



The Nation Municipality Comprehensive Zoning By-law



By-law 2-2006
March 6th, 2006

Prepared by:
The Nation Municipality

In collaboration with:
The United Counties of Prescott and Russell
and Stantec Consulting Ltd.

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ILLUSTRATIONS NOTE: THESE ILLUSTRATIONS ARE PROVIDED AS AN AID TO INTERPRETING SECTION 3 “DEFINITIONS” TO THIS BY-LAW BUT SHALL NOT FORM AN INTEGRAL PART OF THIS BY-LAW.

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SCHEDULES**I**

The Corporation of The Nation Municipality Comprehensive Zoning By-law

Foreword

This Zoning By-law affects all lands within The Nation Municipality. To use this By-law, locate the subject property on the map schedules provided and determine the zone(s) which affect(s) the land. Then review the specific regulations relating to the zone(s) in Section 5: Zones. It is also important to review Section 4: General Provisions and any applicable definitions in Section 3: Definitions.

Illustrations are provided as an aid to interpreting Section 3 "Definitions" to this By-law but shall not form an integral part of this By-law.

Amendments to this By-law shall be approved by Council subject to the provisions of the Planning Act. Minor changes to zoning standards or permitted uses, known as a Minor Variance or a Permission may be granted by the municipality's Committee of Adjustment. Zoning changes and Committee of Adjustment decisions require that formal applications be submitted to the Municipality and also require public notification and consultation.

Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Planning Department.

By-law

The Corporation of The Nation Municipality By-law No. **2-2006**

Being a By-law to regulate the use of land, buildings and structures within The Nation Municipality;

WHEREAS authority is granted pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

NOW THEREFORE the Council of the Corporation of The Nation Municipality enacts as follows:

(Text of Zoning By-law comprises this section)

Read a first and second time this **6th day of March, 2006.**

Read a third time and adopted this **6th day of March, 2006.**


(SIGNED)

Denis Pommainville
Mayor

(SIGNED)

Marielle Dupuis
Deputy-Clerk

Certified that the above is a true copy of By-law No. **2-2006** as enacted and passed by the Council of the Corporation of The Nation Municipality on the 6th day of March, 2006.



Marielle Dupuis
Deputy-Clerk

1 ADMINISTRATION

1.1 Title

This By-law shall be known as the Zoning By-law or By-law No. **2-2006** of the Corporation of The Nation Municipality.

1.2 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of The Nation Municipality.

1.3 Administration

This By-law shall be administered by the Planner or such other person as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any building or structure or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-law.

1.4 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

- 1.4.1** the true dimensions and/or legal description of the lot to be built upon or otherwise used;
- 1.4.2** the proposed location, height and dimensions of any building, structure or use proposed for such lot;
- 1.4.3** the proposed location, height and dimensions of yards, landscaping, parking areas and loading spaces required by this By-law;
- 1.4.4** the location of all existing buildings or structures on the lot, including the lot area and lot coverage of existing and proposed structures;
- 1.4.5** a statement, signed by the owner or authorized agent of the owner, disclosing all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

1.5 Inspection of Land, Buildings and Structures

- 1.5.1** Subject to Section 49 of the *Planning Act*, R.S.O. 1990, c. P.13, the Planner or other such person as may from time to time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-law.
- 1.5.2** Notwithstanding any provisions of Section 1.5.1 hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search

warrant issued under Section 158 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

1.6 Penalty

- 1.6.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and amendments thereto.
- 1.6.2 When a person has been convicted of an offence under this by-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

1.7 Repeal and Relationship to Former By-laws

- 1.7.1 Insofar as it applies to the lands affected by this By-law, By-law # 24-1980 (former Township of Caledonia), By-law #81-2 (former Village of St-Isidore-de-Prescott), By-law #144-88 (former Township of Cambridge) and By-law # 92-01 (former Township of South Plantagenet) passed under Section 34 of the *Planning Act*, R.S.O.1990, c. P.13, or its predecessor, are hereby repealed.
- 1.7.2 The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

1.8 Validity

- 1.8.1 Should any Section or part of a Section of this By-law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.
- 1.8.2 The requirements of this by-law are severable, if any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

1.9 Other By-laws, Licenses, Permits and Regulations

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other law in force from time to time.

1.10 Interpretation

- 1.10.1 The *Interpretation Act*, R.S.O. 1990, c. I.11, applies to this By-law.
- 1.10.2 Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

1.11 Effective Date

This By-law shall take effect from the date of its passing by Council, subject to the provisions of the *Planning Act R.S.O.1990, c. P.13*.

2 CONFORMITY REQUIREMENTS

2.1 Conformity

- 2.1.1** Save as otherwise provided in this By-law, no land, or building, or structure shall be used for any purpose, and no building, or structure, shall be erected and or altered for any purpose except as hereafter stated in this By-law and in conformity with all of the applicable provisions of this By-law.
- 2.1.2** Notwithstanding anything in this By-law, no person shall reduce any lot in dimensions, either by conveyance or other alienation of title of any portion thereof if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-law. However, no person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.
- 2.1.3** Any use or structure established in violation of a predecessor of this By-law shall be deemed to be non-conforming if the violation is also in violation of any of the provisions of this By-law.

3 DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word "shall" is mandatory and not discretionary; words in the singular include the plural, words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used". The word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

3.1 Abattoir

Means a place where animals are killed for market.

3.2 Accessory

When used to describe a use, building or structure means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. For an accessory building or structure, it shall also be uninhabitable and detached from the main building.

3.3 Adult Entertainment Parlour

Any premises or part thereof in which is provided services of which a principal feature or characteristic is the nudity or partial nudity of any person.

3.4 Adventure Game

Means an outdoor sport or recreational activity operated commercially where participants attempt to capture a flag or to achieve other pre-determined objectives and require the use of one or more of the following equipment: gas-operated markers that shoot biodegradable gelatine capsules filled with a water-soluble, non-toxic paint, paint pellets, safety equipment including goggles and armbands to identify team participants.

3.5 Adverse Effects

Means one or more of:

- 3.5.1 Impairment of the quality of the natural environment for any use that can be made of it;
- 3.5.2 injury or damage to property or plant and animal life;
- 3.5.3 harm or material discomfort to any person;
- 3.5.4 an adverse effect on the health of any person;
- 3.5.5 impairment of the safety of any person;
- 3.5.6 rendering any property or plant or animal life unfit for use by humans;
- 3.5.7 loss of enjoyment of normal use of property; and
- 3.5.8 interference with normal conduct of business.

3.6 Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act R.S.O. 1990, c. M.14*.

3.7 Agricultural Use

Shall mean the use of land, building(s) or structure(s) for:

- 3.7.1 the growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- 3.7.2 animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish, and all related activities such as breeding, training, feeding, manure storage and grazing;
- 3.7.3 the production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products;
- 3.7.4 the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include facilities which may be detrimental to the local residents such as intensive livestock operations, fur-bearing animal ranches, feed lots, and commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales.

3.8 Agricultural Co-op

Means a building and/or lot where a business owned and controlled by member agricultural producers operates to purchase, sell or market agricultural products, goods and services.

3.9 Agricultural Machinery Sales and Service

Means a building and/or lot used principally for the display and sale of new and/or used agricultural machinery, accessories and related products and may include the servicing and repair of such products.

3.10 Agriculturally Related Commercial Uses

Means the use of land, buildings or structures related to agriculture and necessary in close proximity to farm operations, such as animal husbandry services, produce or grain storage facilities, grain drying and or cleaning operations, seed, feed and other farm supply sales and services, farm machinery outlets, but does not include any manufacturing, assembling, processing, warehousing or construction uses.

3.11 Alter

3.11.1 When used in reference to a building, structure or part thereof, means:

- 3.11.1.1 to change any one or more of the external dimensions of such building or structure; or
- 3.11.1.2 to change the type of construction of the exterior walls or roof of such building or structure; or
- 3.11.1.3 to change the use of such building or structure or the number or types of uses or dwelling units contained therein.

3.11.2 When used in reference to a lot means:

- 3.11.2.1 to change the boundary of such lot with respect to a street or lane; or
- 3.11.2.2 to change any dimension or area, relating to such lot;
- 3.11.2.3 to change the grade and drainage pattern of such lot; or
- 3.11.2.4 to change the use of such lot or the number of uses located thereon.

3.11.3 When used in reference to a shoreline:

3.11.3.1 means to change, straighten, divert or interfere in any way with the channel of any watercourse.

3.12 Arts, Crafts and Antiques Market

Means a building or open area in which stalls or sales areas are set aside or rented or otherwise provided, and which are intended for use of various unrelated individuals to sell articles that are either homemade, home grown, handcrafted or antique. Antique refers to an object which is made or fabricated thirty or more years earlier and which has a unique appeal mainly because of its age. This shall not include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade, antique vehicles and/or a flea market.

3.13 Attached

Means a building or structure otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings.

3.14 Attic

Means that portion of a building immediately below the roof and wholly or partly within the roof framing and which is not a one-half story.

3.15 Auction House

Means premises used for the storage and/or display of goods or materials which are to be sold on the premises by auction.

3.16 Auditorium

Means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an assembly hall, arena, community centre, gymnasium, stadium, theatre or similar use.

3.17 Auto Body Shop

Means a building with a service bay, where painting, refinishing, restoration or repairs to the coachwork of motor vehicles are performed, but shall not include an automobile wrecking yard or salvage yard.

3.18 Auto Repair Garage

Means a building used for the storage repair and servicing of motor vehicles, having at least one (1) service bay where repairs essential to the actual operation of a motor vehicle are performed.

3.19 Auto Service Station

Means a building and/or lot used for the sale of fuels for vehicles and may include the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this by-law.

3.20 Automotive Sales Establishment

Means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

3.21 Bachelor Suite

Means a self-contained unit in an apartment building, consisting of a bed / sitting room combination, a kitchen, a bathroom and spaces normally accessory thereto.

3.22 Bake Shop

Means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

3.23 Bakery

Means a factory for providing, producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

3.24 Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

3.25 Basement (See illustration #1)

Means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

3.26 Batching Plant, Asphalt or Cement

Means an industrial facility used for the production of asphalt or cement, or asphalt or cement products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or cement products.

3.27 Bed and Breakfast Establishment

Means a private dwelling designed to be used in part for the accommodation of the travelling or vacationing public, containing therein three (3) or fewer suites or guest rooms.

3.28 Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act, 1992, S.O. 1992, c. 24* and is in compliance with municipal by-laws and approvals.

3.29 Boarding or Lodging House

Means a dwelling or portion thereof containing rooms in which the proprietor supplies for gain, lodging with or without meals, but does not include a bed and breakfast establishment, a hotel, a hospital, children's home, home for the aged, or other establishment otherwise classified or defined in this By-law.

3.30 Boat House

Means a building or structure or part thereof not over 4.8 m in height, used for the storage of private boats and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for any residential or commercial purpose. Despite anything in the foregoing to the contrary, rooftop decks or patios and screened enclosures (i.e. gazebos) shall be allowed provided that the total aggregate height of all boat house structures does not exceed the maximum height limit by more than 1.2 m.

3.31 Building

Means any structure used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code Act, R.S.O. 1992, c.23*.

3.32 Building Area

Means the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms, balconies and garages.

3.33 Building By-law

Means any By-law of the Corporation passed pursuant to the *Ontario Building Code Act, R.S.O. 1992, c.23*.

3.34 Building Contractor's Shop

Means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space or maintenance facilities, but shall not include a retail business sales counter nor a wholesale business.

3.35 Building Height (See Illustrations #28, 29, 30, 31, 32 & 33)

Means the vertical distance measured between the average finished grade at the base of the building and:

- 3.35.1.1 the highest point of the roof surface or parapet wall in the case of a flat roof, whichever is the highest;
- 3.35.1.2 the mean height level between the base of the roof and highest point of any other type of roof.

3.36 Building Line

Means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

3.37 Building, Main

Means a building in which is conducted the principle uses of the lot on which it is situated.

3.38 Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any buildings on a lot.

3.39 Building Supply and Lumber Outlet

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a salvage yard, where used building supplies are stored, displayed, or kept for retail sale.

3.40 Building, Temporary

Means a building or structure intended for removal or demolition within a prescribed time not exceeding six months or as set out in a building permit.

3.41 Business Office

Means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for repairing equipment, goods, materials or vehicles.

3.42 Campground

Means an area of land, managed as a unit, providing short term accommodation for tents, recreational vehicles or campers for a set fee but shall not include mobile homes or a mobile home park.

3.43 Campground - Private

Means an area of land providing short term accommodation for tents, recreation vehicles or campers where no fee is charged or paid for such accommodation but shall not include mobile homes or a mobile home park.

3.44 Campground - Recreational

Means an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which without limiting the generality of the foregoing, shall include, but shall not be limited to the following: children's camp or establishment, scout camp, religious camp, institutional camp, or other like or similar camp or establishment, but shall not include a tourist establishment, mobile homes or a mobile home park.

3.45 Campground - Tourist

Means an area of land providing short term accommodation for tents, recreational vehicles or campers and may include accessory uses such as a laundromat, convenience store, sale of propane fuels and recreational uses for persons using the campground where a fee is charged or paid for such accommodation but shall not include mobile homes or a mobile home park..

3.46 Canopy

Means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

3.47 Car Port

Means a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

3.47.1 Where a roofed enclosure used for the storage or parking of motor vehicles has more than 60 per cent of the total perimeter enclosed by walls, doors or windows, the enclosure shall be considered a garage.

3.48 Car Rental Agency

Means the use of land, building or structure where motor vehicles are kept for lease and where such vehicles may be dropped off or picked up.

3.49 Car Washing Establishment

Means a building or portion thereof used for washing or cleaning of motor vehicles for gain.

3.50 Catering Establishment

Means an establishment in which home made meals and beverages are prepared on a small scale to be served for consumption off the premises.

3.51 Cellar (See illustration #2)

Means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

3.52 Cemetery

Means a property used for interring of the dead and as regulated by the *Cemeteries Act*, R.S.O. 1990, c. C.4.

3.53 Cheese Factory

Means the use of land, buildings or structures for the purpose of producing, assembly, making, preparing, inspecting, finishing, treating, altering, warehousing or storing cheese and related products and may include a retail outlet for the sale of goods produced on site.

3.54 Chief Building Official

Means an officer, employee or authorized subordinates appointed by the Council of the Corporation of The Nation Municipality charged with the duty of enforcing the provisions of the *Ontario Building Code Act, R.S.O. 1992, c.23*.

3.55 Clinic

Means a building used solely for the purpose of consultations, diagnosis and treatment of patients, by one (1) or more legally qualified physicians, dentists, optometrists, chiropractors, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

3.56 Club, Commercial

Mean a building or premises used as an athletic, recreational or social club operated for gain or profit.

3.57 Club, Private

Means a building or premises used as an athletic, recreation or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labour union hall or similar use.

3.58 Commercial Greenhouse

Means a building used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

3.59 Commercial Vehicle

Means a vehicle used for commercial trade or government services and without limiting the foregoing includes delivery vehicles, emergency vehicles, motor buses, tractors and tractor trailers and single or multiple axle trucks.

3.60 Communications Facility

Means an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, fibre optic communication infrastructure or similar facility.

3.61 Community Centre

Means any parcel of land or building(s) used for community activities whether used for commercial purposes or not, and the control of which is vested in the municipality, a local board or agent thereof.

3.62 Compliance Report

Means a permit issued under the authority of the *Planning Act, R.S.O. 1990, c. P.13* by the Planner or such other person as may from time to time be designated by Council which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

3.63 Condominium

Means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the *Condominium Act, 1998, S.O. 1998, c. 19*.

3.64 Conservation Use

Shall mean the use of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

3.65 Conservation Authority

Means the South Nation Conservation Authority.

3.66 Construction Yard or Contractor's Yard

Means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

3.67 Convenience Store

Means a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of such other merchandise as is required to fulfil the day-to-day needs of a surrounding community.

3.68 Corporation

Means the Corporation of The Nation Municipality.

3.69 Council

Means the Council of the Corporation of The Nation Municipality.

3.70 Country Style Dining Establishment

Means a private dwelling or part of a private dwelling which is occasionally used as an eating establishment for transient guests and where the primary attraction consists in serving meals which are prepared with home grown or local produce and livestock for gastronomic purposes.

3.71 County

Means the Corporation of the United Counties of Prescott and Russell.

3.72 Coverage

Means the percentage of lot area covered by all buildings.

3.73 Custom Workshop

Means a building or part thereof where individual custom productions of goods or materials are made but does not include any establishment where the manufacture of goods or materials is performed on a mass production or assembly line basis nor any shop or factory otherwise defined in this by-law.

3.74 Day Nursery – Licensed

Means a place wherein the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the *Day Nurseries Act, R.S.O. 1990, c. D.2*.

3.75 Day Nursery – Private

Means a place wherein the temporary care of children is provided, in accordance with the applicable provisions of the *Day Nurseries Act, R.S.O. 1990, c. D.2*, for a maximum of 5 children.

3.76 Deck

Means a structure abutting a dwelling or building with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

3.77 Density

Means the maximum number of dwelling units allowed by this by-law based on lot area. A fraction of one-half or more in value shall be counted as one dwelling unit.

3.78 Detached

When used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.

3.79 Development

Means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act, R.S.O. 1990, c. P.13*, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the *Drainage Act, R.S.O. 1990, c. D.17*.

3.80 Dining Room

Means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.

3.81 Dock, Floating

Means an accessory structure used for the mooring of marine vessels which is designed to float freely on the surface of the water body and which may be secured to the shoreline.

3.82 Dock, Permanent

Means an accessory structure used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the water body by concrete, metal or wood pillars or such other foundation.

3.83 Drainage

Means the movement of water, whether by way of the natural characteristics of the ground surface or by an artificial method.

3.84 Driveway

Means a vehicular access connected to only one public street or thoroughfare, which provides ingress to and/or egress from lot, but shall not include a lane as defined herein.

3.85 Drug Store

Means a building or structure or portion thereof wherein prescription medicines, patent medicines, sundry household items and similar merchandise are kept and offered for sale to the public.

3.86 Dry Cleaning Outlet

Means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to a process of cleaning or dyeing. Such establishment may also be used for pressing an/or distributing any articles or goods of fabric, which have been received therein.

3.87 Dry Cleaning Establishment

Means a building or part of a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric may be performed. This definition may include a dry cleaning outlet.

3.88 Dwelling

Means a detached building occupied or capable of being occupied as the home, residence or sleeping place by one or more persons, and containing one or more dwelling units but shall not include a tent, recreational vehicle, camper or commercial trailer.

3.89 Dwelling - Accessory

Means a dwelling which is incidental, subordinate and exclusively devoted to a main use and is located on the same lot therewith.

3.90 Dwelling – Apartment (See illustration #5)

Means the whole of a building that contains three (3) or more dwelling units, which units are served by a common entrance from street level and by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards, or one or more of them. An "Apartment Dwelling" includes a garden suite, but does not include a quadruplex dwelling, a group of row dwellings, or a pair or group of semi-detached duplex or triplex dwellings, nor any other dwelling otherwise herein.

3.91 Dwelling - Converted

Means a dwelling altered to contain a greater number of dwelling units, with each self-contained dwelling unit having a floor space of not less than 55 m².

3.92 Dwelling – Duplex (See illustration #4)

Means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

3.93 Dwelling, Mobile Home - See Mobile Home**3.94 Dwelling, Park Model Trailer**

Means a manufactured building designed and constructed in conformance with CAN/CSA-Z241 Series M "Park Model Trailer, as set out in the *Ontario Building Code Act, R.S.O. 1992, c.23*, and is used or intended to be used as a dwelling or seasonal dwelling.

3.95 Dwelling – Quadruplex

Means a dwelling that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

3.96 Dwelling – Row (See illustration #6)

Means a building consisting of a series of three (3) or more dwelling units but not more than eight (8) units in a continuous row divided vertically into separate units by a common wall above grade.

3.97 Dwelling - Semi-detached (See illustration #3)

Means a building on a single foundation divided vertically into two (2) separate dwelling units by a common wall.

3.98 Dwelling – Single detached

Means a detached building containing one (1) dwelling unit, and shall include a modular home.

3.99 Dwelling – Townhouse

Means a building divided vertically into three (3) or more dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

3.100 Dwelling – Triplex

Means a building that is divided horizontally into three (3) separate dwelling units each of which has an independent entrance either directly or through a common vestibule.

3.101 Dwelling Unit

Means a building or part of a building, occupied or capable of being occupied, as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, motel, rental cottage or cabin or similar commercial use of a private or semi-private institution.

3.102 Dwelling Unit - Accessory

Means a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage or a single family dwelling. Such dwelling unit shall be occupied by the family of the owner of the non-residential building or by the family of a person employed on the lot where such dwelling unit is located.

3.103 Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another.

3.104 Egg Grading Station

Means one or more rooms or buildings where eggs are prepared and graded in accordance with the egg regulations of the *Canada Agricultural Products Act*.

3.105 Equestrian Establishment

Means an establishment engaged in the operation of a horse riding academy or horse riding stables.

3.106 Equipment Rental Establishment - Domestic

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods, only of a size and type which would be used for a specific home improvement or household purpose and which could be transported by the individual household user.

3.107 Equipment Rental Establishment – Agricultural or Industrial

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture, fixtures and other goods, of a size and type which would be used for agricultural, business, industrial and major construction undertakings or which may involve bulk shipping of such goods, food processing establishment, or similar non-household oriented rental functions.

3.108 Equipment Sales Establishment – Agricultural or Industrial

Means a building or part of a building or place where machinery or equipment for use in agricultural, industrial and major construction undertakings, agricultural or commercial vehicles, and other similar goods are kept for sale at retail or wholesale.

3.109 Equipment Service and Repair Establishment – Agricultural or Industrial

Means a building or part of a building where any equipment, vehicle, including agricultural or commercial vehicles, and/or tractors or trailers may be serviced, washed or repaired and may include body work repair.

3.110 Equipment Storage Establishment

Means a building wholly enclosed used for the storage of machinery and equipment for use in a commercial or industrial business and does not include outdoor storage or display.

3.111 Equipment and Vehicle Storage Yard - Industrial

Means an uncovered area which is used for the storage and machinery and equipment for use in industrial and major construction undertakings, commercial vehicles, and other similar goods requiring large areas for outside storage. Limited repair of such machinery, equipment, vehicles and goods may be permitted in a building provided such repair is clearly incidental and secondary to the storage use.

3.112 Erect

Means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension. This include any work for the doing of which a building permit is required under the *Ontario Building Code Act, R.S.O. 1992, c.23*.

3.113 Established Building Line

Means the average setback from the street line of existing buildings on one side of a continuous 100 m strip of land where 3 or more of the lots having street frontage upon the said side of the street have been built upon.

3.114 Established Grade

Means the average elevation of the finished level of the ground adjoining all of the walls of the building exclusive of any artificial embankments or berms.

3.115 Existing

Means existing as of the date of the passing of this By-law.

3.116 Existing Vegetation

Means the plant materials growing upon any lands prior to the erection, alteration or enlargement of any buildings or structures thereon.

3.117 Factory Outlet

Means a building or part of a building where products or goods are manufactured or produced on site or off site for wholesale or retail sale.

3.118 Family

Means one or more individuals being related by blood, marriage or common law marriage or a group of not more than three (3) individuals who need not be related by blood or marriage living together within a single housekeeping unit. "Family" also includes domestic servants, nursing aids and gratuitous guests. "Common law marriage" means two persons living together as a family without the sanctity of marriage.

3.119 Farm

Means land used for the tillage of soil or the growing of vegetables, fruits, grains, or other crops. This definition may also apply to land used for apiaries, livestock raising, dairy farming or woodlots.

3.120 Farm Specialized

Means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl; the raising of fur bearing animals; the raising of swine, sheep, fish, goats or cattle

on feed lots, the growing of mushroom, aquaculture, orchards, maple syrup production, nurseries and non-traditional livestock such as deer, bison, emu, pheasant, etc.

3.121 Farm Produce Outlet

Means a use accessory to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

3.122 Farmer's Market

Means an establishment or premises where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

3.123 Fence

Means any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

3.124 Fire Hall

Means a building or structure used for the purposes of supporting the provision of municipal fire protection services and which can include sleeping and dining facilities for fire fighting personnel, vehicle storage, maintenance and repair facilities and office space.

3.125 Fish Habitat

Means the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend upon directly or indirectly in order to carry out their life processes.

3.126 Flea Market

Means a street market composed of a series of individual retailer's booths or tables where sundry, new or secondhand articles, fresh produce or preserves are offered for sale.

3.127 Floodline or Flood Elevation

Means a line established by a one in one hundred year storm as established by flood plain mapping or by the South Nation Conservation Authority.

3.128 Flood Plain

Means the area established by the 1:100 years flood elevation and is usually low lands, adjoining a watercourse which has been, or may be covered by flood water.

3.129 Flood Proofing

Means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

3.130 Floor Area - Gross

Means the total area of each floor measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

3.131 Floor Area - Net

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

- 3.131.1** any private garage, porch, veranda, and unfinished basement, cellar or attic;
- 3.131.2** any part of the building or structure below grade which is used for building services, storage or laundry facilities;
- 3.131.3** any part of the building or structure used for the storage or parking of motor

vehicles.

3.132 Forestry Use

Means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silva culture practices.

3.133 Fuel Depot

Means land, building or structures used for the bulk storage, distribution and sale of gasoline, propane, heating oil, diesel, ethanol, natural gas or motor oil.

3.134 Funeral Parlour

Means a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories provided such activities are clearly secondary and incidental to the main undertaking service.

3.135 Garage – Commercial

Means a building where all functions of an automotive service station may take place and where major repairs of motor vehicles are performed. Such repairs may include all mechanical repairs as well as body work but shall not include dismantling of motor vehicles for scrap metal or the storage of motor vehicles awaiting scrapping.

3.136 Garage – Municipal

Means a building which is used for the storage or servicing or minor repairs of equipment essential to the actual operation of motor vehicles owned and maintained by The Nation Municipality, the United Counties of Prescott and Russell and any department of the Government of Ontario or Canada.

3.137 Garage – Parking

Means an enclosed structure used for the temporary parking of more than four vehicles and available for public use either free, for compensation or as an accommodation to customers.

3.138 Garage – Private

Means an accessory building or portion of a main building including a carport which is designed or used for parking or storage of motor vehicles of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

3.139 Garden Centre

Means an outdoor area primarily used for the retail of gardening equipment, products and planting materials.

3.140 Garden Suite

Means a one-unit detached residential structure other than a mobile home or recreational vehicle as defined, containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

3.141 Gasoline Bar

Means one or more pump islands, each consisting of one or more gasoline pumps, a shelter and which may also include a convenience store.

3.142 Gasoline Card Lock Facility

Means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

3.143 Gasoline Pump Island

Means a structure which is intended to provide for the dispensing of gasoline for vehicles, the storage of oil, windshield wash and other sundry items for vehicles, and which may contain a kiosk for the attendant.

3.144 Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, a driving range and may include as accessory, a pro-shop and/or an eating establishment but does not include a miniature course and similar use operated for commercial purposes.

3.145 Grade

Means when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior at the base of a building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway means the highest elevation of the street, road or highway owned by the municipality or other designated authority.

3.146 Group Home

Means a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, physical or social condition or legal status, require group living arrangement for their well being.

3.147 Group Housing Project

Means two or more dwellings but not including apartment, converted, duplex, rowhouse, semi-detached or triplex dwellings erected upon the same lot and either retained under one ownership or registered in compliance with the provisions of the *Condominium Act, 1998, S.O. 1998, c.19.* and amendments thereto.

3.148 Guest Room

Means a room or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

3.149 Habitable Room

Means a room in a dwelling used or intended to be used primarily for human occupancy.

3.150 Health Retreat

Means a building or part thereof wherein the business of a health retreat is carried on. Without limiting the generality of this type of use, such services as a business office, therapeutic massage, health and food counselling and therapy, may be located therein.

3.151 High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and 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.

3.152 Hobby Farm

Means a lot where the primary use is residential but where limited agricultural uses as an accessory use, including the raising of crops and livestock, are permitted provided that the agricultural activities are limited in scale and scope to the needs and enjoyment of the occupants of the primary residential use.

3.153 Home for the Aged (see Nursing Home)

3.154 Home Occupation

Means any occupation or enterprise which is carried out as a use accessory to the permitted residential use of a property and, subject to other relevant provisions of this by-law, is owned and operated by a person or persons residing on the property.

3.154.1 Where a home occupation is located in a residential zone this definition includes such activities as an instructional services studio of no more than eight (8) pupils, an office or studio for professional, administrative and consulting services, computer technology uses, distribution sales offices, arts and crafts, a beauty salon, a day nursery - private, a catering establishment, a personal clinic, a tailor, a person engaged in the repair of portable electric appliances or small devices, watches, clocks or similar activities.

3.154.2 Where a home occupation is located in a non-residential zone the following additional home based uses are permitted: a seasonal retail outlet for farm products produced on the property, a workshop for wood workers, craft-welders, painters, plumbers, electrician or other members of a trade.

3.154.3 Home occupations shall not include, a machine or auto repair shop, a retail or wholesale store or vending outlet, a restaurant, a tourist establishment, a convalescent home, a mortuary, a funeral parlour, a storage yard or a contractor's yard.

3.155 Hospital

Means a hospital as defined by the *Private Hospitals Act, R.S.O. 1990, c. p.24* or a hospital as defined by the *Public Hospitals Act, R.S.O. 1990, c. p.40*.

3.156 Hotel

Means a building designed or used for the accommodation of the travelling or vacationing public, containing therein four (4) or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

3.157 Class I Industry - Light Industrial Uses

Means a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

3.158 Class II Industry - Medium Industrial Uses

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard.

3.159 Class III - Heavy Industrial Uses

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar

uses which are intended to be secluded from residential or other sensitive land uses in order to limit any potential adverse effects on the environment or the surrounding areas and public health.

3.160 Infrastructure

Means physical structures that form the foundation for development including sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

3.161 Institutional Use

Means land, building, structure or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical or recreational benevolent objectives or public service and which is not operated for profit or gain.

3.162 Kennel

Means lands, building, structure or area which is used to maintain, board, breed or train five (5) or more dogs for personal use or as a commercial service to the general public and where dogs, pet foods and pet supplies can be sold.

3.163 Land

Means any ground, soil or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

3.164 Landscaped Open Space

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use but does not include parking areas, traffic aisles or driveways or ramps for vehicles.

3.165 Lane

Means:

3.165.1 a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces or from a lot to a public street; or

3.165.2 a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open spaces or buildings.

3.166 Laundromat

Means a building or structure where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

3.167 Library

Means a public building or structure where books and other audio-visual resources may be read, consulted or borrowed.

3.168 Livestock Facility

Means livestock barns where animals or poultry are housed, including beef feedlots, and the associated storage of manure but shall not include domestic animals.

3.169 Livestock Assembly Yard

Means an outdoor area where livestock such as cattle, goats, sheep, horses or the young thereof are temporarily held prior to transfer to a sales outlet or prior to transportation to other livestock facilities or farms.

3.170 Livestock Sales Outlet

Means a building or structure where livestock such as cattle, goats, sheep, horses or the young thereof are bought and sold.

3.171 Loading Space *(See illustration #18)*

Means a space or bay located on a lot or within a building which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a street.

3.172 Lot *(See illustration #9)*

Means a parcel of land which is capable of being legally conveyed in accordance with Section 50 of the *Planning Act, R.S.O. 1990, c. P.13*.

3.173 Lot Area

Means the total horizontal area measured within the limits of the lot lines of the lot.

3.174 Lot, Corner *(See illustration #37)*

Means a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees. Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

3.175 Lot Coverage

Means the percentage of the lot area covered by the ground floor area of all buildings located on the lot excluding canopies, balconies, overhanging eaves and private open air swimming pools.

3.176 Lot Depth *(See illustration #38)*

Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

3.177 Lot Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 6.0 m back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines. *(See illustration #39)*

3.178 Lot Interior

Means a lot other than a corner or a through lot which has frontage on a public street.

3.179 Lot Line

Means a boundary line of a lot. *(See illustrations #10, 11, 12 & 13)*

3.180 Lot Line - Exterior Side

Means a lot line located between the front and rear lot lines and dividing the lot from a street.

3.181 Lot Line, Front

Means:

3.181.1 In the case of an interior lot, the line dividing the lot from the street line.

3.181.2 In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line.

3.181.3 In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial highway shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

3.181.4 In the case of a lot with water access only, the front lot line shall be on the water side. In the case of a through waterfront lot with water access only, the longest shoreline shall be deemed to be the front lot line.

3.181.5 In case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.

3.182 Lot Line, Rear

Means the lot line furthest from, and opposite to, the front lot line.

3.183 Lot Line, Side Interior

Means a lot line other than a front, rear or side exterior lot line.

3.184 Lot, Through

Means a lot having a frontage on two parallel or approximately parallel streets. (See illustration #8)

3.185 Lot, Width

Means the average horizontal dimension between the two longest opposite sides.

3.186 Main Wall

Means any exterior wall of a building and all structural members essential to the support of a fully enclosed space or roof exclusive of permitted projections.

3.187 Manufacturing

Means the use of land, buildings or structures for the purpose of producing, assembling, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adapting for the sale of any goods, substance, article or service.

3.188 Manoeuvring Aisle

Means a space which services two or more parking spaces in a parking lot, such as the area between two rows of parking spaces.

3.189 Marina

Means a lot, building or structure on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait, foods, provisions or supplies as an accessory use may be provided.

3.190 Marine Facility

Means a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

3.191 Medical Practitioner

Means a doctor, dentist, chiropractor, chiropodist, optometrist, oculist but shall not include a veterinarian.

3.192 Mini Warehouse and Public Storage

Means a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

3.193 Miniature Golf Course

Means an area of land, building or structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf driving range.

3.194 Minimum Distance Separation

Shall mean the "Minimum Distance Separation I and II" of the Ontario Ministry of The Environment and the Ontario Ministry of Agriculture and Food (March 1995 and any subsequent amendments thereto).

3.195 Minor Variance

Means a variance from any provision of this By-law in respect to the land, building or structure or the use thereof, which is desirable for the appropriate development of the land, building or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.

3.196 Mobile Home

Means any dwelling that is designed and constructed in compliance with CSA Z 240 to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a recreational vehicle, tent trailer or trailer otherwise designed.

3.197 Mobile Home Park

Means land which has been provided and designed for the location thereon of two (2) or more occupied mobile homes.

3.198 Mobile Home Parcel

Means the space for the placement of one mobile home and for the exclusive use of its occupants.

3.199 Modular Home

Means a single detached dwelling consisting of one or more modules which has been prefabricated or manufactured in compliance with CSA A 277 in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a Mobile Home as otherwise defined.

3.200 Motel

Means a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein four (4) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

3.201 Municipality

Means the Corporation of The Nation Municipality.

3.202 Municipal Drain

Means a drain constructed by the municipality or a natural water course dedicated as a municipal drain, to regulate the water table or water level within or on any lands and maintained by the municipality.

3.203 Municipal Garage – See 3.135 Garage-Municipal

3.204 Municipal Office

Means an Office (see 3.213) occupied and or owned by the municipality and used for municipal purposes.

3.205 Museum

Means the use of land, buildings or structures for the purposes of assembling, preparing and displaying a collection of articles and artefacts illustrating science, art, ancient life or other subjects and includes accessory uses such as facilities for repair, renewing and storage and may include retail outlets for souvenirs and refreshments.

3.206 Natural Heritage Features

Means features and areas, such as significant wetlands, significant woodlands, fish habitat, significant portions of the habitat of endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

3.207 Negative Impacts

Means:

3.207.1 in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.

3.207.2 in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

3.208 Non-Conforming or Non-Complying

Means any existing use, building, structure or lot which does not conform with the zone requirements and standards of this By-law.

3.209 Nursery

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. (See also Commercial Greenhouse)

3.210 Nursing Home, Home for the Aged, or a Long Term Care Facility

Means a building or premises used in accordance with the provisions of the *Nursing Homes Act, R.S.O. 1990, c. N.7*, or the *Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13*, the *Long-Term Care Act, 1994, S.O. 1994, c. 26* or a home for the aged as provided for

under the *Charitable Institutions Act, R.S.O. 1990, c. C.9* respectively, and amendments thereto.

3.211 Obnoxious Uses

Means any use which is a nuisance to the occupant or owner of any neighbouring lands or buildings by reason of the emission from the neighbouring land or building or any part thereof, or the creation thereon, of odours, gases, dirt, radiation, smoke, noise, vibration, fumes, cinders, soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

3.212 Office

Means a building, structure or part thereof used for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities and may include accessory retail sale of goods.

3.213 Official Plan

Means the Official Plan of the United Counties of Prescott and Russell or parts thereof and amendments thereto and any Official Plan which may be adopted by the municipality under the *Planning Act, R.S.O. 1990, c. P.13*.

3.214 One Hundred Year Flood

Means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year. A flood produced by a 100 years flood is considered to be the minimum standard for delineation of the flood plain for planning purposes in Ontario.

3.215 Open Space

Means the open, unobstructed space on a lot including landscaped areas, pedestrian walkways, patios, pools or similar areas but not including any driveway, ramp, parking spaces or aisles, loading spaces or manoeuvring areas and similar areas.

3.216 Open Storage

Means storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

3.217 Open Storage Area

Means an area within or outside of a building used or intended for use for the open storage of goods, merchandise or equipment which may or may not be intended for immediate sale.

3.218 Outdoor Café

Means an outdoor area adjoining a restaurant, a bar or a tavern, consisting of outdoor tables, chairs and related decorations and fixtures, and where meals or beverages are served to the public for consumption on the premises. An outdoor café may be located within the public road right-of-way where an encroachment agreement exists between the operator and the Municipality.

3.219 Outdoor Display Area

Means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods or products sold by a retail or wholesale business on the same lot.

3.220 Outdoor Recreational Facility

Shall mean an establishment which provides recreational activities primarily located outside of a building such as a golf driving range, miniature golf, lawn bowling, tennis court, model airplane flying or similar activities. A go-cart, ATV or motocross track is not included within this definition.

3.221 Park – Public

Means an area of land, whether enclosed or not, maintained by the Municipality or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park with tourist campground facilities.

3.222 Park - Private (see Recreational Commercial Establishment)

3.223 Parking Area

Means a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all zones, and shall not include the storage or parking of four (4) or more motor vehicles for hire and gain, display or for sale.

3.224 Parking Lot

Means an area other than a parking area which is accessory to a permitted use and located on the same lot.

3.225 Parking Lot - Commercial

Means a lot or portion thereof used for the temporary storage or parking of four (4) or more vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

3.226 Parking Space

Means an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

3.227 Permitted

Means permitted by this By-law.

3.228 Permitted Uses

Means a use which is listed under the heading "Permitted Uses" in the zone where such use is located.

3.229 Person

Shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

3.230 Personal Service Establishment

Means an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, shoe repair, photographic store, laundromat or a dry cleaning distribution station or a similar use.

3.231 Pet Shop

Means a shop or place where animals or birds for use as pets are sold, kept for sale or groomed, where pet supplies and pet foods are sold but does not include a shop for breeding or boarding of pets.

3.232 Pit (see Quarry)

3.233 Place of Amusement

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or arcade, billiard or pool room, pinball machines and video games but does not include a casino or bingo hall. (See also Bingo Hall)

3.234 Place of Assembly

Means a building specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

3.235 Place of Worship

Means a building or an open area dedicated to religious worship.

3.236 Playground

Means a park or part thereof which is equipped with active recreational facilities oriented to children.

3.237 Police Station

Means a building or structure used for the purposes of supporting the provision of public police protection services and which can include sleeping and dining facilities for police personnel, vehicle storage, maintenance and repair facilities and office space.

3.238 Portable Asphalt/Concrete Plant

Means a facility certified by the Ministry of the Environment which complies with minimum separation distances having equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt/concrete paving material and which includes stockpiling and storage of bulk materials used in the process, and which facility is not of permanent construction but is designed to be dismantled and moved to another location as required.

3.239 Printing and Publishing Establishment

Means a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

3.240 Private Club

Means a building or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

3.241 Private Road

Means a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

3.242 Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body. (See also Marine Facility)

3.243 Public Authority

Means The Nation Municipality and any Boards or Commissions thereof, the United Counties of Prescott and Russell and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any

power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

3.244 Public Market

Means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, fruits, meats, dairy products, plants and crafts, but does not include a flea market.

3.245 Public Street

Means a public or common highway affording the principal means of access to abutting properties which has been dedicated to and or assumed by a public authority. This definition shall not include a private lane or private right-of-way.

3.246 Public Service Use

Means a building, structure or lot used for public services by The Nation Municipality or the United Counties of Prescott and Russell and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, telegraph or railway company, any company supplying natural gas, Hydro One Inc., any Conservation Authority, Public Utilities Company or similarly recognized agencies.

3.247 Public Utility

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system and which is operated by a public authority or a publicly governed company.

3.248 Quarry or Pit

Means land or land under water from which unconsolidated aggregate such as soil, earth, clay, marl, sand, gravel or consolidated rock or mineral is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes but shall not include rehabilitated land or an excavation incidental to the erection of a building or a structure for which a building permit has been granted by the municipality, or an excavation incidental to the construction of any public works.

3.249 Recreational Commercial Establishment

Means an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasium, band shell or open theatre, and other similar uses but does not include a casino or bingo hall.

3.250 Recreational Trailer (See Recreational Vehicle)

3.251 Recreational Vehicle - Active

Shall mean vehicle such as boats, snowmobiles, personal water craft, all terrain vehicles and motorcycle but does not include a mobile home, recreational equipment motor homes, travel trailers, tent trailers, campers or other equipment used for recreational purposes.

3.252 Recreational vehicle - Passive

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for the living, sleeping or eating accommodation of persons and includes the following: motor homes, travel trailers, tent trailers, campers, motor homes but does not include a mobile

home, recreational equipment such as boats, snowmobiles, personal water craft, all terrain vehicles, motorcycle or other equipment used for recreational purposes.

3.253 Recreational Vehicle Commercial Establishment

Means a building and/or lot which is used for the display, repair, storage and/or sale of recreational vehicles (active or passive) and accessory equipment.

3.254 Recycling Depot or Transfer Station

Means a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system. (See also Waste Disposal Site)

3.255 Redevelopment

Means the removal or rehabilitation of buildings or structures and the construction, reconstruction or erection of other buildings or structures in their place.

3.256 Restaurant

Means a building or structure where food is prepared and offered for sale to the public for consumption within or outside the building or structure or off the premises.

3.257 Retail Grocery Store

Means a building or part of a building in which food stuffs; such as baked goods, dairy, fruit, vegetables and meat are offered or kept for sale at retail prices and includes a limited variety of goods, merchandise, articles or things, usually associated with drug and cosmetic stores as well as smoker's supplies.

3.258 Retail Store

Means a building wherein goods, wares, merchandise, substances or articles are offered for sale to the general public on the premises or by catalogue sales and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein.

3.259 Retail Outlet

Means a building or part of a building accessory to a permitted use, in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public

3.260 Road (See Public Street)

3.261 Road Allowance (See Street Allowance)

3.262 Salvage Yard

Means a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junkyard, a scrap metal yard, a recycling depot and an automobile wrecking yard on the premises.

3.263 Sanitary Sewage Works

Means a system of underground conduits, operated by the Corporation which carries sewage to a sewage treatment facility.

3.264 Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

3.265 Sawmill or Planing Mill

Means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

3.266 Sauna

Means an accessory building or structure not exceeding 10 m² (107.6 ft.²) wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a boat house.

3.267 School

Shall mean a public educational establishment operated by a School Board.

3.268 School, Commercial

Means a commercial establishment which offers instruction in a specialized field including, but not limited to, computer training, music, sports, arts and crafts.

3.269 School, Private

Means an educational establishment, other than a School, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.

3.270 Seat

Means a place on or in which one sits. Where provided by benches, forms or pews, each 0.6 linear metre (2.0 ft.) of seating space shall be the equivalent of one (1) seat.

3.271 Seating Capacity

Means the number of persons which can be accommodated in a building or structure or part thereof in a seated position on chairs, benches, forms or pews.

3.272 Secondhand Shop

Means a building or part of a building in which used goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and may include such uses as a pawnshop, an antique store, an opportunity shop or similar use but no open storage is permitted other than during regular business hours.

3.273 Sensitive Land Use

Means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby facilities and includes a dwelling, day nursery and an educational or health facility.

3.274 Service Outlet

Shall mean a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof, and does not include an automotive repairs and services.

3.275 Setback (See illustration #16)

Shall mean:

3.275.1 With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.

3.275.2 With reference to a water body, the least horizontal distance between the high water mark of the water body and the nearest building line.

3.275.3 With reference to an interior lot or a through lot, the space between the front lot line and the nearest portion of the main wall of a building.

3.275.4 With reference to a corner lot, the space between the nearest portion of the main wall of a building and the street line, and the space between the side lot line abutting the flanking street, and the nearest portion of the main wall of a building.

3.275.5 With reference to a slope, means the minimum distance required between the top of the slope and the nearest part of any building or structure on the lot. In the event that there are two or more slopes on a lot, then the minimum distance shall be measured from the top of that slope which is highest in elevation.

3.276 Sewage and Water Systems

3.276.1 Full Municipal Sewage and Water Services:

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

3.276.2 Communal Services

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

3.276.2.1 are not connected to full municipal sewage and water services;

3.276.2.2 are for the common use of more than five (5) residential units/lots; and

3.276.2.3 are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the *Planning Act*, R.S.O.1990, c. P.13, providing for municipal/public body assumption of the communal services in the event of default by the owner.

3.276.3 Individual On-Site Systems

Means individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five (5) residential units/lots.

3.276.4 Partial Services

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

3.277 Shooting Range or Rifle Club

Means land, buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

3.278 Shopping Centre

Means a group of business uses designated, developed and managed as a unit, having the off-street parking provided on the site.

3.279 Shoreline

Means those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

3.280 Shoreline Structure

Means a building or structure such as a boat house (wet or dry), a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

3.281 Sight Triangle

Means a triangular space, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this by-law. (See *Illustration #14*)

3.282 Sign

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

3.282.1 is a structure, or part of a structure, or which is attached thereto or mounted thereon; and

3.282.2 which is used to advertise, inform, announce, claim, give publicity or attract attention.

3.283 Site Alteration

Means activities, such as fill, grading and excavation that would change the landform and natural vegetative characteristics of a site.

3.284 Snack Bar or Coffee Shop

Means a public eating place where snacks or a light meal are served and may include take-out foods and refreshment vehicles.

3.285 Solar Collector

Means any device relying upon direct solar radiation that is employed in the collection of solar radiation for heating and/or cooling of a structure, building or water.

3.286 Solid Waste Disposal Site (see Waste Disposal Site)

3.287 Special Support Home

Means a group home as defined and administered by the Ministry of Community and Social Services.

3.288 Stable - Public

Means a detached building where horses or other livestock, excluding domestic animals, are boarded and receive care and feeding on a fee for service basis.

3.289 Stable - Private

Means a detached building where horses or other livestock, excluding domestic animals, are boarded and receive care and feeding and where these services are not offered on a fee for service basis.

3.290 Storage Shed

Means an accessory building used for the storage of household items and equipment incidental to a main use.

3.291 Storey

Means that portion of a building other than a cellar or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

3.291.1 First Storey means the storey with its floor closest to finished grade and having its ceiling at least 1.5 m above finished grade.

3.291.2 One-half Storey means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 m (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.

3.291.3 Attic means that portion of a building situated wholly or partly within the roof but which is not a one-half storey.

3.291.4 Basement means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

3.291.5 Cellar means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

3.292 Street Allowance

Shall have a corresponding meaning to that of Public Street or Private Road

3.293 Street (See Public Street)

3.294 Street Line

Means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

3.295 Structure

Means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a sewage disposal system but does not include a fence.

3.296 Studio

Means a building or part thereof used, as the workplace of a photographer, artist, or artisan or for the instruction of art, music, languages or similar disciplines.

3.297 Supermarket (see Retail Grocery Store)

3.298 Swimming Pool

Means an outdoor or indoor pool used for swimming, wading, diving or recreational bathing which is at least 60 cm (23.6 inches) in depth, but does not include a tub, hot tub, spa or whirlpool.

3.299 Tavern

Shall mean a building or part thereof where, in consideration of payment thereof, liquor, beer or wine or any combination thereof are served for consumption on the premises, with or without food.

3.300 Temporary Use

Means a use established for a fixed period of time by By-law under Section 38 of the *Planning Act, R.S.O. 1990, c. P.13* as amended, with the intent to discontinue such use upon the expiration of the time period.

3.301 Tent and Trailer Park

Shall mean a parcel of land which is used to provide temporary accommodation for the public in tents or recreational vehicles.

3.302 Theatre, Cinema

3.302.1 Theatre Means a building or part of a building which is used for the presentation of live, dramatic or musical performances or entertainment.

3.302.2 Cinema Means a building or part of a building devoted to the showing of motion pictures.

3.303 Top of Slope

Means the point of line which is the beginning of a significant change in the elevation of the land surface, and from which the land surface slopes downward toward an existing (or abandoned) watercourse (or lake).

3.304 Tot Lots

Means a public park (See 3.220) which is generally limited in size and which is equipped with amenities designed for recreational use by small children.

3.305 Tourist Establishment

Means premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, lodge or bed and breakfast, and rental cottage or cabin where more than 3 such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses.

3.306 Tourist Lodge

Means a building or buildings designed or used for the accommodation of the travelling or vacationing public and may include self-contained cabins, cottages or housekeeping units as well as camping facilities.

3.307 Tourist Outfitters Establishment

Means an establishment which furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes and operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals.

3.308 Tourist Trailer

Means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (despite that its running gear is or may be removed), but does not include a mobile home.

3.309 Transportation Depot

Means land, or a structure or a building where commercial vehicles are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

3.310 Transport Trailer

Means any vehicle so constructed that it is suitable for being attached to a motor vehicle or tractor and capable of being used for transporting goods, materials or livestock, despite that such vehicle is jacked up or its running gear is removed.

3.311 Truck Stop

Means any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

3.312 Unclassified Wetland

Means 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 edge of a unclassified wetland shall be defined as being where greater than 50% of the plant community consists of hydrophytic or water tolerant species. For the purpose of this by-law, such areas have not been classified as being of Provincial significance under the Provincial Policy Statement. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be unclassified wetlands in this definition.

3.313 Use

Means the purpose for which a lot or a building or a structure is designed, arranged, occupied or maintained.

3.314 Utility

Means a public utility as defined in the *Public Utilities Corporation Act, R.S.O. 1990, c. P.52*.

3.315 Vehicle

Means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car.

3.316 Vehicle Agency

Means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

3.317 Veterinary Establishment

Means a building or part of a building used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment.

3.318 Video Rental Outlet

Means a building or part of a building wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders, video cameras and video games.

3.319 Warehouse

Means a building or structure or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

3.320 Waste Disposal Site

Means a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic

chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots. (See also Recycling Depot)

3.321 Waste Disposal Site Influence Area

Means the area where the possible effects of a Waste Disposal Site, including landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin, are most likely to occur.

3.322 Water Course

Means a natural channel where water is flowing continuously or intermittently, possessing a bed and banks and where it usually discharges into other stream or water body.

3.323 Water Body

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

3.324 Water Frontage

Means a lot which has one or more lot lines abutting a navigable watercourse, bay or lake.

3.325 Water Works System

Means the supply and distribution system of underground or underground piping and related storage or reservoir, including pumping and purification appurtenances and water filtration plant which is owned and operated by the Corporation or by its designate.

3.326 Wayside Pit

Means land from which unconsolidated aggregate is removed by means of open excavation for use in a public undertaking.

3.327 Wayside Quarry

Means a place from which consolidated aggregate is removed by means of open excavation for use in a public undertaking.

3.328 Welding Shop

Means the use of land, building, or structure where pieces of metal are welded or fabricated.

3.329 Wetland

3.329.1 Means 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.

3.329.2 Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

3.329.3 Wetlands that meet Ministry of Natural Resources criteria are classified as provincially significant.

3.330 Wildlife Habitat

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

3.331 Wind Energy Conversion System

Means a system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components including energy storage, power conditioning, control systems, transmission systems and structural support systems, to provide electricity or mechanical power for residential, commercial, industrial, agricultural, utility or governmental use.

3.332 Wholesale Establishment

Means a building, structure or part thereof used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

3.333 Woodlands

Means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands also include treed areas, woodlots or forested areas and vary in their level of significance.

3.334 Workshop

Means a building, structure or part thereof where manufacturing is performed by a tradesman, 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 artisan welder's shop or similar uses.

3.335 Wrecking Yard (see Salvage Yard)**3.336 Yard (See illustrations #19, 20, 21 & 22)**

3.336.1 Means the area between a main wall of a building and a lot line that, except for landscaping or accessory buildings and projections specifically permitted elsewhere in this by-law, is unobstructed above grade.

3.336.2 Yard, Front means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line.

3.336.3 Yard, Rear means a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building.

3.336.4 Yard, Side means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.

3.336.5 Yard, Side - Exterior means a side yard adjacent to a public street. In the case of an irregular lot, if a proposed building or structure conforms to the yard requirements but would be located closer to the property limit than the minimum distance required, the minimum distance required shall be applied between the property limit and the closest part of the building or structure.

3.336.6 Yard, Side - Interior means a side yard other than an exterior side yard.

3.337 Zone

Means a designated area of land use demarcated on the Schedules attached hereto.

3.338 Zoning Administrator

Means the officer or employee of the municipality charged with the duty of enforcing the provisions of this By-law.

4 GENERAL PROVISIONS

4.1 Accessory Buildings, Structures and Uses

Where a lot is devoted to a permitted use, customary accessory uses, buildings and structures are authorized provided that:

- 4.1.1 All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same zone as the principal use.
- 4.1.2 The use of any accessory building for human habitation is not permitted except where specifically listed as a permitted use.
- 4.1.3 Where an accessory use, building or structure for a residential use is located in a non-residential zone the maximum gross floor area shall not exceed 298 m². The minimum interior yard and rear yard setbacks shall be as required in the applicable zone, except if the maximum gross floor area of the accessory building or structure do not exceed 90 m², the minimum interior yard and rear yard setback shall be 1.2 m.
- 4.1.4 Where an accessory use, building or structure for a residential use is located in a residential zone the maximum gross floor area shall not exceed 90 m². The minimum interior yard and rear yard setbacks shall be 1.2 m.
- 4.1.5 Any building or structure which is attached to the main building shall not be considered an accessory building or structure.
- 4.1.6 Accessory uses, excluding outdoor swimming pools, shall not cover more than 45% of any rear yard nor more than 8 % of the total lot area in any residential zone or more than 8% of the total lot area in any non-residential zone.
- 4.1.7 In residential zones heat pumps and air conditioners shall not be permitted within any minimum interior side yard.
- 4.1.8 Despite Section 4.1.1 (c) above, a boat house, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 3.0 m to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water.
- 4.1.9 The maximum height of accessory buildings shall be as provided in the individual zone provisions.

4.2 Private swimming pools

Private swimming pools, both above-ground and in-ground, outdoor and indoor, shall be permitted subject to any By-law of the municipality regarding swimming pools and the following requirements:

Outdoor Pools

- 4.2.1 No part of an outdoor pool including an associated apron or platform shall be located

within a front or external yard nor closer than 1.2 m to an interior side yard or rear yard lot line.

- 4.2.2** Any building or structure, other than a dwelling, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting accessory uses and structures.

In-door Pools

- 4.2.3** Indoor pools which are not an integral part of a dwelling unit or part of a municipal or private recreational facility shall conform with the accessory building requirements contained in subsection 4.1.

4.3 Auto Service Station, Commercial Garage, Gasoline Bar, Car Washing Establishment

Despite any other provisions contained in this By-law, for all zones within which an automobile service station, gasoline bar, and/or car washing establishment is permitted the following shall apply:

Gasoline Pump Island Location

- 4.3.1** The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 6.0 m from any lot and street line.
- 4.3.2** Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 3 m to a sight triangle;

Separation of Propane Tanks

- 4.3.3** No person shall erect or use a tank for the storage of propane for sale at an automobile service station or gas bar or on any other property where vehicle fuel may be dispensed unless a license has been obtained from the Ministry of Consumer and Business Relations and the location is in compliance with the requirements under the Ontario Propane Code.

Access and Egress

- 4.3.4** The width of any entrance or exit, combined entrance or exit measured at the front lot line or exterior side lot line shall not be greater than 10 m and there shall not be more than 2 accesses from any one street which adjoins the lot.
- 4.3.5** The minimum distance of any access from a street intersection shall be 12 m and the minimum distance between accesses shall be 9 m.
- 4.3.6** The minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 m;
- 4.3.7** The minimum distance between an interior side lot line and any driveway shall be 3 m.

4.4 Buildings to be Moved

No building or structure shall be moved within the limits of the Municipality or shall be moved from outside the Municipality into the Municipality unless the building or structure is a permitted use and satisfies all the requirements of the zone in which it is to be located and then only after a permit has been obtained from the Chief Building Official.

4.5 Cemetery

Cemeteries shall solely conform to the *Cemeteries Act, R.S.O. 1990, c. C.4.*

4.6 Change of Use

A use of lot, building or structure which, under the provisions hereof is not permissible within the zone in which such lot, building or structure is located, shall not be changed except to a use which is permissible within such zone.

4.7 Cumulative Standards

Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

4.8 Conflicting Standard

- 4.8.1** The available building area left on a lot after the required minimum yards have been established may not necessarily be greater than or equal to the maximum lot coverage permitted. Where there is a discrepancy, the more restrictive standards shall apply.
- 4.8.2** Where there are any other conflicting requirements in this By-law, the more restrictive standards shall apply unless specifically stated otherwise.
- 4.8.3** Where any provision of this By-law conflicts with the provisions of any regulation, By-law or statute of any other government authority, the higher or more stringent standard shall prevail.

4.9 Corner Lot Sight Lines

Notwithstanding any provisions of this By-law to the contrary, within any area defined as sight triangle, the following uses shall be prohibited:

- 4.9.1** A building, structure or use which would obstruct the vision of drivers of motor vehicles;
- 4.9.2** A fence or tree, hedge, bush or other vegetation, other than agricultural crops, the top of which exceeds 1.0 metre in height above the elevation of the centrelines of abutting streets;
- 4.9.3** A parking area;
- 4.9.4** A finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 metres.

4.10 Dangerous Substances

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under *The Health, Protection and Promotion Act, R.S.O. 1990, c. H.7* or regulations thereunder.

4.11 Development Within 120 Metres of a Wetland Zone

- 4.11.1** Development or site alteration within 120 metres of a parcel or area of land designated wetland zone (W) may be permitted, if it can be demonstrated that there will be no negative impacts on the wetland's natural features or ecological functions.
- 4.11.2** An environmental impact assessment will not be required for established agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations.

4.12 Development Within or Adjacent to Natural Sites of County Significance (NSCS)

- 4.12.1** Any parcel or area of land in any zone on Schedule "A" of this By-law may be further classified as a Natural Sites of County Significance with the addition of the suffix "nscs". The intent is to signify that this parcel or area of land have been identified in the Prescott and Russell Official Plan as an area that have known ecological, educational or interpretive functions which are of importance for the Counties but are not necessarily provincially significant.
- 4.12.2** In areas identified as NSCS on Schedule A, and on adjacent lands located within 50 meters of the boundary of the NSCS area, development may be permitted in accordance with the underlying zone(s) if it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
- 4.12.3** Notwithstanding 4.12.2, on adjacent lands of a NSCS area where the underlying zone permits agricultural uses, such as ploughing, seeding, harvesting, grazing, animal husbandry, and new and existing buildings associated with farming operations, such uses shall not require an environmental impact assessment.

4.13 Development Within or Adjacent to an Area of Natural and Scientific Interest (ANSI)

- 4.13.1** Any parcel or area of land in any zone on Schedule "A" of this By-law may be further classified as an Area of Natural and Scientific Interest with the addition of the suffix "ansi". The intent is to signify that this parcel or area of land have been identified in the Prescott and Russell Official Plan as having life science or earth science values related to protection, scientific study or education. Those areas have been identified by the Ontario Ministry of Natural Resources (OMNR).
- 4.13.2** In areas identified as ANSI on Schedule A, and on adjacent lands located within 50 meters of the boundary of the ANSI area, development may be permitted in accordance with the underlying zone(s) if it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
- 4.13.3** Notwithstanding 4.13.2, on adjacent lands of an ANSI area where the underlying zone permits agricultural uses, such as ploughing, seeding, harvesting, grazing, animal husbandry, and new and existing buildings associated with farming operations, such uses shall not require an environmental impact assessment.

4.14 Development Within or Adjacent to Significant Woodland (SW)

4.14.1 Significant Woodland areas have been identified in the Prescott and Russell Official Plan and these sites are shown on Schedule B with a shaded overlay identified with the letters SW.

4.14.2 In areas identified as SW on Schedule B, and on adjacent lands located within 50 meters of the boundary of the SW overlay, development may be permitted in accordance with the underlying zone(s) if it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

4.14.3 Notwithstanding 4.14.2, on adjacent lands where the underlying zone permits agricultural uses, such as ploughing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings associated with farming operations, such uses shall not require an environmental impact assessment.

4.15 Development Within or adjacent to a Wildlife Habitat (WH)

4.15.1 Wildlife Habitat areas have been identified in the Prescott and Russell Official Plan and these sites are shown on Schedule B with a shaded overlay identified with the letters WH.

4.15.2 In areas identified as WH on Schedule B, and on adjacent lands located within 50 meters of the boundary of the WH overlay, development may be permitted in accordance with the underlying zone(s) if it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

4.15.3 Notwithstanding 4.15.2, on adjacent lands where the underlying zone permits agricultural uses, such as ploughing, seeding, harvesting, grazing, animal husbandry, and new and existing buildings associated with farming operations, such uses shall not require an environmental impact assessment.

4.16 Dwelling Units

Location

4.16.1 No dwelling unit shall in its entirety be located in a cellar. However, a portion of a dwelling unit may be located in a cellar provided such portion of the dwelling unit shall be used only as a furnace room, laundry room, storage room, recreation room, or in the case of a bedroom, the provisions of the *Ontario Building Code Act, R.S.O. 1992, c.23* shall be respected.

4.16.2 A dwelling unit, in its entirety, may be located in a basement provided that the finished floor level of such basement is located above the level of the sanitary or storm sewer serving the buildings or structure in which such basement is located or provided that the dwelling unit is serviced by an appropriate sewage pumping facility.

Yard Provisions

4.16.3 Where a dwelling unit is located in a non-residential building, such dwelling unit shall comply with the yard provisions of this By-law which apply to the non-residential building.

Established Building Line in Built-Up Area

4.16.4 Notwithstanding the yard setback provisions of the By-law to the contrary, where a permitted building is to be erected on a lot in a built-up area, such permitted building may be erected closer to the street line or the centreline of the street as the case may be if the existing building(s) on the adjacent lot(s) is (are) closer to the street line or centreline than the By-law provisions permit. The minimum setback from the streetline or centre line for a proposed building or structure in a built up area shall be based on the average existing setbacks for buildings on the lots immediately adjacent to, and having the same frontage as, the lot where new development is proposed.

4.16.5 For the purposes of this By-law, built-up area provisions may apply only in the following zones: R1, R2, VC and CG.

4.17 Exception Zone

Where a zone symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply.

A number after the "-X" (eg. R-X1) indicates the order of the various exception zones.

4.18 Fish Habitat

Where a water course or municipal drain is identified as a Fish Habitat in the United Counties of Prescott and Russell Official Plan, as amended, the following provisions shall apply;

4.18.1 Where a water course or municipal drain is identified as a Type 1, 2 and 4 Fish Habitat, development or site alteration shall be permitted within 30 m of the Fish Habitat, if it is demonstrated through an environmental impact assessment that there will be no negative impact on the fish habitat or on the ecological functions for which the area is identified.

4.18.2 Despite Section 4.18.1, no development or site alteration shall be permitted within 15 m of a Type 1, 2 and 4 Fish Habitat.

4.18.3 Where a water course or municipal drain is identified as a Type 3 Fish Habitat, development or site alteration shall be permitted within 15 m of the Fish Habitat, if it is demonstrated through an environmental impact assessment that there will be no negative impact on the fish habitat or on the ecological functions for which the area is identified.

4.18.4 Despite Sections, 4.18.1, 4.18.2 and 4.18.3, extensions or enlargement of existing buildings in the adjacent land area to an identified Fish Habitat may be permitted provided that it is demonstrated through an environmental impact assessment that there will be no negative impact on the fish habitat or on the ecological functions for which the area is identified.

4.18.5 Despite Sections, 4.18.1, 4.18.2 and 4.18.3, the cleaning of municipal drains shall be permitted provided that such is carried out in accordance with acceptable standards, and that, where required, the authorization of the appropriate authority is obtained.

4.19 Frontage on a Public Street or Road

4.19.1 No person shall erect any building or structure in any zone unless the lot upon which

such building or structure is to be erected has sufficient frontage on a public road or street maintained year round, as per the requirements of the applicable zone except for an accessory building required for forestry and or agricultural uses, a communications facility, a public utility and a wayside pit or quarry. Such structures shall not be used for human habitation purposes.

Exception for Existing Agreements

4.19.2 Despite Section 4.18.1, where a maintenance or subdivision agreement exists between the municipality and a land owner and is registered on title, frontage on an unassumed, unopened or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the standards set out in the corresponding zone or any exception thereto.

4.19.3 Despite Section 4.18.1, where an access agreement registered on title between or amongst landowners that provides for a right-of-way to an existing lot which is developed for a single detached dwelling or seasonal dwelling as of the date of the passing of this By-Law, such uses shall be deemed to conform with the provisions of this By-Law for access.

Ministry of Transportation Access Requirements

4.19.4 In addition to all the requirements of the Corporation, all development adjacent to any Provincial Highway is also subject to the requirements and permits of the Ministry of Transportation.

4.20 Frontage on More Than One Street

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

4.21 Garden Suites

Subject to the passing of a site specific Temporary Use By-law under Section 39 of the *Planning Act, R.S.O.1990, c. P.13*, a Garden Suite shall be permitted as a separate dwelling unit to a permitted main residential use provided that the minimum lot area is 450 m², that the maximum net floor area is 50 m², that the maximum height of the Garden Suite is 6 m or the average height of the main buildings on the subject and abutting lots, whichever is the lesser, that the Garden Suite is located in a rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone and is set back a minimum of 3 m from any rear or side lot line. A garden suite shall be permitted only with water and sewer services or with sewer services only with private well.

4.22 Group Homes

Group Homes shall be permitted in all zones that allow residential uses provided that they are licensed by the Province.

4.23 Holding Zones

4.23.1 Any parcel or area of land in any zone on Schedule "A" of this By-law may be further classified as a holding zone with the addition of the suffix "h". The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict

development of the land until such time as the demand for the development of the land is sufficient to warrant immediate development.

- 4.23.2** Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than uses existing on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law as per regulation 199/96 of the *Planning Act, R.S.O.1990, c. P.13* and the Corporation may require that the applicant enter into an agreement for the development of the land prior to the amendment being adopted.

4.24 Home Occupation

Home occupation shall be permitted within a residence or an accessory building or both for the same home occupation.

Residential Zones

- 4.24.1** In residential zones, a home occupation shall be permitted as an accessory use in accordance with the following provisions:

4.24.1.1 The business is conducted by a person(s) residing on the premises.

4.24.1.2 No more than one person, other than a person(s) residing on the premises shall be employed on the premises.

4.24.1.3 Not more than 25% of the total floor area of the dwelling shall be used for such purpose.

4.24.1.4 The use is clearly accessory, secondary, incidental and subordinate to the permitted residential use and compatible with surrounding residential and/or non-residential uses.

4.24.1.5 In a residential zone a home occupation may be located in whole or in part in an accessory building however the total floor area of the home occupation shall not exceed 25% of the total floor area of the dwelling.

4.24.1.6 Open storage shall not be permitted.

4.24.1.7 There shall be no external display or advertising other than a legal sign, indicating to persons outside, that a part of the dwelling house or dwelling unit is being used for a purpose other than residential. Such sign may be no more than 0.9 m² in size and shall be located either on the dwelling or as a free-standing sign which is located no closer than 1.5 m to the front lot line.

4.24.1.8 The only retail permitted shall be for those products substantially made on site or accessory and essential to the business.

4.24.1.9 The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, dust, fumes, traffic or parking outside the property limits.

4.24.1.10 No mechanical or electrical equipment is used except that which is reasonably consistent with the use of the dwelling.

4.24.1.11 One parking space per 20 m² of floor area used for the home occupation and one parking space for an employee shall be provided in addition to the required parking for

the residential use.

Non-residential Zones

4.24.2 In a non-residential zone where residential uses are permitted, a home occupation shall be permitted as an accessory use in accordance with the following provisions:

4.24.2.1 The business is conducted by a person(s) residing on the premises.

4.24.2.2 The use is clearly accessory, secondary, incidental and subordinate to the permitted residential use and compatible with surrounding residential and/or non-residential uses.

4.24.2.3 No more than 3 persons, other than a person(s) residing on the premises, shall be employed on the premises.

4.24.2.4 The only retail permitted shall be for those products substantially made on site or accessory and essential to the business.

4.24.2.5 The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, dust, fumes, traffic or parking outside the property limits..

4.24.2.6 A maximum of 25% of the floor area of the dwelling unit may be used for a home occupation. Where the home occupation is located in an accessory building, 100% of such building may be used for the home occupation.

4.24.2.7 Open storage is permitted provided such storage is a minimum of 15 m from any lot line and a minimum of 50 m from a residential use on another lot and provided that the open storage area is no more than 20 m².

4.24.2.8 One parking space per 20 m² of floor area used for the home occupation plus one parking space per employee shall be provided in addition to any other required parking spaces. For members of a trade, a maximum of four 4 commercial vehicles can be stored on the premises provided that the vehicles are parked a minimum of 6 m from any lot line.

4.24.2.9 One sign of not more than 3 m² may be permitted to identify the home occupation but such sign must be located no closer than 2 m from the front lot line.

4.25 Height Exceptions

Where height limitations are set forth in this By-law, such limitations shall not apply to water tank, hose tower, flag pole, lightning rod, lightning standard, ventilator, skylight, mechanical equipment penthouse, air conditioning duct, antenna, wind generator, satellite dish, church steeple, belfry, clock tower, chimney, windmill, silo, grain elevator, electrical supply line and tower, and communication tower. Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transport or practices recommended by the Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

4.26 Landscaped Open Space

4.26.1 In any Residential, Commercial or Industrial Zone, any portion of any front yard which is not used for any other permitted purpose shall be devoted to landscaped open space.

4.26.2 Any land used for landscaped open space shall be included in the calculations of lot

area, yard requirements, etc. as set forth in this by-law.

4.26.3 Provisions for landscaped open space as buffering are included under the specific zones in this By-law.

4.26.4 Where landscaped open space is required as a buffer, such landscaping shall be continuous except for lanes, driveways, aisles or walkways which provide access to the lot.

4.27 Land Suitability for Use and Organic Soils

Despite any other provision of this By-Law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate conclusively using scientific approaches that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code Act, R.S.O. 1992, c.23* with respect to construction and the requirements of the *Ontario Water Resources Act, R.S.O. 1990, c. O.40* and the *Environmental Protection Act, R.S.O. 1990, c. E.14* with respect to the installation of an individual on-site sewage and water system can be met.

4.28 Loading Requirements

The owner or occupant of any lot, building or structure located in an Industrial or Commercial Zone which involves the frequent receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot occupied by the building or structure, loading spaces in accordance with the following regulations:

Number of Spaces Required

4.28.1 The number of loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

Floor Area of Building	Number of Loading Spaces
250 m ² or less	0
Exceeding 250 m ² but not 1,000 m ²	1
Exceeding 1,000 m ² but not 7,500 m ²	2
Exceeding 7,500 m ²	2 plus 1 additional space for each additional 7,500 m ² of floor area or fraction thereof in excess of 7,500 m ²

Size of Loading Space

4.28.2 Each loading space shall be at least 14 m long, 3.5 m wide and have a vertical clearance of 4.5 m.

Location

4.28.3 The required loading spaces shall be provided on the lot occupied by the building or structure for which the spaces are required and such spaces shall not form part of any

street or required parking area, and shall not be located within a required front yard or exterior side yard.

Access

- 4.28.4** Access to loading spaces shall be by means of a driveway at least 3.5 m wide for one way traffic and 6.0 m wide for two way traffic and located within the lot on which the loading spaces are located.

Cumulative Standards

- 4.28.5** Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirement for each use.

Additions to Buildings

- 4.28.6** The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required in Section 4.27.1 for such addition.

4.29 Lots Divided Into More Than One Zone

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions. Notwithstanding the foregoing, for lots which are partially in a holding zone of the "h" type, the entire lot shall be used to determine zone requirements such as area, frontage, coverage, and setbacks.

4.30 Minimum Distance Separation, Influence Areas and Special Setbacks

- 4.30.1** No person shall use any land, building or structure for a sensitive use (e.g. residential use, day nursery, educational or health facility) unless it complies with the following minimum distance separations, influence areas or special setbacks except where such distances have been waived or reduced by a upper tier authority, where upon the revised distance, influence area or setback shall apply. Distances, influences areas or setbacks shall be measured as set out for the respective requirement.

Setback from Via Rail Line

- 4.30.2** No person shall erect a building or structure or enlarge an existing building or structure, used for human habitation, located within 120 m of a railway right-of way unless a noise and vibration study prepared by a qualified professional to the satisfaction of Via Rail, determines that the setback may be safely reduced.

Setback from Highway 417

- 4.30.3** All development adjacent to any Provincial Highway is subject to the requirements and permits of the Ministry of Transportation.

Minimum Distance Separation I and II (MDS)

- 4.30.4** All development must be in accordance with the MDS formulae as defined in the

Implementation Guidelines as documented by the Ministry of Agriculture, Food and Rural Affairs.

- 4.30.5** Notwithstanding 4.29.4, building and structure for the housing of livestock are not permitted within 500 meters of a Village boundary as shown on Schedule A.

Waste Disposal Zone

- 4.30.6** The influence area shall be 500 m for a sensitive land use (e.g. residential use, day nursery, educational or health facility) measured from the boundary of the (licensed) fill area to the nearest property line of the sensitive use. Within the influence area, no sensitive land use shall be permitted unless an Environmental Impact Assessment is undertaken, to the satisfaction of the approval authority, to demonstrate that the proposed development will not negatively be impacted by the waste disposal zone (e.g. leachate migration, methane gas, rodents, vectors, vermin, odour, litter, noise, etc.)
- 4.30.7** No development shall be permitted within 50 m of the (licensed) fill area of an active waste disposal zone.
- 4.30.8** No waste disposal zone shall be permitted within 30 m from any watercourse, lake or pond.

Pits and Quarries

- 4.30.9** The influence area shall be 300 m for a pit or 500 m for a quarry for a sensitive land use (e.g. residential use, day nursery, educational or health facility) measured from the boundary of a Mineral Aggregate Resource Area. Within these influence areas, no sensitive land uses including the creation of new lots for such uses shall be permitted unless appropriate measures have been undertaken to mitigate adverse or potential adverse impacts. Adverse impacts may be addressed by means of a phasing plan, rehabilitation plan, landscaping berming, specified truck routes or other measures acceptable to Council.

Industrial Uses

- 4.30.10** Class I Industrial: The minimum separation distance from a sensitive land use (e.g. residential use, day nursery, educational or health facility) shall be 70 m measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.
- 4.30.11** Class II Industrial: The minimum separation distance for this industrial classification from a sensitive land use (e.g. residential use, day nursery, educational or health facility) shall be 300 m measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.
- 4.30.12** Class III Industrial: The minimum separation distance for this industrial classification from a sensitive land use (e.g. residential use, day nursery, educational or health facility) shall be 1,000 m measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.

4.31 Non-Conforming and Non-Complying Uses

Continuance of Existing Uses

- 4.31.1** Nothing in this By-law shall apply to prevent the use of any land, building or structure

for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law so long as it continues to be used for that purpose.

4.31.2 If a non-conforming use should cease for reasons beyond the owner's control, nothing in this By-law shall prevent such a use from being re-established within 24 months of the date on which the use ceased.

4.31.3 If a non-conforming use should cease intentionally, nothing in this By-law shall prevent such a use from being re-established within 12 months of the date on which the use ceased.

Prior Building Permits

4.31.4 Nothing in this By-law shall prevent the erection or use of any building or structure for which a building permit has been issued under the *Ontario Building Code Act, R.S.O. 1992, c.23* prior to the passing of this By-law, 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 the permit has not been revoked under the *Ontario Building Code Act, R.S.O. 1992, c.23*.

Road Widenings

4.31.5 Nothing in this By-law shall prevent the use of any land, building or structure or the erection of any building or structure on a lot which does not comply to the minimum lot frontage and/or lot area and/or front yard setback and in the case of a corner lot, the side yard setback, as a result of a road widening taken by the Nation Municipality, the United Counties of Prescott and Russell and the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with.

Reconstruction or Repair of Existing Building

4.31.6 Nothing in this By-law shall prevent the reconstruction, repair or strengthening to a safer condition of any non-conforming or non-complying building or structure which is unintentionally damaged by fire or other natural cause, provided that the non-conformity does not further reduce the requirements of this By-law and provided that reconstruction is commenced within two (2) years.

4.31.7 If a non-conforming building located in a flood plain area is damaged or destroyed by flooding, it may be reconstructed in accordance with the requirements of the South Nation Conservation or the Ministry of Natural Resources.

Addition to Existing Building or Structure

4.31.8 Nothing in this By-law shall prevent the renovation, extension or addition to a building, structure or private sanitary sewage disposal system which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure existed at the date of passing of this By-law but which building or structure does not comply with one or more of the zone requirements of this By-law, provided such renovation, extension or addition does not further reduce the requirements of this By-law and does not contravene any other requirements of this By-law or any requirements of Ministries and agencies.

Existing Undersized Lots

- 4.31.9** Despite anything else contained in this By-law, where a vacant lot lawfully created having a lesser frontage and/or area than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be used for a purpose permitted in the zone in which the said lot is located, provided it can be adequately serviced and that all other applicable provisions in this By-law are met.

Accessory Buildings

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

Less than Required Floor Area

- 4.31.11** Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling which existed at the time of passing of this By-law but which has a floor area or dwelling unit area less than that required by this By-law, provided such extension or addition does not contravene any other provision of this By-law.

Change of Use

- 4.31.12** The non-conforming use of any land, building or structure shall not be changed except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located, without permission from the Committee of Adjustment pursuant to the *Planning Act, R.S.O.1990, c. P.13*.

Non-conforming by Reason of Metric Conversion

- 4.31.13** Existing lots, buildings and uses which cannot meet one or more metric standards in this By-law but which can meet the approximate value of the imperial equivalent standard shall not be deemed non-conforming for this reason only.

4.32 Noxious Uses

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture by the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7* or any regulations made thereunder.

4.33 Occupancy Restrictions

Human habitation shall not be permitted in any of the following buildings, structures, or parts thereof unless the building, structure, or parts thereof meet all requirements of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, the *Ontario Building Code Act, R.S.O. 1992, c.23*. and any other applicable regulations, policies, or Acts:

- 4.33.1** Any private garage or other building which is accessory to a residential use;

- 4.33.2** Any truck, bus, recreational vehicle, coach or streetcar body whether or not the same is mounted on wheels;

4.34 Outdoor Illumination

Outdoor illumination of buildings, structures or yards including parking areas shall be permitted provided the fixtures are so designed and installed that the light is directed downward and deflected away from adjacent lots and public streets.

4.35 Open Storage, Sales and Display

No person shall use any lot or part thereof for open storage, sales or display except as permitted by this By-law and in an area which has been specifically designed and set aside for such purpose, is fully integrated with the main use of the lot and is in accordance with the following:

- 4.35.1** Open storage shall not be permitted within any required front yard and no closer than 5.0 m to any side or rear lot line;
- 4.35.2** Where outside storage areas abut a zone in which residential uses are permitted, the required setback of the outside storage area shall be increased to 10 m and must also be visually screened from any zone in which residential uses are permitted;
- 4.35.3** Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law.
- 4.35.4** The above provisions do not apply to open storage for Home Occupation in the rural area (see Section 4.24.2).

4.36 Parking Area Regulations

- 4.36.1** Except as provided herein, no vehicles shall be parked or stored in any zone unless the vehicle is located within a garage, carport, driveway, designated parking or storage area or on a street as permitted by Municipal By-law.
- 4.36.2** No parking space shall be used for the parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted use of the lot on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid.
- 4.36.3** Each standard parking space shall have a minimum width of 2.7 m and a minimum length of 6.0 m. Each barrier-free parking space shall have a minimum width of 3.7 m and a minimum length of 6.0 m.
- 4.36.4** Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.
- 4.36.5** The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs, then parking spaces for the addition or area changed in use shall be provided.
- 4.36.6** Parking area for more than four vehicles, supplementary regulations:
 - 4.36.6.1** The parking area shall be constructed of crushed stone, asphalt paving, concrete, paving stones, or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones and similar undesirable effects on adjoining

properties and shall incorporate drainage facilities that comply with the requirements of the municipality.

4.36.6.2 Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 6.0 m for two-way traffic and 3.5 m for one-way traffic where parking is angled.

4.36.6.3 A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m where designed for one-way vehicular circulation or 6.0 m where designed for two-way vehicular circulation.

Barrier Free Parking

4.36.7 Wherever barrier-free access to a building is required under the Building Code, one barrier-free parking space shall be provided for every 20 standard parking spaces or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements.

Location and number of spaces

4.36.8 Except where permitted elsewhere in this By-law, the required parking for residential uses of land shall be provided on the same lot as the dwelling unit. In all other zones, parking shall be provided within 100 m of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.

4.36.9 No parking space or area shall be located within a minimum required side yard in a residential zone.

4.36.10 If the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number.

Schedule for Parking Requirements

4.36.11 In any zone, the owner or occupant of any building or structure erected, enlarged or changed in use after the date of passing of this By-law shall provide off-street parking in accordance with the following provisions:

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: • single-detached • semi-detached • duplex • converted dwelling • accessory dwelling • seasonal dwelling • mobile home • park model trailer	2 spaces per dwelling unit
Residential: • apartment dwellings	1.5 space per dwelling unit
Auto body shop, auto repair shop, auto service station, gas bar	3 spaces per service bay plus 1 space per employee

Assembly hall, auditorium, dance hall, stadium, theatre and similar places of public assembly	1 space for every 4 seats, fixed or otherwise and where there are no seats, 1 space for every 10m ² assembly space
Building supply store, lumber yard, garden centre, nursery	1 space for each 20m ² of gross floor area and 1 space for each 35m ² of open storage
Clinic	6 spaces per doctor
Day nursery – licensed	1 space per employee and 1 space per 5 children
General business, retail store, convenience store, grocery store, commercial and personal service establishment, bank, office, meeting rooms, professional office or funeral parlour	1 space per 20m ² of Gross Floor Area minimum 5 spaces
Home Occupations	As per section 4.24
Hotel, motel, tourist outfitters (with road access)	1 space per guest unit, plus 1 space for each 6 persons of designated seating capacity of any accessory eating establishment
Manufacturing, industrial storage or wholesale, warehouse	1 space per 95m ² of Gross Floor Area plus 1 space per every 3 employees per shift
Nursing home, home for the aged, long-term care facility	1 space for every 6 patient beds plus 1 space for every 4 employees
Place of worship	1 space for every 5 seats, fixed or otherwise
Restaurant, restaurant-drive-in, beverage establishment, tavern, road house	1 space per 10m ² of Gross Floor Area
School	2 spaces per classroom
School – Private	4 spaces per classroom
All other uses not listed above	1 space per 30m ² of Gross Floor Area

4.37 Parking or Storage of Commercial or Recreational Vehicles in Residential Zone

4.37.1 No vehicles shall be parked or stored in a residential zone unless the vehicle is located within a garage, carport, driveway, designated parking area or on a street as permitted by Municipal By-law.

4.37.2 No parking space in a Residential Zone shall be used for the parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted use of the lot on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid.

4.37.3 No person shall use a street or parking space in a Residential Zone for the parking of commercial vehicles with a gross vehicle weight of 908 kg or more, or having more than 4 wheels, or more than 2 axles unless such vehicle is using such parking space on a temporary basis while conducting business on the premises.

4.37.4 The parking or storing of a recreational vehicle in a Residential Zone is only permitted if such vehicle is parked at least 3 m from a lot line abutting a street and 1.2 m from any other lot line.

4.38 Permitted Projections (See illustration #15)

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky except that those structures listed in the following table shall be permitted to project into the minimum yards required by this By-law for the following specified distances:

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters	0.75 m into any required front, rear or side yard
Canopies which are at least 2.13 m in vertical clearance above the established grade, with or without supporting posts	2.0 m into any required front or external side yard and 0.5 m into any interior side or rear yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (1/2) the setback of the building from the street line
Heat pumps and air conditioners	1.2m into any rear yard
Window awnings	0.75 m into any required yard
Steps, ramps for use by handicapped and walkways	No maximum into any required yard
Unenclosed porch, covered or uncovered platform, landing, patio or sun deck, balconies or steps	3.0 m into any required front external side or rear yard and 0.5 m into internal side yard

4.39 Portable Asphalt / Cement Plant

Portable asphalt/cement plant will be permitted without the need for rezoning, or development permit in all zones except in any Residential Zones, Environmental Constraint Zone (EC) and the Wetland Zone (W).

4.40 Prohibited Uses

Except as specifically permitted in this By-law, the following uses are prohibited:

4.40.1 No use shall be permitted within the municipality which, from its nature or the materials used therein, is declared to be an obnoxious trade, business or manufacture.

4.40.2 Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.

Kennels

4.40.3 The establishment or operation of a kennel is prohibited except on lands which are zoned to specifically permit a kennel.

Mobile Homes

4.40.4 The placement or use of mobile homes is prohibited except on lands which are zoned to specifically permit a mobile home

Commercial vehicles as an accessory structure

4.40.5 No commercial vehicle, transport trailer, truck, bus, recreational vehicle, coach, tractor, street car body, commercial container or mobile home whether or not the same is mounted on wheels shall be used as an accessory building in any zone except in industrial zones where the use of a commercial container as an accessory building may be permitted.

4.41 Public Uses

Any land may be used and any building or structure may be erected or used for the purpose of a public service by the municipality or by local Boards, Commissions or Committees thereof, any department or agent of the United Counties of Prescott and Russell or the Government of Ontario or Canada, including Hydro One Networks Inc., provided that:

4.41.1 The lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with, except for transmission facilities for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements);

4.41.2 No goods, material, or equipment shall be stored in the open except in accordance with the zone provisions;

4.41.3 Any building or structure erected in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone.

4.42 Railway Crossings and Sight Distance

Where any road or street crosses a railway at the same grade, no building, structure or other visual obstruction shall hereafter be erected within the sight triangle established by measuring from the point of intersection of centrelines of the road and the railway right-of-way, 45 m along the centreline of the road and 215 m along the centreline of the railway right-of-way.

4.43 Retrogressive Landslide Study Area

The area on Schedule "B" identified as Retrogressive Landslide Study Area reflects the study line contained in Report No. 921-2162 by Golders Associates, as well as subsequent site-specific geotechnical studies and is subject to the following provisions:

- 4.43.1** Where any lot is located within the Retrogressive Landslide Study Area as shown on Schedule "B" to this By-law, the erection of new buildings or accessory structures or the expansion of buildings or accessory structures shall not be permitted unless supported by a detailed geotechnical study completed by a registered geotechnical engineer qualified to work in Ontario, showing that such erection or construction of buildings or accessory structures, or expansion thereto may take place.
- 4.43.2** Should detailed geotechnical investigation by a registered geotechnical engineer qualified to work in Ontario support development within the Retrogressive Landslide Study Area, Council shall confer with the South Nation Conservation Authority and the proposed development may proceed subject to an amendment to this By-law and to the United Counties of Prescott and Russell Official Plan, altering the Retrogressive Landslide Study Area constraint line and subject to compliance with all other applicable provisions of this By-law.

These provisions do not apply to transmission facilities for gas, telephone, cable or hydro or to flood control or slope stabilization structures.

4.44 Setbacks From Slopes

- 4.44.1** Where any lot is adjacent to or traversed by an Unstable Slope as established by the Province and shown on Schedule "B" to this By-law, any building or structure to be erected thereon, (including a septic tank or tile field, swimming pool or underground structure) shall be set back from the top of the slope, and shall not be located on the flank of the slope or between the top of the slope and watercourse (or lake). The minimum setback is indicated in Schedule "B" hereto. Where a slope is not dedicated as an "Unstable Slope", the minimum setback from top of slope shall be 10 metres. In the event these setbacks shall be less than requested, Council shall confer with the South Nation Conservation Authority and a geotechnical study shall be submitted to support this reduction and this without submitting a minor variance or zoning amendment application.

This provision does not apply to permitted marine facilities, marinas or transmission facilities for gas, telephone, cable or hydro or to flood control or slope stabilization structures.

4.45 Setback From Water Course

- 4.45.1** Where any lot is adjacent to or traversed by a watercourse (or lake) shown on a Schedule to this By-law, or any Municipal Drain whether or not it is indicated on a Schedule, any building or structure to be erected thereon (including a septic tank or tile field, swimming pool or underground structure) shall be set back a minimum of 15 metres in the case of a watercourse or 10 metres in the case of a municipal drain from the bank. In the event these setbacks shall be less than requested, Council shall confer with the South Nation Conservation Authority and a geotechnical study shall be

submitted to support this reduction and this without submitting a minor variance or zoning amendment application.

This provision does not apply to permitted marine facilities, marinas or transmission facilities for gas, telephone, cable or hydro or to flood control or slope stabilization structures.

4.46 Sight Triangles

4.46.1 Within any area defined as a sight triangle, the following uses shall be prohibited:

- 4.46.1.1 A building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- 4.46.1.2 A fence, tree, hedge, bush or other vegetation, other than agricultural crops;
- 4.46.1.3 Any portion of a delivery space, loading space, driveway or parking space;
- 4.46.1.4 A berm or other ground surface which exceeds the elevation of the street by more than 0.6 metre.

4.46.2 For the purpose of this By-Law, the following sight distances shall apply:

- 4.46.2.1 Six (6) metres in all residential zones;
- 4.46.2.2 Ten (10) metres in all other zones.

4.47 Signs

4.47.1 Except as otherwise permitted in this By-law, commercial or advertising signs shall not be permitted on a residential lot or in a residential zone.

4.47.2 Where permitted, the use of signs shall be in accordance with the following provisions:

- 4.47.2.1 No sign shall be located within 1.5m of any lot line
- 4.47.2.2 Notwithstanding the above, no sign in a commercial or industrial zone shall be located within 15 m of a lot line abutting a residential or public use or a residential zone.

4.48 Solar Collector

Solar Collector shall be permitted in all zones when it is considered to be accessory to the main use or building and when it is part of the structure itself.

4.49 Streets and Parks

Street, walkways, bike paths and parks are permitted in any zone established by this By-law.

4.50 Temporary Buildings or Structures During Construction

4.50.1 Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.

4.50.2 In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided that approval is obtained pursuant to the matters contained herein and such temporary accommodation is

removed from the lot immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the municipality it is no longer required.

4.51 Use by Public Authority or Public Utility

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any utility installation for the purpose of public service by The Nation Municipality, the United Counties of Prescott and Russell and/or any public authority, any department of the Government of Ontario or Canada, including any Hydro One Networks Inc. facilities pursuant to the *Planning Act, R.S.O. 1990, c. P.13*, or publicly licensed authority provided that where such land, building or structure is located in or abutting a zone in which residential uses of land are permitted:

4.51.1 No goods, materials or equipment shall be stored in the open;

4.51.2 The lot coverage and setback regulations of the zone in which such land, building or above ground structure is located shall be complied with;

4.51.3 Any building erected under the authority of this section shall not be used for the purpose of an office and;

4.51.4 Parking and loading requirements as contained in this By-law shall be complied with.

4.52 Vehicle Storage

No person shall allow a vehicle without current valid licence plates to be parked outside on a lot for more than 30 consecutive days except within an approved junk yard. Farm vehicles shall be exempted from this provision.

4.53 Water and Sewage Disposal Systems

4.53.1 No person shall hereafter erect or use in whole or in part, any building or structure for any residential, commercial or industrial purposes on any land unless the use, building or structure is properly connected to an approved water supply and sewage disposal system and the applicant possesses a valid Certificate of Approval for same.

4.53.2 This provision does not apply to permitted marine facilities, marinas or transmission facilities for gas, telephone, cable or hydro or to flood control or slope stabilization structures or to uses accessory to a residential use such as a tool shed, patio, barbecue or similar use.

5 ZONES

5.1 ZONE CLASSIFICATION

For the purposes of this By-law, The Nation Municipality is divided into the following zones as named and described in the following sections, the boundaries of which are shown on Schedule "A" which is attached and forms part of this By-law.

ZONE NAME	ZONE SYMBOL
Residential Zones	
Low Density Residential Zone	R1
Medium Density Residential Zone	R2
High Density Residential Zone	R3
Mobile Home Residential Zone	R4
Commercial Zones	
General Commercial Zone	CG
Recreational Commercial Zone	CR
Highway Commercial Zone	CH
Agricultural Commercial Zone	CA
Institutional Zone	
Institutional Zone	I
Industrial Zones	
Industrial Restricted Zone	ML
Industrial Rural Zone	MR
Mineral Aggregate Resource Zone	MX
Waste Disposal Zone	WD
Rural and Environmental Zones	
Agricultural Zone	A
Rural Zone	RU
Flood Plain Zone	FP
Open Space Zone	OS
Wetlands Zone	W
Mixed Use Zones	
Village Core	VC

5.2 INTERPRETATION OF ZONE BOUNDARIES

When determining the boundary of any zone as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- 5.2.1** A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- 5.2.2** A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- 5.2.3** A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- 5.2.4** A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Municipality lot lines shall follow such lot lines;
- 5.2.5** Where a boundary is indicated as approximately parallel to a street line or other feature, indicated in clause (5.2.1), (5.2.2), and (5.2.3) above, and the distance from such street line or other feature is not indicated, and clause (5.2.4) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule;
- 5.2.6** A boundary indicated as following the limits of the Municipality shall follow such limits and;
- 5.2.7** In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way. If a closed street, lane or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way.

5.3 LOW DENSITY RESIDENTIAL - R1

No person shall use any land or erect, alter or use any building or structure in the "Low Density Residential - R1" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.3.1 Permitted Uses

- 5.3.1.1 Accessory Use
- 5.3.1.2 Garden Suite (Subject to a Temporary Use By-law)
- 5.3.1.3 Group Home
- 5.3.1.4 Home Occupation
- 5.3.1.5 Park-Public
- 5.3.1.6 Parking Area
- 5.3.1.7 Public Service Use
- 5.3.1.8 Public Utility
- 5.3.1.9 Single Detached Dwelling

5.3.2 Zone Requirements

- | | | |
|---------|--|--|
| 5.3.2.1 | Minimum Lot Area | |
| | Municipal Water and Sewer | 450 m ² (4.844 ft ²) |
| | Municipal Water only | 1800 m ² (.44 ac.) |
| | Municipal Sewer only | 930 m ² (10.010 ft ²) |
| | Private Water and Sewage Disposal | 4,000 m ² (.98 ac.) |
| 5.3.2.2 | Minimum Lot Frontage | |
| | Municipal Water and Sewer | 15 m (49.2 ft) |
| | Municipal Water or Sewer only | 22 m (72.2 ft) |
| | Private Water and Sewage Disposal | 30 m (98.4 ft) |
| 5.3.2.3 | Minimum Yard Requirements – Main Building | |
| | Front Yard | 6 m (19.6 ft) |
| | Rear Yard | 7.5 m (24.6 ft) |
| | Interior Side Yard | 1.2 m (3.93 ft) |
| | Exterior Side Yard | 6 m (19.6 ft) |
| | Other Side Yard | 3 m (9.8 ft) |
| 5.3.2.4 | Maximum Building Height | |
| | Main Building | 10 m (32.8 ft) |
| | Accessory Building | 5 m (16.4 ft) |
| 5.3.2.5 | Minimum Building Separation | 1.2 m (3.93 ft) |
| 5.3.2.6 | Maximum Lot Coverage | |
| | Municipal Water and Sewer Services | 45% |
| | Municipal Water or Sewer Service only | 35% |
| | Private Water and Sewage Services | 20% |
| 5.3.2.7 | Maximum Number Dwellings Per Lot
(excluding Garden Suite) | 1 |

5.3.3 Additional Provisions

5.3.3.1 A park-public or parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.4.2.

5.3.3.2 Minimum Net Floor Area for a Garden Suite shall be 50m^2 (538 ft^2)

5.3.3.3 Minimum Setback from Rear or Interior Side Lot Line for a Garden Suite shall be 3 m (9.8 ft)

5.3.3.4 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.3.4 Exception Zones

5.3.4.1 Low Density Residential Exception 1 (R1-X1)
Route 400 West, Limoges, Cambridge

Notwithstanding the provision of Section 5.3.2.2, on lands zoned R1-X1 the minimum lot frontage shall be 60 m.

All other relevant provisions of section 5.3 shall apply.

5.4 MEDIUM DENSITY RESIDENTIAL - R2

No person shall use any land or erect, alter or use any building or structure in the "Medium Density Residential - R2" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.4.1 Permitted Uses

- 5.4.1.1 Accessory Use
- 5.4.1.2 Bed and Breakfast Establishment
- 5.4.1.3 Converted Dwelling (maximum of two (2) dwelling units)
- 5.4.1.4 Duplex Dwelling
- 5.4.1.5 Garden Suite (Subject to a Temporary Use By-law)
- 5.4.1.6 Group Home
- 5.4.1.7 Home Occupation
- 5.4.1.8 Park-Public
- 5.4.1.9 Parking Area
- 5.4.1.10 Public Service Use
- 5.4.1.11 Public Utility
- 5.4.1.12 Semi-Detached Dwelling
- 5.4.1.13 Single Detached Dwelling

5.4.2 Zone Requirements

	Semi Detached Dwelling	Single detached and Duplex/Converted Dwelling
Minimum Lot Area		
Municipal Water and Sewer Services	360 m ² (3.875 ft ²)/dwelling unit	515 m ² (5.543.6 ft ²)
Municipal Sewer Service only	465 m ² (5.005 ft ²)/dwelling unit	930 m ² (10.010 ft ²)
Municipal Water Service only	1,000 m ² (.44 ac.)/dwelling unit	2,000 m ² (.98 ac)
Private Water and Sewage Services	4,000 m ² (.98 ac.)/dwelling unit *	8,000 m ² (1.98 ac)*
Minimum Lot Frontage		
Municipal Water and Sewer Services	11 m (36.1 ft)/dwelling unit	22 m (72.2 ft)
Municipal Sewer Service only	11 m (36.1 ft)/dwelling unit	22 m (72.2 ft)
Municipal Water Service only	15 m (49.2 ft)/dwelling unit	30 m (98.4 ft)
Private Water and Sewage Services	45 m (147.6 ft)/dwelling unit	45 m (147.6 ft)
Minimum Yard Requirements – Main Building		
Front Yard	6 m (19.68 ft)	6 m (19.68 ft)
Rear Yard	7.5 m (24.6 ft)	7.5 m (24.6 ft)
Interior Side Yard	1.2 m (3.9 ft)	1.2 m (3.9 ft)
Exterior Side yard	6 m (19.68 ft)	6 m (19.68 ft)
Other Side Yard	3 m (9.84 ft)	3 m (9.84 ft)
Maximum Building Height		
Main Building	10.6 m (35 ft)	10.6 m (35 ft)
Accessory Building	5 m (16.4 ft)	5 m (16.4 ft)
Minimum Building Separation		
	1.2 m (3.93 ft)	1.2 m (3.93 ft)
Maximum Lot Coverage		
Municipal Water and Sewer Services	45%	45%
Municipal Water or Sewer Service only	35%	35%
Private Water and Sewage Services	20%	20%
Maximum Number of Dwelling Units per Lot (excluding a Garden Suite)	2	1 (Single detached) 2 (Duplex or Converted)
Minimum Net Floor Area – Garden Suite	50 m ² (538.2 ft ²)	50 m ² (538.2 ft ²)
Minimum Setback from Rear or Interior Side Lot line for Garden Suite	3 m (9.8 ft)	3 m (9.8 ft)

or as required by a hydrogeological study

5.4.3 Additional Provisions

5.4.3.1 A park-public or parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.4.2.

5.4.3.2 A group home is permitted in a semi-detached, duplex or converted dwelling provided that the total combined number of residents for the dwelling units does not exceed 10.

5.4.3.3 The zone requirements for a group home shall be those applicable to the particular dwelling type in which the group home is located ie. semi-detached, duplex or converted dwelling.

5.4.3.4 Other general provision shall be in accordance with Section 4 of this By-Law.

5.4.4 Exception Zones

5.4.4.1 Medium Density Residential Exception 1 (R2-X1)

194 Principale Street, St-Albert

Notwithstanding the permitted Uses in Section 5.4.1, on lands zoned R2-X1 the following use shall also be permitted:

- Recycling Depot with a maximum of five (5) un-plated vehicles at all time.

All other relevant provisions of Section 5.4 shall apply.

5.4.4.2 Medium Density Residential Exception 2 (R2-X2)

129 St-Paul Street South, St-Albert

Notwithstanding the permitted Uses in Section 5.4.1, on lands zoned R2-X2 the following use shall also be permitted:

- Warehouse

All other relevant provisions of Section 5.4 shall apply.

5.4.4.3 Medium Density Residential Exception 3 (R2-X3)

3213 St-Joseph Street, Fournier

Notwithstanding the permitted Uses in Section 5.4.1, on lands zoned R2-X3 the following use shall also be permitted:

- Two (2) single family dwellings

All other relevant provisions of Section 5.4 shall apply.

5.5 HIGH DENSITY RESIDENTIAL – R3

No person shall use any land or erect, alter or use any building or structure in the "High Density Residential-R3" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.5.1 Permitted Uses

- 5.5.1.1 Accessory Use
- 5.5.1.2 Apartment Dwelling
- 5.5.1.3 Bed and Breakfast
- 5.5.1.4 Boarding or Lodging House
- 5.5.1.5 Converted Dwelling (maximum of two (2) dwelling units)
- 5.5.1.6 Country Style Dining Establishment
- 5.5.1.7 Garden Suite (Subject to a Temporary By-law)
- 5.5.1.8 Group Home
- 5.5.1.9 Home Occupation
- 5.5.1.10 Park-Public
- 5.5.1.11 Parking Area
- 5.5.1.12 Public Service Use
- 5.5.1.13 Public Utility
- 5.5.1.14 Row Dwelling
- 5.5.1.15 Triplex Dwelling

5.5.2 Zone Requirements

- | | |
|---|--|
| 5.5.2.1 Minimum Lot Area | |
| Municipal Water and Sewer Services | 400 m ² (4,306 ft ²)/dwelling unit |
| Municipal Water or Sewer Service only | 455 m ² (4,898 ft ²)/dwelling unit |
| Private Water and Sewage Services | The greater of 1 ha (2.47 ac.)
or as required by a
hydrogeological study |
| 5.5.2.2 Minimum Lot Frontage | |
| Municipal Water and Sewer | 30 m (98.4 ft) |
| Municipal Water or Sewer only | 35 m (114.8 ft) |
| Private Water and Sewage Disposal | 45m (147.6 ft.) |
| 5.5.2.3 Minimum Yard Requirements - Main Building | |
| Front Yard | 6 m (19.68 ft.) |
| Rear Yard | 7.5 m (24.6 ft.) |
| Interior Side Yard | 3 m (9.8 ft.) |
| Exterior Side Yard | 6 m (19.68 ft.) |
| 5.5.2.4 Maximum Building Height | |
| Main Building | 10.6 m (35 ft.) |
| Accessory Building | 5 m (16.4 ft.) |
| 5.5.2.5 Minimum Building Separation | 1.2 m (3.93 ft) |
| 5.5.2.6 Maximum Lot Coverage | 15% |

5.5.3 Additional Provisions

5.5.3.1 A park-public or parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.6.2.

5.5.3.2 Other general provision shall be in accordance with Section 4 of this By-Law.

5.5.4 Exception Zones

5.6 MOBILE HOME RESIDENTIAL – R4

No person shall use any land or erect, alter or use any building or structure in the "Mobile Home Residential – R4" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.6.1 Permitted Uses

- 5.6.1.1 Mobile Home Park
- 5.6.1.2 Mobile Home Dwelling
- 5.6.1.3 Accessory Single Dwelling Unit
- 5.6.1.4 Uses Accessory to Mobile Home Park: Private Park, Management Office, Convenience Store, Laundromat, Mobile Home Park Equipment and Vehicle Storage Area

5.6.2 Zone Requirements - Mobile Home Park :

5.6.2.1	Minimum Lot Area	4 ha (9.9 acres)
5.6.2.2	Minimum Site Frontage	100 m (328.1 ft)
5.6.2.3	Minimum Yard Setbacks	7 m (22.9 ft)
5.6.2.4	Minimum Building Separation	1.2 m (3.93 ft)
5.6.2.5	Maximum Site Coverage	30%
5.6.2.6	Maximum Mobile Homes per Site	1
5.6.2.7	Maximum Floor Area	55 m ²

5.6.3 Additional Provisions

- 5.6.3.1 Each mobile home site shall have frontage on an internal private street at least 12.19 m in width (40 ft).
- 5.6.3.2 A private park for the use of the residents shall be developed with a minimum area of 1,000 m² (10,763.65 square feet).
- 5.6.3.3 Accessory commercial uses shall conform to the zone requirements of the CG zone.

5.6.4 Zone Requirements - Mobile Home Dwelling:

5.6.4.1	Minimum Lot Area	1,850 m ² (19,914 ft ²)
	Private well and septic services	850 m ² (9,150 ft ²)
	Municipal or communal water or sewage service	330 m ² (3,552 ft ²)
	Municipal or communal water and sewage services	
5.6.4.2	Minimum Lot Frontage	30 m (98.4 ft)
	Private well and septic services	20 m (65.6 ft)
	Municipal or communal water or sewage service	12 m (39.4 ft)
	Municipal or communal water and sewage services	
5.6.4.3	Minimum Yard Setbacks	7 m (22.9 ft)
	Front Yard	7 m (22.9 ft)
	Rear Yard	3 m (9.8 ft)
	Interior Side Yard	7 m (22.9 ft)
	Exterior Side Yard	

5.6.4.4 Maximum Building Height

Main Building

10.6 m (35 ft.)

Accessory Building

3 m (9.8 ft)

5.6.5 Additional Provisions - Mobile Home Dwelling:

5.6.5.1 Other general provisions shall be in accordance with Section 4 of this By-law.

5.6.6 Exception Zones

5.7 GENERAL COMMERCIAL - CG

No person shall use any land or erect, alter or use any building or structure in the "General Commercial – CG" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.7.1 Permitted Uses

- 5.7.1.1 Accessory Dwelling
- 5.7.1.2 Automotive Sales Establishment
- 5.7.1.3 Auto Service Station
- 5.7.1.4 Bakery
- 5.7.1.5 Bank
- 5.7.1.6 Building Supply and Lumber Outlet
- 5.7.1.7 Car Washing Establishment
- 5.7.1.8 Clinic
- 5.7.1.9 Commercial Greenhouse
- 5.7.1.10 Convenience Store
- 5.7.1.11 Country Style Dining Establishment
- 5.7.1.12 Day Nursery - Licensed
- 5.7.1.13 Equipment Rental Establishment-Domestic
- 5.7.1.14 Flea Market
- 5.7.1.15 Funeral Parlour
- 5.7.1.16 Garden Centre
- 5.7.1.17 Gasoline Bar
- 5.7.1.18 Gasoline Card Lock Facility
- 5.7.1.19 Hotel
- 5.7.1.20 Mini-Warehouse and Public Storage
- 5.7.1.21 Motel
- 5.7.1.22 Office
- 5.7.1.23 Parking Lot - Commercial
- 5.7.1.24 Personal Service Establishment
- 5.7.1.25 Pet Shop
- 5.7.1.26 Place of Amusement
- 5.7.1.27 Place of Assembly
- 5.7.1.28 Place of Worship
- 5.7.1.29 Private Club
- 5.7.1.30 Public Service Use
- 5.7.1.31 Public Utility
- 5.7.1.32 Recreational Commercial Establishment
- 5.7.1.33 Restaurant
- 5.7.1.34 Retail Store
- 5.7.1.35 Service Outlet
- 5.7.1.36 Studio
- 5.7.1.37 Tavern
- 5.7.1.38 Tourist Establishment
- 5.7.1.39 Veterinary Establishment
- 5.7.1.40 Video Rental Outlet
- 5.7.1.41 Warehouse

5.7.2 Zone Requirements**5.7.2.1 Minimum Lot Area**

Municipal Water and Sewer Services	600 m ² (6,459 ft. ²)
Municipal Water or Sewer Service Only	750 m ² (8,073 ft. ²)
Private Water and Sewage Services	6,000 m ² (1.5 ac)

5.7.2.2 Minimum Lot Frontage

Municipal Water and Sewer	30 m (98.4 ft.)
Municipal Water or Sewer only	35 m (114.8 ft.)
Private Water and Sewage Disposal	46 m (150.9 ft.)

5.7.2.3 Minimum Yard Requirements - Main Building

Front Yard	6 m (19.68 ft.)
Rear Yard	6 m (19.68 ft.)
Interior Side Yard	1.2 m (3.93 ft.)
Exterior Side Yard	6 m (19.68 ft.)

5.7.2.4 Maximum Building Height

Main Building	10.6 m (35 ft.)
Accessory Building	6 m (19.68 ft.)

5.7.2.5 Maximum Lot Coverage

40%

5.7.2.6 Maximum No. of Dwelling Units per Lot

1

5.7.3 Additional Provisions

- 5.7.3.1 An accessory dwelling may be located within a building occupied by any commercial use except an automotive use or may be detached. Where the dwelling unit is detached, the minimum lot area shall be as set out in the R1 Zone and shall be in addition to the minimum lot size in the CG Zone. The minimum Separation distance between the main wall of the detached dwelling unit and the main commercial use shall be 6.0 m (19.68 ft.).
- 5.7.3.2 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, a landscaped strip of not less than 1.5 m (4.92 ft.) in width shall be provided along the abutting lot line(s).
- 5.7.3.3 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, the setback on the abutting yard shall be a minimum of 7.5 m (24.6 ft.)
- 5.7.3.4 A park-public or parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.8.2.
- 5.7.3.5 Other general provision shall be in accordance with Section 4 of this By-Law.

5.7.4 Exception Zones**5.7.4.1 Commercial General Exception 1 (CG-X1)**139-141 Principal Street, St-Albert

Notwithstanding the permitted Uses in Section 5.7.1, on lands zoned CG – X1 the following use shall also be permitted:

- Apartment dwelling
- Converted Dwelling

All other relevant provisions of section 5.7 shall apply.

5.8 RECREATIONAL COMMERCIAL - CR

No person shall use any land or erect, alter or use any building or structure in the "Recreational Commercial – CR" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.8.1 Permitted Uses

- 5.8.1.1 Accessory Dwelling
- 5.8.1.2 Accessory Use
- 5.8.1.3 Bed and Breakfast Establishment
- 5.8.1.4 Campground – Tourist
- 5.8.1.5 Country Style Dining Establishment
- 5.8.1.6 Day Nursery - Licensed
- 5.8.1.7 Golf Course
- 5.8.1.8 Marina
- 5.8.1.9 Marine Facility
- 5.8.1.10 Outdoor Recreational Facilities
- 5.8.1.11 Parking Area
- 5.8.1.12 Place of Amusement
- 5.8.1.13 Public Service Use
- 5.8.1.14 Public Utility
- 5.8.1.15 Recreational Commercial Establishment
- 5.8.1.16 Restaurant
- 5.8.1.17 Retail Store Accessory to a permitted use
- 5.8.1.18 Tent and Trailer Park
- 5.8.1.19 Theatre / Cinema
- 5.8.1.20 Tourist Lodge

5.8.2 Zone Requirements

- 5.8.2.1 Minimum Lot Area

Municipal Water and Sewer Services	3,000 m ² (0.74 ac.)
Municipal Water or Sewer Service only	4,000 m ² (0.98 ac.)
Private Water and Sewage Services	2 ha (5 ac.)
- 5.8.2.2 Minimum Lot Frontage

Municipal Water and Sewer Services	30 m (98.4 ft.)
Municipal Water or Sewer Service only	35 m (114.8 ft.)
Private Water and Sewage Disposal	46 m (150.9 ft.)
- 5.8.2.3 Minimum Yard Requirements – Main Building

Front Yard	10 m (32.8 ft.)
Rear Yard	6 m (19.68 ft.)
Interior Side Yard	6 m (19.68 ft.)
Exterior Side Yard	10 m (19.68 ft.)
- 5.8.2.4 Minimum Building Separation

	1.2 m (3.93 ft.)
--	------------------
- 5.8.2.5 Maximum Building Height

Main Building	11 m (36 ft.)
Accessory Building	11 m (36 ft.)

5.8.2.6 Maximum Lot Coverage 40%

5.8.2.7 Maximum No. of Dwellings per Lot 1

5.8.3 Additional Provisions

5.8.3.1 A park-public or parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.8.2.

5.8.3.2 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, a landscaped strip of not less than 1.5 m (4.92 ft.) in width shall be provided along the abutting lot line(s).

5.8.3.3 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, the setback on the abutting yard shall be a minimum of 7.5 m (24.6 ft.)

5.8.3.4 Other general provision shall be in accordance with Section 4 of this By-Law.

5.8.4 Exception Zones

5.9 HIGHWAY COMMERCIAL – CH

No person shall use any land or erect, alter or use any building or structure in the "Highway Commercial – CH" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.9.1 Permitted Uses

- 5.9.1.1 Accessory Dwelling
- 5.9.1.2 Automotive Sales Establishment
- 5.9.1.3 Auto Rental Agency
- 5.9.1.4 Auto Repair Garage
- 5.9.1.5 Auto Service Station
- 5.9.1.6 Bed and Breakfast Establishment
- 5.9.1.7 Building Supply and Lumber Outlet
- 5.9.1.8 Car Washing Establishment
- 5.9.1.9 Convenience Store
- 5.9.1.10 Country Style Dining Establishment
- 5.9.1.11 Day Nursery - Licensed
- 5.9.1.12 Equipment Rental Establishment – Domestic
- 5.9.1.13 Farm Produce Outlet
- 5.9.1.14 Flea Market
- 5.9.1.15 Fuel Depot
- 5.9.1.16 Garden Centre
- 5.9.1.17 Gasoline Bar
- 5.9.1.18 Gasoline Card Lock Facility
- 5.9.1.19 Hotel
- 5.9.1.20 Mini-Warehouse and Public Storage
- 5.9.1.21 Motel
- 5.9.1.22 Office
- 5.9.1.23 Parking Lot - Commercial
- 5.9.1.24 Personal Service Establishment
- 5.9.1.25 Pet Shop
- 5.9.1.26 Place of Amusement
- 5.9.1.27 Place of Assembly
- 5.9.1.28 Place of Worship
- 5.9.1.29 Private Club
- 5.9.1.30 Public or Private Park
- 5.9.1.31 Public Service Use
- 5.9.1.32 Public Utility
- 5.9.1.33 Recreational Commercial Establishment
- 5.9.1.34 Recreational Vehicle Sales and Storage
- 5.9.1.35 Restaurant
- 5.9.1.36 Retail Store
- 5.9.1.37 Service Outlet
- 5.9.1.38 Studio
- 5.9.1.39 Tavern
- 5.9.1.40 Tourist Establishment
- 5.9.1.41 Veterinary Establishment
- 5.9.1.42 Video Rental Outlet

- 5.9.1.43 Warehouse
- 5.9.1.44 Welding Shop
- 5.9.1.45 Workshop or Custom Workshop

5.9.2 Zone Requirements

- | | | |
|---------|---|---------------------------------|
| 5.9.2.1 | Minimum Lot Area | |
| | Municipal Water and Sewer | 3,000 m ² (0.74 ac.) |
| | Municipal Water or Sewer only | 4,000 m ² (0.98 ac.) |
| | Private Water and Sewage Disposal | 6,000 m ² (1.5 ac.) |
| 5.9.2.2 | Minimum Lot Frontage | |
| | Municipal Water and Sewer | 30 m (98.4 ft.) |
| | Municipal Water or Sewer only | 35 m (114.8 ft.) |
| | Private Water and Sewage Disposal | 46 m (150.9 ft.) |
| 5.9.2.3 | Minimum Yard Requirements – Main Building | |
| | Front Yard | 10 m (32.8 ft.) |
| | Rear Yard | 6 m (19.68 ft.) |
| | Interior Side Yard | 6 m (19.68 ft.) |
| | Exterior Side Yard | 10 m (32.8 ft.) |
| 5.9.2.4 | Minimum Building Separation | 1.2 m (3.93 ft.) |
| 5.9.2.5 | Maximum Building Height | |
| | Main Building | 10.6 m (35 ft.) |
| | Accessory Building | 10.6m (35 ft.) |
| 5.9.2.6 | Maximum Lot Coverage | 40% |
| 5.9.2.7 | Maximum No. of Dwellings per Lot | 1 |

5.9.3 Additional Provisions

- 5.9.3.1 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, a landscaped strip of not less than 1.5 m in width shall be
- 5.9.3.2 A park or parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.10.2.
- 5.9.3.3 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, the setback on the abutting yard shall be a minimum of 7.5 m.
- 5.9.3.4 A highway commercial use shall have frontage on and direct access onto a major street utilized for through traffic.
- 5.9.3.5 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.9.4 Exception Zones

- 5.9.4.1 Highway Commercial Exception 1 (CH-X1)
2774 County Road #3, Ste-Rose-De-Prescott

Notwithstanding the permitted Uses in Section 5.9.1, on lands zoned CH-X1 only the following uses shall be permitted:

- Single family dwelling
- Semi-detached Dwelling
- Agricultural Machinery Sales and Services
- Warehouse

In addition, no reparation, restoration, modification, refinishing, welding, painting, cutting or any other kind of work on any materials or equipments shall be permitted outside the main building. An area of no more than 1692 square metres shall be permitted for outside storage on the property.

All other relevant provisions of section 5.9 shall apply.

5.9.4.2 Highway Commercial Exception 2 (CH-X2)
Route 700 East, Cambridge

Notwithstanding the permitted Uses in Section 5.9.1, on lands zoned CH-X2 the following use shall also be permitted:

- Single family dwelling

All other relevant provisions of section 5.9 shall apply.

5.10 AGRICULTURAL COMMERCIAL - CA

No person shall use any land or erect, alter or use any building or structure in the "Agricultural Commercial - CA" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.10.1 Permitted Uses

- 5.10.1.1 Accessory Dwelling
- 5.10.1.2 Accessory Use
- 5.10.1.3 Agricultural Co-op
- 5.10.1.4 Agricultural Machinery Sales and Services
- 5.10.1.5 Agriculture Related Commercial Use
- 5.10.1.6 Country Style Dining Establishment
- 5.10.1.7 Custom Work Shop
- 5.10.1.8 Veterinary Services
- 5.10.1.9 Livestock Assembly Yard
- 5.10.1.10 Livestock Sales Outlet

5.10.2 Zone Requirements

- | | |
|--|------------------|
| 5.10.2.1 Minimum Lot Area | 2 ha (4.9 ac.) |
| 5.10.2.2 Minimum Lot Frontage | 50 m (164.0 ft) |
| 5.10.2.3 Minimum Yard Requirements – Main Building | |
| Front Yard | 20 m (65.6 ft.) |
| Rear Yard | 7 m (22.9 ft.) |
| Interior Side Yard | 7 m (22.9 ft.) |
| Exterior Side Yard | 20 m (65.6 ft.) |
| 5.10.2.4 Minimum Building Separation | 1.2 m (3.93 ft.) |
| 5.10.2.5 Maximum Building Height | |
| Main Building | 11 m (36.0 ft.) |
| Accessory Building | 11 m (36.0 ft.) |
| 5.10.2.6 Maximum Lot Coverage | 10% |
| 5.10.2.7 Maximum No. of Dwelling Units per Lot | 1 |

5.10.3 Additional Provisions

- 5.10.3.1 A parking area shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of Section 5.11.2.
- 5.10.3.2 Where a commercial zone abuts a residential zone or a residential use or a sensitive land use on an adjacent lot, a landscaped strip of not less than 1.5 m in width shall be provided along the abutting lot line(s).
- 5.10.3.3 Where a commercial zone abuts a residential zone or a residential use or a sensitive

land use on an adjacent lot, the setback on the abutting yard shall be a minimum of 7.5 m.

5.10.3.4 Other general provision shall be in accordance with Section 4 of this By-Law.

5.10.4 Exception Zones

5.10.4.1 Commercial Agricultural Exception 1 (CA-X1)

Part of Lot 11, Concession 16 on County Road #9, South Plantagenet

Notwithstanding the permitted Uses in Section 5.10.1, on lands zoned CA-X1 the following uses shall also be permitted:

- Arts, Crafts and Antiques Market
- Bed and Breakfast Establishment
- Restaurant

All other relevant provisions of section 5.10 shall apply.

5.11 INSTITUTIONAL – I

No person shall use any lands or erect, alter, or use any building or structure in the "Institutional Zone – I" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.11.1 Permitted Uses

- 5.11.1.1 Accessory Dwelling
- 5.11.1.2 Cemetery
- 5.11.1.3 Church/Place of Worship
- 5.11.1.4 Clinic
- 5.11.1.5 Community Centre
- 5.11.1.6 Day Nursery - Licensed
- 5.11.1.7 Fire Hall
- 5.11.1.8 Library
- 5.11.1.9 Municipal Garage
- 5.11.1.10 Municipal Office
- 5.11.1.11 Museum
- 5.11.1.12 Nursing Home
- 5.11.1.13 Park-Public
- 5.11.1.14 Police Station
- 5.11.1.15 Private Club
- 5.11.1.16 Public Utility
- 5.11.1.17 Public Service Use
- 5.11.1.18 School

5.11.2 Zone Requirements

- | | |
|--|---|
| 5.11.2.1 Minimum Lot Area | |
| Municipal Water and Sewer | 400 m ² (4,305.7 ft ²) |
| Municipal Water or Sewer only | 450 m ² (4,844 ft ²) |
| Private Water and Sewage Disposal | 4,000 m ² (.98 ac.) |
| 5.11.2.2 Minimum Lot Frontage | |
| Municipal Water and Sewer | 15 m (49.2 ft.) |
| Municipal Water or Sewer only | 20 m (65.6 ft.) |
| Private Water and Sewage Disposal | 30 m (98.4 ft.) |
| 5.11.2.3 Minimum Yard Requirements – Main Building | |
| Front Yard | 9 m (29.5 ft.) |
| Rear Yard | 9 m (29.5 ft.) |
| Interior Side Yard | 4.5 m (14.7 ft.) |
| Exterior Side Yard | 9 m (29.5 ft.) |
| 5.11.2.4 Minimum Building Separation | 1.2 m (3.93 ft.) |
| 5.11.2.5 Maximum Building Height | |
| Main Building | 12 m (39.3 ft.) |
| Accessory Building | 12 m (39.3 ft.) |

5.11.2.6 Maximum Lot Coverage 40%

5.11.2.7 Maximum No. of Dwelling Units per Lot 1

5.11.3 Additional Provisions

5.11.3.1 Accessory dwellings shall conform to the requirements of the R1 zone where piped services are available and where services are private.

5.11.3.2 Other general provisions shall be in accordance with Section 4 of this By-law.

5.11.4 Exception Zones

5.12 INDUSTRIAL RESTRICTED - ML

No person shall use any lands or erect, alter or use any building or structure in the "Industrial Zone – ML" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.12.1 Permitted Uses

- 5.12.1.1 Accessory Day Nursery – Licensed
- 5.12.1.2 Accessory Waste Disposal Site
- 5.12.1.3 Auto Repair Garage
- 5.12.1.4 Auto Service Station
- 5.12.1.5 Automotive Sales Establishment
- 5.12.1.6 Automobile Wrecking Yard
- 5.12.1.7 Building Supply and Lumber Outlet
- 5.12.1.8 Class I and Class II Industrial Uses
- 5.12.1.9 Contractor's Yard
- 5.12.1.10 Country Style Dining Establishment
- 5.12.1.11 Custom Workshop
- 5.12.1.12 Equipment Sales, Rental or Storage Establishment
- 5.12.1.13 Farm Produce Outlet
- 5.12.1.14 Fuel Depot
- 5.12.1.15 Gasoline Bar
- 5.12.1.16 Gasoline Card Lock Facility
- 5.12.1.17 Manufacturing
- 5.12.1.18 Mini Warehouse and Public Storage
- 5.12.1.19 Printing and Publishing Establishment
- 5.12.1.20 Recycling Depot
- 5.12.1.21 Restaurant
- 5.12.1.22 Service Outlet
- 5.12.1.23 Transportation Depot
- 5.12.1.24 Veterinary Establishment
- 5.12.1.25 Warehouse
- 5.12.1.26 Wholesale Establishment
- 5.12.1.27 Wind Conversion System
- 5.12.1.28 Wrecking Yard

5.12.2 Zone Requirements

- | | |
|--|------------------------------|
| 5.12.2.1 Minimum Lot Area | 4000 m ² (.98 ac) |
| 5.12.2.2 Minimum Lot Frontage | 20.0 m (65.6 ft) |
| 5.12.2.3 Minimum Yard Requirements – Main Building | |
| Front Yard | 12 m (39.3 ft) |
| Rear Yard | 12 m (39.3 ft) |
| Interior Side Yard | 12 m (39.3 ft) |
| Exterior Side Yard | 12 m (39.3 ft) |
| 5.12.2.4 Maximum Building Height | |
| Main Building | 15 m (49.2 ft) |
| Accessory Building | 14 m (45.9 ft.) |

5.12.2.5 Maximum Lot Coverage

50 %

5.12.3 Additional Provisions

5.12.3.1 Auto service stations and commercial garages shall also conform to the provisions set out in Section 4.3 of this By-law.

5.12.3.2 Where a Restricted Industrial Zone abuts any Residential or Institutional Zone, the minimum yard requirement for any yard so abutting shall be increased to 15 m.

5.12.3.3 Where a lot line or part of a lot line in an Industrial Zone abuts a railway right-of-way, no minimum yard shall be required on the portion so abutting provided that any building is in accordance with the sight distances set out in Section 4.42.

5.12.3.4 The requirement of Section 4.29 of this By-Law for influence areas and separation distances for industries applies

5.12.3.5 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.12.4 Exception Zones

5.12.4.1 Industrial Restricted Exception 1 (ML-X1)
4229, Stewart Glen Road, South Plantagenet

Notwithstanding the permitted Uses in Section 5.12.1, on lands zoned ML-X1 the following use shall also be permitted:

- Flea Market

All other relevant provisions of section 5.12 shall apply.

5.12.4.2 Industrial Restricted Exception 2 (ML-X2)
Roll # 027-001-17300, St-Isidore

Notwithstanding the permitted Uses in Section 5.12.1, on lands zoned ML – X2 only an access for heavy machinery or truck is permitted. No building or structure shall be permitted. All other relevant provisions of section 5.12 shall apply.

5.13 INDUSTRIAL RURAL – MR

No person shall use any lands or erect, alter or use any building or structure in the "Industrial Rural – MR" except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.13.1 Permitted Uses

- 5.13.1.1 Abattoir
- 5.13.1.2 Accessory Day Nursery – Licensed
- 5.13.1.3 Accessory Dwelling
- 5.13.1.4 Accessory Waste Disposal Site
- 5.13.1.5 Auction Room
- 5.13.1.6 Building Supply and Lumber Outlet
- 5.13.1.7 Cheese Factory
- 5.13.1.8 Class III Industrial Uses
- 5.13.1.9 Custom Workshop
- 5.13.1.10 Egg Grading Station
- 5.13.1.11 Livestock Sales Outlet
- 5.13.1.12 Recycling Depot
- 5.13.1.13 Salvage Yard
- 5.13.1.14 Sawmill
- 5.13.1.15 Wind Conversion System

5.13.2 Zone Requirements

- | | |
|---|--------------------------------|
| 5.13.2.1 Minimum Lot Area | 4,000 m ² (.98 ac) |
| 5.13.2.2 Minimum Lot Frontage | 45 m (147.6 ft. ²) |
| 5.13.2.3 Minimum Yard Requirement – Main Building | |
| Front Yard | 15 m (49.2 ft.) |
| Rear Yard | 15 m (49.2 ft.) |
| Interior Side Yard | 12 m (39.3 ft.) |
| Exterior Side Yard | 15 m (49.2 ft.) |
| 5.13.2.4 Maximum Building Height | |
| Main Building | 12 m (39.3 ft.) |
| Accessory Building | 12 m (39.3 ft.) |
| 5.13.2.5 Maximum Lot Coverage | 20% |

5.13.3 Additional Provisions

- 5.13.3.1 Where a lot line or part of a lot line in an Industrial Zone abuts a railway right-of-way, no minimum yard shall be required on the portion so abutting provided that any building is in accordance with the sight distances set out in Section 4.42.

- 5.13.3.2 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.13.4 Exception Zones

5.14 MINERAL AGGREGATE RESOURCE ZONE - MX

No person shall use any land or erect, alter or use any building or structure in the "Mineral Aggregate Resource – MX" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.14.1 Permitted Uses

- 5.14.1.1 Agriculture Use (not including buildings and structures)
- 5.14.1.2 Batching, Asphalt or Cement Plant
- 5.14.1.3 Conservation Use
- 5.14.1.4 Forestry Use (not including buildings and structures)
- 5.14.1.5 Portable Asphalt or Cement Plant
- 5.14.1.6 Public Service Use
- 5.14.1.7 Public Utility
- 5.14.1.8 Quarry or Pit
- 5.14.1.9 Wayside Pit
- 5.14.1.10 Wayside Quarry
- 5.14.1.11 Wind Conversion System

5.14.2 Zone Requirements

- | | |
|------------------------------------|-----------------|
| 5.14.2.1 Minimum Yard Requirements | |
| All Yards | 15 m (49.2 ft.) |
| 5.14.2.2 Maximum Building Height | |
| Main Building | 15 m (49.2 ft.) |
| Accessory Building | 8 m (26.2 ft.) |

5.14.3 Additional Provisions

- 5.14.3.1 Despite the yard requirements stated above, a minimum of 30 m setback will be required from lot lines adjacent to public roads.
- 5.14.3.2 See also requirements of Section 4.29 of this By-law for influence areas for Mineral Aggregate Resources.
- 5.14.3.3 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.14.4 Exception Zones

5.15 WASTE DISPOSAL ZONE – WD

No person shall use any land or erect, alter or use any building or structure in the "Waste Disposal Zone – WD" zone except in accordance with the following provisions of this Section and of any other relevant Sections of this By-law.

5.15.1 Permitted Uses

- 5.15.1.1 Agricultural Use (not including buildings and structures)
- 5.15.1.2 Forestry Use (not including buildings and structures)
- 5.15.1.3 Recycling Depot or Transfer Station
- 5.15.1.4 Waste Disposal Site
- 5.15.1.5 Sanitary Sewage Works

5.15.2 Zone Requirements

- 5.15.2.1 Minimum Yard Requirements
All Yard 30 m (98.4 ft.)

5.15.3 Additional Provisions

- 5.15.3.1 Influence areas shall be as required in Section 4.29
- 5.15.3.2 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.15.4 Exception Zones

5.16 AGRICULTURAL - A

No person shall use any land or erect, alter or use any building or structure in the "Agricultural – A" zone except in accordance with the provisions of this Section and any other relevant Sections of this By-Law.

5.16.1 Permitted Uses

- 5.16.1.1 Accessory Dwelling Unit
- 5.16.1.2 Agricultural Use
- 5.16.1.3 Bed and Breakfast Establishment
- 5.16.1.4 Conservation Use
- 5.16.1.5 Converted Dwelling (maximum of two (2) dwelling units)
- 5.16.1.6 Country Style Dining Establishment
- 5.16.1.7 Existing Cemetery
- 5.16.1.8 Existing Place of Worship
- 5.16.1.9 Farm Produce Outlet
- 5.16.1.10 Forestry Use
- 5.16.1.11 Garden Suite (Subject to a Temporary Use By-law)
- 5.16.1.12 Hobby Farm
- 5.16.1.13 Home Occupation
- 5.16.1.14 Kennels, Public Stables and Veterinary Establishment
- 5.16.1.15 Nursery
- 5.16.1.16 Open Space
- 5.16.1.17 Private Stable
- 5.16.1.18 Single Detached Dwelling
- 5.16.1.19 Wayside Pit or Quarry
- 5.16.1.20 Wind Conversion System

5.16.2 Zone Requirements*Agricultural Use*

- | | |
|--|---------------------|
| 5.16.2.1 Minimum Lot Area | 20 ha (49.42 acres) |
| 5.16.2.2 Minimum Lot Frontage | 60 m (196.85 ft.) |
| 5.16.2.3 Minimum Yard Requirements – Main Building | |
| Front Yard | 20 m (65.6 ft.) |
| Rear Yard | 10 m (32.8 ft.) |
| Interior Side Yard | 10 m (32.8 ft.) |
| Exterior Site Yard | 12 m (39.4 ft.) |
| 5.16.2.4 Maximum Building Height | |
| Main Building | 12 m (39.3 ft.) |
| 5.16.2.5 Maximum Lot Coverage | 25% |
| 5.16.2.6 Maximum No. of Dwelling Units per Lot | 2 |
| 5.16.2.7 Minimum Building Separation | 1.2 m (3.93 ft.) |

Kennel, Public Stable, Veterinary Establishment

- 5.16.2.8 Minimum Lot Area 2 ha (4.94 ac.)
- 5.16.2.9 Minimum Lot Frontage 45 m (147.6 ft.)
- 5.16.2.10 Minimum Yard Requirements – Main Building
- | | |
|--------------------|-----------------|
| Front Yard | 20 m (65.6 ft.) |
| Rear Yard | 10 m (32.8 ft.) |
| Interior Side Yard | 10 m (32.8 ft.) |
| Exterior Site Yard | 12 m (39.4 ft.) |
- 5.16.2.11 Maximum Lot Coverage. 25%
- 5.16.2.12 Maximum Building Height
- | | |
|---------------|---------------|
| Main Building | 11 m (36 ft.) |
|---------------|---------------|

All Other Uses

- 5.16.2.13 Minimum Lot Area 4000 m² (.98 ac.)
- 5.16.2.14 Minimum Lot Frontage 45 m (147.6 ft.)
- 5.16.2.15 Minimum Yard Requirement – Main Building
- | | |
|--------------------|------------------|
| Front Yard | 12 m (39.4 ft.) |
| Interior Side Yard | 3 m (9.8 ft.) |
| Rear Yard | 7.5 m (24.6 ft.) |
| Exterior Side Yard | 6 m (19.68 ft.) |
- 5.16.2.16 Maximum Building Height
- | | |
|--------------------|-----------------|
| Main Building. | 11 m (36 ft.) |
| Accessory Building | 10 m (32.8 ft.) |
- 5.16.2.17 Maximum Lot Coverage 20%
- 5.16.2.18 Maximum No. of Dwelling Units per Lot 1
- 5.16.2.19 Minimum Building Separation 1.2 m (3.93 ft.)

5.16.3 Additional Provisions

- 5.16.3.1 All agricultural development in the Agricultural (A) Zone must be in accordance with the Minimum Distance Separation Formulae.
- 5.16.3.2 Structures housing livestock, additions to such structures and manure storage facilities must conform to the Minimum Distance Separation Formulae. Notwithstanding the above, in the event that the minimum separation distance cannot be met due to constraints such as lot size or configuration, site topography, interference with good farming practice or environmental constraints, the setback may be reduced subject to the granting of a minor variance or an amendment to this by-law.
- 5.16.3.3 In the case of specialized agricultural operations such as apiaries, fruit farms, horticulture etc., the minimum lot area may be reduced to 5 ha (12.3 acres) with a minimum lot

frontage of 45 m.

5.16.3.4 A hobby farm is permitted accessory to a single family dwelling provided that the buildings, cages, or compounds in which such animals are kept are at least 10 m from all lot lines. The minimum lot area shall be no less than 2 ha (4.94 ac.) and the minimum lot frontage shall be no less than 45 m.

5.16.3.5 A minimum setback of 45 metres shall be required from a Kennel, Stable or Public Veterinarian Establishment to a dwelling unit located on another lot.

5.16.3.6 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.16.4 Exception Zones

5.16.4.1 Agricultural Exception 1 – A -X1

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A – X1 only the following uses shall be permitted:

- Agricultural Use
- Conservation Use
- Existing Cemetery
- Existing Place of Worship
- Forestry Use
- Nursery
- Open Space
- Wayside Pit or Quarry

All other relevant provisions of section 5.16 shall apply.

5.16.4.2 Agricultural Exception 2 (A-X2)

1551, Concession Road #7 Caledonia

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X2 the following use shall also be permitted:

- Recreational Vehicle Sales, Repair and Storage (*Recreational Active Vehicles Only*)

All other relevant provisions of section 5.16 shall apply.

5.16.4.3 Agricultural Exception 3 (A-X3)

49, Route 700 East, Cambridge

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X3 the following use shall also be permitted:

- Recreational Vehicle Sales, Repair and Storage (*Recreational Active Vehicles Only*)

All other relevant provisions of section 5.16 shall apply.

5.16.4.4 Agricultural Exception 4 (A-X4)

4216, Concession Road #14 South Plantagenet

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X4 the following use shall also be permitted:

- Auto Repair Garage
- Automotive Sales Establishment
- Recreational Vehicle Sales, Repair and Storage (*Recreational Active Vehicles Only*)

All other relevant provisions of section 5.16 shall apply.

5.16.4.5 Agricultural Exception 5 (A-X5)

2133, Route 600 West Cambridge

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X5 a maximum of three (3) animal units, as described in the Agricultural Code of Practice, shall be permitted at all time on the property.

All other relevant provisions of section 5.16 shall apply.

5.16.4.6 Agricultural Exception 6 (A-X6)

1764, Route 900 West, Cambridge

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X6 the following use shall also be permitted:

- Auto Body Shop
- Auto Repair Garage

All other relevant provisions of section 5.16 shall apply.

5.16.4.7 Agricultural Exception 7 (A-X7)

7550, County Road #10, Caledonia

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X7 the following use shall also be permitted:

- Kennel

All other relevant provisions of section 5.16 shall apply.

5.16.4.8 Agricultural Exception 8 (A-X8)

Cheese Factory Lagoon, St-Paul Street, Cambridge

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X8 the following use shall also be permitted:

- Storage and treatment lagoon(s) certified by the Ministry of the Environment for waste waters produced by food processing industry.
- Spray irrigation system for the disposal of treated waste water, certified by the

Ministry of the Environment.

In addition, a minimum separation distance of 400 metres is required between the external limits of a storage and/or treatment lagoon and the nearest main wall of a principle building or structure used for residential, commercial or recreational purposes on another lot. Also, no spray irrigation of treated waste water may be carried out within 100 metres of the property lines adjacent to a residential, commercial or recreational land use.

All other relevant provisions of section 5.16 shall apply.

5.17 RURAL – RU

No person shall use any land or erect, alter or use any building or structure in the "Rural -RU" zone except in accordance with the provisions of this Section and any other relevant Sections of this By-Law.

5.17.1 Permitted Uses

- 5.17.1.1 Agricultural Use
- 5.17.1.2 Bed and Breakfast Establishment
- 5.17.1.3 Cemetery
- 5.17.1.4 Communications Facility
- 5.17.1.5 Conservation Use
- 5.17.1.6 Converted Dwelling (maximum of two (2) dwelling units)
- 5.17.1.7 Country Style Dining Establishment
- 5.17.1.8 Farm Produce Outlet
- 5.17.1.9 Forestry Use
- 5.17.1.10 Garden Suite (Subject to a Temporary Use By-law)
- 5.17.1.11 Hobby Farm
- 5.17.1.12 Home Occupation
- 5.17.1.13 Kennel
- 5.17.1.14 Nursery or Greenhouse
- 5.17.1.15 One Accessory Dwelling Unit
- 5.17.1.16 Open Space
- 5.17.1.17 Place of Worship
- 5.17.1.18 Private Stable
- 5.17.1.19 Public Park
- 5.17.1.20 Public Stable
- 5.17.1.21 Single Detached Dwelling
- 5.17.1.22 Veterinary Establishment
- 5.17.1.23 Wayside Pit or Quarry
- 5.17.1.24 Wind Conversion System

5.17.2 Zone Requirements**Agricultural Use**

- | | |
|--|-------------------|
| 5.17.2.1 Minimum Lot Area | 20 ha (49.42 ac.) |
| 5.17.2.2 Minimum Lot Frontage | 60 m (196.85 ft.) |
| 5.17.2.3 Minimum Yard Requirements – Main Building | |
| Front Yard | 20 m (65.6 ft.) |
| Rear Yard | 10 m (32.8 ft.) |
| Interior Side Yard | 10 m (32.8 ft.) |
| Exterior Site Yard | 12 m (39.4 ft.) |
| 5.17.2.4 Maximum Lot Coverage | 25% |
| 5.17.2.5 Maximum Building Height | |
| Main Building | 12 m (39.3 ft.) |

5.17.2.6 Maximum No. of Dwelling Units per Lot 2

Kennel, Public Stable, Veterinary Establishment

5.17.2.7 Minimum Lot Area 2 ha (4.94 ac.)

5.17.2.8 Minimum Lot Frontage 45 m (147.6 ft.)

5.17.2.9 Minimum Yard Requirements – Main Building

Front Yard 20 m (65.6 ft.)

Rear Yard 10 m (32.8 ft.)

Interior Side Yard 10 m (32.8 ft.)

Exterior Site Yard 12 m (39.4 ft.)

5.17.2.10 Maximum Lot Coverage 25%

5.17.2.11 Maximum Building Height

Main Building 11 m (36 ft.)

All Other Uses

5.17.2.12 Minimum Lot Area 4000 m² (.98 ac)

5.17.2.13 Minimum Lot Frontage 45 m (147.6 ft.)

5.17.2.14 Minimum Yard Requirements – Main Building

Front Yard 12 m (39.4 ft.)

Rear Yard 7.5 m (24.6 ft.)

Interior Side Yard 3 m (9.8 ft.)

Exterior Side Yard 6 m (19.68 ft.)

5.17.2.15 Maximum Lot Coverage 20%

5.17.2.16 Maximum Building Height

Main Building 11 m (36 ft.)

Accessory Building 10 m (32.8 ft.)

5.17.3 Additional Provisions

5.17.3.1 All agricultural development in the Rural (RU) Zone must be in accordance with the Minimum Distance Separation Formulae.

5.17.3.2 Structures housing livestock, additions to such structures and manure storage facilities must conform to the Minimum Distance Separation Formulae. Notwithstanding the above, in the event that the minimum separation distance cannot be met due to constraints such as lot size or configuration, site topography, interference with good farming practice or environmental constraints, the setback may be reduced subject to the granting of a minor variance or an amendment to this by-law.

5.17.3.3 In the case of specialized agricultural operations such as apiaries, fruit farms, horticulture etc., the minimum lot area maybe reduced to 5 ha (12.3 acres).

5.17.3.4 Notwithstanding any other provision to the contrary, where an accessory building in the RU zone exceeds 5.0 m in height, the minimum interior side yard shall be 3.0 m.

5.17.3.5 A hobby farm is permitted accessory to a single family dwelling provided that the buildings, cages, or compounds in which such animals are kept are at least 10 m from all lot lines. The minimum lot area shall be no less than 2 ha (4.94 ac.) and the minimum lot frontage shall be no less than 45 m.

5.17.3.6 A minimum setback of 45 m shall be required for a Kennel, Stable or Public Veterinarian Establishment to a dwelling unit located on another lot.

5.17.3.7 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.17.4 Exception Zones

5.17.4.1 Rural Exception 1 (RU-X1)

Notwithstanding the permitted Uses in Section 5.17.1, on lands zoned RU-X1 only the following uses shall be permitted:

- Agricultural Use
- Conservation Use
- Existing Cemetery
- Existing Place of Worship
- Forestry Use
- Nursery
- Open Space
- Wayside Pit or Quarry

All other relevant provisions of section 5.17 shall apply.

5.17.4.2 Rural Exception 2 (RU-X2)

6810, County Road #10, Caledonia

Notwithstanding the permitted Uses in Section 5.17.1, on lands zoned RU-X2 the following use shall also be permitted:

- Boarding or Lodging House

All other relevant provisions of section 5.17 shall apply.

5.17.4.3 Rural Exception 3 (RU-X3)

Part of Lot 16, Concession 15, South Plantagenet

Notwithstanding the permitted Uses in Section 5.17.1, on lands zoned RU-X3 the following use shall also be permitted:

- Biosolids transfer station, processing and storage facility

All other relevant provisions of section 5.17 shall apply.

5.17.4.4 Rural Exception 4 (RU-X4)

Part of lot 10, Concession 8 on Route 700 East, Cambridge

Notwithstanding the provision of Section 5.17.2.13, on lands zoned RU-X4 the minimum lot frontage for all other uses shall be 40 m.

All other relevant provisions of section 5.17 shall apply.

5.17.4.5 Rural Exception 5 (RU-X5)

1250, Route 500 West, Cambridge

Notwithstanding the permitted Uses in Section 5.17.1, on lands zoned RU-X5 the following uses shall also be permitted:

- Arts, Crafts and Antiques Market
- Garden Centre

All other relevant provisions of section 5.17 shall apply.

5.17.4.6 Rural Exception 6 (RU-X6)

110, Concession Road #1, Caledonia

Notwithstanding the provision of Section 5.17.2, on lands zoned RU-X6 the minimum front yard shall be 6 m.

All other relevant provisions of section 5.17 shall apply.

5.17.4.7 Rural Exception 7 (RU-X7)

Lebrun Road East, Cambridge

Notwithstanding the provision of Section 5.17.2, on lands zoned RU-X7 the minimum front yard shall be 3 m.

All other relevant provisions of section 5.17 shall apply.

5.17.4.8 Rural Exception 8 (RU-X8)

6301, County Road #10, Caledonia

Notwithstanding the permitted Uses in Section 5.17.1, on lands zoned RU-X8 the following use shall also be permitted:

- Kennel

All other relevant provisions of section 5.17 shall apply.

5.18 FLOOD PLAIN - FP

No person shall use any land or erect, alter or use any building or structure in the "FLOOD PLAIN – FP" zone except in accordance with the following provisions of this Section and of any other relevant Sections of this By-law.

5.18.1 Permitted Uses

- 5.18.1.1 Agricultural Uses in accordance with the Minimum Distance Separation Formulae
- 5.18.1.2 All Buildings and Structures in Existence on the Day of the passing of this By-Law.
- 5.18.1.3 Buildings or Structures Intended for Flood or Erosion Control or Slope Stabilisation
- 5.18.1.4 Conservation Use
- 5.18.1.5 Forestry Use

5.18.2 Zone Requirements*Agricultural Use*

5.18.2.1 Minimum Lot Area	20 ha (49.42 acres)
5.18.2.2 Minimum Lot Frontage	60 m (196.85 ft.)
5.18.2.3 Minimum Yard Requirements – Main Building	
Front Yard	20 m (65.6 ft.)
Rear Yard	10 m (32.8 ft.)
Interior Side Yard	10 m (32.8 ft.)
Exterior Site Yard	12 m (39.4 ft.)
5.18.2.4 Maximum Building Height	
Main Building	11 m (36.0 ft.)
5.18.2.5 Maximum Lot Coverage	25%
5.18.2.6 Maximum No. of Dwelling Units per Lot	1
5.18.2.7 Minimum Building Separation	1.2 m (3.93 ft.)

5.18.3 Additional Provisions

- 5.18.3.1 Any new building or structure or any expansion of or addition to any buildings or structures permitted in the flood plain after the day of the passing of this By-law must incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage or damage from unstable slopes. The specific approval of the appropriate Conservation Authority must be obtained prior to the issuance of a building permit.
- 5.18.3.2 Modification of the flood plain through filling, excavation of by other means is prohibited unless otherwise permitted by the appropriate Conservation Authority and the Ministry of Natural Resources.

5.18.3.3 All land under water is within the FLOOD PLAIN – FP zone and uses of such land shall be limited to only those specifically approved by the Ministry of Natural Resources and/or the South Nation Conservation Authority.

5.18.3.4 See also requirements of Section 4.29 of this By-law for influence areas and separation distances for various land uses.

5.18.3.5 Notwithstanding the above, buildings or structures intended for flood or erosion control are exempt from minimum setback requirements.

5.18.3.6 Other general provisions shall be in accordance with Section 4 of this By-law.

5.18.4 Exception Zones

5.18.4.1 Flood Plain Exception 1 (FP-X1)

Notwithstanding the permitted Uses in Section 5.18.1, on lands zoned FP-X1 only the following uses shall be permitted:

- Agricultural Use
- Conservation
- Existing Cemetery
- Existing Place of Worship
- Forestry Use
- Nursery
- Open Space
- Wayside Pit or Quarry

All other relevant provisions of section 5.18 shall apply.

5.19 OPEN SPACE - OS

No person shall use any land or erect, alter or use any building or structure in the "Open Space - OS" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.19.1 Permitted Uses

- 5.19.1.1 Accessory Day Nursery - Licensed
- 5.19.1.2 Buildings or Uses Accessory to the Foregoing
- 5.19.1.3 Cemetery
- 5.19.1.4 Conservation Use
- 5.19.1.5 Community Centre
- 5.19.1.6 Forestry Use
- 5.19.1.7 Golf Course
- 5.19.1.8 Outdoor Recreational Facility
- 5.19.1.9 Place of Worship
- 5.19.1.10 Public Park
- 5.19.1.11 School
- 5.19.1.12 Tot Lots

5.19.2 Zone Requirements

- | | |
|---|-----------------|
| 5.19.2.1 Minimum Lot Frontage | No minimum |
| 5.19.2.2 Minimum Lot Area | No minimum |
| 5.19.2.3 Minimum Yard Requirements
All Yards | 10 m (32.8 ft.) |
| 5.19.2.4 Maximum Lot Coverage | 10% |

5.19.3 Additional Provisions

- 5.19.3.1 Other general provisions shall be in accordance with Section 4 of this By-Law.

5.19.4 Exception Zones

5.20 WETLANDS - W

No person shall use any land or erect, alter or use any building or structure in the "Wetlands – W" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.20.1 Permitted Uses

5.20.1.1 Conservation Use

5.20.1.2 Existing Agricultural Use excluding Buildings

5.20.1.3 Open Space Use

5.20.1.4 Public Park

5.20.2 Zone Requirements

5.20.2.1 No buildings or structures shall be located closer than 15 m to any lot line.

5.20.2.2 The placing of fill or drainage improvements within the Wetlands Zone are prohibited unless written approval is received from the municipality and the Ministry of Natural Resources.

5.20.3 Additional Provisions

5.20.3.1 Other general provisions shall be in accordance with Section 4 of this By-law.

5.20.3.2 Development or site alteration which has negative impacts on the natural features and/or the ecological function of a wetland is not permitted. Development on a lot which includes a wetland or part of a wetland must take place outside of the wetland area and such development shall be subject to an environmental impact assessment.

5.20.3.3 The placing of fill or drainage improvements or peat extraction within the wetlands identified under the Wetland – W zone is prohibited unless written approval is received from the United Counties of Prescott and Russell and the Ministry of Natural Resources.

5.20.3.4 Development or site alteration within 120 m of a designated wetland may be permitted, if it can be demonstrated that there will be no negative impact on the wetland's natural features or ecological functions. An environmental impact assessment will be required except for established agricultural uses.

5.20.3.5 Development or site alteration within 120 m of the designated wetland boundary of the Alfred Bog Provincially Significant Wetland shall be subject to the following additional provisions:

- any activity of the United Counties of Prescott and Russell, related to the establishment or maintenance of utilities and services, roads, ditches or drains, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps, lighting and emergency measures to mitigate erosion, soil failure or damage of trees is permitted;
- any activity undertaken by the Township of Alfred and Plantagenet or The Nation Municipality or the Crown is permitted;

- development or site alteration within 120 m of the Alfred Bog Provincially Significant Wetland with the following property identification numbers in the land assessment roll: 0212-012-004-04400, 0212-012-004-04200, 02-12-012-004-05100, 0212-012-004-04600, 0212-012-004-04500, 0212-012-004-05650, 0212-012-004-05000 is permitted in accordance with the related zone.

5.20.3.6 Other general provisions shall be in accordance with Section 4 of this By-law.

5.20.4 Exception Zones

5.21 VILLAGE CORE - VC

No person shall use any land or erect, alter or use any building or structure in the "Village Core – VC" zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.21.1 Permitted Uses

- 5.21.1.1 Apartment Dwelling
- 5.21.1.2 Converted Dwelling
- 5.21.1.3 Duplex Dwelling
- 5.21.1.4 Row Dwelling
- 5.21.1.5 Single detached dwelling
- 5.21.1.6 Semi-Detached Dwelling
- 5.21.1.7 Triplex Dwelling
- 5.21.1.8 Dwelling Units located in a building which contains a permitted commercial use listed in Section 5.7.1
- 5.21.1.9 Commercial uses as per Section 5.7.1
- 5.21.1.10 Institutional uses in accordance with section 5.11.1

5.21.2 Zone Requirements

- 5.21.2.1 Single detached, Duplex and Converted Dwellings shall be in accordance with the provisions of Section 5.3.2
- 5.21.2.2 Semi-Detached Dwelling in accordance with the provisions of Section 5.4.2
- 5.21.2.3 Row Dwelling in accordance with the provisions of Section 5.5.2
- 5.21.2.4 Triplex Dwelling in accordance with the provisions of Section 5.5.2
- 5.21.2.5 Apartment Dwelling in accordance with the provisions of Section 5.5.2
- 5.21.2.6 Commercial uses as per Section 5.7.2
- 5.21.2.7 Institutional uses in accordance with section 5.11.2

5.21.3 Additional Provisions

- 5.21.3.1 Other general provisions shall be in accordance with Section 4 of this By-law.

5.21.4 Exception Zones