EXHIBIT "A"

TO

TOWNSHIP OF TYENDINAGA

ZONING BY- LAW

NUMBER 03 – 16

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TOWNSHIP OF TYENDINAGA
ZONING BY-LAW _____

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THE CORPORATION OF THE TOWNSHIP OF TYENDINAGA

ZONING BY-LAW
(By-law No. _____)

SECTION 1 - PURPOSE

This comprehensive Zoning By-law is intended to prohibit the use of land and the erection or use of buildings or structures for or except for such purposes as set down in this by-law; to prohibit the erection or use of buildings on land which is subject to flooding, or on land by reason of its rocky, marshy or unstable character the cost of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to regulate the minimum frontage and depth of a parcel of land and the portion of the area thereof that any building or structure may occupy; to require loading and parking facilities for buildings or structures erected or used for certain purposes; to prohibit the making or establishment of pits and quarries within defined areas and to regulate the making or establishment of pits and quarries within defined areas of the municipality.

SECTION 2 - TITLE

This By-law shall be cited as "Zoning By-law No. ____" and shall apply to all land included within the Township of Tyendinaga as shown on the attached schedules.

SECTION 3 – 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. Works used in the plural number include the singular number and the reverse.

3.1 "ABANDONED" shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six months.

3.2 "ABATTOIR" shall mean a slaughter-house designed for the purpose of killing animals, skinning, dressing and cutting up of carcasses, wrapping for sale for human consumption with cooler and freezer storage and may include indoor confinement or 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.

3.3 "ACCESSORY BUILDING" shall mean a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot and includes, but is not limited to, the following: sauna, storage shed, boathouse, gazebo, pumphouse, deck, detached private garage and detached carport.

3.4 "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.

3.5 "ADJACENT LANDS (WETLAND)" shall mean those lands within 120 metres (393.7 ft.) of an individual Environmental Protection Wetland Zone.

3.6 "AGRICULTURE/AGRICULTURAL USE" shall mean the use of land, buildings or structures for the purposes of the growing of field crops, flower gardening, market gardening, berry crops, tree crops, nurseries, aviaries, apiaries or farms for the grazing, breeding, raising, boarding of livestock or any other similar uses carried on in the field of general agriculture, including the sale of such produce, crops or livestock produced on the same lot.

3.7 "AGRICULTURE, INTENSIVE" shall mean a livestock operation which either exceeds 100 livestock units or exceeds 50 livestock units with a livestock density of greater than five (5) livestock units per cropped (land base) hectare.

3.8 "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, flower or farm produce, the majority of which are produced on the farm where such outlet is located.

3.9 "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.

3.10 "AMUSEMENT ARCADE" shall mean a building or place of amusement containing games of chance and/or skill, including pinball/video games and billiards to be used by the general public for recreational purposes and operated for a profit. This definition does not include an establishment, the primary use of which is not an amusement arcade and in which not more than 3 such games of chance are located.

3.11 "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.

3.12 "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.

3.13 "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.

3.14 "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.

3.15 "AUTOMOBILE" shall mean any vehicle propelled or driven otherwise than by muscular power, but does not include railway cars powered by steam, electricity or diesel fuel or other vehicles running upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act.

3.16 "AUTOMOBILE BODY SHOP" shall mean a building where automotive cleaning, polishing, body repair and repainting is conducted but shall not include any other automotive use.

3.17 "AUTOMOBILE SALES AGENCY (New and Used)" shall mean a building and/or lot used for the display and sale of new and used automobiles and may include the servicing, repair and repainting of automobiles, the leasing or renting of utility or boat trailers and automobiles and the sale of automotive accessories and related products, but shall not include any other defined automotive use.

3.18 "AUTOMOBILE SERVICE STATION" shall mean a building or place where gasoline, propane, natural gas, diesel, oil, grease, anti-freeze, tires, tubes, tire accessories, spark plugs, batteries and other related items for automobiles, trucks, motorcycles, and snowmobiles are stored or kept for sale, or where such vehicles may be oiled, greased, washed or have their ignitions or brakes adjusted, tires inflated, batteries charged or more generally where repair

or equipping of automobiles is executed or performed. An automobile service station may operate on a self-serve basis.

3.19 "BASEMENT" shall mean that portion of a building or structure which is partly underground and below the first floor and which has at least one half of its clear height above the adjoining ground level.

3.20 "BASEMENT, WALKOUT" shall mean that portion of a building which is partly underground, but which has more than 50% of the floor area not greater than .5 metres below grade, and which has an entrance and exit at grade level.

3.21 "BED AND BREAKFAST ESTABLISHMENT" shall mean a single detached dwelling containing not more than 4 guest rooms used or maintained for the short-term accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for 4 or more persons but does not include other establishments otherwise defined or classified herein.

3.22 "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.

3.23 "BOATHOUSE, PRIVATE" shall mean a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the residential occupancy, which does not exceed 4.1 m (13.45 ft.) in height, as defined in this by-law.

3.24 "BUILDING (when used as a noun)" shall mean any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, silo, vessel or vehicle used for any of the said purposes shall be deemed a building.

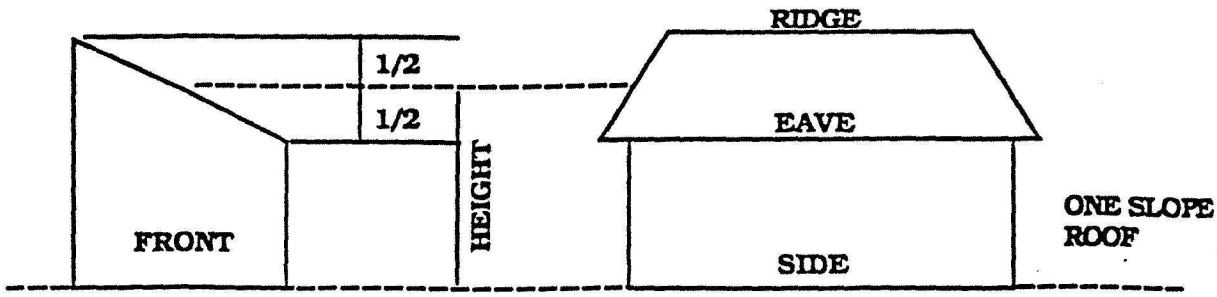
3.25 "BUILDING HEIGHT" shall mean the vertical distance between the established grade and:

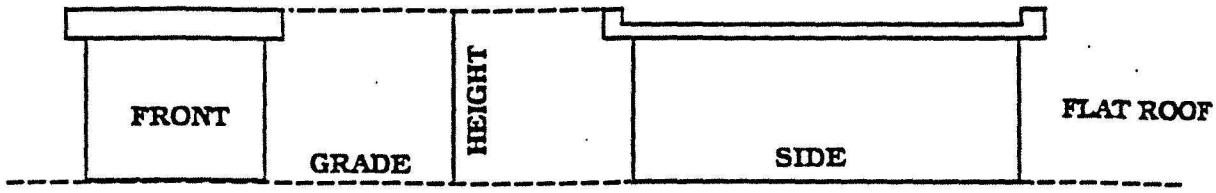
i) the highest point of a flat roof;
ii) the deck line of a mansard roof;
iii) the mean height between the eaves and ridges of a gabled or hip roof;

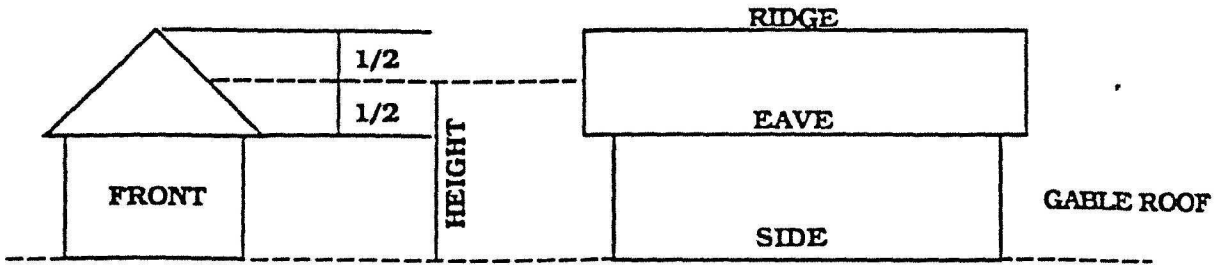
but exclusive of:

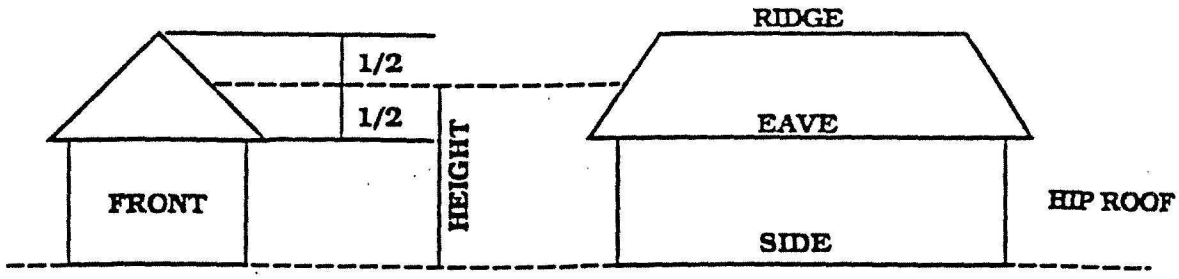
i) a roof or penthouse structure accommodating an elevator, staircase, tank, ventilating fan or other similar equipment; a smoke stack; barn; silo; communications tower; drive-in theatre screen; or other utilitarian structure which does not provide habitable living space.

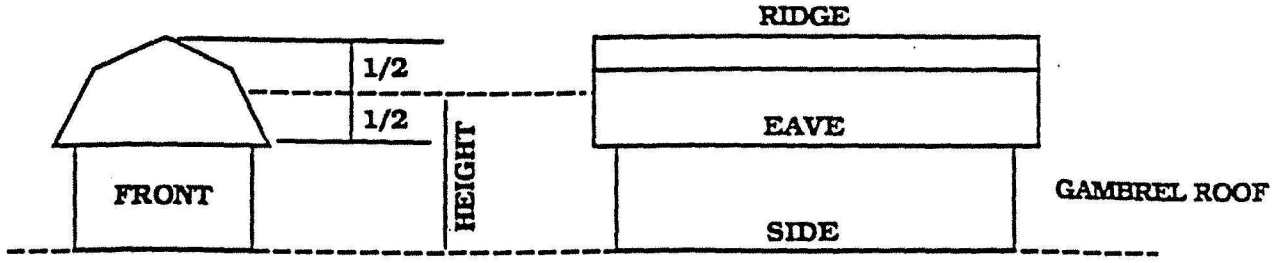
GUIDE TO
HEIGHT DEFINITIONS

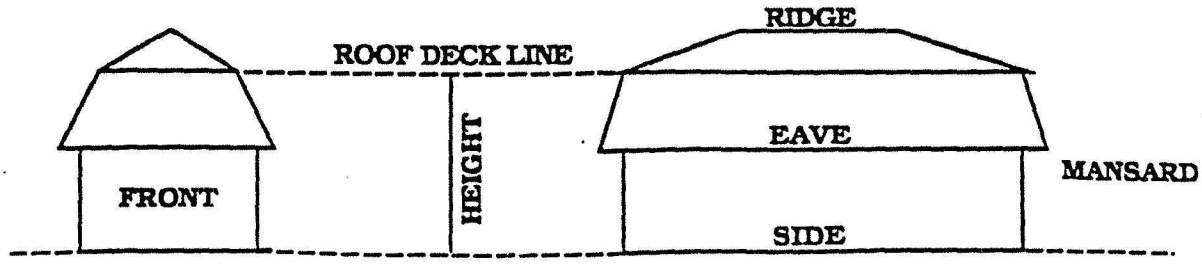




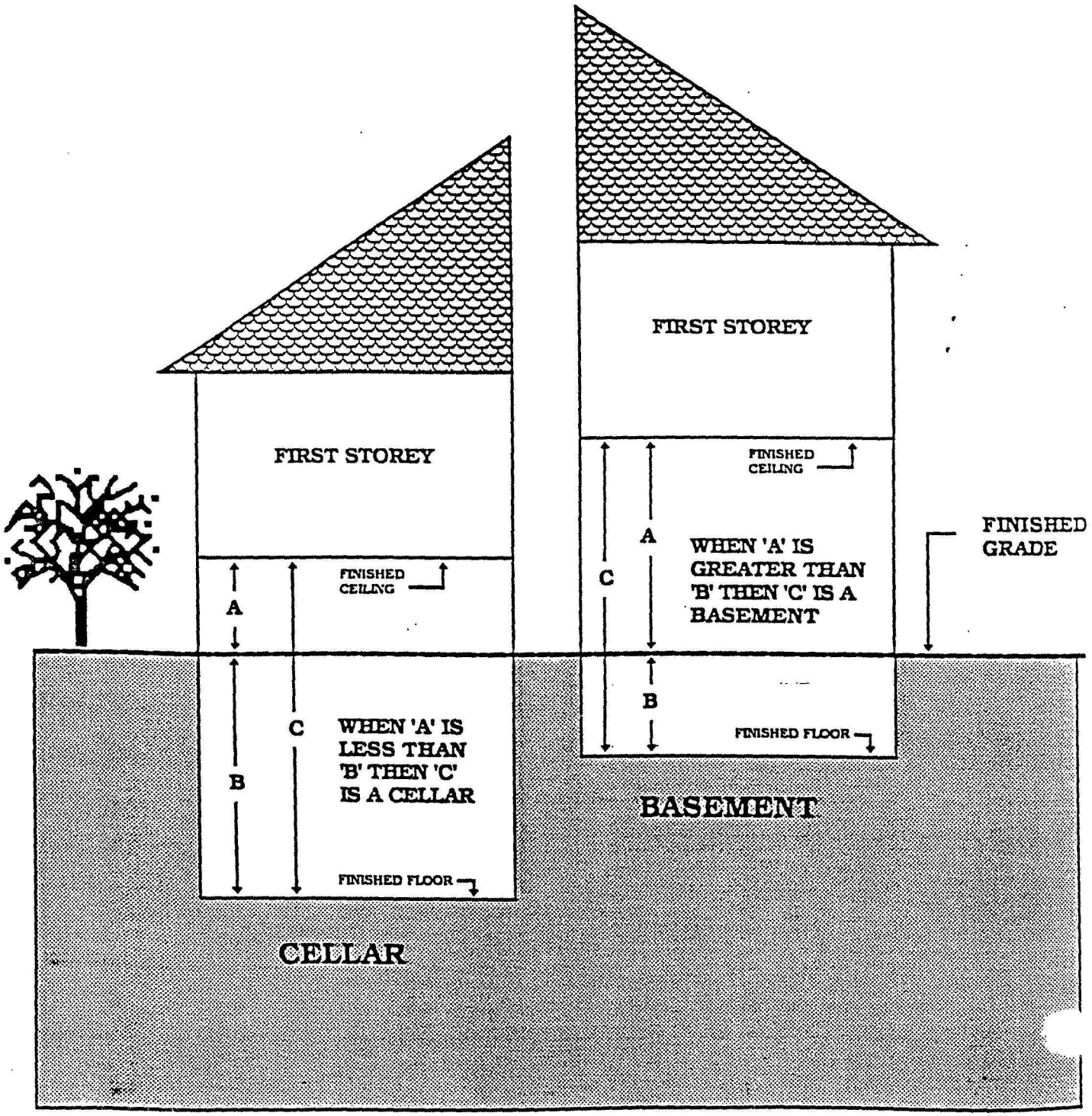








BASEMENT AND CELLAR DEFINITIONS



3.26 "BUILDING SUPPLY OUTLET" shall mean an establishment involved in the storage, display and sales of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items.

3.27 "BUILDING, PRINCIPAL" shall mean a building or structure in which the primary use is conducted.

3.28 "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.

3.29 "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 or direction of any agency, business, brokerage, labour or fraternal organization and shall include offices for doctors, dentists, optometrists, chiropractors, drugless practitioners, barristers, solicitors, engineers, architects, land surveyors or chartered accountants and for any purpose incidental thereto the administrative office or offices of a non-profit organization or a business, administrative or professional office or offices.

3.30 "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.

3.31 "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 a premises for the temporary accommodation of members of the public for a fee. In the case of a sleeping cabin to be located on a lot which is at least two times the minimum lot frontage and lot area required by this By-law, a maximum of 55.7 sq. m (600 sq. ft.) may be permitted.

3.32 "CABIN, TOURIST" shall mean a detached building for the sleeping accommodation of guests in which sanitary facilities may be provided but shall not contain any facilities for the preparation or cooking of food.

3.33 "CAMP, CHARITABLE" shall mean a seasonal camp operated by a charitable corporation approved under the Charitable Institutions Act.

3.34 "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.

3.35 "CAMPING ESTABLISHMENT" shall mean a tourist establishment consisting of at least five (5) 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.

3.36 "CARPORT" shall mean a building or structure of which is used for the parking or storage of private passenger automobiles or commercial vehicles of less than one tonne capacity and wherein neither servicing nor repairing of automobiles is carried on for remuneration.

3.37 "CAR WASH" shall mean a building or structure for the operation of automobile washing.

3.37.1 "CAR WASH, AUTOMATIC" shall mean a car wash where the labour is not supplied by the patron.

3.37.2 "CAR WASH, COIN OPERATED" shall mean a car wash where the patron supplies the labour.

3.38 "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 transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a warehouse.

3.39 "CELLAR" shall mean the portion of a building or structure which is partly underground and below the first floor and which has at least one half of its clear height below the adjoining ground level.

3.40 "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 the Ontario Building Code, Building By-law and Zoning By-law.

3.41 "CEMETERY" shall mean a cemetery or columbarium within the meaning of the Cemetery Act, as amended.

3.42 "CHURCH" 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:

i) charitable according to the laws of Ontario;
ii) organized for the conduct of religious worship; and
iii) permanently established both as to the continuity of its existence and as to its religious beliefs and practices.

3.43 "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.

3.44 **"CLUB"** see "PRIVATE CLUB" and "COMMERCIAL CLUB".

3.45 **"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.

3.46 **"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.

3.47 **"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.

3.48 **"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.

3.49 **"COMMUNITY CENTRE"** shall mean any tract of land, building or buildings used for community activities whether used for commercial purposes or not, the control of which is operated under the Community Centres Act, as amended from time to time.

3.50 **"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 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.

3.51 **"CONVERTED DWELLING"** see "DWELLING, CONVERTED".

3.52 **"CORNER LOT"** see "LOT, CORNER".

3.53 **"CORPORATION"** shall mean the Corporation of the Township of Tyendinaga.

3.54 **"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.

3.55 **"COUNCIL"** shall mean the Municipal Council of the Corporation of the Township of Tyendinaga.

3.56 **"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.

3.57 "DAY NURSERY" shall mean a facility operated for pre-school age children within the meaning of The Day Nurseries Act, as amended.

3.58 "DECK" shall mean a horizontal surface supported on piers, free of any roof or other covering and which may be surrounded by a railing, the height of which is governed by the Ontario Building Code.

3.59 "DEER YARD" shall mean any area where deer concentrate in the winter months.

3.60 "DERELICT VEHICLE" shall mean an automobile, whether or not intact or operable, which:

i) is not currently licensed or is not exempt from licencing for operation on a highway under the provisions of the Highway Traffic Act; and
ii) has not been moved under its own power during any period of 21 consecutive days; and
iii) 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.

3.61 "DEVELOPMENT" shall mean the construction, erection, or placing of a building or structure of any kind or the making of an addition or alteration to a building or 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.

3.62 "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.

3.63 "DOCK, COMMUNAL" shall mean any dock owned and/or used by more than one interest.

3.64 "DRY CLEANING SHOP" see "LAUNDRY AND DRY CLEANING SHOP".

3.65 "DRIVE-IN RESTAURANT" see "RESTAURANT, DRIVE-IN".

3.66 "DRIVEWAY" shall mean an area of land which provides vehicular access from the travelled portion of a street to a parking aisle.

3.67 "DRY INDUSTRY" shall mean an industry which does not require the excessive use of water or other fluids in an industrial process.

3.68 **"DUPLEX"** see "DWELLING, DUPLEX".

3.69 **"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.

3.70 **"DWELLING, ACCESSORY"** 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.

3.71 **"DWELLING UNIT"** shall mean a suite of two 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.

3.71.1 **"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.

3.72 **"DWELLING, CONVERTED"** shall mean a dwelling erected prior to passing of this By-law altered to contain not more than 2 dwelling units.

3.73 **"DWELLING, DUPLEX"** shall mean a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

3.74 **"DWELLING, MULTIPLE"** shall mean a separate building containing three 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.

3.75 **"DWELLING, SENIOR CITIZEN MULTIPLE"** shall mean any multiple dwelling for senior citizens sponsored and administered by any public agency or any service club, church or non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal governments, or by public subscription or donation, or by any combination thereof, and such multiple dwellings shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizens' development.

3.76 **"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.

3.77 **"DWELLING, SEMI-DETACHED"** shall mean a separate building containing two single dwelling units separated vertically by a common wall, each unit having separate entrance and exit facilities.

3.78 "DWELLING, SINGLE DETACHED" shall mean a separate building designed and intended to be occupied as a single housekeeping unit.

3.79 "DWELLING UNIT, BACHELOR" shall mean a dwelling unit consisting of one bathroom and not more than two habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.

3.80 "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, dining room, café, ice cream parlour, tea or lunch room or refreshment stand but does not include a boarding or rooming house or a chip wagon or chip truck.

3.81 "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.

3.82 "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.

3.83 "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.

3.84 "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:

i) any preliminary physical operation such as excavating, filling, regrading or draining;
ii) altering any existing building or structure by adding, enlarging, extending, remodelling, renovating, moving, demolishing, or effecting other structural changes;
iii) any work for the doing of which a building permit is required under the Building By-law of the Corporation; and
iv) erect, erected or erection shall have a corresponding meaning.

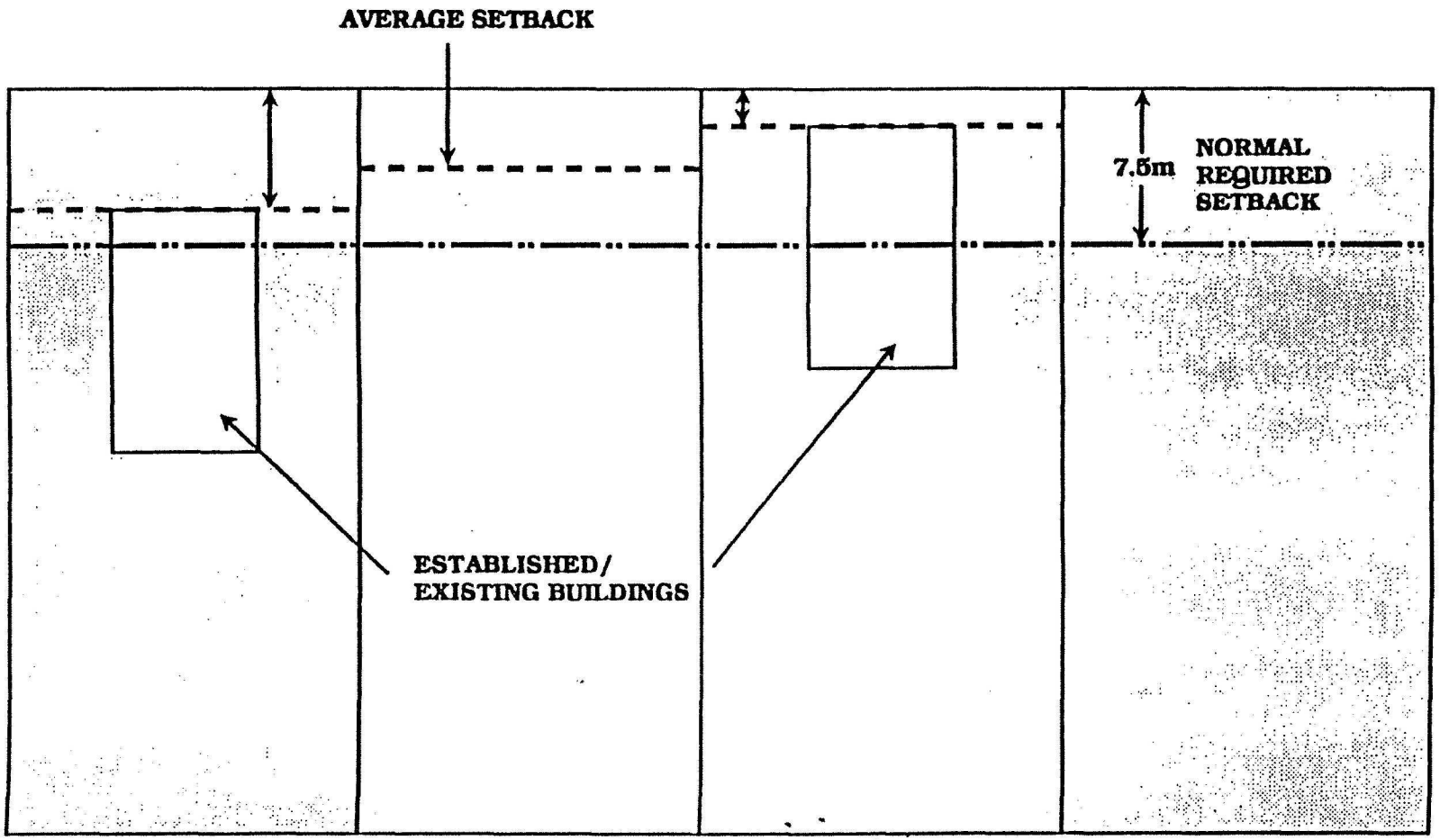
3.85 "ESTABLISHED BUILDING LINE" shall mean the average setback of the existing buildings. A building line is considered to be established when at least three buildings have been erected on any one side of a continuous 300 metres (984.3 ft.) of land with street frontage.

3.86 "ESTABLISHED GRADE" shall mean the average elevation of the ground level or sidewalk adjoining the front wall of the building or structure.

3.87 "EXISTING" unless otherwise described, shall mean existing as of the date of the passing of this By-law.

3.88 "EXTERIOR SIDE LOT LINE" see "LOT LINE, EXTERIOR SIDE".

ESTABLISHED BUILDING LINES / FRONT YARD REDUCTION



3.89 "EXTERIOR SIDE YARD" see "YARD, SIDE".

3.90 "FARM IMPLEMENT AND SUPPLY DEALER" shall mean an establishment for the repair and/or sale of agricultural implements including the sale of fuel, lubricants and related items for agricultural equipment on the same premises.

3.91 "FARM PRODUCE OUTLET" shall mean a use accessory to a permitted farm which consists of the retail sale of agricultural products.

3.92 "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.

3.93 "FLEA MARKET" shall mean a building or part of a building where second hand goods, articles 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.

3.94 "FLOOD PLAIN" shall mean:

i) the area, usually low lands, adjoining a watercourse which has been, or may be, covered by flood waters; or

ii) where the high water mark is not known, any land situated between a watercourse and a line parallel to and at a distance of 15 metres (49.2 ft.) measured at right angles from the top of the bank of a watercourse; or

iii) where the high water mark is not known and the bank of a watercourse is not discernible, the horizontal area, 20 metres (65.6 ft.) wide, on either side of the centre of a watercourse.

3.95 "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.

3.96 "FLOOR, GROUND" shall mean the lowest storey of a building, approximately at or first above the finished grade level.

3.97 "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.

3.98 "FOOD MARKET" 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.

3.99 "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.

3.100 "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.

3.101 "FRONT LOT LINE" see "LOT LINE, FRONT".

3.102 "FRONT YARD" see "YARD, FRONT".

3.103 "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.

3.104 "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.

3.105 "GARAGE, COMMERCIAL" shall mean a building, structure or lot where commercial motor vehicles are stored or where vehicles are repaired or maintained.

3.106 "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.

3.107 "GARAGE, PUBLIC" see "AUTOMOBILE SERVICE STATION".

3.108 "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 square metres (100 square feet), 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.

3.109 "GASOLINE PUMP ISLAND" shall mean a structure which is an accessory use intended to provide gasoline for vehicles.

3.110 "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.

3.111 "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.

3.112 "GOLF COURSE" shall mean a public or private area operated for the purpose of playing golf and includes a par 3 or larger golf course, a miniature golf course and driving range.

3.113 "GREENHOUSE" shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are primarily intended to be transplanted outdoors.

3.114 "GROUP HOME" shall mean a dwelling unit in which not less than three and no more than six 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 mentally retarded 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:

i) who have been placed on probation under the Probation Act, The Criminal Code (Canada) or the Juvenile Delinquent Act (Canada); or
ii) who have been released on parole under the Ministry of Correctional Services Act; the Parole Act (Canada) or the Provincial Offences Act; or
iii) who are admitted to the institution for correctional purposes.

3.115 "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.

3.116 "HEREAFTER" shall mean after the date of the passing of this By-law.

3.117 "HEREIN" shall mean in this By-law and shall not be limited to any particular section of this By-law.

3.118 "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.

3.119 "HOME INDUSTRY" shall mean an industry which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted either entirely 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.

3.120 **"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 establishment.

3.121 **"HOSPITAL, PRIVATE"** shall mean a hospital as defined by the Public Hospitals Act, as amended from time to time.

3.122 **"HOSPITAL, PUBLIC"** shall mean a hospital as defined by the Public Hospitals Act, as amended from time to time.

3.123 **"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 licenced under the Liquor Licence Act.

3.124 **"HUNT CAMP"** shall mean a base camp for recreational activities such as hunting which provides seasonal or temporary accommodation only, in a remote location where municipal or community services are 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.

3.125 **"INTENSIVE AGRICULTURE"** see "AGRICULTURE, INTENSIVE".

3.126 **"INTERIOR SIDE YARD"** see "YARD, SIDE".

3.127 **"KENNEL"** shall mean an attached or detached building or structure where dogs are kept, boarded and/or bred, and shall contain no more than 10 dogs over the age of 4 months and in which enclosed outside runs shall be permitted, 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.

3.128 **"LANE"** shall mean a thoroughfare or way, which affords only a secondary means of access to abutting property.

3.129 **"LANDSCAPED"** shall mean an area not built upon and not used for any purpose other than as a landscaped area and which shall include at least a hedgerow of hardy shrubs or similar type of vegetation not less than .3 metres (1 ft.) in height at the time of planting and which, when fully grown, will reach a height of not less than 2 metres (6.6 ft.), extending the full length of the landscaped area and be maintained in a healthy growing condition. A landscaped area does not include driveways, parking spaces or parking aisles.

3.130 "LAUNDRY AND DRY CLEANING SHOP" 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.

3.131 "LIVESTOCK" shall mean poultry, turkeys, cattle, hogs, horses, mink, rabbits, sheep, goats, fur bearing animals or any other domesticated animal used for consumption.

3.132 "LIVESTOCK FACILITY" shall mean a farm unit which includes the raising or keeping of livestock as defined herein.

3.133 "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:

i) 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;
ii) is suitable for the temporary parking of one commercial motor vehicle;
iii) is not upon or partly upon any street, lane or alley; and
iv) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

3.134 "LODGE" shall mean an establishment catering to the vacationing public by providing meals and sleeping accommodation to at least five (5) guests in rooms or cabins, but shall not include any establishment otherwise defined herein.

3.135 "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.

3.136 "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.

3.137 "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 metres (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.

3.138 "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 degrees. The front lot line on a corner lot is deemed to be either lot line abutting the street.

3.139 "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 which is 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.

3.140 "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.

3.141 "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 nine (9) metres (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.

3.142 "LOT, INTERIOR" shall mean a lot other than a corner lot.

3.143 "LOT LINE" shall mean any boundary of a lot.

3.144 "LOT LINE, EXTERIOR SIDE" shall mean the longer of the lot lines of a corner lot which abuts a street.

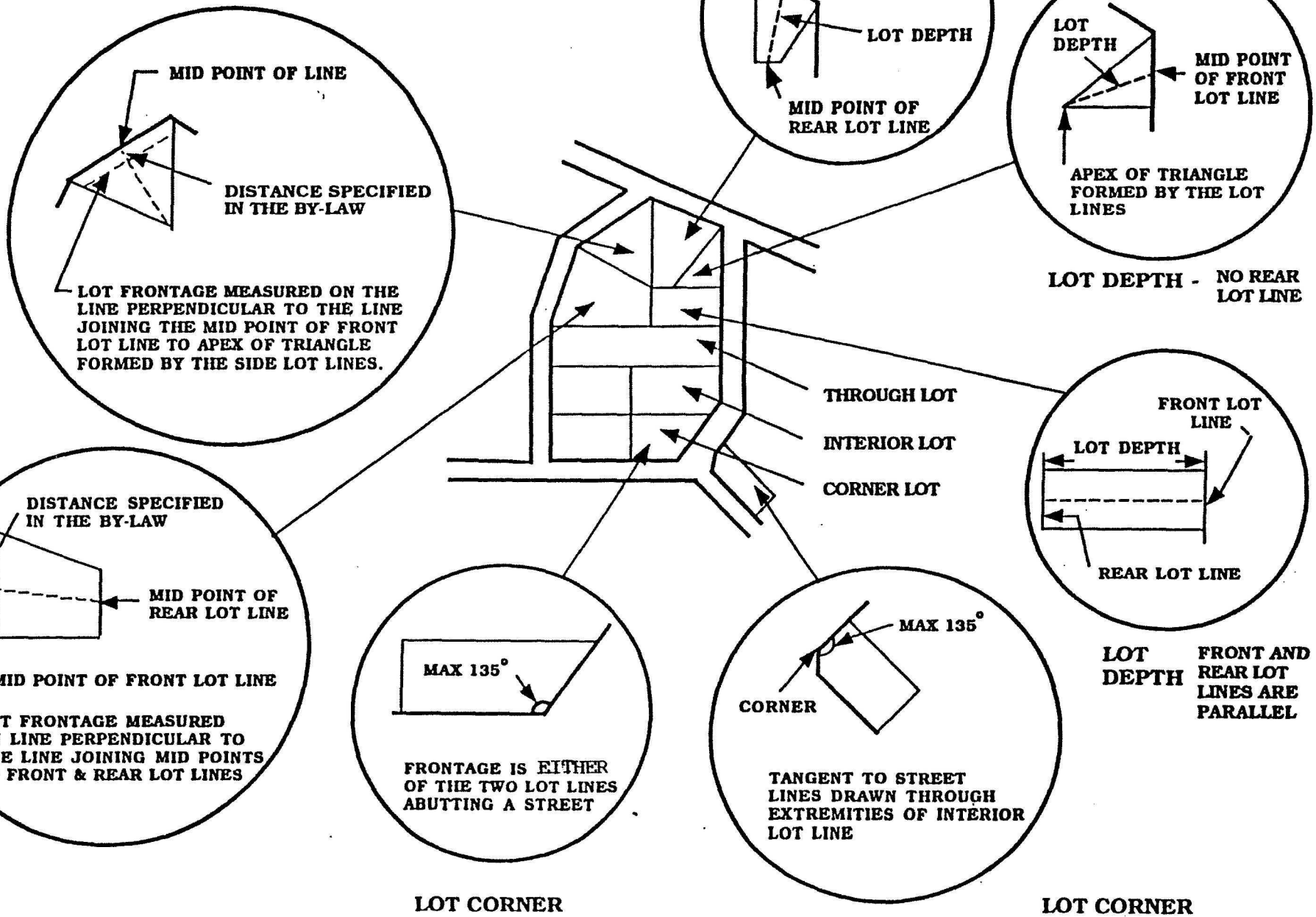
3.145 "LOT LINE, FRONT" shall mean the line that divides a lot from a street, a private road or a navigable waterway. In the case of a lot with frontage on a street, the front lot line shall be deemed to be the line that divides the lot from the street. In the case of a lot with frontage on a private 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.

3.146 "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.

3.147 "LOT LINE, SIDE" shall mean any lot line other than the rear or front lot line.

3.148 "LOT, THROUGH" shall mean a lot bounded on two opposite sides by streets provided however that 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.

EXAMPLES OF LOT DEFINITIONS



3.149 "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.

3.150 "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.

3.151 "MARINA, PUBLIC/PRIVATE" shall mean a building or structure with access to a body of water, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

3.152 MARINE/SNOWMOBILE DEALER" shall mean any building or structure used for the purpose of supplying and selling marine and snowmobile products and may include repair facilities for the purpose of repairing only those items either sold by or related to the products supplied by the dealer.

3.153 "MARINE FACILITY" shall mean an accessory building or structure which is used to take a boat into or out of a waterbody to moor, berth or store a boat and includes a boat launching ramp, boat lift, pumping station, dock or boathouse and a water pumphouse but shall not include any building used for human habitation or any boat service, repair or sales facility and shall comply with the minimum side yard requirements of the respective zone.

3.154 "MARKET GARDEN" shall mean the use of land for the intensive commercial cultivation of vegetables, fruits or flowers.

3.155 "MERCHANDISE SERVICE SHOP" shall mean a building or part of a building, whether connected with a retail shop or not, in which persons are employed in furnishing the repair or servicing of articles, machines, goods or materials as opposed to the manufacture of same. Merchandise service shops include such establishments as small engine repair of such items as lawn mowers, chainsaws and snowmobiles.

3.156 "MINIMUM DISTANCE SEPARATION" means a separation requirement as provided for in Appendix 1 and 2.

i) Minimum Distance Separation I provides minimum distance separation for new or expanding development from existing livestock facilities.
ii) Minimum Distance Separation II provides minimum distance separation for new or expanding livestock facilities from existing or approved development.

3.157 "MODULAR HOME" shall mean a factory built, detached structural unit designed to be and capable of being transported after fabrication to a lot, and which is suitable for year round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures and connections to utilities.

3.158 "MOTEL" shall mean an establishment which consists of one or more than one building containing more than one rental unit 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 licenced under the Liquor Licence Act.

3.159 "MOTORIZED ALL TERRAIN VEHICLE (A.T.V.)" shall mean a motorized recreational vehicle used for off road recreational purposes.

3.160 "MOTORIZED 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.

3.161 "MOTORIZED SNOW VEHICLE" shall mean a motorized snow vehicle within the meaning of The Motorized Snow Vehicle Act.

3.162 "MULTIPLE DWELLING" see "DWELLING, MULTIPLE".

3.163 "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.

3.164 "MUNICIPALITY" shall mean the Corporation of the Township of Tyendinaga.

3.165 "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 provisions (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).

3.166 "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.

3.167 "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.

3.168 "NURSERY/GARDEN CENTRE/GREENHOUSE" shall mean:

i) a place where young trees or other plants are grown for transplanting or for sale, and may also include the sale of related accessory supplies.

ii) land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

iii) a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening

tools and implements which are sold at retail from such building or lot to the general public.

3.169 "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.

3.170 "NURSING HOME" shall mean:

i) a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and includes a rest home, or convalescent home, and any other establishment required to operate under the appropriate statute.

ii) any premises in which persons are cared for, lodged, either by a charitable institution within the meaning of the appropriate statute or for hire, where, in addition to sleeping accommodation and meals, personal care, nursing services or medical care and treatment are provided or made available, but shall not include a Maternity boarding house. For the purpose of this definition, 'personal care' means 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 and 'resident' means a person who is cared for or lodged for hire in such premises.

3.171 "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.

3.172 "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.

3.173 "OUTDOOR FURNACE" shall mean a building or structure that is used to provide heat or heated water to the main building on a lot but is separate from the main building on the lot.

3.174 "OUTSIDE STORAGE" shall mean an accessory storage area outside of the principal or main building on the lot.

3.175 "PARK, PRIVATE" shall mean a park other than a public park.

3.176 "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.

3.177 **"PARKING AISLE"** shall mean an area of land which abuts and provides direct vehicular access to one or more parking spaces.

3.178 **"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.

3.179 **"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 metres (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.

3.180 **"PARKING LOT"** shall mean any parking area other than a parking area accessory to a permitted use.

3.181 **"PARKING SPACE"** shall mean an area of land having a width of not less than 2.7 metres (8.9 ft.) and a length of not less than 6 metres (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.

3.182 **"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.

3.183 **"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 drycleaning and laundry.

3.184 **"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.

3.185 **"PLANTING STRIPS AND SCREEN"** shall mean:

i) Location

Where the interior side or rear lot line in a Commercial or Industrial Zone abuts a Residential zone, a planting strip or screening adjoining such abutting lot line or portion thereof shall be provided on the Commercial or Industrial lot.

ii) Prerequisite

Where a planting strip is required on a lot, such lot shall be used for no other purpose than that which existed at the date of passing of this By-law unless and until the required planting strip is planted.

iii) Contents

The planting strip shall consist of a continuous unpierced hedgerow of trees, evergreens or shrubs not less than 2 metres high and 3 metres wide immediately adjoining the lot line or portion thereof along which such planting strip is required. A screen may include a fence or berm which provides a visual screen having a minimum height of 1.6 metres. Where an earth berm is to be constructed, it shall have slopes no greater than 3:1 horizontal to vertical ratio.

3.186 **"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.

3.187 **"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 is carried on and may include the sale of newspapers, books, magazines, periodicals or the like to the general public.

3.188 **"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.

3.189 **"PRIVATE GARAGE"** see "GARAGE, PRIVATE".

3.190 **"PRIVATE PARK"** see "PARK, PRIVATE".

3.191 **"PRIVATE ROAD"** shall mean a street other than a "Street" as defined in this By-law.

3.192 **"PROVINCIALLY SIGNIFICANT WETLANDS"** shall mean Wetlands in the Great Lakes - St. Lawrence Region as defined in *"An Evaluation System for Wetlands of Ontario South of the Precambrian Shield"* Second Edition 1984 as amended from time to time.

3.193 **"PUBLIC USE"** shall mean the Corporation of the municipality and any Boards or Commissions thereof: the Bell Telephone Company of Canada, 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.

3.194 **"PUBLIC GARAGE"** see "GARAGE, PUBLIC".

3.195 **"PUBLIC PARK"** see "PARK, PUBLIC".

3.196 **"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.

3.197 **"RACEWAY"** shall mean a track, viewing areas and accessory buildings for the running of automobiles, recreational vehicles, snowmobiles, motorcycles and similar motorized vehicles.

3.198 **"REAR LOT LINE"** see "LOT LINE, REAR".

3.199 **"REAR YARD"** see "YARD, REAR".

3.200 **"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 necessary and accessory buildings and structures, but does not include an arcade or a track for the racing of animals, motor vehicles, snowmobiles or motorcycles.

3.201 **"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.

3.202 **"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.

3.203 **"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.

3.204 **"RELIGIOUS INSTITUTION"** shall mean buildings used as dwellings by religious orders for their own members, such as a convent or monastery.

3.205 **"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 5.20 and 5.21 of this By-law.

3.206 **"RESIDENTIAL"** shall mean the use of land, buildings, or structures for human habitation.

3.207 **"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.

3.208 **"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.

3.209 **"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.

3.210 **"RETAIL STORE"** shall mean a building or part of a building where goods, merchandise, substances, articles or things are offered for retail sale directly to the general public and includes storage on the store premises of such goods, merchandise, substances, articles or things sufficient only to service such store.

3.211 **"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.

3.212 **"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.

3.213 **"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.

3.214 **"SAUNA"** shall mean an enclosed structure which does not exceed 10 square metres (107.6 sq. ft.) in area with an approved heating device to produce steam.

3.215 **"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.

3.216 **"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.

3.217 **"SEASONAL RESIDENCE"** see "DWELLING, SEASONAL".

3.218 **"SEASONAL FARM WORKER"** shall mean one or more persons employed as a farm worker during the months of April to November on a year-to-year basis.

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

3.220 "SELECTIVE CUTTING" shall mean the harvesting of mature timber without causing undue damage to adjacent standing growth.

3.221 "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.

3.222 "SEMI-DETACHED DWELLING" see "DWELLING, SEMI-DETACHED".

3.223 "SENIOR CITIZEN HOUSING" shall mean housing owned and operated by the government to provide residential accommodation for senior citizens.

3.224 "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.

3.225 "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.

3.226 "SHORELINE" shall mean any lot line or portion thereof that abuts a waterbody.

3.227 "SIDE LOT LINE" see "LOT LINE, SIDE".

3.228 "SIDE YARD" see "YARD, SIDE".

3.229 "SINGLE DETACHED DWELLING" see "DWELLING, SINGLE DETACHED".

3.230 "SIGHT TRIANGLE" shall mean an area free of buildings or structures, which area 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 located the required distance along the street lines is the sight triangle.

3.231 "SOLAR COLLECTOR" shall mean any structure subordinate to a principal structure designed specifically for the collection of solar energy for experimental or ornamental

purposes or for the purposes of converting such energy for heating, lighting, water production or any other domestic or commercial use that may be obtained from such source. For the purposes of this by-law, a solar collector shall be considered an accessory structure.

3.232 "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.

3.233 "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.

3.234 "STREET" shall mean a public highway as defined under the Highway Traffic 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.

3.236 "STREET LINE" shall mean the limit of the street allowance and is the dividing line between a lot and a street.

3.236 "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.

3.237 "TAKE-OUT RESTAURANT" see "RESTAURANT, TAKE-OUT".

3.238 "TAVERN" shall mean "a tavern" as defined by the Liquor Licence Act, as amended from time to time.

3.239 "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.

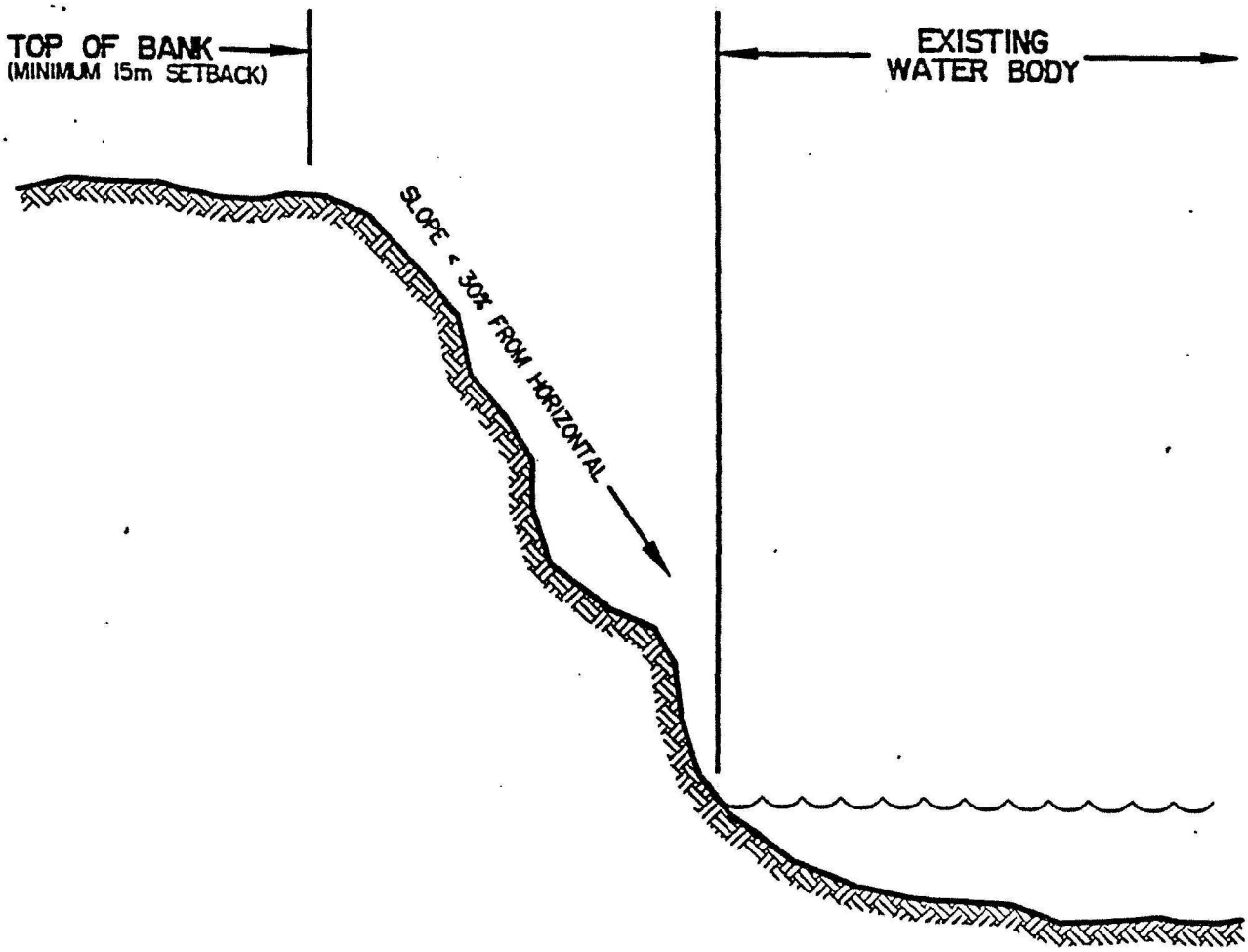
3.240 "TENT" shall mean every kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved.

3.241 "THROUGH LOT" see "LOT, THROUGH".

3.242 "TOP OF BANK" (Slope) 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. When two (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.

3.243 "TOURIST ESTABLISHMENT" shall mean any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public

ILLUSTRATION OF TOP OF BANK



NOTE: THE ABOVE ILLUSTRATION IS FOR CLARIFICATION AND CONVENIENCE ONLY AND DOES NOT FORM PART OF THIS BY-LAW

SCALE: N.T.S.

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 tourist cabin and a housekeeping cottage as well as docks, eating establishments and convenience stores but does not include:

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

3.244 "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.

3.245 "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.

3.246 "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.

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

3.248 "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.

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

3.250 "USE, ACCESSORY" shall mean a use customarily incidental and subordinate to the principal use or building located on the same lot.

3.251 "VETERINARY CLINIC" shall mean a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

3.252 "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.

3.253 "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 which a building or structure in which 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.

3.254 "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.

3.255 "WATER FRONTAGE" shall mean all property abutting a water body measured along the high water mark.

3.256 "WATERBODY" shall mean any bay, lake, wetland, canal or natural watercourse but excludes a drainage or irrigation channel.

3.257 "WATERBODY, NARROW" shall mean an area where the minimum average distance from shoreline to shoreline is 150 metres (492.1 ft.) for a lake and 50 metres (164.0 ft.) for a river.

3.258 "WATERCOURSE" shall mean any surface stream or river and includes a natural channel for an intermittent stream and a municipal drain as defined by "The Drainage Act", as amended.

3.259 "WAYSIDE PIT" shall mean:

i) 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, or

ii) a minor sand and gravel pit on a farm unit required only for the use of that farm unit.

3.260 "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.

3.261 "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.

3.262 "WOODLOT" shall mean a wooded area in which the majority of trees are at least 10.2 centimetres (4.0 inches) in diameter and in which there is a minimum of a fifty (50) percent closed canopy of tree foliage.

3.263 "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.

3.264 "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 which are specifically permitted by this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

3.265 "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.

3.266 "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.

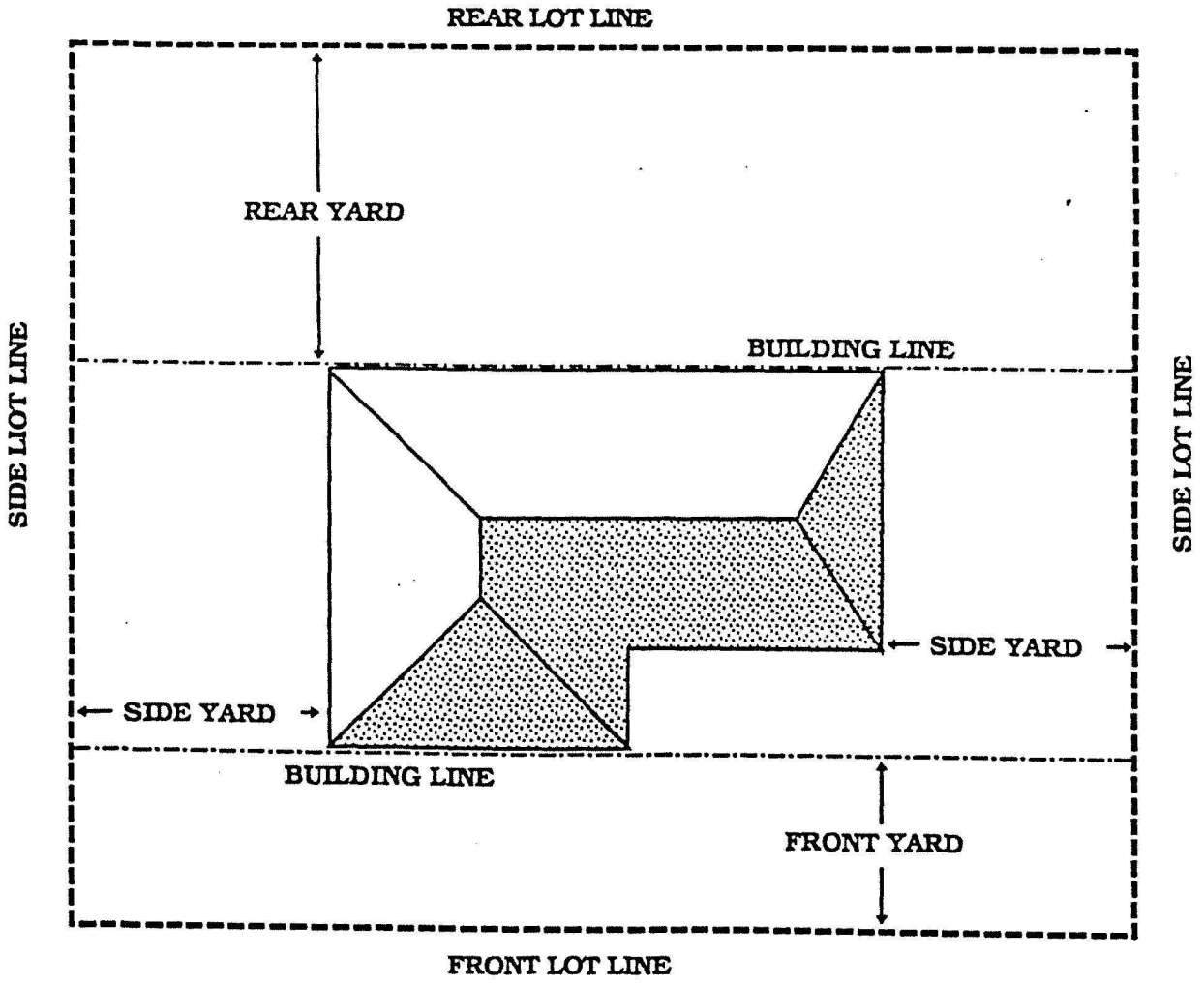
3.267 "YARD, SIDE" shall mean the yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on the lot.

3.268 "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.

3.269 "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.

3.270 "ZONE" shall mean a designated area of land use shown on the schedules of this By-law.

DEFINITION OF YARD



SECTION 4 - ADMINISTRATION

4.1 ZONING ADMINISTRATION

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

4.2 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.

4.3 APPLICATIONS FOR BUILDING PERMITS

In addition to the requirements of the Ontario Building Code, 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:

i) the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
ii) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is being applied for;
iii) the location of every building or structure already erected or partly erected on such lot;
iv) the proposed locations and dimensions of yards, landscaped open spaces, parking areas, and loading spaces required by this By-law;
v) 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;
vi) a statement signed by the owner or his agent duly authorized thereinto in writing, 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.

4.3.1 In addition to the above requirements , every application for a building permit that is reliant on potable water (residential use or involves employees) shall include:

(i) proof of a minimum supply of 16 litres (3.5 gallons) of water per minute proven to be potable by a certified laboratory; and

(ii) a sewage system approved under the requirements of the Ontario Building Code.

4.3.2 In addition to the above, where lands lie within established fill or flood lines, any building permit application in respect of such land shall be accompanied by the written approval and technical recommendations of the Conservation Authority having jurisdiction.

4.4 INSPECTION OF LAND OR BUILDINGS

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.

4.5 VIOLATIONS AND PENALTIES

Any person who contravenes any provisions of the By-law is guilty of an offence, and for the purposes of this By-law, each day that a breach of this By-law continues shall constitute a separate offence and on summary, the offender shall be liable to be fined under the provisions of the Provincial Offences Act.

The conviction of an offender upon the breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeated breaches of the By-law.

4.6 CERTIFICATE OF CONVERSION

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

i) a rezoning to a zone category deemed appropriate by the municipality shall be required;
ii) 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, as well;
iii) the applicant shall comply with the regulations of the approving agency with respect to sewage disposal for year-round occupancy;
iv) the applicant has been issued a building permit in accordance with the Ontario Building Code in effect at the time of the zone change;
v) the applicant has satisfied the municipality that the electrical system has been inspected and approved by the appropriate authority;
vi) the applicant shall submit a letter of compliance from a heating contractor that the heating system is adequate for permanent year-round occupancy;

vii) that 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.

4.7 VALIDITY, EFFECTIVE DATE AND EXISTING BY-LAWS

4.7.1 Validity

If any section, clause or provision of the 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 the 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.

4.7.2 Effective Date

This By-law shall come into force and take effect upon being passed by the Council of the municipality.

SECTION 5 - GENERAL PROVISIONS

5.1 APPLICATION

This By-law shall apply to all lands within the municipality, and shall take effect on the day it is enacted.

5.2 INTERPRETATION

Nothing in this By-law shall be construed to exempt any person from complying with the requirement of any by-law of the Municipality or the Corporation of the County of Hastings or from any law of the Province of Ontario or Canada, or any regulations under the provisions of the Conservation Authorities Act of a Conservation Authority having jurisdiction or from any other law in force from time to time.

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

5.3 ZONES

5.3.1 For the purpose of this By-law, the municipality has been divided into zones, the boundaries of which are shown on the attached schedules.

5.3.2 The attached schedules are detailed maps for portions of the municipality.

5.3.3 The zones are referred to by the following names or symbols and are identified on the attached schedules by the following symbols:

ZONE	SYMBOL	PAGE
PERMANENT AGRICULTURE ZONE	PA	59
MARGINAL AGRICULTURE ZONE	MA	62
RURAL RESIDENTIAL ZONE	RR	66
LIMITED SERVICE RESIDENTIAL ZONE	LSR	70
WATERFRONT RESIDENTIAL ZONE	WR	72
MOBILE HOME RESIDENTIAL ZONE	MHR	74
RESIDENTIAL FIRST DENSITY ZONE	R1	76
RESIDENTIAL SECOND DENSITY ZONE	R2	78
MULTIPLE RESIDENTIAL ZONE	MR	81
URBAN COMMERCIAL ZONE	UC	83
RURAL COMMERCIAL ZONE	RC	88
RECREATIONAL/RESORT COMMERCIAL ZONE	RRC	92
URBAN INDUSTRIAL ZONE	UI	95
RURAL INDUSTRIAL ZONE	RI	98
MINERAL EXTRACTIVE ZONE	MX	102
MINING ZONE	M	104
WASTE DISPOSAL ZONE	WD	105

COMMUNITY FACILITY ZONE	CF	108
GOUP HOME ZONE	GH	110
OPEN SPACE ZONE	OS	111
ENVIRONMENTAL PROTECTION WETLAND ZONE	EPW	112
ENVIRONMENTAL PROTECTION ZONE	EP	113

5.3.4 Where the boundary of any zone is uncertain, and the boundary is shown following a street, lane, railway right-of-way, electric transmission line, right-of-way, electric transmission line, right-of-way or watercourse is the zone boundary.

5.3.5. Where the boundary line of a zone does not correspond to a property line, to the centre line 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.

5.3.6 Where possible, the extent and boundaries of all Zones, as shown on the Land Use Maps are construed to be lot lines, street lines, centrelines of streets, railway rights-of-way or boundaries of registered plans. In the case where uncertainty exists as to the boundary of any Zone, then the location of such boundary shall be determined by the scale of the Land Use Maps. In the event that a street delineated on the Land Use Schedules hereof is closed, the land formerly within such street or road shall be included within the Zone of the adjoining land on either side of such closed street. Where a closed street is the boundary between two or more different zones, the new zone boundary shall be the former centreline of the closed street.

5.3.7 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 metres, 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.

5.3.8 Subject to the provisions of Section 5.13, 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.

5.3.9 Zones cited using a generic term (and lower case letter) refer to the following:

i) a rural zone includes: Permanent Agriculture, Marginal Agriculture;
ii) a residential zone includes: Rural Residential, Limited Service Residential, Waterfront Residential, Mobile Home Residential, Residential First Density, Residential Second Density, Multiple Residentaial;
iii) a commercial zone includes: Urban Commercial, Rural Commercial, Recreational/Resort Commercial;
iv) an industrial zone includes: Urban Industrial, Rural Industrial.

5.4 Holding Zones

Where any zone symbol as shown on the attached schedules is following 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.

5.4.1 Zone Regulations

Uses existing prior to the passing of this By-law and accessory uses thereto may be enlarged, reconstructed, renovated or replaced in accordance with the relevant zone regulations where such use is normally permitted.

5.4.2 General Provisions

All special provisions of this Section 5 "General Provisions" shall apply, where applicable to any land, lot, building, structure or use within zones subject to the aforementioned "Holding" criteria.

5.5 PROHIBITIONS

5.5.1 No person shall use any land or erect any building or structure within a zone except for a permitted use established or erected in accordance with the regulations provided by this By-law for the zone in which it is located.

5.5.2 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.

5.5.3 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 conjunction with a dwelling where such use is permitted.

5.5.4 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.

5.5.5 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.

5.5.6 No person shall erect or use any building as a dwelling upon any lot on which another building, used or intended to be used as a dwelling, already exists, or which is in the course of construction, or for which a building permit has been issued.

5.5.7 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, and

iii) 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.

5.5.8 i) 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.

ii) 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.

5.6 PLANNED WIDTH OF ROAD

5.6.1 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:

i) 15.5 metres (50.9 ft.) from the centre line of Provincial Highways and former County of Hastings roads; and

ii) 10 metres (32.8 ft.) from the centre of the right-of-way of all other public roads in the municipality.

5.6.2 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.

5.7 ENVIRONMENTAL PROTECTION (EP) AND ENVIRONMENTAL PROTECTION WETLAND (EPW) ZONES

5.7.1. Lands Zoned Environmental Protection

i) Waterbodies and permanent watercourses have been zoned Environmental Protection (EP).

ii) Lands that may pose a threat to life and property because of inherent physiographic characteristics such as floodplains, erosion hazards, poor drainage, organic soil, steep

slopes or other similar physical limitations have been zoned Environmental Protection (EP).

iii) Notwithstanding any other provisions of this By-law to the contrary, all lands within the Environmental Protection Zone may continue to be used for those uses existing as of the date of passage of this by-law.

iv) Prior to issuing a building permit for any building or structure within the Environmental Protection 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 Conservation Authority.

v) Lands zoned as Environmental Protection may be used in calculating minimum lot area and minimum lot frontage requirements.

5.7.2 Lands Zoned Environmental Protection Wetland (EPW)

i) Provincially Significant Wetlands within the municipality have been zoned Environmental Protection Wetland (EPW) .

ii) Notwithstanding any other provisions of this By-law to the contrary, all lands within the Environmental Protection Wetland Zone may continue to be used for those uses existing as of the date of passage of this by-law.

iii) New buildings, structures or uses, or additions, alternations or replacement of existing buildings or structures, notwithstanding Section 5.12 hereof to the contrary, shall only be permitted where an Environmental Impact Statement (EIS), prepared in accordance with Section 3.2.8 of the Official Plan, assesses to the satisfaction of the municipality, the Ministry of Natural Resources, the Conservation Authority and the Health Unit that the proposed development will have no impact on the Wetland.

iv) Lands zoned as Environmental Protection Wetland may be used in calculating minimum lot area and minimum lot frontage requirements.

5.8 ENVIRONMENTALLY SENSITIVE LANDS

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.

Environmentally Sensitive Lands are shown by an overlay on the attached schedules.

Development of these lands shall be in accordance with the underlying land use designation.

Development within a deer concentration area (deer yard) shall be permitted within 100 metres (328 ft.) of a public road. Development within these areas beyond 100 metres 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.

5.9 LANDS ADJACENT TO WATERBODIES, WATERCOURSES, EMBANKMENTS, FLOODPLAINS AND ENVIRONMENTALLY SENSITIVE LANDS

Notwithstanding anything in this By-Law, no permit shall be issued for any building to be constructed within those areas outlined in subsections 5.9.1, 5.9.2 and 5.9.3 herein without the prior written approval of the Conservation Authority, the Ministry of Natural Resources and/or the Canadian Parks Service having jurisdiction.

5.9.1 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.

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

i) within 30 metres (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
ii) within 15 metres (49.2 ft.) of the top of bank; or
iii) within 30 metres (98.4 ft.) of an Environmental Protection Wetland Zone; or
iv) within 15 metres (49.2 ft.) of the regulatory floodplain of the Bay of Quinte.

5.9.3 The provisions of subsections 5.9.1 and 5.9.2 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.

5.9.4 Development that is proposed on lands adjacent to Environmentally Sensitive Lands shall be permitted provided that a satisfactorily completed Environmental Impact Statement, prepared in accordance with Section 3.2.8 of the Official Plan in submitted and approved by the Municipal Peer Review Agent.

Fish Habitat	30 metres (98.4 ft.)
Significant Woodlands	50 metres (164.0 ft.)
Significant Valleylands	50 metres (164.0 ft.)
Significant Wildlife Habitat including habitat of Endangered/threatened species	50 metres (164.0 ft.)
Areas of Natural and Scientific Interest	50 metres (164.0 ft.)

5.9.5 Development that is proposed on lands adjacent to Provincially Significant Wetlands (and beyond the minimum 30 metre (98.4 ft.) 'no development' area outlined in Section 5.9.2 iii) but with in 120 metres (393.7 ft.) of the wetland) shall be permitted, provided that a

satisfactorily completed environmental Impact Statement, prepared in accordance with Section 3.2.8 of the Official Plan, is submitted and approved by the Municipal Peer Review Agent.

5.9.6 In accordance with the Provincial Policy Statement, 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.

5.10 NON-CONFORMING USES

5.10.1 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.

5.10.2 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.

5.10.3 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

5.10.4 Rebuilding or Repair or Strengthen to Safe Condition Permitted on Lands Zoned as Environmental Protection and Environmental Protection Wetland

Nothing in this By-Law shall prevent the rebuilding or repair of any legal non-conforming building or structure that is damaged or destroyed, or the strengthening to a safe condition of any building or structure which does not conform to the provisions of this By-Law, subsequent to the passage of this by-law provided that the dimensions of the original building or structure are not increased and the use of the building or structure not altered.

5.11 Non-Compliance of Existing Uses

5.11.1 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.

5.12 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. All reconstructed buildings or structures must conform to the Ontario Building Code requirements for water and sewage disposal services. The provisions of Section 5.11 shall apply in the case of the reconstruction of a legal non-complying building or structure.

5.13 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, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that the parcel has a minimum frontage of fifty percent (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.

5.14 Yard Encroachments Permitted

5.14.1 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:

i) sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental features, provided however that the same shall not project more than .6 metres (2 ft.) into any required yard;

ii) drop awnings, clothes poles, garden trellises, TV or Radio antennae including satellite dish antennae, or similar accessories;

iii) fences, solar collectors, parking lots, retaining walls, gatehouses in industrial zones, driveways, patios and other such uses as specifically permitted in this By-law;

iv) a) signs, provided however that the same shall be erected in accordance with the provisions of any Sign By-law of the Municipality, County or the Ministry of Transportation;

b) in lieu of a municipal sign by-law:

- in a residential zone, there shall be no display other than a sign of a maximum size of 0.55 square metres (6.0 sq. 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 metres (9.8 ft.) from any lot line;
- in an industrial, marginal agricultural, or rural commercial zone, one 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;

v) 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;

vi) fire escapes, provided however that the same shall project into any required side or rear yard a distance of not more than 1.5 metres (4.9 ft.); and

vii) accessory buildings, provided however that the same shall be erected in accordance with the applicable provisions of this By-law.

5.14.2 Notwithstanding the 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 metres (4.9 ft.). This however, does not permit a balcony and/or porch to extend into a required yard if in fact the balcony and/or porch is an addition to the house intended to circumvent the intent of this section. For the purpose of this section, a "deck" shall mean a horizontal surface supported on piers, free of any roof or other covering, and which may be surrounded by a railing, the height of which is governed by the Ontario Building Code.

5.14.3 Notwithstanding any other provisions of this By-law, a railway spur shall be permitted in an industrial zone within a required yard. Where such yard abuts a residential zone, the railway spur shall conform to the yard and setback requirements of the zone in which it is located.

5.15 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.

5.16 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, specifically abeyance of construction for six months.

5.17 PUBLIC USES AND UTILITIES AND COMMUNITY FACILITIES

5.17.1 Notwithstanding anything contained in this By-Law, the municipality or any local board thereof, any telephone or telegraph company, any transportation system owned, operated , or authorized by or for the municipality, and Department of the Federal or Provincial Government or any Conservation Authority established by the Government of Ontario, 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:

i) 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;
ii) that there shall be no open storage of goods, materials, or equipment in the yards of any residential zone; and
iii) that any building or structure erected or used in any residential zone shall be of a character and shall be maintained in general harmony with the buildings of the type permitted in the said zone.

5.17.2 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 property authorized traffic sign or signal, or any sign or notice of any Municipal, Provincial or Federal government department or authority.

5.17.3 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.

5.17.4 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.

5.17.5 The minimum distances of buildings or structures owned or operated by any utilities from any lot line shall be 2.5 metres (8.2 ft.) and from the centreline of any road shall be 10 metres (32.8 ft.).

5.17.6 The minimum distance for all permanent structures and excavations from the limits of any pipeline easement or right-of-way shall be 10 metres (32.8 ft.).

5.18 MULTIPLE USES ON ONE LOT

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 three (3) metres (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 5.19 below.

5.19 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:

i) A single detached dwelling may be permitted with a private water supply and sewage disposal system having the approval of the appropriate authorities.

ii) A dwelling as a separate structure shall have a minimum gross floor area of 89 square metres (958.0 sq. ft.) and where there is more than one floor, a minimum ground floor area of 44.5 square metres (479.0 sq. ft.). A dwelling unit as an apartment within a non-residential building shall have a minimum gross floor area of 55 square metres (592.0 sq. ft.).

iii) A dwelling unit shall have separate bathroom and kitchen facilities from those of the non-residential use.

iv) Each dwelling unit shall have separate parking spaces as required by the parking requirements hereto.

v) The dwelling unit shall have a separate building entrance to that provided for the non-residential use.

vi) Separate storage facilities containing a minimum of 2.8 sq. m (30 sq. ft.) shall be provided for each dwelling unit.

vii) 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.

viii) Notwithstanding the provisions of clause 5.19(ii) of this subsection, the gross floor area of the residential portion of a non-residential building in a commercial zone shall not exceed one hundred (100) percent of the non-residential floor area.

ix) 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.

x) 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.

5.20 PROHIBITED USES

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

i) refining coal oil or petroleum products;

ii) tanning hides or skins;

iii) manufacturing gas;

iv) manufacturing glue; and

v) 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.

5.20.2 In addition to the uses prohibited in Clause 5.20.1 of this subsection, 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.

5.20.3 In addition to the uses prohibited in Clause 5.20.1 of this subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Use" subsection of one or more zones established by this By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of this By-law.

5.21 OBNOXIOUS 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 obnoxious, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both;

i) by the creation of noise or vibration in excess of the limits of the Environmental Protection Act;
ii) 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;
iii) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material; or
iv) by any combination of those things described in Clauses 5.21(i), 5.21(ii) and 5.21(iii) of this subsection.

5.22 SPECIAL OCCASION USES

5.22.1 Nothing in this by-law shall prevent the use of land in any zone for the purpose of special occasion events such as a concert, a fundraising event, fair or other similar use provided such use is not operated more than once in one calendar year and for not more than 72 continuous hours. The municipality may issue a special occasion permit in accordance with the municipal by-laws.

5.23 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.

5.24 SWIMMING POOLS

Notwithstanding any other provisions of this By-law a swimming pool is permitted as an accessory use in any residential, agricultural, commercial, community facility or open space zone provided that:

i) 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;

ii) any building or structure required for changing clothing or for pumping or filtering facilities, or other similar accessory uses shall meet all of the accessory building requirements of the zone in which the pool is located.

5.25 ACCESSORY BUILDINGS

5.25.1 The total lot coverage of accessory buildings and structures including detached private garages shall not exceed five (5) percent of the lot area except where a swimming pool or tennis court is provided, in which case the total lot coverage for accessory uses shall not exceed twenty (20) percent. 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.

5.25.2 Where an accessory building is not attached to the principal building, it shall be located in accordance with the provisions of the particular zone. In a Permanent Agriculture and Marginal Agriculture zone, an accessory structure may be permitted between the principal building and the road, provided the minimum front yard requirement is maintained. The required minimum front yard for accessory buildings or structures in all other zones shall not be less than that of the principal building or structure.

5.25.3 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.

5.25.4 No person shall use an accessory building for human habitation except where a dwelling is permitted as an accessory building.

5.25.5 An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law except that common semi-detached garages may be erected on a mutual side lot line.

5.25.6 Except in accordance with Section 5.16, no accessory building shall be erected prior to the erection of a principal building or structure.

5.25.7 The minimum distance of an accessory building from a principal building shall be 3.0 metres (9.8 ft.).

5.26 FRONTAGE ON A STREET

No person shall erect any building or structure in any zone, except in a Limited Service Residential (LSR) Zone, unless the lot upon which such building or structure is to be erected fronts upon a public street maintained on a year round basis. 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.

5.27 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 three (3) metres (9.8 ft.) provided that for every one (1) metre 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.

5.28 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 nine (9) metres (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 one (1) metre (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.

5.29 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:

i) there is no display, other than a sign of a maximum size of .55 square metres (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 metres (9.8 ft.) from any lot line.

ii) 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;

iii) such home occupation does not interfere with television or radio reception;

iv) not more than 25 percent 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 5.29.3 shall apply.

5.29.1 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 such as computer based businesses and accounting and other consulting offices and may employ one (1) employee other than those residing in the dwelling.

5.29.2 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 one (1) person in addition to persons residing in the residence.

5.29.3 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.

5.30 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:

i) there is no open storage of goods or materials;

ii) there is no display, other than a sign of a maximum size of .55 square metres (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 metres (9.8 ft.) from any lot line;

iii) 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;

iv) 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 metres (49.2 ft.). This 15 metre (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 metre (49.2 ft.) area;

v) the home industry does not interfere with television or radio reception;

vi) there are no goods, wares or merchandise, publicly offered or exposed for sale on the premises outside of any buildings; and

vii) on site parking is provided in accordance with Section 5.31.

5.30.1 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:

i) any accessory structure used for a Type 'A' home industry shall not exceed 39 sq. metres (419.8 sq.ft.);

ii) not more than one (1) person not residing in the residence on the lot shall be permitted

5.30.2 Additional Provisions for Type 'B' Home Industries

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

i) any accessory structure used for a Type 'B' home industry shall not exceed 50 sq. metres (538.2 sq.ft.);

ii) not more than two (2) persons not residing in the residence on the lot shall be permitted;

iii) the minimum lot size for a Type 'B' home occupation shall be 2 hectares (4.94 ac.);

iv) one commercial vehicle associated with the home industry is permitted.

5.31 Off Street Parking Provision

For every building or structure to be erected for, altered for, or its use converted to any of the uses specified in the following table, 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 metres (196.9 ft.) of the lot on which the principal use is located and in accordance with the following table and other provisions contained in this subsection unless otherwise specifically provided.

5.31.1 Minimum Parking Space Requirements

a)	Residential	Two (2) spaces for every dwelling unit.
b)	Marina	One (1) space for every 2 docking berths.

c) Senior Citizen Multiple Dwelling -

(i) Up to 30 dwelling units, parking spaces shall equal 50 percent of the number of dwelling units.

(ii) Between 30 and 60 units, parking spaces shall equal 40 percent of the number of dwelling units.

d)	Private or Public Hospital or Nursing Home -	One (1) space for every two (2) beds.
e)	Private or Commercial Club, or Commercial Recreational Establishment -	One (1) space for every three (3) persons to be accommodated in the design capacity of the building.
f)	Funeral Home -	One (1) space for every 3 chapel seating spaces or fraction thereof with a minimum of 10 spaces.
g)	Church or Place of Worship, Community Hall, Arena -	One (1) space for every three (3) persons to be accommodated according to maximum permitted capacity.
h)	Schools -	One (1) space per classroom, and one space for each 10 people of maximum design capacity of the assembly hall or auditorium.
i)	Government or Public Utility Building -	One (1) space for every twenty-three (23) square metres (247.6 sq. ft.) of gross floor area.
j)	Business or Professional Office -	One (1) space for every twenty-three (23) square metres (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 three (3) parking spaces provided on the same lot.
k)	Hotel/Motel/Resort -	One (1) space for every guest room and one (1) space for every eight (8) square metres (86.1 sq. ft) of gross floor area devoted to public use.

l)	Boarding or Rooming House, Bed and Breakfast or Tourist Establishment -	One (1) space for each bedroom.
m)	Place of Assembly such as Halls, Fraternal Organizations, Labour Union Halls, Dance Halls, Community Centres, Theatres -	One (1) space for every three (3) persons of maximum design capacity.
n)	Bowling Lanes and Billiard Establishments -	One (1) space for every two (2) persons of design capacity. Design capacity shall mean six (6) persons per bowling lane and two (2) persons per billiard table.
o)	Drive-In Restaurant or Take-Out Restaurant -	One (1) space for very two (2) square metres (21.5 sq. ft.) of gross floor area.
p)	Restaurant, Tavern, Banquet Hall, Lounge or Meeting Areas, excluding a Drive-In or Take-Out Restaurant -	One (1) space for every four and one half (4.5) square metres (48.4 sq. ft.) of public floor area or one (1) space for every four (4) persons of design capacity, whichever is the greater with a minimum of 10 spaces.
q)	Retail, Wholesale Sales, Merchandise Service Shop or Studio -	One (1) space for every twenty-eight (28) square metres (391.4 sq. ft.) of gross floor area.
r)	Retail Lumber and Building Supply Outlet -	One (1) space for every 28 square metres (391.4 sq. ft.) of retail floor space with a minimum of 6 spaces.
s)	Automotive Sales Establishment, (New and Used) -	A minimum of ten (10) spaces plus (1) space for every employee working on the premises during the peak business period.

t)	Industrial Establishment -	One (1) space for every thirty-seven (37) square metres (398.3 sq. ft.) of gross floor area.
u)	Warehouse or Bulk Storage Yard -	One (1) space for every employee working on the premises during the peak business period.
v)	Post Offices, Museums, and Libraries -	One space for every forty-six (46) square metres (495.2 sq. ft.) or fraction thereof of public floor area.
w)	Home Occupation or Home Industry -	One (1) space for every eighteen (18) square metres (193.8 sq. ft.) of floor area devoted to the use.
x)	Uses Permitted by this By-law Other than Those Listed Above but Excluding Accessory Uses to Single Detached Dwellings -	One (1) space for every twenty-eight (28) square metres (301.4 sq. ft.) of gross floor area.

5.31.2 <u>Parking Requirements</u>

i) Each parking space must be readily accessible at all times and arranged in such a manner to provide access and manoeuvring 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.

ii) 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 six (6) metres (19.7 ft.), except that in the case of a single detached dwelling, the width may be reduced to 3.5 metres (11.5 ft.).

iii) All off-street parking spaces, driveways and aisles required herein shall be constructed and maintained with a stable surface.

iv) Where a ramp to parking aisles provides access from a street, such a ramp shall not be located closer than seven and one half (7.5) metres (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.

v) 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.

vi) 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.

vii) 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.

viii) 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 metres (24.6 ft.).

ix) Where parking requirements are related to seating capacity and seating is by open benches, each .6 metres (2.0 ft.) of open bench shall be counted as one seat.

x) 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.

xi) A structure not more than four and one half (4.5) metres (14.8 ft.) in height and not more than four and one half (4.5) square metres (48.4 sq. ft.) in area may be erected in the parking area for the use of parking attendants.

xii) 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 one (1) square metre (10.8 sq. ft.).

xiii) No gasoline pump or other service station equipment shall be located or maintained on any parking space or aisle.

xiv) In a residential zone or in an urban residential zone, not more than 50 percent of the aggregate area of the side yards and rear yard shall be occupied by parking spaces, aisles or driveways.

xv) Entrances and exits to parking spaces shall not pass through zones other than the zones requiring the parking spaces.

xvi) Where off-street parking abuts a residential zone or urban residential zone, a wooden fence at least 1.5 metres (4.9 ft.) in height shall be erected and maintained and the land within three (3) metres (9.8 ft.) of the residential zone or urban residential zone shall be maintained in an open space condition.

xvii) 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 metre (3.3 ft.) of any lot line or street line, or within 3 metres (9.8 ft.) of the boundary of any residential zone or urban residential zone.

xviii) Notwithstanding Section 5.31.1 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.

5.31.3 Handicap Parking

Handicap parking spaces shall be provided for all commercial uses listed in Section 5.31.1 at the rate of 1 space per 500 sq. metres (5,382.0 sq. ft.) with a minimum of 2 spaces. Handicap parking spaces should be a minimum of 3.5 metres (11.5 ft.) wide and be located in close proximity to the commercial establishment.

5.32 LOADING SPACE REQUIREMENTS

i) 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)	280 sq. m (3,014 sq. ft.) - 930 sq. m (10,010.8 sq. ft.)	1 space
b)	exceeding 930 sq. m (10,010.8 sq. ft.)	2 loading spaces 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.) .

ii) Each loading space shall be at least 9.0 metres (29.5 ft.) long, 3.5 metres (11.5 ft.) wide and have a vertical clearance of at least 4.0 metres (13.1 ft.).

iii) 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.

iv) 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 metres (4.9 ft.) of any lot line, or within 3 metres (9.8 ft.) of any street line or boundary of any residential zone or urban residential zone, or within 3 metres (9.8 ft.) of the lot line of a residential use.

v) Access to loading spaces shall be by means of a driveway at least 6 metres (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.

vi) The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

vii) 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.

5.33 GROUP HOMES

Group Homes are permitted subject to rezoning to a Group Home Zone as established in this by-law and are also subject to the following requirements:

i) A group home may be established in any zone in which, at the time of application, there is a permitted residential use as a principal use.

ii) The establishment of a new or the expansion of an existing group home shall be by amendment to this by-law from an appropriate residential zone to a Group Home Zone.

iii) A group home may be permitted to establish in the following types of dwellings:
   a) a single detached dwelling unit;
   b) a converted single detached dwelling unit (all units);
   c) a semi-detached dwelling (both units);
   d) a duplex (both units).

iv) A group home, including accessory buildings and structures, shall comply with the zone requirements of the appropriate residential zone for the dwelling type being occupied.

v) Facilities lawfully existing on the date of passage of this by-law which meet Provincial licencing standards but do not comply with the by-law regulations for group homes as outlined in the Group Home Zone of this by-law shall be permitted to continue in operation.

vi) All group home facilities existing at the time of passage of this by-law shall be permitted to expand their operation beyond that which existed on the date of the passing of this by-law only by amendment to this by-law.

5.34 AREAS OF INFLUENCE - MX, WD ZONES AND AREAS OF MINERAL AGGREGATE PRESERVATION

i) No person shall erect any residential structure in any zone within 500 metres (1,640.4 ft.) of lands zoned MX - Mineral Extractive 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.

ii) No person shall erect any residential structure within the area outlined on the attached schedules as being an Area of Mineral Aggregate Preservation 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 lands in question.

ii) No person shall erect a residential structure in any zone within 500 m (1,640.4 ft.) of lands zoned WD - Waste Disposal without the approval of the Ministry of the Environment 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.

5.35 AGRICULTURE - MINIMUM DISTANCE SEPARATION

i) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no development shall be located on a separate lot and permitted by a specific zone, unless it complies with the Minimum Distance Separation (MDS I) calculated using Appendix 1 to this By-law.

ii) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded within a PA and MA zone unless it

complies with the Minimum Distance Separation (MDS II) calculated using Appendix 2 to this By-law.

5.36 SECONDARY FARM OCCUPATION

Secondary Farm Operations, as defined herein, are permitted within the PA and MA zoning categories subject to the following provisions:

i) The secondary farm occupation is clearly secondary and incidental to the principal use of farming on the subject property;
ii) Not more than one (1) secondary farm occupation use shall be permitted on a farm property;
iii) The secondary farm occupation operation does not result in the loss of productive farm land;
iv) 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;
v) 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;
vi) All secondary farm occupations shall be conducted inside of buildings and/or structures;
vii) A secondary farm operation shall be operated as part of the farm unit and shall cease if the farm use is discontinued;
viii) 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;
ix) 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. metres (2,002.2 sq. ft.). 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;
x) The minimum setback for such building(s) from the rear and side property lines shall be 15.2 metres (50 ft.);
xi) A separate access driveway serving the secondary farm occupation use shall not be permitted;
xii) 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.

5.37 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 RSO 1990, Chapter 0.40 and the Environmental Bill of Rights, Statutes of Ontario, 1993, Chapter 28, shall be subject to an amendment to this by-law and shall be zoned to a special Open Space Zone.

5.38 OPEN STORAGE

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

5.39 EXTERNAL DESIGN

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

i) building paper;
ii) asphalt roll-type siding;
iii) insulbrick.

5.40 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, barn, silo, belfry, flag pole, light standard, clock tower, chimney, water tank, windmill, radio or television antenna, air conditioner duct, incidental equipment required for processing and external equipment associated with internal building equipment.

5.41 ABANDONED EQUIPMENT

Unused and/or discarded motor vehicles, farm implements and similar abandoned equipment shall not be located or stored in any zone in a location where they will be visible from a street or road or from adjacent lots.

5.42 STORAGE AND PARKING OF MOTOR VEHICLES AND TRACTOR TRAILER TRUCKS

No land in the municipality shall be used for the storage or parking of a derelict vehicle.

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

i) such repairs are effected within an enclosed building; or
ii) 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
iii) such repairs are effected while the vehicle is parked in a location such that it is not visible from any adjacent lands which are not occupied by the owner of the vehicle.

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.

No tractor trailer trucks shall be parked overnight on a single occasion or continuous basis within any urban residential zone (R1, R2) as established in this by-law.

5.43 INTERIOR SIDE YARD – MARINE FACILITIES AND COMMUNAL DOCKS

5.43.1 Marine facilities shall not be permitted to locate closer than 1.5 metres (4.9 ft.) to any interior side lot line.

5.43.2 Communal docks shall not be permitted to locate closer than 60 metres (196.6 ft.) to any interior side lot line adjacent to a residential zone.

5.44 OUTDOOR WOODBURNING FURNACES

An outdoor woodburning furnace shall be permitted in all zones, except EP and EPW zones, and shall comply with the following regulations:

i) minimum setback from:
   a) a lot line abutting a residential zone - 100 metres (328.1 ft.)
   b) any other lot line - 60 metres (196.6 ft.)

ii) 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, S.O. 1992, c. 23 as amended.

5.45 TRAVEL TRAILERS, MOTORIZED MOBILE HOMES, RECREATIONAL VEHICLES, CAMPER TRAILERS, TRUCK CAMPERS

5.45.1 The use of travel trailers, motorized mobile homes/recreational vehicles, truck campers and camper trailers shall be prohibited in all zones except for a Resort/Recreational Commercial Zone.

5.45.2 A maximum of one motorized mobile home/recreational vehicle, truck camper, travel trailer or camper trailer shall be permitted to be parked or stored on a lot in a residential zone.

5.45.3 The use of any of the above mentioned or similar vehicles shall not be used for human habitation, except in a Resort/Recreational Commercial Zone.

5.45.4 The above named vehicles shall not be used in any zone for carrying on business.

5.46 MODULAR HOMES

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

i) a building permit is required to erect a modular home;
ii) modular homes may be permitted, but are not required to be placed on a permanent foundation.

iii) servicing for modular homes must be approved by the appropriate authority.

5.46.2 In an agricultural zone:

i) in addition to the above provisions, a modular home may be used as an accessory building to house a maximum of six seasonal farm workers by the owner of the lands on which the modular home is accessory. Such modular home shall be located to the rear or side of the main building.

ii) such use of a modular home shall be permitted by passage of a temporary use by-law by the municipality.

5.47 KENNELS

5.47.1 A kennel, as defined in this by-law, shall be permitted in the Permanent Agriculture (PA) and Marginal Agriculture (MA) zones only.

5.47.2 Any attached or detached building or structure constructed and used in order to board, keep, train, house, breed or exercise any dog shall be set back a minimum of 60.96 metres (200 ft.) from all adjacent lot lines.

5.47.3 Notwithstanding Section 5.48.2, a kennel shall be separated from an adjacent residential zone by a minimum of 100 metres (328.1 ft.).

5.48 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 a building permit may be issued by the municipality.

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

A limited service agreement shall be entered into with the municipality before a building permit may be issued. 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 associated with public highways in the municipality.

5.49 MINIMUM GROSS FLOOR AREA IN A DWELLING UNIT

i) single detached dwelling (including triplex, fourplex, townhouse and low-rise apartment complex) 74.3 sq. metres (800 sq. ft.)

ii)	seasonal dwelling	58.99 sq.metres(635 sq.ft.)
iii)	converted dwelling	42 sq.metres(452.1 sq.ft.) plus 13 sq. metres (139.9 sq.ft.) for each additional bedroom
iv)	accessory dwelling unit (Mobile Home Residential Zone)	74 sq.metres (796.6 sq.ft.)
(v)	accessory dwelling unit (non-residential setting and in Resort Recreational Zone)	See Section 5.19

5.50 Development Adjacent To CNR & CPR Lines

The following noise, vibration and safety standards shall apply to development in the vicinity of the CNR & CPR principal main lines within the Township:

i) A minimum building setback for residential, institutional, commercial (i.e. office, retail, services, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, sports area) from a railway right-of-way is 30 metres (98.4 ft.) in conjunction with a 2.5 metre (8.2 ft.) high earthen berm. In absence of a safety berm, a 120 metre (393.7 ft.) setback is required.

ii) A minimum setback for a manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops) from the railway right-of-way is 15 metres (49.2 ft.) in conjunction with a 2.0 metre (6.6 ft.) high earthen berm. In absence of a safety berm, a 60 metre (196.9 ft.) setback is required.

iii) The earthen berm is required to have side slopes of 2.5 to 1, adjoining and parallel to the railway right-of-way with returns at the ends.

iv) A minimum setback for a warehouse and other heavy industrial use is 15 metres (49.2 ft.)

v) A 1.83 metre (6 ft.) chain link security fence is required along the mutual property line with the railway right-of-way, to be installed and maintained at the applicant/owner's expense.

vi) Any future residential development adjacent to the railway right-of-way will require approval from Canadian National Railway or Canadian Pacific Railway for noise and vibration mitigation measures.

SECTION 6 - PA - PERMANENT AGRICULTURE ZONE

6.1 Within a PA - Permanent Agriculture 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.

6.2 PERMITTED USES

i) agricultural uses, including a livestock facility,
ii) conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife,
iii) wood lots,
iv) outdoor recreational uses such as hiking and cross country ski trails,
v) wayside pits and quarries,
vi) a single detached dwelling,
vii) a bed and breakfast establishment,
viii) open space uses,
ix) an accessory building or use to the above uses including a single detached dwelling as an accessory use to agriculture,
x) a Type 'A' and Type 'B' home occupation, in accordance with the provisions of Section 5.29 of this By-law,
xi) a secondary farm occupation in accordance with the provisions of Section 5.36 of this By-law,
xii) a Type 'A' and Type 'B' home industry, in accordance with the provisions of Section 5.30 of this By-law,
xiii) an agricultural produce sales outlet,
xiv) a kennel (see Section 5.48).

6.3 ZONE REGULATIONS

a) For Residential Uses

i)	Lot Area (Minimum)	4,000 sq. m (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	60 metres (196.9 ft.)
iii)	Front Yard (Minimum)	20 metres (65.6 ft.)
iv)	Rear Yard (Minimum)	10 metres (32.8 ft.)
v)	Interior Side yard (Minimum)	8 metres (26.2 ft.)
vi)	Exterior Side Yard (Minimum)	10 metres (32.8 ft.)
vii)	Gross Floor Area (Minimum)	74.3 sq. metres (800 sq. ft.)
viii)	Lot Coverage (Maximum)	30 percent
ix)	Building Height (Maximum)	7.5 metres (24.6 ft.)
x)	Off-street parking shall be provided in accordance with Section 5.31.	

b) For All Other Uses

i)	Lot Area (Minimum)	18.2 ha (45 acres)

ii)	Lot Frontage (Minimum)	100 metres (328.1 ft.)
iii)	Building Height (Maximum)	7.5 metres (24.6 ft.)
iv)	Front Yard and Exterior Side Yard (Minimum)	20 metres (65.6 ft.)
v)	Interior Side Yard (Minimum)	8 metres (26.2 ft.)
vi)	Rear Yard (Minimum)	10 metres (9.8 ft.)
vii)	Off-street parking shall be provided in accordance with Section 5.31.	

c) For Accessory Buildings

i)	Front Yard (Minimum)	See Section 5.25.2
ii)	Rear Yard (Minimum)	3.0 metres (9.8 ft.)
iii)	Interior Side Yard (Minimum)	3.0 metres (9.8 ft.)
iv)	Exterior Side Yard (Minimum)	20 metres (65.6 ft.)
v)	Height (Maximum)	4.5 metres (14.8 ft.)

6.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the PA - Permanent Agriculture Zone.

6.5 SPECIAL PA - PERMANENT AGRICULTURE ZONES

6.5.1 PA-1

* ~~Reserved~~ for future use. USED By law 1998-17

To allow

SEE →

PA-1a minimum Lot Area of 18.5ac.

6.5.2 PA-2 (Lot 40 Concession 1NR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned PA-2 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted use:

i) wholesale and retail sale of horse-related supplies.

All other provisions of this by-law shall apply.

PA-1 (Lot 40 Concession 1, Township of Tyendinaga) (By-Law 98-17) 12 01 000 015 11400 0000

Notwithstanding any provisions of this by-law to the contrary, on lands zoned PA-1 and shown on the attached schedules, the following special provision shall apply:

Permitted Uses

The following shall be the only permitted use:

I) That Plate "A" of By-law 77-10, as amended, be and the same is hereby amended by rezoning that part of Lot 40, Concession 1 (S) as delineated on the attached map identified as Schedule "A" of this By-Law from "Prime Agriculture" to "Prime Agriculture-Exception 1 (PA-1)

II) All provisions of the "PA (Prime Agriculture)" zone shall apply to the "PA-1 (Prime Agriculture – Exception 1)" zone except as herein varied:

a. PRINCIPAL USES: repair, servicing or certification of farm equipment or farm machinery:

b. ANCILLARY USES: a limited amount of motor vehicle certification when clearly SECONDARY and MINOR in relation to the Principal Uses;

c. OUTSIDE STORAGE: outside storage of motor vehicles or farm machinery, except as man be permitted by the provisions of By-Law #77-10, is prohibited.

All other provision of this by-law shall apply

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 7 - MA - MARGINAL AGRICULTURE ZONE

7.1 Within a MA - Marginal Agriculture 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.

7.2 PERMITTED USES

i) agricultural uses, including a livestock facility,
ii) conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife,
iii) wood lots,
iv) wayside pits and quarries,
v) open space uses,
vi) an apiary,
vii) a fur farm,
viii) a riding club or boarding stable,
ix) a greenhouse,
x) a golf course,
xi) passive recreational outdoor uses,
xii) a warehouse,
xiii) a grain drying facility,
xiv) a livestock assembly area or a livestock exchange,
xv) a hunt camp,
xvi) a single detached dwelling,
xvii) a bed and breakfast establishment,
xviii) a research facility,
xix) an agricultural produce sales outlet,
xx) an accessory building or use to the above uses, including a single detached dwelling as an accessory use to agriculture,
xxi) a Type 'A' and Type 'B' home occupation, in accordance with the provisions of Section 5.29 of this By-law,
xxii) a Type 'A' and Type 'B' home industry, in accordance with the provisions of Section 5.30 of this By-law,
xxiii) a secondary farm occupation in accordance with the provisions of Section 5.37 of this By-law,
xxiv) logging,
xxv) a kennel (see Section 5.19).

7.3 ZONE REGULATIONS

a) For Residential Uses and Uses Other than Hunt Camps, Logging Operations and Accessory Buildings

i)	Lot Area (Minimum)	6 hectares (15 acres)

ii)	Lot Frontage (Minimum)	60 metres (196.9 ft.)
iii)	Front Yard (Minimum)	20 metres (65.6 ft.)
iv)	Rear Yard (Minimum)	10 metres (32.8 ft.)
v)	Interior Side yard (Minimum)	8 metres (26.2 ft.)
vi)	Exterior Side Yard (Minimum)	10 metres (32.8 ft.)
vii)	Gross Floor Area (Minimum)	74.3 sq. metres (800 sq. ft.)
viii)	Lot Coverage (Maximum)	30 percent
ix)	Building Height (Maximum)	7.5 metres (24.6 ft.)
x)	Off-street parking shall be provided in accordance with Section 5.31.	

b) For Accessory Buildings

i)	Front Yard (Minimum)	See Section 5.25.2
ii)	Rear Yard (Minimum)	3.0 metres (9.8 ft.)
iii)	Interior Side Yard (Minimum)	3.0 metres (9.8 ft.)
iv)	Exterior Side Yard (Minimum)	20 metres (65.6 ft.)
v)	Height (Maximum)	4.5 metres (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 hectares (100 acres)
ii)	Setback from a residential zone (for buildings or structures) (minimum)	200 m (656.2 ft.)
iii)	Setback from a public road (for buildings or structures) (minimum)	200 m (656.2 ft.)
iv)	A building permit shall be required for any buildings or structures on the site.	
v)	New hunt camps shall be permitted to establish on public and private roads.	
vi)	The building inspector shall decide if buildings or structures on the site are fit for human occupancy. Cottage standards as outlined in the Ontario Building Code may be applied.	

d) For Logging Operations

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

i) 600 metres (1,968.5 ft.) of settlement areas or urban areas;
ii) 120 metres (393.7 ft.) of an area zoned Open Space;
iii) 120 metres (393.7 ft.) from the highwater mark of any lake, river or stream, except an intermittent stream;
iv) 120 metres (393.7 ft.) from the boundary of a Provincial Highway;
v) 23 metres (75.5 ft.) from the boundary of a Township Road;

vi) 30 metres (98.4 ft.) from a residence on an adjacent property.

but nothing in this by-law shall prevent the selective cutting, as defined in this by-law, of mature timber within such distances.

7.4 GENERAL PROVISIONS

All special provisions of Section 5"General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the MA - Marginal Agriculture Zone.

7.5 SPECIAL MA - MARGINAL AGRICULTURE ZONES

7.5.1 MA-1 (Lot 27, Concession 2, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned MA-1 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) the building line shall be no greater than 300 m (984.3 ft.) from the front property line;
ii) there shall be a 10 m (32.8 ft.) setback from the limits of the Trans Canada Pipeline right-of-way for all permanent structures and excavations.

All other provisions of this by-law shall apply.

7.5.2 MA-2 (Lot 8, Concession 1SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned MA-2 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i)	Front Yard (minimum)	30 m (98.4 ft.)
ii)	Lot Frontage (minimum)	75 m (more or less equal to the existing frontage) (246.1 ft.)

All other provisions of this by-law shall apply.

7.5.3 MA-3 (Lot 21, Concession 8, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned MA-3 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) the minimum lot area and frontage shall be that existing at the date of passage of this by-law.

All other provisions of this by-law shall apply.

Zone MA-5

The property located at 1985 Read Road; Con 7 Pt Lot 20; 89.39ac; Roll # 120100003513800

- Is zoned MA-5 (doesn't really apply but the records do indicated MA-5 is the property's zoning)
- Yes there is a gravel pit on this property
- Yes the pit has an active licence but is not currently in use BUT is able to be if so desired.
- The pit unfortunately is not shown or given a separate zone under By-law Map 2003-16

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 8 - RR - RURAL RESIDENTIAL

8.1 Within a RR - Rural Residential 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.

8.2 PERMITTED USES

i) a single detached dwelling,
ii) an accessory building or use,
iii) a Type 'A' or Type 'B' Home Occupation in accordance with the provisions of Section 5.29 of this By-law,
iv) a Type 'A' Home Industry in accordance with the provisions of Section 5.30 of this By-law,
v) a bed and breakfast establishment.

8.3 ZONE REGULATIONS

a) For Residential Uses

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	60 metres (196.9 ft.)
iii)	Front Yard (Minimum)	20 metres (65.6 ft.)
iv)	Rear Yard (Minimum)	10 metres (32.8 ft.)
v)	Interior Side Yard (Minimum)	8 metres (26.2 ft.)
vi)	Exterior Side Yard (Minimum)	20 metres (65.6 ft.)
vii)	Gross Floor Area (Minimum)	74.3 sq. metres (~~800~~ 960 sq. ft.) living space
viii)	Lot Coverage (Maximum)	30 percent
ix)	Building Height (Maximum)	7.5 metres (24.6 ft.)
x)	Off-street parking shall be provided in accordance with Section 5.31.	

b) For Accessory Buildings Not Attached To The Principal Building

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

8.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the RR - Rural Residential Zone.

8.5 SPECIAL RR - RURAL RESIDENTIAL ZONES

8.5.1 RR-1 (Lot 2, Concession 8, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-1 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) setback from an environmental protection zone (minimum) 15 m (49.2 ft.)

All other provisions of this by-law shall apply.

8.5.2 RR-2 (Lot 5, Concession 1NR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-2 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) east side yard setback (minimum) 12.5 m (41.0 ft.)

All other provisions of this by-law shall apply.

8.5.3 RR-3 (Lot 30, Concession 4, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-3 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) setback of an existing barn or manure storage from a dwelling unit (minimum) 76 m (249.3 ft.)

All other provisions of this by-law shall apply.

8.5.4 RR-4 (Lot 31, Concession 3, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-4 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) single detached dwelling;

ii) single contractor's garage;
iii) limited repairs and storage relating to the garage.

All other provisions of this by-law shall apply.

8.5.5 RR-5 (Lot 8, Concession 1NR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-5 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) east side yard (minimum) 38.4 m (126 ft.)

All other provisions of this by-law shall apply.

8.5.6 RR-6 (Lot 4, Concession 3, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-6 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i) front yard depth (minimum) 60.96 m (200 ft.)
ii) the main floor elevation of any house built shall be the same elevation as the house immediately to the east.

All other provisions of this by-law shall apply.

8.5.7 RR-7 (Lot 35, Concession A, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-7 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) a seasonal dwelling.

All other provisions of this by-law shall apply.

8.5.8 RR-8 (Lot 24, Concession 8, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-8 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i)	lot area (minimum)	2.78 ha (6.88 acres)

All other provisions of this by-law shall apply.

8.5.9 RR-9 (Lot 38, Concession 9, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-9 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i)	setback for a residential use from an MX Zone (minimum)	83.8 m (275 ft.)

All other provisions of this by-law shall apply.

8.5.10 RR-10 (Lots 10 and 11, Concession 4, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-10 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i)	lot area (minimum)	.8 ha (2 acres)

All other provisions of this by-law shall apply.

8.5.11 RR-11 (Lots 11 and 12, Concession 5, Township of Tyendinaga)

Notwithstanding any provisions of this bylaw to the contrary, on lands zoned RR-11 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

i)	lot area (minimum)	137.2 m (450 ft.)
ii)	lot frontage (minimum)	1.25 ha (3.1acres)

All other provisions of this by-law shall apply.

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 9 - LSR - LIMITED SERVICE RESIDENTIAL

9.1 Within a LSR - Limited Service Residential 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 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. The intent of the Limited Service Residential Zone is to recognize residential development on private roads.

9.2 PERMITTED USES

i) a seasonal dwelling,
ii) a single detached dwelling,
iii) an accessory building or use, including one sleeping cabin,
iv) a Type 'A' home occupation, in accordance with the provisions of Section 5.29 of this By-law.

9.3 ZONE REGULATIONS

a) For Residential Uses

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage on a Private Road and/or a Navigable Waterway (Minimum)	60 metres (196.9 ft.)
iii)	Front Yard (Minimum)	10 metres (32.8 ft.)
iv)	Rear Yard (Minimum)	10 metres (32.8 ft.)
v)	Interior Side Yard (Minimum)	8 metres (26.2 ft.)
vi)	Exterior Side Yard (Minimum)	3 metres (9.8 ft.)
vii)	Gross Floor Area (Minimum)	58.99 sq. metres (635 sq. ft.)
viii)	Lot Coverage (Maximum)	20 percent
ix)	Building Height (Maximum)	7.5 metres (24.6 ft.)
x)	Off-street parking shall be provided in accordance with Section 5.31.	

b) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	3 metres (9.8 ft.)
ii)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
iii)	Exterior Side Yard (Minimum)	3 metres (9.8 ft.)
iv)	Building Height (Maximum)	4.5 metres (14.8 ft.)
v)	Gross Floor Area (Maximum)	23 sq. metres (247.6 sq. ft.)

c) Vegetative Buffer Adjacent To The Shoreline

i) a natural vegetative buffer strip 15 metres (49.2 ft.) in width shall be maintained.

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 metres (328.1 ft.).

9.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the LSR - Limited Service Residential Zone.

9.5 SPECIAL LSR - LIMITED SERVICE RESIDENTIAL ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 10 - WR - WATERFRONT RESIDENTIAL

10.1 Within a WR - Waterfront Residential 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.

10.2 PERMITTED USES

i) a single detached dwelling,
ii) a seasonal dwelling,
iii) an accessory building or use,
iv) a Type 'A' and Type 'B' home occupation, in accordance with the provisions of Section 5.29 of this By-law,
v) a Type 'A' home industry, in accordance with the provisions of Section 5.30 of this By-law.

10.3 ZONE REGULATIONS

a) For Residential Uses

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Road Frontage (Minimum)	60 metres (196.9 ft.)
iii)	Water Frontage (Minimum)	60 metres (196.9 ft.)
iv)	Front Yard (Minimum)	20 metres (65.6 ft.)
v)	Rear Yard (Minimum)	30 metres (98.4 ft.)
vi)	Interior Side Yard (Minimum)	8 metres (26.2 ft.)
vii)	Exterior Side Yard (Minimum)	20 metres (65.6 ft.) 90
viii)	Gross Floor Area (Minimum)	74.3 sq. metres (~~800~~ sq. ft.)
ix)	Lot Coverage (Maximum)	20 percent
x)	Building Height (Maximum)	7.5 metres (24.6 ft.)
xi)	Off-street parking shall be provided in accordance with Section 5.31.	

b) For Accessory Buildings Not Attached To The Principal Building

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

c) Vegetative Buffer Adjacent To The Shoreline

i) a natural vegetative buffer strip 15 metres (49.2 ft.) in width shall be maintained.

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 metres (328.1 ft.).

10.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the WR - Waterfront Residential Zone.

10.5 SPECIAL WR - WATERFRONT RESIDENTIAL ZONES

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 11 - MHR - MOBILE HOME RESIDENTIAL

11.1 Within a MHR - Mobile Home Residential 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 no person shall within any MHR zone use any lot or install, place, erect, alter or use any building or structure unless such lot is served by a communal water system and a sanitary sewer systems and except in accordance with the regulations contained or referred to in this section.

11.2 PERMITTED USES

i) mobile home,
ii) an accessory dwelling,
iii) mobile home park,
iv) mobile home park management office,
v) a public use,
vi) a recreational use accessory to a mobile home park.

11.3 ZONE REGULATIONS

a) For Mobile Home Sites

i)	Site Area (Minimum)	700 sq. metres (7,535.0 sq. ft.)
ii)	Site Frontage (Minimum)	18 metres (59.1 ft.)
iii)	Front Yard (Minimum)	13.5 metres (44.3 ft.)
iv)	Setback from Internal Roads	9 metres (29.5 ft.)
v)	Exterior Side Yard (Minimum)	13.5 metres (44.3 ft.)
vi)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
vii)	Rear Yard (Minimum)	3 metres (9.8 ft.)
viii)	Site Coverage (Maximum)	33 percent
ix)	Building Height (Maximum)	5 metres (16.4 ft.)

b) For Mobile Home Parks

i)	Lot Area (Minimum)	3 hectares (7.4 acres)
ii)	Lot Frontage (Minimum)	60 metres (196.9 ft.)
iii)	Interior Side Yard (Minimum)	7.6 metres (24.9 ft.)
iv)	Exterior Side Yard (Minimum)	13.5 metres (44.3 ft.)
v)	Rear Yard (Minimum)	7.6 metres (24.9 ft.)
vi)	Dwelling Unit area for accessory Dwelling house	74 sq. metres (796.6 sq. ft.)
vii)	Landscaped Area (Minimum)	30 percent
viii)	Accessory Dwellings per lot (Maximum)	1

11.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the MHR - Mobile Home Residential Zone.

11.5 SPECIAL MHR - MOBILE HOME RESIDENTIAL ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 12 - R1 - RESIDENTIAL FIRST DENSITY ZONE

12.1 Within a R1 - Residential First Density 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.

12.2 PERMITTED USES

i) a single detached dwelling,
ii) a public park,
iii) an accessory building or use to the above uses,
iv) a Type 'A' and Type 'B' home occupation, according to the provisions of Section 5.29 of this By-law,
v) a Type 'A' home industry, according to the provisions of Section 5.30 of this By-law,

12.3 ZONE REGULATIONS

a) For a Single Detached Dwelling

i)	Lot Area (Minimum)		
	- public water and sanitary sewers	550 sq. metres (5,920.3 sq. ft.)	
	- public water and private sewage disposal system	1,110 sq. metres (11,840.7 sq. ft.)	
	- private water and private sewage disposal system	4,000 sq. metres (43,057.1 sq. ft.)	
ii)	Lot Frontage (Minimum)		
	- public water and sanitary sewers (except in the case of a corner lot for which the minimum lot frontage shall be 21 metres (68.9 ft.)	18 metres (59.1 ft.)	
	- public water and public sewage disposal system	24 metres (78.7 ft.)	
	- private water and private sewage disposal system	45 metres (147.6 ft.)	
iii)	Front or Rear Yard	7.5 metres (24.6 ft.)	
iv)	Interior Side Yard (Minimum)	2 metres (6.7 ft.)	
v)	Exterior Side Yard (Minimum)	4.5 metres (14.8 ft.)	
vi)	Gross Floor Area (Minimum)	74.3 sq. metres (800 sq. ft.)	
vii)	Lot Coverage (Maximum) (all buildings)	25 percent	
viii)	Building Height (Maximum)		7.5 metres (24.6 ft.)
ix)	Landscaped Open Space (Minimum)		30 percent
x)	Number of Dwelling Houses per Lot (Maximum)		1
xi)	Number of Dwelling Units per Lot (Maximum)		1
xii)	Off-street parking shall be provided in accordance with Section 5.31.		

b) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	2.5 metres (8.2 ft.)
ii)	Interior Side Yard (Minimum)	2.5 metres (8.2 ft.)
iii)	Exterior Side Yard (Minimum)	7.5 metres (24.6 ft.)
iv)	Building Height (Maximum)	4.5 metres (14.8 ft.)

12.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the R1 - Residential First Density Zone.

Where a dwelling which existed at the time of the passing of this by-law is located on a lot in the R1 Zone, such dwelling and lot shall be deemed to comply with all the requirements of the R1 Zone.

Where a dwelling which existed at the time of the passing of this by-law is located on a lot in the R1 Zone, such dwelling may be extended, enlarged or improved provided the yards existing at the time of the passing of this by-law are not reduced in depth and, where any such yards are greater in depth than the minimum required by this by-law, such yards may be reduced to the minimum yards required by this by-law and provided also that such dwelling continues to be used in the same manner and for the same purpose it was used on the date of passing of this by-law.

12.5 SPECIAL R1 - RESIDENTIAL FIRST DENSITY ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 13 - R2 - RESIDENTIAL SECOND DENSITY ZONE

13.1 Within a R2 - Residential Second Density 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.

13.2 PERMITTED USES

i) a single detached dwelling,
ii) a semi-detached dwelling,
iii) a duplex dwelling,
iv) a converted dwelling,
v) a boarding or rooming house,
vi) a public park,
vii) an accessory building or use to the above uses,
viii) a Type 'A' and Type 'B' home occupation, according to the provisions of Section 5.29 of this By-law,
ix) a Type 'A' home industry, according to the provisions of Section 5.30 of this By-law.

13.3 ZONE REGULATIONS

a) **For a Single Detached Dwelling**

According to the provisions of the Residential First Density Zone of this by-law.

b) **For a Semi-Detached Dwelling, A Duplex Dwelling, A Boarding or Rooming House and a Converted Dwelling**

i)	Lot Area (Minimum)	
	- public water and sanitary sewers	800 sq. metres (8,611.4 sq. ft.)
	- public water and private sewage disposal system	1,600 sq. metres (17,222.8 sq. ft.)
	- private water and sewage disposal system	6,000 sq. metres (64,585.6 sq. ft.)
ii)	Lot Frontage (Minimum)	
	- public water and sanitary sewers	21 metres (68.9 ft.)
	- public water and private sewage disposal system	45 metres (147.6 ft.)
	- private water and sewage disposal system	60 metres (196.8 ft.)
iii)	Front Yard (Minimum)	10 metres (32.8 ft.)
iv)	Rear Yard (Minimum)	10 metres (32.8 ft.)
v)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
vi)	Exterior Side Yard (Minimum)	10 metres (32.8 ft.)
vii)	Gross Floor Area (Minimum)	180 sq. metres (1,937.6 sq. ft.)

viii) Lot Coverage (Maximum) 30 percent
ix) Building Height (Maximum) 11 metres (36.1 ft.)
x) Off-street parking shall be provided in accordance with Section 5.31.

c) For a Converted Dwelling and a Boarding or Rooming House

i) The minimum gross floor area of a one bedroom dwelling unit shall be 42 sq. metres (452.1 sq. ft.) plus an additional 13 sq. metres (139.9 sq. ft.) for each additional bedroom.
ii) The minimum lot area per dwelling unit shall be 1400 sq. metres (15,070.0 sq. ft.) (for a converted dwelling).
iii) No addition or enlargement shall be made to the external walls or roof of the dwelling.
iv) No external stairway other than an open fire escape shall be provided.
v) Such dwelling shall be certified by the Chief Building Official to be structurally suitable for such conversion.
vi) The 3 metre strip immediately adjacent to any lot line shall be landscaped.
vii) Off-street parking shall be provided in accordance with Section 5.31.
viii) The sewage disposal system shall be inspected and approved by the appropriate authority.

d) For Accessory Buildings Not Attached to the Principal Building

According to the Provisions of the R1 Zone.

13.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply , where applicable, to any land, lot, building, structure or use within the R2 - Residential Second Density Zone.

13.5 SPECIAL R2 - RESIDENTIAL SECOND DENSITY ZONES

13.5.1 R2-1 (Lot 1, Concession 9, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R2-1 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) single detached dwelling;
ii) limited sales of ceramics and giftware;
iii) accessory uses to the above residential uses.

All other provisions of this by-law shall apply.

13.5.2 R2-2 (Lot 32, Concession 3, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R2-2 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) single detached dwelling;
ii) artisan studio;
iii) accessory uses to the above residential use.

All other provisions of this by-law shall apply.

198 Queen St Rezoned July 16/12 to R2 By-Law 12-17 ← 198 Queen also R2-3

13.5.3 R2-3 (Lot 4, Concession 2SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R2-3 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) a single seasonal dwelling.

All other provisions of this by-law shall apply.

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 14 - MR - MULTIPLE RESIDENTIAL ZONE

14.1 Within an MR - Multiple Residential 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.

14.2 PERMITTED USES

i) multiple dwelling including triplex, fourplex, townhouse and low-rise apartment complex,
ii) a senior citizen multiple dwelling,
iii) a converted dwelling,
iv) a Type 'A' home occupation in accordance with Section 5.29,
v) a public park,
vi) an accessory building or use to the above uses.

14.3 ZONE REGULATIONS

a) **For the Principal Building (Multiple Residential Development will be permitted only on full public services)**

i)	Lot Area (whichever is greater)		
	a)	Minimum	8000 sq. metres (86,114.1 sq. ft)
	b)	Minimum Per Dwelling Unit	800 sq. metres (8,611.4 sq. ft.)
ii)	Lot Frontage (Minimum)		60 metres (196.9 ft.)
iii)	Front Yard (Minimum)		10 metres (32.8 ft.)
iv)	Rear Yard (Minimum)		10 metres (32.8 ft.)
v)	Interior Side Yard (Minimum):		
	a)	to a wall of a building containing windows to habitable rooms	8 metres (26.2 ft.)
	b)	to a wall of a building containing no windows to habitable rooms	3 metres (9.8 ft.)
vi)	Interior Side Yard (Minimum) (between dwelling units)		nil
vii)	Exterior Side Yard (Minimum)		10 metres (32.8 ft.)
viii)	Building Height (Maximum)		7.5 metres (24.6 ft.)
ix)	Lot Coverage (Maximum)		30 percent
x)	Dwelling Unit Gross Floor Area (in multiple dwelling) (Minimum)		74.3 sq. metres (800 sq. ft.)
xi)	Guest Room Area (Minimum) (in senior citizen multiple dwelling)		23 sq. metres (247.6 sq. ft.) for each room
xii)	Minimum Number of Dwelling Units in One Principal Building		3 dwelling units

xiii) Off-street parking shall be provided in accordance with Section 5.31.

b) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	2.5 metres (8.2 ft.)
ii)	Interior Side Yard (Minimum)	2.5 metres (8.2 ft.)
iii)	Exterior Side Yard (Minimum)	10 metres (32.8 ft.)
iv)	Building Height (Maximum)	4.5 metres (14.8 ft.)

c) For a Converted Dwelling

i) The minimum gross floor area of a one bedroom dwelling unit shall be 42 sq. metres (452.1 sq. ft.) plus an additional 13 sq. metres (139.9 sq. ft.) for each additional bedroom.

ii) The minimum lot area per dwelling unit shall be 1,400 sq. metres (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 metre (9.8 ft.) strip immediately adjacent to any lot line shall be landscaped.

vi) Off-street parking shall be provided in accordance with Section 5.31.

vii) The sewage disposal system has been inspected and approved by the appropriate authority.

14.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply , where applicable, to any land, lot, building, structure or use within the MR - Multiple Residential Zone.

14.5 SPECIAL MR - MULTIPLE RESIDENTIAL ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 15 - UC - URBAN COMMERCIAL ZONE

15.1 Within UC - Urban Commercial 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.

15.2 PERMITTED USES

i) a retail store, including a gift shop, craft shop, antique shop and convenience store,
ii) a service shop including a personal and merchandise service shop,
iii) a lawn, garden and farm equipment and supplies sales outlet,
iv) a laundry and/or dry cleaning shop including coin operated establishments,
v) an eating establishment including a banquet hall, tea room, take-out restaurant and drive-in restaurant,
vi) a food market including a butcher shop,
vii) a tavern,
viii) a Liquor Control Board or Brewer's Retail Outlet,
ix) a hotel/motel,
x) a bank and/or trust company,
xi) a printing or publishing establishment,
xii) a business, administrative and/or professional office,
xiii) a theatre, cinema or other place of entertainment,
xiv) a taxi depot,
xv) a commercial recreational establishment such as a bowling or billiard establishment or other similar use,
xvi) a funeral home,
xvii) a medical or dental clinic,
xviii) a bake shop,
xix) a private or commercial club,
xx) a bottle return depot,
xxi) a nursery school,
xxii) a veterinary clinic,
xxiii) a public or private parking area, including parking facilities associated with the principal use(s) permitted under this section,
xxiv) an automobile service station or sales agency,
xxv) dwelling units in the form of apartments as an accessory use in buildings in which commercial uses are permitted, except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of Sections 5.19 and 5.20,
xxvi) an accessory building or use to the above uses.

15.3 ZONE REGULATIONS

a) For All Uses Except An Automobile Service Station, Hotel and Motel

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	6 metres (19.7 ft.)
iv)	Rear Yard (Minimum)	6 metres (19.7 ft.)
v)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
vi)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
vii)	Lot Coverage (Maximum)	40 percent
viii)	Building Height (Maximum)	7.5 metres (24.6 ft.)

ix) Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.31 and 5.32.

x) Access to an accessory dwelling unit shall be separate from access to a commercial use.

b) For An Automobile Service Station

i)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
ii)	Lot Depth (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	15 metres (49.2 ft.)
iv)	Rear Yard (Minimum)	7.5 metres (24.6 ft.)

(except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 metres (49.2 ft.) of which the 4.5 metres (14.8 ft.) adjacent to the lot line shall be retained in an open space condition).

v) Side Yard (Minimum) 7.5 metres (24.6 ft.)
(except where one or both side yards abut a residential zone, the side yard shall be a minimum of 15 metres (49.2 ft.) of which the 4.5 metres (14.8 ft.) adjacent to the lot line shall be retained in an open space condition).

vi) A sight triangle of 15 metres (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 metres (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 metres (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 metres (39.4 ft.) and on a corner lot, no ramp may be located within 15 metres (49.2 ft.) of the intersection of the street lines.

x) Each ramp shall have a width of 7.5 metres (24.6 ft.) and the interior angle formed between the lot line and the centreline of the ramp shall be between seventy (70) and ninety (90) degrees.

xi) No ramp shall be located within 4.5 metres (14.8 ft.) of a side lot line.

xii) Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.31 and 5.32.

c) <u>For Hotels</u>

i)	Gross Guest Room Area (Minimum)	23 sq. metres (247.6 sq. ft.)
ii)	Lot Frontage (Minimum):	
	Notwithstanding any other provision of this By-law to the contrary, the minimum lot frontage for a hotel in the UC Zone shall be:	
	a) public water and sanitary sewers	38 metres (124.7 ft.)
	b) public water and private sewage disposal system	45 metres (147.6 ft.)
	c) private water supply and private sewage disposal system	54 metres (177.2 ft.)

d) <u>For Motels</u>

i)	Gross Guest Room Area (Minimum)	23 sq. metres (247.6 sq. ft.)
ii)	Lot Area (Minimum):	
	a) public water and sanitary sewers	930 sq. metres (10,010.8 sq. ft.)
	b) public water and private sewage disposal system	
	- 2,780 sq. metres (29,924.7 sq. ft.) or where a dwelling unit is located in a portion of a non-residential building, an additional 370 square metres (3,982.8 sq. ft.) of lot area shall be provided.	
	c) private water and private sewage disposal system	
	- 3,700 square metres (39,827.8 sq. ft.) or where a dwelling unit is located in a portion of a non-residential building, an additional 370 square metres (3,982.8 sq. ft.) of lot area shall be provided.	
iii)	Lot Frontage (Minimum)	
	a) public water and sanitary sewers	38 metres (124.7 ft.)
	b) public water and private waste disposal system	45 metres (147.6 ft.)
	c) private water and private sewage disposal system	53 metres (173.9 ft.)
iv)	Front Yard Depth (Minimum)	12 metres (39.4 ft.)
v)	Exterior Side Yard Width (Minimum)	12 metres (39.4 ft.)
vi)	Interior Side Yard Width (Minimum):	
	a) 6 metres (19.7 ft.) or where the interior side lot line abuts a Residential zone, the minimum interior side yard width shall be 9 metres (29.5 ft.).	

vii) Rear Yard Depth (Minimum):
  a) 7.5 metres (24.6 ft.) or where the rear lot line abuts a Residential zone, the minimum rear yard depth shall be 9 metres (29.7 ft.).

viii)	Lot Coverage (All Buildings) (Maximum)	25 percent
ix)	Setback from Street Centreline (Minimum):	
	a) Provincial Highway	32 metres (104.98 ft.)
	b) Urban Street	13 metres (42.7 ft.)
x)	Landscaped Open Space (Minimum)	20 percent
xi)	Height of Buildings (Maximum)	7.5 metres (24.6 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 stated in Section 15.3 e) of the By-law.

e) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	1.5 metres (4.9 ft.)
ii)	Interior Side Yard (Minimum)	1.5 metres (4.9 ft.)
iii)	Exterior Side Yard (Minimum)	3 metres (9.8 ft.)
iv)	Building Height (Maximum)	4.5 metres (14.8 ft.)

v) Minimum distance from any other building on the lot shall be 3 metres (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.

f) For Lands Abutting A Residential Zone

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 metres (16.4 ft.) and such rear yard shall be a minimum of 9 metres (29.5 ft.). The 1 metre (3.3 ft.) strip immediately adjacent to the rear and\or interior side lot line shall be landscaped.

15.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the UC - Urban Commercial Zone.

15.5 SPECIAL UC - URBAN COMMERCIAL ZONE

15.5.1 UC-1 (Lot 3, Plan 41, Village of Lonsdale, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned UC-1 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) bookstore;
ii) art gallery.

All other provisions of this by-law shall apply.

15.5.2 UC-2 (Lot 31, Concession 1SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned UC-2 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) nursery or garden centre, as defined in this by-law and including building supply sales (landscaping), equipment rental and service shop, limited open storage of retail/wholesale merchandise, shipping of nursery or garden merchandise, business office, public use;
ii) tea room;
iii) a single detached house of the owner-operator or a single dwelling unit in a portion of a non-residential building for the owner-operator.

All other provisions of this by-law shall apply.

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 16 - RC - RURAL COMMERCIAL ZONE

16.1 Within a RC - Rural Commercial 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.

16.2 PERMITTED USES

i) a farm implement dealer, including the sale and service of snowmobiles and lawn and garden equipment,
ii) a lawn, garden and agricultural equipment and supplies sales and repair outlet,
iii) an auction outlet,
iv) a food market including a butcher shop,
v) a fertilizer mixing and sales establishment,
vi) a feed and seed mill,
vii) a greenhouse, nursery or garden centre,
viii) a veterinary clinic,
ix) a service shop, including a personal and merchandise service shop,
x) a fleamarket,
xi) a diesel, propane and/or natural gas outlet,
xii) an automobile, mobile home or travel trailer sales and service station,
xiii) an automatic or coin operated car wash with the sale of petroleum products incidental thereto,
xiv) a motel,
xv) an eating establishment, including a banquet hall, tea room, take-out restaurant and drive-in restaurant,
xvi) a tavern,
xvii) an establishment for the sale, service, storage or repair of small internal combustion engines such as snowmobiles, outboard motors and lawnmowers,
xviii) a diesel, propane and liquified natural gas outlet,
xix) a retail and/or wholesale outlet for the storage, display and sale of lumber, building supplies and other similar new goods or materials,
xx) a motorcycle, boat and machinery sales and service establishment, including the sale of parts and petroleum products incidental thereto,
xxi) a marine/snowmobile dealer,
xxii) an agricultural produce sales outlet,
xxiii) a retail store including a gift shop, craft store, antique shop and convenience store,
xxiv) one dwelling or dwelling unit as an accessory use for the owner or operator of a principal use to any of the foregoing except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of Section 5.19,
xxv) an accessory building or use to the above uses.

16.3 ZONE REGULATIONS

a) For The Principal Building

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	8 metres (26.2 ft.)
iv)	Rear Yard (Minimum)	8 metres (26.2 ft.)
v)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
vi)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
vii)	Building Height (Maximum)	11 metres (36.1 ft.)
viii)	Lot Coverage (Maximum)	40 percent

ix) Access to an accessory dwelling unit shall be separate from access to a rural commercial use;

x) Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.31 and 5.32.

b) For An Automobile Service Station

As in the Urban Commercial (UC) Zone.

c) For Motels

As in the Urban Commercial (UC) Zone.

d) For Accessory Buildings Not Attached To The Principal Building

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

e) 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 metres (16.4 ft.) and such rear yard shall be a minimum of 10 metres (32.8 ft.). The 1 metre (3.3 ft.) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

16.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the RC - Rural Commercial Zone.

16.5 SPECIAL RC - RURAL COMMERCIAL ZONES

16.5.1 RC-1 (Lot 4, Concession 5, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-1 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) an exhibit house and meetings rooms;
ii) related open space uses, including a private park;
iii) retail sales, including a snack bar for unprepared foods, as an accessory use;
iv) one business office as an accessory use.

All other provisions of this by-law shall apply.

16.5.2 RC-2 (Lot 8, Concession 1SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-2 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) snowmobile, all terrain vehicle and motorcycle retail outlet;
ii) single detached dwelling for owner-operator;
iii) accessory buildings and structures.

All other provisions of this by-law shall apply.

16.5.3 RC-3 (Lot 18, Concession 3, Township of Tyendinaga) Changed w/ Bylaw 17-

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-3 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) sales and service of trailers, camper trailers and motorhomes;
ii) sale of camping equipment and accessories;
iii) sales office for the above.

All other provisions of this by-law shall apply.

16.5.4 RC-4 (Lot 5, Concession 6, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-4 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) satellite entertainment system sales and service;
ii) camping trailer sales and service;
iii) camping equipment and supplies sales and service.

All other provisions of this by-law shall apply.

16.5.5 RC-5 (Lots 20 and 21, Concession 1NR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-5 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

Definition - Motor Sport Park

A Motor Sport Park shall mean a park and open space which includes a track(s) for the racing of motorized vehicles, viewing stands and accessory buildings, for which admission or fees are charged and at which, training for motorized vehicle operation as well as sporting events may occur.

All other provisions of this by-law shall apply.

16.5.6 RC-h (Part Lot 5, Concession 1NR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-h and shown on the attached schedules, the following special provisions shall apply:

Removal of Holding ('h') Symbol

The holding ('h') provision will be removed when a site plan agreement, suitable to the Township, has been completed, which shall include the following, among other matters:

i) stormwater management plan;
ii) traffic study and report;
iii) entrance requirements;
iv) site plan details.

All other provisions of this by-law shall apply.

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 17 - RRC - RECREATIONAL/RESORT COMMERCIAL

17.1 Within a RRC - Recreational/Resort Commercial 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.

17.2 PERMITTED USES

i) a marina, including a boat sales and service establishment and the sale of parts and petroleum products incidental thereto,
ii) a tent and/or travel trailer park,
iii) a tourist establishment including hotels, lodges, housekeeping cottages and tourist cabins,
iv) a gift shop,
v) an eating establishment, including a tea room and take-out restaurant,
vi) a bed and breakfast establishment,
vii) a convenience retail store,
viii) a miniature golf course, driving range or other similar recreationally oriented use,
ix) a public or private park,
x) 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 5.19,
xi) an accessory building or use to the above uses.

17.3 ZONE REGULATIONS

a) For All Principal Uses

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	8 metres (26.2 ft.)
iv)	Rear Yard (Minimum)	8 metres (26.2 ft.)
v)	Interior Side Yard (Minimum)	8 metres (26.2 ft.)
vi)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
vii)	Lot Coverage (maximum)	40 percent
viii)	Building Height (Maximum)	7.5 metres (24.6 ft.)

ix) Off-street parking and off-street loading facilities shall be provided in accordance with Sections 5.31 and 5.32.
x) Access to an accessory dwelling unit shall be separate from access to a commercial use.
xi) All means of ingress and egress shall have a minimum width of 6 metres (19.7 ft.) and in the case of a corner lot, no means of ingress or egress shall be located within 15 metres (49.2 ft.) of the intersection of the street lines, or, where a corner is rounded, the points at which the extended streetlines meet.

b) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	1.5 metres (4.9 ft.)
ii)	Interior Side Yard (Minimum)	1.5 metres (4.9 ft.)

iii)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
iv)	Building Height (Maximum)	4.5 metres (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 metres (16.4 ft.) and such rear yard shall be a minimum of 10 metres (32.8 ft.). The 3 metre (9.8 ft.) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

ii) Water oriented commercial uses such as marinas or docks shall be located a minimum of 60 metres (196.9 ft.) from the nearest residential zone or use.

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 interior side yard abuts a navigable body of water, then such rear yard and/or interior side yard may be reduced to zero metres.

ii) No entrance channel, turning basin, dock or boat mooring area shall be located closer than 60 metres (196.9 ft.) to a residential zone, a residential use or 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 .6 metres (2 ft.) and boat mooring docks shall have a minimum width of 1.2 metres (3.9 ft.).

v) A minimum of one parking space shall be provided for every two 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 hectares (9.9 acres)
ii)	The minimum distance of buildings or structures or a tent or travel trailer site from any lot line shall be 15 metres (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 metres (82.0 ft.).	
iv)	Travel Trailer Park Density (Maximum)	30 trailers per gross hectare to a maximum of 50 sites
v)	Travel Trailer Site Area (Minimum)	200 sq. metres (2,142.8 sq. ft.)
vi)	Travel Trailer Site Frontage (Minimum)	6 metres (19.7 ft.)
vii)	Building Height (Maximum)	4.5 metres (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 metres (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.

f) Additional Zone Regulations For Hotels, Lodges, Housekeeping Cottages and Tourist Cabins

Notwithstanding the above provisions, hotels, 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 hectares (4.9 acres)
ii)	Maximum Density	1 unit/4,000 sq. metres (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 metres (98.4 ft.) of the highwater mark of any water body.

17.4 GENERAL PROVISIONS

All other special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land lot, building, structure or use within the RRC - Recreational/Resort Commercial Zone.

17.5 SPECIAL RRC - RECREATIONAL/RESORT COMMERCIAL ZONES

17.5.1 RRC-1 (Lot 35, Concession A, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RRC-1 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted use:

i) tourist establishment.

All other provisions of this by-law shall apply.

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 18 - UI - URBAN INDUSTRIAL ZONE

18.1 Within a UI - Urban Industrial 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.

18.2 PERMITTED USES

i) a manufacturing, processing, or warehousing undertaking including storage and self-storage warehousing,
ii) an automobile body shop,
iii) a yard for the open or concealed storage of goods or materials,
iv) a machine or welding shop,
v) an automobile service station,
vi) a research facility,
vii) a merchandise service shop,
viii) a transport terminal or yard,
ix) any business, administrative or professional offices accessory to a permitted industrial use, including a union hall,
x) a builder's supply outlet, including a lumber yard,
xi) an accessory dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 5.19,
xii) 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 five (5) percent of the gross floor area of the principal building.

18.3 ZONE REGULATIONS

a) For All Principal Buildings or Uses

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	8 metres (26.2 ft.)
iv)	Rear Yard (Minimum)	8 metres (26.2 ft.)
v)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
vi)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
vii)	Lot Coverage (Maximum)	40 percent
viii)	Building Height (Maximum)	15 metres (49.2 ft.)

ix) Off-street parking shall be provided in accordance with Section 5.31.
x) Off-street loading facilities shall be provided in accordance with Section 5.32.
xi) A sight triangle of 15 metres (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 metres (4.9 ft.)
ii)	Interior Side Yard (Minimum)	1.5 metres (4.9 ft.)
iii)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
iv)	Building Height (Maximum)	4.5 metres (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 metres (72.2 ft.). This 22 metre (72.2 ft.) area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 22 metre (72.2 ft.) area.

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

Where any lot line in an UI 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 UI Zone lot.

Contents

The buffer/planting strip shall consist of an earth berm and/or a continuous unpierced hedgerow of tree, evergreens or shrubs, not less than 2.0 metres (6.6 ft.) high and 3 metres (9.8 ft.) wide immediately adjoining the lot line or portion thereof along which such planting strip is required. The earth berm shall not be greater than a 3:1 slope.

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.

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.

Interruption for Driveways or Pedestrian Walks

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

18.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the UI - Urban Industrial Zone.

18.5 SPECIAL UI - URBAN INDUSTRIAL ZONES

18.5.1 UI-1 (Lot 6, Concession 2SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned UI-1 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) automobile body shop;
ii) single detached dwelling as an accessory residential use for the owner-operator of the body shop.

All other provisions of this by-law shall apply.

18.5.2 UI-2 (Lot 16, Concession 3, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned UI-2 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) firehall;
ii) municipal maintenance yard.

All other provisions of this by-law shall apply.

**Additional "Special Zones" &
Accompanying By-laws
located at back of binder**

SECTION 19 - RI - RURAL INDUSTRIAL ZONE

19.1 Within a RI - Rural Industrial 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.

19.2 PERMITTED USES

i) a cartage or express truck terminal,
ii) a cheese factory,
iii) a yard for the open or concealed storage of goods or materials,
iv) a fuel storage tank depot, including bulk fuel sales,
v) an agricultural equipment supply and repair outlet,
vi) a woodworking shop/showroom,
vii) a contractor's yard,
viii) a canning factory,
ix) a bulk storage yard,
x) an automobile service station, including an automobile body shop,
xi) a lumber mill, sawmill and a planing mill, dry kiln, chipper, repair depot,
xii) a feed and seed mill,
xiii) a merchandise service shop,
xiv) a machine or welding shop,
xv) an assembly operation,
xvi) a retail and/or wholesale building supply outlet, including a lumber yard,
xvii) a factory outlet,
xviii) a manufacturing, processing or warehousing undertaking including storage and self-storage warehousing,
xix) an abattoir,
xx) an accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 5.19,
xxi) 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 five (5) percent of the gross floor area of the principal building.

19.3 ZONE REGULATIONS

a) For All Principal Buildings or Uses

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	8 metres (26.2 ft.)
iv)	Rear Yard (Minimum)	8 metres (26.2 ft.)
v)	Interior Side Yard (Minimum)	3 metres (9.8 ft.)
vi)	Exterior Side Yard (Minimum)	8 metres (26.2 ft.)
vii)	Lot Coverage (Maximum)	40 percent
viii)	Building Height (Maximum)	15 metres (49.2 ft.)

ix) Off-street parking shall be provided in accordance with Section 5.31.

x) Off-street loading facilities shall be provided in accordance with Section 5.32.

xi) A sight triangle of 15 metres (49.2 ft.) minimum shall be provided on a corner lot.

xii) Open Storage uses shall be set back in accordance with the minimum yard provisions set out in this subsection and where accessory to a principal Rural Industrial use, no open storage use shall be permitted in any front or exterior side yard.

b) For Lands Abutting A Residential Zone or A Residential Use

As in the Urban Industrial Zone.

c) For Lands Abutting A Public or Private Road Allowance or Opposite a Residential Zone

As in the Urban Industrial Zone.

19.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the RI - Rural Industrial Zone.

19.5 SPECIAL RI - RURAL INDUSTRIAL ZONES

19.5.1 RI-1-h (Part Lot 2, Concession 2, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RI-1-h and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted use:

i) uses shall be restricted to dry industrial uses only (uses which do not require water for industrial processing purposes).

Removal of Holding ('h') Symbol

The holding ('h') provision will be removed when a site plan agreement, suitable to the Township, has been completed.

All other provisions of this by-law shall apply.

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

19.5.2 RI-2 (Lot 10, Concession 1NR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RI-2 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) storage and staging of vehicles, equipment and materials incidental to a contracting business.

All other provisions of this by-law shall apply.

19.5.3 R1-3 (Lot 6, Concession 1SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R1-3 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted use:

i) a saw and planer mill.

All other provisions of this by-law shall apply.

19.5.4 R1-4 (Lot 1, Concession 2, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R1-4 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) a septic service;
ii) single detached dwelling of the owner-operator and garage;
iii) a workshop and office;
iv) accessory uses.

All other provisions of this by-law shall apply.

19.5.5 R1-5 (Lot 18, Concession 2, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R1-5 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) a toilet rental operation;
ii) open storage for the above;
iii) single detached dwelling of the owner-operator.

All other provisions of this by-law shall apply.

19.5.6 R1-6 (Lot 11, Concession 1SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R1-6 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) single detached dwelling;
ii) commercial parking and storage garage;
iii) parking lot for four commercial vehicles, one backhoe and one flatbed trailer;
iv) one barn for a maximum of 12 horses.

All other provisions of this by-law shall apply.

19.5.7 R1-7 (Lot 34, Concession 1SR, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R1-7 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) automobile repair garage.

All other provisions of this by-law shall apply.

19.5.8 R1-8 (Lot 11, Concession 3, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned R1-8 and shown on the attached schedules, the following special provisions shall apply:

Permitted Uses

The following shall be the only permitted uses:

i) single detached dwelling;
ii) industrial woodworking shop.

Additional "Special Zones" & Accompanying By-laws located at back of binder

All other provisions of this by-law shall apply.

SECTION 20 - MX - MINERAL EXTRACTIVE ZONE

20.1 Within a MX - Mineral Extractive 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.

20.2 PERMITTED USES

iii) a pit or quarry, including drilling and blasting, as licenced,
iv) open space, conservation, forestry and agricultural uses,
v) the processing of mineral aggregates, including aggregate crushing, screening and washing, as licenced,
vi) asphalt plants, ready-mix concrete plants and aggregate transfer stations,
vii) a single detached dwelling accessory to an extractive use,
viii) accessory buildings or uses to the above uses,
ix) a wayside pit or quarry.

20.3 ZONE REGULATIONS

a) For Excavation Area and Storage Uses

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

b) For Open and Enclosed Pit or Quarry Processing Operations

i)	Setback from rear and interior side lot lines (Minimum)	30 metres (98.4 ft.)
ii)	Setback from front and exterior side lot lines (Minimum)	30 metres (98.4 ft.)
iii)	Setback from residential, commercial, community facility or industrial zone or use (Minimum)	90 metres (295.3 ft.)
iv)	Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)
v)	Setback from natural watercourse	30 metres (98.4 ft.)

c) For Accessory Buildings to Pit or Quarry Operations

i)	All yards (Minimum)	30 metres (98.4 ft.)
ii)	Setback from residential, commercial, community facility or industrial zone or use (Minimum)	90 metres (295.3 ft.)
iii)	Setback from any road right-of-way (Minimum)	30 metres (98.4 ft.)

d) For Conservation, Forestry and Agricultural Uses

i) The zone regulations contained in the Marginal Agriculture Zone of this By-law shall apply.

e) For Open Space Uses

i) The zone regulations contained in the Open Space Zone of this By-law shall apply.

f) Landscaping

i) A strip of land not less than 15 metres (49.2 ft.) in width shall be reserved for landscaping purposes between any MX zone and any adjacent commercial, community facility or industrial zone or use and along any adjacent streetline or lot line. Where an MX zone abuts a 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 metres (98.4 ft.) of the abutting lot line and no parking use shall be made of any land within 7.5 metres (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.

20.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the MX - Mineral Extractive Zone.

20.5 SPECIAL MX - MINERAL EXTRACTIVE ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 21 - M - MINING ZONE

21.1 Within a M - Mining 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.

21.2 PERMITTED USES

i) a mine that is approved and operated in accordance with the Mining Act.

21.3 ZONE REGULATIONS

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.

21.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply where applicable, to any land, lot, building, structure or use within the M - Mining Zone.

21.5 SPECIAL M - MINING ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 22 - WD - WASTE DISPOSAL ZONE

22.1 Within a WD - Waste Disposal 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.

22.2 PERMITTED USES

i) a sanitary landfill site,
ii) a sewage treatment plant,
iii) a sewage lagoon,
iv) a waste transfer station,
v) a waste processing facility including the recycling and reprocessing of waste materials into new products,
vi) a salvage yard,
vii) agricultural, open space, conservation and forestry uses, excluding dwellings,
viii) accessory buildings or uses to the above uses.

22.3 ZONE REGULATIONS

a) For Agricultural, Conservation and Forestry Uses

i) The zone regulations of the Marginal Agriculture Zone of this By-law shall apply.

b) For Open Space Uses

i) The zone regulations of the Open Space Zone of this By-law shall apply.

c) For a Salvage Yard

i)	Lot Area (Minimum)	2 ha (4.9 acres)
ii)	Lot Frontage (Minimum)	60 metres (196.6 ft.)
iii)	Yard Requirements:	
	a) All yards (Minimum)	15 metres (49.2 ft.)

iv) A strip of land not less than 15 metres (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 metres (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 metres (984.3 ft.) of any residential or commercial zone or use, nor closer than 100 metres (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 metres (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) An accessory weighing scale and recording office shall be permitted no closer than 30 metres (98.4 ft.) to a street line.

viii) 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.

ix) No open burning shall be permitted.

x) No storage of tires shall be permitted.

xi) 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.

d) <u>For All Other Waste Disposal Uses</u>

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 metres (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 metres (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.

22.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the WD - Waste Disposal Zone.

22.5 SPECIAL WD - WASTE DISPOSAL ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 23 - CF - COMMUNITY FACILITY ZONE

23.1 Within an CF - Community Facility 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.

23.2 PERMITTED USES

i) any undertaking established or maintained by a governmental board, authority, agency or commission,
ii) a place of worship, with accessory uses including a cemetery and a dwelling unit,
iii) a cemetery,
iv) any undertaking of a utility company, such as a natural gas company or telephone company,
v) a school,
vi) a commercial or private club or fraternal arena lodge,
vii) a public or private hospital;
viii) a community centre,
ix) a nursing home or extended care facility,
x) a nursery school,
xi) a library,
xii) an elderly person's centre,
xiii) a public park,
xiv) any other institutional or community facility use,
xv) charitable camp,
xvi) museum or art gallery,
xvii) an accessory building or use to the above uses.

23.3 ZONE REGULATIONS

a) For All Principal Buildings

i)	Lot Area (Minimum)	4,000 sq. metres (43,057.1 sq. ft.)
ii)	Lot Frontage (Minimum)	45 metres (147.6 ft.)
iii)	Front Yard (Minimum)	10 metres (32.8 ft.)
iv)	Rear Yard (Minimum)	10 metres (32.8 ft.)
v)	Interior Side Yard (Minimum)	7.5 metres (24.6 ft.)
vi)	Exterior Side Yard (Minimum)	10 metres (32.8 ft.)
vii)	Lot Coverage (Maximum)	40 percent
viii)	Building Height (Maximum)	15 metres (49.2 ft.)
ix)	Off-street parking shall be provided in accordance with Section 5.31.	

b) For Accessory Buildings Not Attached To The Principal Building

i)	Rear Yard (Minimum)	1.5 metres (4.9 ft.)
ii)	Interior Side Yard (Minimum)	1.5 metres (4.9 ft.)

iii)	Exterior Side Yard (Minimum)	10 metres (32.8 ft.)
iv)	Building Height (Maximum)	4.5 metres (14.8 ft.)

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 metres (32.8 ft.) and such rear yard shall be a minimum of 15 metres (49.2 ft.). The 1 metre (3.3 ft.) strip immediately adjacent to the rear yard and/or interior side yard shall be landscaped.

23.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the CF - Community Facility Zone.

23.5 SPECIAL CF - COMMUNITY FACILITY ZONES

23.5.1 CF-1 (Lot 10, Concession 2, Township of Tyendinaga)

Notwithstanding any provisions of this by-law to the contrary, on lands zoned CF-1 and shown on the attached schedules, the following special provisions shall apply:

Zone Provisions

Light standards and backstops and fences of any height, accessory buildings such as canteens, change rooms, washrooms and other recreational facilities and equipment shall be permitted in any required yard or in the area between the street line and the required setback, within the parcel of land being rezoned in this by-law.

All other provisions of this by-law shall apply.

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 24 - GH - GROUP HOME ZONE

24.1 Within a GH - Group Home 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.

24.2 PERMITTED USES

i) a group home that is licenced by the Ministry of Community and Social Services.

24.3 ZONE REGULATIONS

a) **For All Principal Buildings**

i) Occupancy:
A group home shall occupy the whole of the residential dwelling.

ii) Floor Area (Minimum) (including staff and/or receiving family):
- 18 square metres (193.8 sq. ft.) of gross floor area per adult resident;
- 9 square metres (96.9 sq. ft.) of gross floor area per child resident.

iii) Rear Yard Amenity Area (Minimum):
- 14 square metres (150.7 sq. ft.) for each group home resident, exclusive of staff or receiving family, and not less than a total of 100 square metres (1,076.4 sq. ft.) for each group home.

iv) Separation Distance (Minimum):
- 500 metres (1,640.4 ft.) from any other group home.

v) Parking
In addition to the minimum parking requirements of Section 5.31, one additional parking space shall be provided for each attendant or staff member who resides outside of the group home.

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

i) An accessory building shall comply with the accessory building requirements of the appropriate residential zone for the dwelling type being occupied.

24.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the GH - Group Home Zone.

24.5 SPECIAL GH - GROUP HOME ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 25 - OS - OPEN SPACE ZONE

25.1 Within an OS - Open Space 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.

25.2 PERMITTED USES

i) open space and conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and wildlife,
ii) agricultural uses but not intensive agricultural uses,
iii) a fairground,
iv) a woodlot,
v) a public or private park, conservation area, playground, roadside park, public boat launch or swimming or picnicking area, playing field, recreational trail, swimming pool, wading pool, beach, picnic area, bandstand, skating rink, tennis court, bowling green, golf course or other similar outdoor recreational uses, both passive and active,
vi) an accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of Section 5.19 of this By-law,
vii) an accessory building or use to the above uses, including an accessory commercial building or use to serve an open space use.

25.3 ZONE REGULATIONS

a) For All Uses

i) The minimum distance of buildings or structure from any lot line shall be 10 metres (32.8 ft.).
ii) The minimum distance of buildings or structures from the centre line of any road shall be 30 metres (98.4 ft.).

iii)	Building Height (Maximum)	6 metres (19.7 ft.)
iv)	Lot coverage (Maximum)	50 percent

25.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the OS - Open Space Zone.

25.5 SPECIAL OS - OPEN SPACE ZONES

Additional "Special Zones" & Accompanying By-laws located at back of binder

SECTION 26 - EPW - ENVIRONMENTAL PROTECTION WETLAND ZONE

26.1 Within an EPW - Environmental Protection Wetland 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.

26.2 PERMITTED USES

i) a conservation use excluding any buildings,
ii) a use that was in existence on or before the date of passage of the Official Plan,
iii) a building or structure required by a public authority for flood or erosion control or for conservation or wildlife management purposes,
iv) an accessory use to the above uses, excluding any buildings,
v) hunting, but not hunt camps,
vi) fishing.

26.3 ZONE REGULATIONS (See also Sections 5.7 and 5.9)

i) The minimum setback from wetlands shall be 30 metres (98.4 ft.).
ii) Additional zone regulations shall be established by the municipality at the time of application in consultation with the Conservation Authority and the Ministry of Natural Resources.
iii) All applications for development adjacent to EPW lands (and beyond the minimum 30 metres (98.4 ft.) setback but within 120 metres (393.7 ft.) of the wetland) shall be dealt with on a site-by-site basis, at the time of application (see Sections 5.9.2 and 5.9.5).

26.4 GENERAL PROVISIONS

All special provisions of Section 5 "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the EPW - Environmental Protection Wetland Zone.

26.5 SPECIAL EPW - ENVIRONMENTAL PROTECTION WETLAND ZONES

Additional "Special Zones" &
Accompanying By-laws
located at back of binder

SECTION 27 - EP - ENVIRONMENTAL PROTECTION ZONE

27.1 Within an EP - Environmental Protection 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.

27.2 PERMITTED USES

i) conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and wildlife,
ii) agricultural uses,
iii) a conservation area, excluding any buildings,
iv) a use that was in existence on or before the date of passage of this by-law,
v) a building or structure required by a public authority for flood or erosion control or for conservation or wildlife management purposes,
vi) passive outdoor recreational uses,
vii) public and private parks, excluding any buildings,
viii) an accessory use to the above uses, excluding any buildings, subject to the approval of Council in consultation with the Conservation Authority and the Ministry of Natural Resources.

27.3 ZONE REGULATIONS (See also Sections 5.7 and 5.9)

i) The minimum setback of buildings or structures from any lot line shall be 10 metres (32.8 ft.)..
ii) The minimum setback of buildings or structures for the centreline of any road shall be 20 metres (65.6 ft.).
iii) The minimum setback from the highwater mark of any lake, river, creek or stream shall be 30 metres (98.4 ft.).
iv) The minimum setback of buildings from other Environmental Protection lands (not in iii) shall be 15 metres (49.2 ft.).
v) Building Height (Maximum) 6 metres (19.7 ft.)

27.4 GENERAL PROVISIONS

All special provisions of Section 5 General Provisions shall apply, where applicable, to any land, lot, building, structure or use within the EP - Environmental Protection Zone.

27.5 SPECIAL EP - ENVIRONMENTAL PROTECTION ZONES

Additional "Special Zones" & Accompanying By-laws located at back of binder

APPENDIX 1

MINIMUM DISTANCE SEPARATION 1 (MDS I)