abutting a Residential Zone or Residential Use**

Notwithstanding the above provisions, where an interior side yard and/or a rear yard abuts a residential zone or any existing residential use, then such interior side yard shall be a minimum of 5.0 m (16.4 ft) and such rear yard shall be a minimum of 10.0 m (32.8 ft). The 1.0 m (3.3 ft) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

14.4 LOCAL COMMERCIAL – EXCEPTION (C3-*) - ZONES

14.4.1 C3-1 (Lot 27, Concession 13, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Local Commercial – Exception One (C3-1) and shown on Schedule 'A' – Map 2, the following special provisions shall apply.

14.4.1.1 Permitted Uses

- Automobile repair shop
- Automobile sales and service
- Single detached dwelling
- Uses accessory to the above uses

All other provisions of this By-law shall apply.

14.4.2 C3-2 (Lot 47, Concession East Hastings Road, Dungannon)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Local Commercial – Exception Two (C3-2) Zone and shown on Schedule 'A' – Map 2, the following special provisions shall apply.



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SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

14.4.2.1 Permitted Uses

- a) Eating establishment

All other provisions of this By-law shall apply.

14.4.3 C3-3-h (Part of Lot 1, Concession 16, being more particularly described as Parts 1 & 2, Plan 21R-19621)

14.4.3.1 General

Within the Local Commercial – Exception Three Holding (C3-3h) Zone, and located in Part of Lot 1 Concession 16 and being more particularly described as Parts 1 and 2, Plan 21R-19621, the following special provisions shall apply.

14.4.3.2 Definitions

Within the Local Commercial – Exception Three Holding (C3-3h) Zone, an "**ASSEMBLY HALL**" shall mean a building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall, private club or fraternal organization.

Within the Local Commercial – Exception Three Holding (C3-3h) Zone, a "**FOOD MARKET/FOOD SUPERMARKET**" shall mean a building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

14.4.3.3 Permitted Uses in C3-3h

The following uses shall be permitted in the Local Commercial –Exception Three Holding (C3-3h) Zone

- a) Art gallery/museum
- b) Athletic field
- c) Arena
- d) Assembly hall
- e) Bakeshop
- f) Bank or financial institution
- g) Business, professional or administrative office
- h) Cemetery
- i) Commercial or private club or fraternal lodge
- j) Community centre
- k) Conservation centre
- l) Conservation area



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- m) Convenience store
- n) Craft shop
- o) Day care/day nursery
- p) Eating establishment
- q) Education facility
- r) Fairgrounds
- s) Fire hall
- t) Food market/food supermarket
- u) Golf course
- v) Government administration office and service buildings
- w) Group home
- x) Hospice
- y) Hospital
- z) Hotel
- aa) Law enforcement establishment
- bb) Library
- cc) Motel
- dd) Medical/dental office
- ee) Motor vehicle dealer
- ff) Motor vehicle repair garage
- gg) Motor vehicle sales, used
- hh) Nursing home
- ii) Parking lot
- jj) Place of worship
- kk) Post office
- ll) Printing or publishing establishment
- mm) Public park
- nn) Public use
- oo) Public works depot
- pp) Retail commercial establishment
- qq) School
- rr) Service shop
- ss) Take out eating establishment
- tt) Theatre



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SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

- uu) Veterinary clinic
- vv) Water supply plant

14.4.3.4 The following uses shall not be permitted until such time that the 'h' symbol is removed.

- a) Assembly hall, place of worship, commercial or private club or fraternal lodge, beyond a maximum 325 persons, or
- b) Eating establishment, hotel, motel, motor vehicle dealer, motor vehicle sales - used, parking lot, theatre, arena, community centre, education facility, fairgrounds, hospital, public works depot, or school; or
- c) Other C3-3 uses not listed in paragraphs 1 or 2 above and beyond a cumulative gross floor area of 2,300 sq. m (24,7576 sq. ft or 0.5 ac).

Upon removal of the "h" symbol for any use identified in Section 14.4.3.4, the purposes for which a person may use land and use, erect, locate, occupy or alter any buildings or structures within the C3-3 zone shall be in accordance with the use provisions of Section 14 of this By-law.

14.4.3.5 Holding 'h' Provisions

The "h" symbol shall be removed by By-law after the Council of the Town of Bancroft is satisfied that the following matters have been addressed.

- a) If proposed, a transportation report to address any of the following uses: assembly hall, place of worship, commercial or private club or fraternal lodge beyond a maximum 325 persons or eating establishment; hotel; motel; motor vehicle dealer; motor vehicle sales, used; parking lot; theatre; arena; community centre; education facility; fairgrounds; hospital; public works depot; school; or other permitted C3-3 uses beyond a cumulative gross floor area of 2,300 sq. m ((24,7576 sq. ft or 0.5 ac).

14.4.4 C3-4 (Concession West Hastings Road (Con WHR), Part Lots 75 and 76; and Highway No. 62 Frontage, Part of Lot 75, WHR, designated as Part 1 on Plan 21R-17684; and Hillview Drive, Part of Lots 75 and 76, WHR, designated as Parts 1 and 4 on Plan 21R-13332; and Back Lands, Part of Lots 75 and 76, WHR, designated as Part 26 on Plan 21R-12512, save and except Parts 2, 3, and 4 on Plan 21R-13332)

14.4.4.1 General

Notwithstanding any provisions herein to the contrary, within the Local Commercial – Exception Four (C3-4) Zone, and located in Concession WHR, Part Lots 75 and 76; and Highway No. 62 Frontage, Part of Lot 75, WHR, designated as Part 1 on Plan 21R-17684; and Hillview Drive, Part of Lots 75 and 76, WHR, designated as Parts 1 and 4 on Plan 21R-13332; and Back Lands, Part of Lots 75 and 76, WHR, designated as Part 26 on Plan 21R-12512, save and except Parts 2, 3,



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SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

and 4 on Plan 21R-13332, no person shall use any land or use, erect, locate, occupy or alter any building or structure except as permitted by and in compliance with the requirements of this By-law.

14.4.4.2 Permitted Uses

- a) All uses permitted in the Local Commercial (C3) Zone
- b) Large format retail establishments

14.4.4.3 Zone Regulations

- a) Uses permitted under Section 14.4.4.2 (a) shall be in accordance with the use provisions of Section 14.3 of this By-law, except Section 14.3 a) viii) shall not apply to the lands zoned C3 - 4.
- b) Uses permitted under Section 14.4.4.2 (b) shall be in accordance with the use provisions of Section 13.2 of this By-law.

All other provisions of this By-law shall apply.

14.5 LOCAL COMMERCIAL – HOLDING (C3-h) ZONES

14.5.1 C3-h (Part of Lots 73, 74 and 75, Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Local Commercial Holding (C3-h) Zone and located in Part of Lots 73,74 and 75, Concession WHR, Bancroft), the following special provisions shall apply.

14.5.2 Permitted Uses

- a) Existing uses until such time as the “h” symbol is removed
- b) Upon removal of the “h” symbol, the uses established in the C3 zone

14.5.2.1 Removal of Holding ‘h’ Symbol

The Holding ‘h’ provision shall be removed by Council when it is satisfied that all of the following conditions for development of the property have been met.

- a) Submission of site plan, and related site plan agreement, in accordance with the Site Plan Control Guidelines.
- b) Water and sewerage services appropriate for the site, as determined by the Ministry of the Environment.
- c) Development Agreement entered into for the construction of a proposed new roadway.



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SECTION 14 – LOCAL COMMERCIAL (C3) ZONE

All other provisions of this By-law shall apply.



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SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

15.0 **RECREATIONAL/RESORT COMMERCIAL (C4) ZONE**

Within any Recreational/Resort Commercial (C4) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

15.1 **PERMITTED USES**

- a) Commercial golf course
- b) Commercial recreational establishment
- c) Convenience retail store
- d) Eating establishment
- e) Gift shop
- f) Housekeeping cottages
- g) Marina
- h) Private park
- i) Tent and/or travel trailer park
- j) Tourist cabins
- k) Tourist establishment
- l) One dwelling or dwelling unit as an accessory use for the owner or operator of a principal use, in accordance with the provisions of Section 3.1.3
- m) An accessory building or use to the above uses

15.2 **ZONE REGULATIONS**

a) **For All Principal Buildings and Uses**

- | | | |
|------|------------------------|------------------------------|
| i) | Lot Area (Minimum) | 4000 sq. m (43,057.1 sq. ft) |
| ii) | Lot Frontage (Minimum) | 45 m (147.6 ft) |
| iii) | Front Yard (Minimum) | 8 m (26.2 ft) |
| iv) | Rear Yard (Minimum) | 8 m (26.2 ft) |



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SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

- | | | |
|-------|---|----------------|
| v) | Interior Side Yard (Minimum) | 3 m (9.8 ft) |
| vi) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| vii) | Building Height (Maximum) | 11 m (36.1 ft) |
| viii) | Lot Coverage (Maximum) | 40 percent |
| ix) | Off-street parking and off-street loading facilities shall be provided in accordance with Sections 3.25 and 3.20 | |
| x) | Access to an accessory dwelling unit shall be separate from access to a commercial use. See also Section 3.1.3. | |
| xi) | All means of ingress and egress shall have a minimum width of 6 m (19.7 ft) and in the case of a corner lot, no means of ingress or egress shall be located within 15 m (49.2 ft) of the intersection of the street lines, or, where a corner is rounded, the points at which the extended street lines meet. | |

b) For Accessory Buildings Not Attached To The Principal Building

- | | | |
|------|------------------------------|-----------------|
| i) | Rear Yard (Minimum) | 1.5 m (4.9 ft) |
| ii) | Interior Side Yard (Minimum) | 1.5 m (4.9 ft) |
| iii) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| iv) | Building Height (Maximum) | 4.5 m (14.8 ft) |

c) For Lands Abutting a Residential Zone or Residential Use

- | | |
|-----|--|
| i) | Notwithstanding the above provisions, where a rear yard and/or an interior side yard abuts a residential zone or any existing residential use, then such interior side yard shall be a minimum of 5 m (16.4 ft) and such rear yard shall be a minimum of 10 m (32.8 ft). The 3 m (9.8 ft) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped. |
| ii) | No entrance channel, turning basin, communal dock or boat mooring area shall be located closer than 60 m (196.9 ft) to a residential zone, a residential use or a street line. |

d) Additional Zone Regulations for A Marina

Notwithstanding the above provisions, a marina use shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

- | | |
|----|---|
| i) | Where a rear yard and/or interior side yard abuts a navigable body of water, then such rear yard and/or interior side yard may be reduced to nil. |
|----|---|



PART II

SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

- ii) No entrance channel, turning basin, communal dock or boat mooring area shall be located closer than 60 m (196.9 ft) to a street line.
- iii) Facilities for the refuelling of marine craft shall be provided at a separate pier or dock area from boat mooring facilities.
- iv) Catwalks shall have a minimum width of 0.6 m (2 ft) and boat-mooring docks shall have a minimum width of 1.2 m (3.9 ft).
- v) A minimum of one parking space shall be provided for every 2 boat slips

e) **Additional Zone Regulations For A Tent and/or Travel Trailer Park**

Notwithstanding the above provisions, a tent and/or travel trailer park use shall be subject to the following special provisions in addition to all other applicable provisions of this By-law:

- | | | |
|-------|---|--|
| i) | Lot Area (Minimum) | 4.0 ha (9.9 ac) |
| ii) | Minimum distance of buildings or structures or a tent or travel trailer site from any lot line | 15 m (49.2 ft) |
| iii) | The minimum distance of buildings or structures or a tent or travel trailer site from the centre of road allowance shall be | 25 m (82.0 ft) |
| iv) | Travel Trailer Park Density (Maximum) | 30 trailers per gross ha. to a maximum of 50 sites |
| v) | Travel Trailer Site Area (Minimum) | 200 sq. m (2,142.8 sq. ft) |
| vi) | Travel Trailer Site Frontage (Minimum) | 6 m (19.7 ft) |
| vii) | Building Height (Maximum) | 4.5 m (14.8 ft) |
| viii) | Maximum Number of Travel Trailers on a Travel Trailer Site | 1 travel trailer |
| ix) | Travel Trailer Park Usable Waterfront (Minimum) | 2 m/site (6.68 ft/site) |
| x) | Lot Coverage (Maximum) | 25 percent |
| xi) | No campsite, building or structure except a marine facility for launching and/or servicing of boats or a water pump house is permitted within 30 m (98.4 ft) of the highwater mark of any water body. | |
| xii) | The creation of a new tent and trailer park or the expansion of an existing park shall require an amendment to this By-law. | |



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SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

f) **Additional Zone Regulations for Lodges, Housekeeping Cottages and Tourist Cabins**

Notwithstanding the above provisions, housekeeping cottages and tourist cabins shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

- | | | |
|------|--|--|
| i) | Lot Area (Minimum) | 2.0 ha (4.9 ac) |
| ii) | Maximum Density | 1 unit/4000 sq. m (43,057.1 sq. ft) to a maximum of 50 units |
| iii) | No campsite, building or structure except a marine facility for launching and/or servicing of boats or a water pump house is permitted within 30 m (98.4 ft) of the highwater mark of any water body | |

15.3 RECREATIONAL/RESORT COMMERCIAL - EXCEPTION (C4-*) ZONES

15.3.1 C4-1 (Lots 3 and 4, Concession 15, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on any lands zoned the Recreational/Resort Commercial – Exception One (C4-1) Zone and shown on Schedule 'A' – Map 1, the following special provisions shall apply.

15.3.1.1 Permitted Uses

- a) Airport
- b) Buildings or structures accessory to the above use
- c) Uses accessory to the above use

15.3.1.2 Zone Regulations

- a) No buildings or structures except those for airport use shall be erected within the area shown on the attached schedules to this By-law as C4-1 (FIRST AREA) if by reason of such erection the building or structure or any part thereof intrudes into the air space above any line joining any point on the limits of an airplane landing strip to the closest point vertically above the limits of the FIRST AREA at air elevation of 45 m (147.6 ft) above the elevation of the LANDING STRIP.

All other provisions of this By-law shall apply.

15.3.2 C4-2 (Part lots 1 and 2, Concession 15, Part Lots1 and 2, Concession 16, and WHR, Part Lots 71,72,73,74,75 – Bancroft)

Within the Recreation/Resort Commercial – Exception Two (C4-2) Zone, the following special provisions shall apply.



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SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

15.3.2.1 Permitted Use

- a) Golf course or a driving range without structures

15.3.2.2 Zone Regulations

- a) Minimum Lot Area In accordance with the area of the C4-2 Zone, as shown on Schedule "A" to this By-law.
- b) Minimum Lot Frontage In accordance with the frontage of the C4-2 Zone, as shown on Schedule "A" to this By-law.

15.3.2.3 Removal of Holding 'h' Symbol

The Holding 'h' symbol may be removed by Council once it is satisfied that an agreement has been entered into that addresses the following.

- a) Issues of access, sewer and water services, drainage and site planning shall be agreed upon by the landowner and Council, and specifically include, among other things:
 - i. water and sewer services shall be provided by extension of municipal piped water subject to available capacity and municipal piped sewers subject to capacity; alternatively, a privately built communal system may be used, provided arrangements are made through an agreement for the Town of Bancroft to assume ownership of any privately built communal sewage system.
- b) Easements shall be provided for in the agreement between the landowner and the Municipal Council where access to private lands is necessary.
- c) Prior to development, an assessment of cultural heritage resources, satisfactory to the Ministry of Citizenship, Culture and Recreation shall be completed. As conditions of draft plan approval or site plan approval may be required to protect cultural heritage resources, any draft plan of subdivision shall be circulated to the Ministry of Citizenship, Culture and Recreation.

All other provisions of this By-law shall apply.

15.3.3 **C4-3 (Part lots 1 and 2, Concession 15, Part Lots 1 and 2, Concession 16 and WHR, Part Lots 71,72,73,74,75 – Bancroft)**

Within the Recreation/Resort Commercial – Exception Three (C4-3) Zone", the following special provisions shall apply



PART II

SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

15.3.3.1 Permitted Uses

- a) Golf course
- b) Golf course club house
- c) Golf course driving range
- d) Uses and structures incidental and ancillary to 5.3.3.1 (a-c)

15.3.3.2 Special Provisions

- a) Minimum Lot Area In accordance with the area of the C4-3 Zone, as shown on Schedule "A" – Map 1 to this By-law.
- b) Minimum Lot Frontage In accordance with the frontage of the C4-3 Zone, as shown on Schedule "A" – Map 1 to this By-law.
- c) Minimum Parking Spaces
 - Golf Courses
 - i) 3 parking spaces for each proposed par-3 fairway; and
 - ii) 6 parking spaces for every par-4 or par-5 fairway;
 - iii) 10% of the requirements under (i) and (ii); and
 - iv) Parking requirements for all accessory uses in accordance with this By-law, as amended.
 - Golf Driving Ranges
 - i) 1 parking space per tee; and 2 parking spaces for employees; and 1 parking space for each vehicle owned, operated or leased for golf course operations; and
 - ii) Parking requirements for all accessory uses in accordance with this By-law, as amended.

15.3.3.3 General Provisions

- a) Minimum setback from highwater mark 15 m



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SECTION 15 –RECREATIONAL/RESORT COMMERCIAL (C4) ZONE

15.3.4 Provisions for the Recreation/Resort Commercial – Exception Three Floodprone (C4-3(f)) Zone

All provisions that apply to the Rural (RU) Zone shall apply to the Recreation/Resort Commercial – Exception Three Floodprone (C4-3(f)) Zone except as varied herein:

15.3.4.1 Special Provisions

All structures and uses shall incorporate floodproofing standards, as defined, and construction measures in accordance with Section 22.2.

15.3.5 C4-4 (Reserved)

15.3.6 C4-5 (Reserved)



PART II

SECTION 16 –LIGHT INDUSTRIAL (M1) ZONE

16.0 LIGHT INDUSTRIAL (M1) ZONE

Within a Light Industrial (M1) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

16.1 PERMITTED USES

- a) Automobile repair facility
- b) Automobile service station
- c) Building supply outlet
- d) Machine or welding shop
- e) Merchandise service shop
- f) Research facility
- g) Warehousing facility, including storage and self-storage warehousing
- h) Any business, administrative or professional offices accessory to a permitted industrial use, including a union hall
- i) An accessory dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 3.1.3
- j) An accessory building or use to the above uses including a retail outlet for the purpose of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than 5 percent of the gross floor area of the principal building

16.2 ZONE REGULATIONS

- a) **For All Principal Buildings and Uses**
 - i) Lot Area (Minimum) 4000 sq. m (43,057.1 sq. ft)
 - ii) Lot Frontage (Minimum) 45 m (147.6 ft)
 - iii) Front Yard (Minimum) 8 m (26.2 ft)
 - iv) Rear Yard (Minimum) 8 m (26.2 ft)
 - v) Interior Side Yard (Minimum) 3 m (9.8 ft)



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SECTION 16 –LIGHT INDUSTRIAL (M1) ZONE

-
- | | | |
|-------|---|----------------|
| vi) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| vii) | Building Height (Maximum) | 15 m (49.2 ft) |
| viii) | Lot Coverage (Maximum) | 40 percent |
| ix) | Off-street parking facilities shall be provided in accordance with Section 3.25 | |
| x) | Off-street loading facilities shall be provided in accordance with Section 3.20 | |
| xi) | A sight triangle of 15 m (49.2 ft) minimum shall be provided on a corner lot | |

b) **For Accessory Buildings Not Attached To The Principal Building**

- | | | |
|------|------------------------------|-----------------|
| i) | Rear Yard (Minimum) | 1.5 m (4.9 ft) |
| ii) | Interior Side Yard (Minimum) | 1.5 m (4.9 ft) |
| iii) | Exterior Side Yard (Minimum) | 8 m (26.2 ft) |
| iv) | Building Height (Maximum) | 4.5 m (14.8 ft) |

c) **For Lands Abutting a Residential Zone or Residential Use**

Notwithstanding the provisions of this section, where an interior side yard and/or rear yard abuts a residential zone then such interior side yard and/or rear yard shall be a minimum of 22 m (72.2 ft). This area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this area.

d) **For Lands Abutting a Public or Private Road Allowance or Opposite a Residential Zone**

Where any lot line in a M1 Zone abuts a public road allowance or a private road allowance or where the lot on the opposite side of a street or a public or private road allowance is in a residential zone, a buffer planting strip adjoining such abutting lot line shall be provided on the lot, in accordance with Section 3.4.

16.3 LIGHT INDUSTRIAL - EXCEPTION (M1-*) ZONES**16.3.1 M1-1 (Lot 4, Concessions A & B, Bancroft)**

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Light Industrial – Exception One (M1-1) Zone and shown on Schedule “A” - Map 1, the following special provisions shall apply.



PART II

SECTION 16 –LIGHT INDUSTRIAL (M1) ZONE

16.3.1.1 Permitted Uses

- a) Automobile sales and repair
- b) Towing service
- c) Compound for vehicles pending insurance investigations and related matters

16.3.1.2 Prohibited Uses

- a) Wrecking/salvage yard
- b) Storage of derelict vehicles

All other provisions of this By-law shall apply.

16.3.2 M1-2 (Lot 5, Concessions 16, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Light Industrial – Exception Two (M1-2) Zone and shown on Schedule 'A' – Map 1, the following special provisions shall apply:

16.3.2.1 Permitted Uses

- a) The storage of merchandise in connection to the hardware business, together with the storage of personal recreational vehicles

16.3.2.2 Prohibited Uses

- a) Wholesale or retail sales

16.3.2.3 Zone Regulations

- a) Height (Maximum) 7.0 m (23 ft)
- b) The structure shall be located a minimum of 15.2 m (50 ft) from the north or south lot lines and a minimum of 15.2 m (50 ft) from the east lot line and a minimum of 22.86 m (75 ft) from the west lot line.
- c) Front and rear yard tree buffering shall be a minimum width of 15.2 m (50 ft) from the north and south lot lines and side yard tree buffering shall be a minimum width of 7.6 m (25 ft) from the west and east lot lines.

All other provisions of this By-law shall apply.

16.3.3 M1-3-h (Part Lots 53 and 54, Concession EHR, Plan 21R14994, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Light Industrial – Exception Three -



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SECTION 16 –LIGHT INDUSTRIAL (M1) ZONE

Holding (M1-3-h) Zone and located in Part Lots 53 and 54, Concession EHR, Plan 21R14994, Bancroft and shown on Schedule 'A' – Map 1, the following special provisions shall apply:

16.3.3.1 Permitted Uses

- a) Uses are limited to existing uses until such time as the Holding 'h' provision is removed by Council.
- b) Upon removal of the Holding 'h' symbol, the uses shall be limited to those established in the MI Zone and which will consume water and discharge effluent in accordance with Section 16.3.3.2 a) and b), listed below.

16.3.3.2 Removal of Holding 'h' Symbol

The Holding 'h' symbol may be removed by Council once it is satisfied that the following have been addressed.

- a) Water services are appropriate for the site when 10,000 L/d or more flow rate is proposed, as determined by the Ministry of the Environment.
- b) Sewerage services are appropriate for the site when 10,000 L/d or more flow rate is proposed, as determined by the Ministry of the Environment.
- c) Appropriate egress/ingress for the site from Mill Street.
- d) Land use compatibility is appropriate as per guidelines of the Ministry of the Environment.
- e) Site plan and related agreement has been entered into.

All other provisions of this By-law shall apply.



PART II

SECTION 17 – GENERAL INDUSTRIAL (M2) ZONE

17.0 GENERAL INDUSTRIAL (M2) ZONE

Within any General Industrial (M2) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

17.1 PERMITTED USES

- a) Abattoir
- b) Agricultural equipment supply and repair outlet
- c) Assembly operation
- d) Automobile service station, including an automobile body shop
- e) Biomass facility
- f) Building supply outlet, retail and/or wholesale
- g) Bulk storage yard
- h) Canning factory
- i) Cartage or express or truck terminal
- j) Cheese factory
- k) Contractor's yard, including maintenance yard/public works yard
- l) Factory outlet
- m) Feed and seed mill
- n) Fuel storage tank depot, including bulk fuel sales
- o) Lumber mill, sawmill, shingle mill and a planing mill, dry kiln, chipper, repair depot
- p) Machine or welding shop
- q) Manufacturing, processing or warehousing facility
- r) Merchandise service shop
- s) Salvage yard
- t) Transport terminal or yard
- u) Woodworking shop/showroom, including a furniture manufacturing plant



PART II

SECTION 17 – GENERAL INDUSTRIAL (M2) ZONE

- v) Yard for the open or concealed storage of goods or materials
- w) An accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 3.1.3
- x) An accessory building or use to the above uses including a bank, a cafeteria and a retail outlet for the purpose of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than 5 percent of the gross floor area of the principal building

17.2 ZONE REGULATIONS**a) For All Principal Buildings and Uses**

- i) Lot Area (Minimum) 4000 sq. m (43,057.1 sq. ft)
- ii) Lot Frontage (Minimum) 45 m (147.6 ft)
- iii) Front Yard (Minimum) 8 m (26.2 ft)
- iv) Rear Yard (Minimum) 8 m (26.2 ft)
- v) Interior Side Yard (Minimum) 3 m (9.8 ft)
- vi) Exterior Side Yard (Minimum) 8 m (26.2 ft)
- vii) Building Height (Maximum) 15 m (49.2 ft)
- viii) Lot Coverage (Maximum) 40 percent
- ix) Off-street parking facilities shall be provided in accordance with Sections 3.25
- x) Off-street loading facilities shall be provided in accordance with Section 3.20
- xi) A sight triangle of 15 m (49.2 ft) minimum shall be provided on a corner lot

b) For a Accessory Buildings Not Attached To The Principal Building

- i) Rear Yard (Minimum) 1.5 m (4.9 ft)
- ii) Interior Side Yard (Minimum) 1.5 m (4.9 ft)
- iii) Exterior Side Yard (Minimum) 8 m (26.2 ft)



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SECTION 17 – GENERAL INDUSTRIAL (M2) ZONE

- iv) Building Height (Maximum) 4.5 m (14.8 ft)

c) **For Lands Abutting a Residential Zone or Residential Use**

Notwithstanding the provisions of this section, where an interior side yard and/or rear yard abuts a residential zone then such interior side yard and/or rear yard shall be a minimum of 22 m (72.2 ft). This area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this area.

d) **For Lands Abutting a Public or Private Road Allowance or Opposite a Residential Zone**

Where any lot line in the M2 Zone abuts a public road allowance or a private road allowance or where the lot on the opposite side of a street or a public or private road allowance is in a residential zone, a buffer planting strip adjoining such abutting lot line shall be provided on the M2 Zone lot, in accordance with Section 3.4.

17.3 GENERAL INDUSTRIAL – EXCEPTION (M2-*) ZONES

17.3.1 **M2-1 (Lot 10, Concession 9, Dungannon)**

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the General Industrial – Exception One (M2-1) Zone and shown on Schedule 'A' - Map 2, the following special provisions shall apply.

17.3.1.1 Permitted Use

- a) Processing plant for meat and meat products

All other provisions of this By-law shall apply

17.3.2 **M2-2 (Reserved)**

17.3.3 **M2-3 (Reserved)**

17.4 GENERAL INDUSTRIAL - HOLDING (M2-h) ZONES

17.4.1 **M2-h (Lots 48 and 49, Concession EHR, Dungannon; Lots 5 and 6, Concession A, Bancroft)**

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the General Industrial - Holding (M2-h) Zone, located in Lots 48 and 49, Concession EHR, Dungannon; Lots 5 and 6, Concession A, Bancroft, and shown on Schedule 'A' - Map 1, the following special provisions shall apply:

17.4.1.1 Removal of Holding 'h' Symbol

The Holding 'h' provision may be removed by Council when it is satisfied that all necessary conditions for development of



PART II

SECTION 17 – GENERAL INDUSTRIAL (M2) ZONE

the property have been met.

All other provisions of this By-law shall apply.



PART II

SECTION 18 – WASTE DISPOSAL INDUSTRIAL (M3) ZONE

18.0 WASTE DISPOSAL INDUSTRIAL (M3) ZONE

Within any Waste Disposal Industrial (M3) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure of any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

18.1 PERMITTED USES

- a) Sanitary landfill site
- b) Sewage treatment plant
- c) Sewage lagoon
- d) Waste transfer station
- e) Waste processing facility including the recycling and reprocessing of waste materials into new products
- f) Salvage yard
- g) Agricultural, open space, conservation and forestry uses, excluding:
 - i. a permanent structure used for animal husbandry;
 - ii. agricultural land used for pasturing livestock;
 - iii. a permanent structure in which a person sleeps or where a person is present on a full-time basis.
- h) Accessory buildings or uses to the above uses

18.2 ZONE REGULATIONS

a) For a Salvage Yard

- | | | |
|------|------------------------|-----------------|
| i) | Lot Area (Minimum) | 2 ha (4.9 ac) |
| ii) | Lot Frontage (Minimum) | 60 m (196.6 ft) |
| iii) | Yard Requirements: | |
| | All yards (minimum) | 15 m (49.2 ft) |



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SECTION 18 – WASTE DISPOSAL INDUSTRIAL (M3) ZONE

- iv) A strip of land not less than 15 m (49.2 ft) in width shall be reserved for landscaping purposes between any salvage yard site and any adjacent community facility, commercial or industrial zone or use, and along any adjacent street line or adjoining lot line. Where a salvage yard site abuts a residential zone or use or a roadway is the only separation between two such areas, then no salvage yard use of any kind shall be made within 30 m (98.4 ft) of the adjacent lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees and shrubs and maintained as part of the normal operation of the salvage yard activity.
- v) No land shall be used for the storage or mechanized processing of goods, wares, merchandise, articles or things within 300 m (984.3 ft) of any residential or commercial zone or use, nor closer than 100 m (328.1 ft) to a lot line or a street line. Without limiting the generality of this subsection, mechanized processing includes the use of machinery or equipment to crush, compact, separate, refine, incinerate or similarly treat goods, wares, merchandise, articles or things.
- vi) The salvage yard site shall be sufficiently screened by a fence, a berm or a combination of the two so that waste materials being stored or processed on the site are not visible from adjacent roads. The screening shall extend a minimum of 3 m (9.8 ft) above grade or to a height equal to that of the goods, wares, merchandise, articles or things being stored or processed within the salvage yard site, whichever is the greater. All fences shall be constructed of an opaque material and shall be painted or otherwise preserved and kept painted from time to time, so as to maintain the fences in good condition.
- vii) A salvage yard site shall not be located on land covered by water or subject to flooding and shall be so located that no direct drainage leads to a watercourse.

b) **For All Other Waste Disposal Uses**

- i) No person, including the municipality, shall establish, alter, enlarge or extend a sanitary landfill site, a sewage treatment plant, a sewage lagoon, a transfer station, or a waste processing facility unless a Provincial Certificate of Approval has been issued by the Ministry of the Environment.
- ii) All waste disposal sites shall be established and operated in accordance with the requirements of the Environmental Protection Act and the Environmental Assessment Act.
- iii) A strip of land not less than 15 m (49.2 ft) in width shall be reserved for landscaping purposes between any sanitary landfill site, sewage treatment plant, sewage lagoon, transfer station or waste processing facility and any adjacent commercial, community facility or industrial zone or use and along any adjacent street line or adjoining lot line. Where such uses abut a residential zone or an existing residential use or a roadway is the only separation between two such areas, then no waste disposal use shall be made of any kind within 30 m (98.4 ft) of the abutting lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees, and shrubs and maintained as part of the normal operation of the waste disposal activity.

c) **For Agricultural, Conservation and Forestry Uses**

- i) Lot Area (Minimum) 6 ha (15 ac)
- ii) Lot Frontage (Minimum) 60 m (196.9 ft)
- iii) Building Height (Maximum)



PART II

SECTION 18 – WASTE DISPOSAL INDUSTRIAL (M3) ZONE

- Agricultural Uses 45 m (147.6 ft)
- Other uses 25 m (82.0 ft)
- iv) Front Yard and Exterior Side Yard (Minimum) 20 m (65.6 ft)
- v) Interior Side Yard (Minimum) 5 m (16.4 ft)
- vi) Rear Yard (Minimum) 20 m (65.6 ft)
- vii) Off-street parking shall be provided in accordance with Section 3.25.
- viii) Notwithstanding anything in this By-law to the contrary, for operating sites, no land use shall take place within 30 m (98.4 ft) of the perimeter of a fill area. This is a minimum distance.
Each operating landfill site shall have an on-site operational/maintenance buffer area identified on the Certificate of Approval. This buffer shall be no less than 30 m (98.4 ft).
- ix) Notwithstanding anything in this By-law to the contrary, for non-operating sites, where technical controls for leachate, or leachate and gas are required surrounding a fill area, no land use shall take place within 30 m (98.4 ft) of its perimeter, except that this distance may be reduced to 20 m (65.6 ft) in cases where only gas controls are necessary.
- x) An accessory weighing scale and recording office shall be permitted no closer than 30 m (98.4 ft) to a street line.
- xi) No open burning shall be permitted.
- xii) Prior to the storage or processing of any goods, wares, merchandise, articles or things all fluids shall be drained and disposed of in a manner approved by the Ministry of the Environment if they are not stored for the purposes of resale.

18.3 WASTE DISPOSAL INDUSTRIAL - EXCEPTION (M3- *) ZONES

18.3.1 M3-1 (Reserved)

18.3.2 M3-2 (Reserved)



PART II

SECTION 19 – EXTRACTIVE INDUSTRIAL (M4) ZONE

19.0 EXTRACTIVE INDUSTRIAL (M4) ZONE

Within an Extractive Industrial (M4) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

19.1 PERMITTED USES

- a) Asphalt plants, ready-mix concrete plants and aggregate transfer stations
- b) Pit or quarry, including drilling and blasting
- c) The processing of mineral aggregates, including aggregate crushing, screening and washing
- d) Wayside pit or wayside quarry
- e) A mine that is approved and operated in accordance with the Mining Act
- f) Single detached dwelling accessory to an extractive use
- g) Accessory buildings or uses to the above uses
- h) Open space, conservation, forestry and agricultural uses

19.2 ZONE REGULATIONS**a) For Mineral Excavation Area and Storage Uses**

- | | | |
|------|--|----------------|
| i) | Setback from rear and interior side lot lines (Minimum) | 15 m (49.2 ft) |
| ii) | Setback from front and exterior side lot lines (Minimum) | 30 m (98.4 ft) |
| iii) | Setback from residential, commercial, community facility or industrial zone or use (Minimum) | 30 m (98.4 ft) |
| iv) | Setback from any road right-of-way (Minimum) | 30 m (98.4 ft) |
| v) | Setback from natural water course | 30 m (98.4 ft) |

b) For Open and Enclosed Pit or Quarry Processing Operations

- | | | |
|-----|--|----------------|
| i) | Setback from rear and interior side lot lines (Minimum) | 30 m (98.4 ft) |
| ii) | Setback from front and exterior side lot lines (Minimum) | 30 m (98.4 ft) |



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SECTION 19 – EXTRACTIVE INDUSTRIAL (M4) ZONE

-
- | | | |
|------|---|-----------------|
| iii) | Setback from residential, commercial, community facility, or industrial zone or use (Minimum) | 90 m (295.3 ft) |
| iv) | Setback from any road right-of-way (Minimum) | 30 m (98.4 ft) |
- c) **For Accessory Buildings to Pit or Quarry Operations**
- | | | |
|------|---|-----------------|
| i) | All yards (Minimum) | 30 m (98.4 ft) |
| ii) | Setback from residential, commercial, community facility, or industrial zone or use (Minimum) | 90 m (295.3 ft) |
| iii) | Setback from any road right-of-way (Minimum) | 30 m (98.4 ft) |
- d) **For Mines Excavation Area and Storage Uses**
- The zone regulations for a mine will be determined through a site specific zoning By-law amendment process and will address, among other things, setbacks from water, access, buffering, conservation of natural environment and setbacks from neighbouring land uses.
- | | | |
|------|---|----------------|
| i) | Setback from front and exterior side lot lines (Minimum) | 30 m (98.4 ft) |
| ii) | Setback from residential, commercial, community facility, or industrial zone or use (Minimum) | 30 m (98.4 ft) |
| iii) | Setback from any road right-of-way (Minimum) | 30 m (98.4 ft) |
| iv) | Setback from natural water course | 30 m (98.4 ft) |
- e) **For Conservation, Forestry and Agricultural Uses**
- | | | |
|------|---|-----------------|
| i) | Lot Area (Minimum) | 6 ha (15 ac) |
| ii) | Lot Frontage (Minimum) | 60 m (196.9 ft) |
| iii) | Building Height (Maximum) | |
| | • Agricultural Uses | 45 m (147.6 ft) |
| | • Other uses | 25 m (82.0 ft) |
| iv) | Front Yard and Exterior Side Yard (Minimum) | 20 m (65.6 ft) |
| v) | Interior Side Yard (Minimum) | 5 m (16.4 ft) |
| vi) | Rear Yard (Minimum) | 20 m (65.6 ft) |
-



PART II

SECTION 19 – EXTRACTIVE INDUSTRIAL (M4) ZONE

vii) Off-street parking shall be provided in accordance with Section 3.25 and 3.20.

viii) Livestock facilities shall be located in accordance with Section 3.2

f) Landscaping

i) A strip of land not less than 15 m (49.2 ft) in width shall be reserved for landscaping purposes between any M3 zone and any adjacent commercial, community facility or industrial zone or use and along any adjacent streetline, or lot line.

ii) Where an M3 zone abuts any residential zone, or a roadway is the only separation between two such areas, then no aggregate extraction use shall be made of any kind within 30 m (98.4 ft) of the abutting lot line and no parking use shall be made of any land within 7.5 m (24.6 ft) of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and retained as part of the normal operation of the extraction activity.

19.3 EXTRACTIVE INDUSTRIAL - EXCEPTION (M4 -*) ZONES

19.3.1 M4-1 (Reserved)

19.3.2 M4-2 (Reserved)



PART II

SECTION 20 – COMMUNITY FACILITY (CF) ZONE

20.0 COMMUNITY FACILITY (CF) ZONE

Within any Community Facility (CF) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

20.1 PERMITTED USES

- a) Any undertaking established or maintained by a governmental board, authority, agency or commission
- b) Cemetery
- c) Charitable camp
- d) Elderly persons' centre
- e) Fairground
- f) Library
- g) Museum or art gallery
- h) Nursery school or municipal day care centre
- i) Nursing home or extended care facility
- j) Place of worship, with accessory uses including a cemetery and a dwelling unit
- k) Public hospital
- l) Public park, playground, public boat launch or swimming or picnicking area, playing field, recreational trail, outdoor swimming pool, wading pool, beach, picnic area, bandstand, tennis court, similar outdoor recreational uses, both passive and active
- m) Public open space and conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and wildlife
- n) Recreation or community centre
- o) Any other institutional or community facility use
- p) An accessory building or use to the above uses



PART II

SECTION 20 – COMMUNITY FACILITY (CF) ZONE

20.2 ZONE REGULATIONS**a) For All Principal Buildings**

i)	Lot Area (Minimum)	4000 sq. m (43,057.1 sq. ft)
ii)	Lot Frontage (Minimum)	45 m (147.6 ft)
iii)	Front Yard (Minimum)	10 m (32.8 ft)
iv)	Rear Yard (Minimum)	10 m (32.8 ft)
v)	Interior Side Yard (Minimum)	7.5 m (24.6 ft)
vi)	Exterior Side Yard (Minimum)	10 m (32.8 ft)
vii)	Lot Coverage (Maximum)	40 percent
viii)	Building Height (Maximum)	15 m (49.2 ft)
ix)	Off-street parking shall be provided in accordance with Sections 3.25 and 3.20.	

b) For Accessory Buildings Not Attached To A Principal Building

i)	Rear Yard (Minimum)	1.5 m (4.9 ft)
ii)	Interior Side Yard (Minimum)	1.5 m (4.9 ft)
iii)	Exterior Side Yard (Minimum)	10 m (32.8 ft)
v)	Building Height (Maximum)	4.5 m (14.8 ft)
vi)	Lot Coverage (Maximum)	20%

c) For Lands Abutting A Residential Zone or Residential Use

Notwithstanding the above provisions, where a rear yard and/or interior side yard abuts a residential zone or existing residential use then such interior side yard shall be a minimum of 10 m (32.8 ft) and such rear yard shall be a minimum of 15 m (49.2 ft). The 1.0 m (3.3 ft) strip immediately adjacent to the rear yard and/or interior side yard shall be landscaped.

20.3 COMMUNITY FACILITY – EXCEPTION (CF-*) ZONES**20.3.1 CF-1 (Part Lot 3, Concession A (#1, Manor Lane), Bancroft)**

Notwithstanding any provisions of this By-law to the contrary, on any lands zoned the Community Facility - Exception One



PART II

SECTION 20 – COMMUNITY FACILITY (CF) ZONE

(CF-1) Zone and shown on Schedule 'A' – Map 1, the following special provisions shall apply.

20.3.1.1 Permitted Uses

In addition to uses permitted in the CF zone, the following uses shall also be permitted.

- a) Café
- b) Medical or dental clinic
- c) Office and retail space
- d) Pharmacy

All other provisions of this By-law shall apply.



PART II

SECTION 21 – ENVIRONMENTAL PROTECTION (EP) ZONE

21.0 ENVIRONMENTAL PROTECTION (EP) ZONE

Within any Environmental Protection (EP) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

Environmentally sensitive lands within the municipality have been zoned the Environmental Protection (EP) Zone. Environmentally sensitive lands are those lands identified as natural heritage areas and systems having significant biological, geological, zoological or other unique natural features such as wildlife habitat, areas of natural and scientific interest, habitat of threatened or endangered species, woodlands and valley lands. In addition, the shorelines of waterbodies and permanent watercourses have been zoned the Environmental Protection (EP) Zone.

21.1 PERMITTED USES

- a) A conservation use excluding any buildings
- b) A building or structure required by a public authority for flood or erosion control or for conservation or wildlife management purposes
- c) Hunting, but not hunt camps
- d) Fishing

21.2 ZONE REGULATIONS

- a) Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species or in significant wetlands.
- b) Except as permitted in Section 21.1, development and site alteration shall not be permitted in significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated, through an Environmental Impact Statement prepared in accordance with Section 21.4, that there will be no negative impact on the natural features and their ecological function areas. Additional zone regulations shall be established by the municipality at the time of application in consultation with the Ministry of Natural Resources.
- c) Site alteration and development shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- d) Lands zoned the Environmental Protection (EP) Zone may be used in calculating minimum lot area and minimum lot frontage requirements.



PART II

SECTION 21 – ENVIRONMENTAL PROTECTION (EP) ZONE

21.3 DEVELOPMENT OF ADJACENT LANDS

Except as permitted in Section 21.1, site alteration and development shall not be permitted on adjacent lands to provincially significant wetlands, significant habitat of endangered species and threatened species, significant wildlife habitat, or significant areas of natural and scientific interest, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through an Environmental Impact Statement prepared in accordance with Section 3.2.8 of the Official Plan that there will be no negative impacts on the natural features or on their ecological functions.

21.3.1 Watercourses and Waterbodies

Notwithstanding anything in this By-law, no building, structure, or septic tank installation, including the weeping field, shall be located:

- a) within 30 m (98.4 ft) of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any schedule forming part of this By-law;
- b) within 15 m (49.2 ft) of the top of bank.

The provisions of Subsection 21.6.1 (a) and (b) shall not apply to buildings, structures and services requiring direct access to the water as an operational necessity, such as a boathouse, marina, marine facility, or other similar structure.

21.4 REQUIREMENT FOR ENVIRONMENTAL IMPACT STATEMENT

No development or site alteration, such as new buildings, structures or uses, or additions, alternations or replacement of existing buildings or structures shall be permitted within the EP zone, except in accordance with the policies of Section 2.1 (Natural Heritage) and 2.2. (Water) of the 2005 Provincial Policy Statement, and with Section 3.2.8 of the Official Plan.

Where an Environmental Impact Statement (EIS), prepared in accordance with these policies, assesses to the satisfaction of the municipality and the Ministry of Natural Resources that the proposed development will have no negative impact on the natural feature or its ecological function, the proposed development may be permitted only by amendment to this By-law.

In accordance with Section 2.1 of the PPS (March 2005), negative impact shall mean:

- a) in regard to surface and groundwater resources, degradation to the quantity and quality of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful, alteration, disruption or destruction of fish habitat;
- c) in regard to natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which the area is identified due to single, multiple or successive development or site alteration activities.



PART II

SECTION 21 – ENVIRONMENTAL PROTECTION (EP) ZONE

21.5 ESTABLISHED AGRICULTURAL ACTIVITIES

In accordance with the Provincial Policy Statement, nothing in Section 21. of this By-law is intended to limit the ability of existing agricultural uses to continue. New buildings, structures or uses or additions, alterations or replacement of existing buildings or structures associated with established agricultural activities shall be permitted without the need for an Environmental Impact Study on lands adjacent to a Provincially Significant Wetland.

21.6 ENVIRONMENTALLY SENSITIVE LANDS

Development of these lands may be permitted provided that the development is consistent with the following:

21.6.1 Deer Concentration Areas

Development within a deer concentration area (deer yard) shall be permitted within 100 m (328 ft) of a public road. Development within these areas beyond 100 m (328 ft) of a public road may be permitted where the landowner has entered into an agreement with the Municipality in consultation with the Ministry of Natural Resources.

21.6.2 Development Adjacent to Cold Water Lakes

Development proposals within 300 m (984.3 ft) of the following cold water lakes should be accompanied by a cold water Lake Capacity Study prepared in accordance with Section 3.2.9 of the Official Plan and should be reviewed by the appropriate authority prior to approval. The following are coldwater lakes within the Town of Bancroft:

- a) Holland Lake
- b) Jamieson Lake

21.6.3 Development and Site Alteration Adjacent to Clark Lake

Any proposed development or site alteration on lands adjacent to Clark Lake will be subject to the provisions and regulations of Section 23 - Source Water Protection Zones of this By-law.



PART II

SECTION 22 – NATURAL HAZARDS (H) ZONE

22.0 NATURAL HAZARDS (H) ZONE

Within any Natural Hazards (H) Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

Lands within the Town of Bancroft characterized by the existence of potential natural hazards, such as riverine and shoreline floodplains, shoreline and riverine erosion, steep slopes, and unstable soils, and embankments or other similar physical limitations represent potentially hazardous areas as defined in Section 3.1 of the Provincial Policy Statement have been zoned the Natural Hazards (H) Zone

Prior to issuing a building permit for any building or structure within the Natural Hazards (H) Zone, the municipality should be satisfied that no physical hazard exists which would cause harm to life or property. The municipality may require technical reports to be submitted in support of any development (i.e. drainage reports, slope stability reports, environmental reports) and may require the written approval of the Ministry of Natural Resources. The proposed development may be permitted only by amendment to this By-law.

Lands zoned the Natural Hazards (H) Zone may be used in calculating minimum lot area and minimum lot frontage requirements.

22.1 PERMITTED USES

- a) Conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and wildlife
- b) Agricultural uses
- c) A building or structure required by a public authority for flood or erosion control or for conservation or wildlife management purposes
- d) Buildings, structures, and services requiring direct access to the water as an operational necessity such as a boathouse, marina, marine facility, or other similar structure;
- e) Passive outdoor recreational uses
- f) Public and private parks, excluding any buildings
- g) An accessory use to the above uses, excluding any buildings, subject to the approval of Council in consultation with the Ministry of Natural Resources

22.1.1 No permit shall be issued

Notwithstanding anything in this By-law, no permit shall be issued for any building to be constructed within those areas



PART II
SECTION 22 – NATURAL HAZARDS (H) ZONE

outlined herein without the prior written approval of the Ministry of Natural Resources and/or agency having jurisdiction.

22.1.2 No development within the floodplain

No building or structure, including a municipal drain (except where a municipal drain forms part of a road allowance) shall be located within the flood plain of a watercourse, notwithstanding that such watercourse is not shown on any schedule forming part of this By-law.

22.1.3 No development adjacent to a watercourse

Notwithstanding anything in this By-law, no building, structure, or septic tank installation including the weeping tile field ('no development') shall be located:

- a) Within 30 m (98.4 ft) of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any schedule forming part of this By-law; or
- b) Within 15 m (49.2 ft) of the top of bank.

22.2 SPECIAL POLICY AREA - YORK RIVER FLOOD FRINGE

Where any zone symbol as shown on the attached schedules is followed by the symbol (f) (e.g. RI-(f)), the zoning provisions of the preceding zone symbol shall apply exclusively, and their entirety. The (f) symbol signifies that development on the lands so zoned may take place, subject to the approval of the municipal council, in conformity with the Flood Damage Reduction Program, as outlined in Section 3.10 of this By-law.

22.3 NATURAL HAZARDS- EXCEPTION (H-*) ZONES

22.3.1 H-1 (Part Lots 68 and 69 (Eagle's Nest as described in Table A), Concession WHR, Bancroft)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the Natural Hazards-Exception One (H-1) Zone and shown on the attached schedules, the following special provisions shall apply.

22.3.1.1 Permitted Uses

The following shall be the only permitted uses in the area described in Table A:

- a) Conservation
- b) Existing uses, buildings or structures
- c) Flood, erosion, siltation control works and structures
- d) Park



PART II
SECTION 22 – NATURAL HAZARDS (H) ZONE

- e) Public uses

All other provisions of this By-law shall apply.

Table 1- DISTANCE FROM RIGHT-OF-WAY TO HAZARD LINE

Lot	Station	Distance From Lot Line in Metres
20-140-25	0+000 m	24 m
	0+014 m	23 m
	0+031 m	19 m
	0+061 m	17 m
20-140-30	0+000 m	19 m
	0+010.5 m	18 m
	0+022.5 m	16.5 m
	0+035.2 m	14 m
	0+048 m	14.7 m
20-140-35	0+000	18 m
	0+009.5	20.7 m
	0+027	32 m
20-140-40	0+000	30.5 m
	0+030	21 m
	0+060	16 m
	0+068	15 m
	0+088	11 m

22.3.2 H-2 (Part lots 1 and 2, Concession 15, Part Lots1 and 2, Concession 16 and WHR, Part Lots 71,72,73,74,75 – Bancroft)

Within the Natural Hazards – Exception Two (H-2) Zone, the following special provisions shall apply.

22.3.3 Permitted Uses

- a) Existing golf course, without structures
- b) Stormwater management pond or facilities
- c) All other uses permitted in the Hazard Zone in accordance with this By-law, as amended from time to time



PART II

SECTION 22 – NATURAL HAZARDS (H) ZONE

22.3.3.1 Prohibited Uses and Activities

- a) Alterations to grade without the approval of the Town of Bancroft

22.3.4 H-3 (Part lots 1 and 2, Concession 15, Part Lots 1 and 2, Concession 16 and WHR, Part Lots 71,72,73,74,75 – Bancroft)

Within the Natural Hazards – Exception Three (H-3) Zone, the following special provisions shall apply.

22.3.4.1 Permitted Uses

- a) All uses established in the Hazard (H) Zone
- b) Golf course

22.3.4.2 Prohibited Uses and Activities

- a) Alterations to grade without the approval of the Town of Bancroft

22.3.4.3 General Provisions

- a) Minimum setback from high water mark 15 m



PART III

SECTION 23 - SOURCE WATER PROTECTION ZONE (SWP)

23.0 SOURCE WATER PROTECTION ZONES (SWP)

Clark Lake has been identified as a sensitive surface water feature, which is vulnerable to impacts from activities or events including, but not limited to, water withdrawals, and addition of pollutants. Within any Source Water Protection (SWP) Zone, development and site alteration is restricted such that these features and their related hydrologic functions will be protected, improved or restored and all drinking water supplies protected.

No person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section, in accordance with the regulations contained or referred to in this section.

23.1 SOURCE WATER PROTECTION - FIRST INTAKE ZONE

The Source Water Protection - First Intake Zone (SWP-1) on Clark Lake includes those lands within a 200 m (656 ft) fixed radius upstream of the Clark Lake municipal water supply intake. No development or site alteration shall occur within the SWP-1 Zone.

Notwithstanding any provisions of this By-law to the contrary, on lands zoned the SWP-1 and shown Schedule 'A' the following special provisions shall apply:

23.1.1 Permitted Uses

- a) Open space and conservation uses, including, reforestation and other activities connected with the conservation of soil and wildlife.

All other provisions of this By-law shall apply.

23.2 SOURCE WATER PROTECTION – SECOND INTAKE ZONE (SWP-2)

The SWP-2 Zone extends 120 m (384 ft) back from the shoreline around Clark Lake and contributing streams. Development and site alteration proposals within the SWP-2 shall be submitted to the Town of Bancroft, for review by Council. Applications will be reviewed in the context of the following.

23.2.1 Permitted Uses

- a) One single detached dwelling on one lot, and uses, buildings, and structures accessory thereto
- b) Conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife
- c) A hunt camp
- d) A public use
- e) A public park



PART III

SECTION 23 - SOURCE WATER PROTECTION ZONE (SWP)

- f) Type 'A' Home Occupation, in accordance with the provisions of Section 3.16 of this By-law
- g) All uses established in the Natural Hazard (H) Zone

23.2.2 Prohibited Uses and Activities

- a) Agricultural Uses:
 - i) agricultural uses, and uses, buildings and structures accessory thereto;
 - ii) a secondary farm occupation in accordance with the provisions of Section 3.33 of this By-law.
- b) Land application of road salt, de-icers, biosolids, organic soil conditioners, or septage
- c) Auto wrecker
- d) Automobile body shop and repair shops
- e) Cemetery or crematorium
- f) Dry cleaners, laundromat
- g) Food processing plant
- h) Gas stations
- i) Livestock feed lot
- j) Logging operations
- k) Manufacturing facility
- l) Marina
- m) Municipal landfill
- n) Pits and quarries
- o) Portable or pit toilets
- p) Storage facility for fertilizers, manure, road salt, pesticides and herbicides, fuels and hydrocarbons, solvents, or liquid industrial waste
- q) Warehouse
- r) Wayside pits and wayside quarries
- s) Type 'B' Home Occupation
- t) Type 'A' and Type 'B' Home Industries
- u) Alterations to grade without the approval of the Town of Bancroft

23.2.3 Zone Regulations

- a) No domestic sewage disposal systems may be installed within 30 m (98.4 ft) of the high water mark.
- b) Uses permitted under Section 23.1.2. (a) shall be in accordance with the following provisions:
 - i) Minimum setback from high-water mark 30 m (98.4 ft)



PART III
SECTION 23 - SOURCE WATER PROTECTION ZONE (SWP)

ii)	Lot Area (Minimum)	4,000 sq. m (43,057.1 sq. ft)
iii)	Lot Frontage (Minimum)	45 m (147.6 ft)
iv)	Front or Rear Yard	7.5 m (24.6 ft)
v)	Interior Side Yard (Minimum)	2 m (6.7 ft)
vi)	Exterior Side Yard (Minimum)	4.5 m (14.8 ft)
vii)	Gross Floor Area (Minimum)	74.3 sq. m (800 sq. ft)
viii)	Building Height (Maximum)	11 m (36.1 ft)
ix)	Landscaped Open Space (Minimum)	30 percent
x)	Off-street parking shall be provided in accordance with Section 3.25	



PART IV
SECTION 24 - PENALTIES AND ADOPTION

PART 4 - SECTION 24

PENALTIES AND ADOPTION



PART IV

SECTION 24 - PENALTIES AND ADOPTION

24.0 PENALTIES AND ADOPTION

24.1 REMEDIES

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the insistence of any ratepayer, or of the Council of the Municipality pursuant to the provisions of the Planning Act.

24.2 VIOLATION AND PENALTY

Every person or corporation who uses any land or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such a use or violation, is guilty of an offence and upon conviction thereof shall be liable to penalties prescribed in Section 67 of the Planning Act, as amended, which shall be recoverable under the Provincial Offences Act.

24.3 REPEALS

All zoning By-laws and amendments thereto, passed pursuant to Section 34 of the Planning Act, or a predecessor thereto, and in force on the date of adoption of this By-law, shall be repealed immediately subsequent to the By-law coming into full force and effect.

24.3.1 AMENDMENTS TO OTHER BY-LAWS REGULATING LANDS AND STRUCTURES

All By-laws in force within the Corporation of the Town of Bancroft regulating the use of lands and the character, location, bulk, height and use of buildings and structures are hereby amended insofar as may be necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern.

24.4 EFFECTIVE DATE

If no objection is filed with the Clerk of the Town of Bancroft within 20 days of the date of passing of this By-law, this By-law shall become effective on the date of passing.

If an appeal is filed with the Clerk within the 20 day period following the passing of the By-law, this By-law shall become effective on the date of passing hereof subject to receiving an Order from the Ontario Municipal Board, resolving any appeals so filed.



PART IV
SECTION 24 - PENALTIES AND ADOPTION

READ A FIRST, SECOND, AND THIRD TIME THIS 11TH DAY OF JULY, 2006 AND FINALLY PASSED
THIS 11TH DAY OF JULY, 2006.

Original Signed by:

"Charles Mullett"

Mayor

Original Signed by:

Barry Wannamaker

Chief Administrative Officer



APPENDIX 1

MINIMUM DISTANCE SEPARATION I CALCULATIONS



APPENDIX 2

MINIMUM DISTANCE SEPARATION II CALCULATIONS



SCHEDULE A

LAND USE – MAP 1 - BANCROFT WARD MAP 2 - DUNGANNON WARD
