

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 Schedules A to D.

5.3.2 Schedules A to D 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 Schedules A to D by the following symbols:

<u>ZONE</u>	<u>SYMBOL</u>	<u>PAGE NO.</u>
RURAL ZONE	RU	63
RURAL RESIDENTIAL ZONE	RR	66
LIMITED SERVICE RESIDENTIAL ZONE	LSR	70
WATERFRONT RESIDENTIAL ZONE	WR	72
RESIDENTIAL FIRST DENSITY ZONE	R1	74
RESIDENTIAL SECOND DENSITY ZONE	R2	76
MULTIPLE RESIDENTIAL ZONE	MR	79
COMMERCIAL ZONE	C	81
RECREATIONAL/RESORT COMMERCIAL ZONE	RRC	88
INDUSTRIAL ZONE	I	93
MINERAL EXTRACTIVE ZONE	MX	97
MINING ZONE	M	101
WASTE DISPOSAL ZONE	WD	102
COMMUNITY FACILITY ZONE	CF	105
GROUP HOME ZONE	GH	107
OPEN SPACE ZONE	OS	108
ENVIRONMENTAL PROTECTION WETLAND ZONE	EPW	109
ENVIRONMENTAL PROTECTION ZONE	EP	110

- 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 or watercourse, then the centre line of the street, lane, railway 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 Schedules A to D.
- 5.3.6** Where the boundary of any zone is uncertain and notwithstanding the provisions of this subsection, the dimensions contained in any amending by-law shall apply.
- 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 5.12, 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 Public Health Act.
- 5.3.9** Zones cited using a generic term (and lower case letter) refer to the following:
- i) a rural zone: includes Rural;
 - ii) a residential zone: includes Rural Residential, Limited Service Residential, Waterfront Residential, Residential First Density, Residential Second Density, Multiple Residential;
 - iii) a commercial zone includes: Commercial, Recreational/Resort Commercial;
 - iv) an industrial zone includes: Industrial.

5.4 HOLDING ZONES

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

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 has 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 Schedules A to D.

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 is submitted and approved by the municipality in consultation with the Ministry of Natural Resources, the Conservation Authority and the Health Unit. The following measures of adjacency shall be used:

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 within 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 Municipality in consultation with the Ministry of Natural Resources, the Conservation Authority and the Health Unit.

- 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.
- 5.9.7** Development proposals within 300 metres (984.3 ft.) of the following cold water lakes should be accompanied by a cold water Lake Capacity Study prepared in accordance with Section 3.2.9 of the Official Plan and should be reviewed by the appropriate authority prior to approval. The following are spring-fed lakes within Madoc Township:

Eldorado Lake
Jarvis Lake

Hazzard Lake
Banker Lake

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, providing such building or structure is serviced by a well and sewage disposal system approved by the appropriate responsible authority. 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 an industrial zone, 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 (5.9 square feet) 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 feet) from any lot line;
 - in an industrial, rural, or 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, any 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 properly 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.).

5.18 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. metres (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;
- v) a track for the racing of motor vehicles, motorcycles, go-carts or snowmobiles; and
- vi) 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;
- vii) the stripping and removal of topsoil.

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 where a residential use is permitted for the purpose of a garage sale or yard sale but such use shall not be conducted more than twice in one calendar year and for not more than 48 consecutive hours.

5.22.2 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) except in the case of an above ground pool, the maximum height of such pool shall be 2.5 metres (8.2 ft.) above the established grade;
- iii) 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;
- iv) except in the case of an above ground pool, every swimming pool shall be enclosed by a fence of at least 1.52 metres (5.0 ft.) in height that is located at a distance of not more than 4.5 metres (14.8 ft.) from the pool or by the walls of a dwelling in conjunction with a fence located as described above. An above ground swimming pool shall be enclosed by a fence included as part of the swimming pool's standard equipment and where such fencing is not provided by a fence erected in accordance with the criteria set out above.

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 erected in a Rural (RU) or a Rural Residential (RR) Zone, garages and other accessory buildings or structures shall be permitted to be located within an interior side yard but shall be located no closer than 1 metre (3.28 ft.) from the interior side lot line, and in no case, shall such garage or other accessory building or portion thereof be located in the front yard between any portion of the principal or main building on the lot and the front lot line.

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

5.26.1 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. 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.

5.26.2 Development of lands for seasonal or year-round residential use serviced by private roads or rights-of-way may occur provided:

- i) the private road or right-of-way was established prior to April 4th, 2005;
- ii) the private road or right-of-way meets the minimum standards set out below in Section 5.26.5.

5.26.3 Private roads or rights-of-way established under the provisions of this By-law shall be maintained by the owner(s) of such road or right-of-way and the Corporation of the Township of Madoc shall therefore incur no liability for the maintenance thereof, as a result.

5.26.4 For the purpose of this section, the following definitions shall be used:

- i) 'Corporation' shall mean the Corporation of the Township of Madoc;
- ii) 'Council' shall mean the Council of the Corporation of the Township of Madoc;
- iii) 'Proponent' shall mean a person or group of persons or an agent representing such person(s), applying to the Hastings County Land Division Committee for a Consent under Section 53 of the Planning Act, R.S.O. 1990 C.P. 13;
- iv) 'Private Rights-of-Way' shall mean an existing road or road to be constructed that was, or will be constructed and maintained by a person or group of persons without any responsibility or obligation to construct or maintain such road by the Corporation of the Township of Madoc.

5.26.5 The following requirements represent the minimum standards of road construction for Private Rights-of-way.

Cottage Area (estimated volumes of 50 vehicles per day or less)

	<u>Flat or Gently Rolling Terrain</u>	<u>Steeply Rolling/ Rocky Terrain</u>
Right-of-way	20.0 m	20.0 m
Minimum width of clearing	12.0 m	9.0 m
<u>Surface</u>		
a) width	5.5 m	4.5 m
b) depth	100 mm	100 mm
c) type	crushed gravel or stone	crushed gravel/stone
<u>Shoulder Width</u> (including rounding)	1.0 m (each side)	1.0 m (each side)
<u>Depth of Granular Base</u>	As determined by consideration of sub- grade material	Determine by sub-grade material
<u>Ditches</u>	Min. depth from crown of road to bottom of ditch <0.5 m; all ditches carried to sufficient outlet	Min. depth from crown of road to bottom of ditch <0.5 m; all ditches carried to sufficient outlet
<u>Culverts</u>	Corrugated steel pipe, concrete or plastic minimum 400 mm diameter	Corrugated steel pipe, concrete or plastic minimum 400 mm diameter
<u>Geometrics</u>	Such that maintenance equipment can work effectively. Turning areas to be provided at the terminus of dead-end roads.	Such that maintenance equipment can work effectively. Turning areas to be provided at the terminus of dead-end roads.
<u>Amendments</u>	May be made by resolution of Council based on recommendation of Township Engineering or Road Superintendent.	

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.