

ZONING BY-LAW No. 2003-38

MUNICIPALITY OF POWASSAN

NOTICE OF PASSING OF A ZONING BY-LAW BY THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

TAKE NOTICE that the Council of the Corporation of the Municipality of Powassan passed By-law No.2003-38 on the 18th day of November 2003 under Section 34 of the Planning Act.

AND TAKE NOTICE THAT any person or agency may appeal to Local Planning Appeals Tribunal the in respect of the By-law by filling with the Clerk of the Municipality of Powassan not later than the 18th day of November, 2003, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection.

An explanation of the purpose and effect of the By-law describing the lands to which the By-law applies is found below. The complete By-law is available for inspection at the Municipal Office during regular office hours.

Dated at the Municipality of Powassan, this 18th day of November, 2003

Roger Labelle, CAO/Clerk

EXPLANATORY NOTE TO BY-LAW No. 2003-38 OF THE MUNICIPALITY OF POWASSAN

Lands Affected:

By-law No. 2003-38 is a Comprehensive Zoning By-law that applies to all of the lands within the geographic limits of the Municipality of Powassan. For this reason, no key map is attached to this notice.

Purpose and Effect:

By-law No. 2003-38 is intended to regulate the use of all lands, buildings and structures within the Municipality.

This By-law permits and regulates the use of land as shown on Schedule 'A' to the Zoning By-law. Uses that legally existed prior to the date of adoption of this By-law will be permitted to continue. Any new use not specifically permitted by the By-law is prohibited. New development occurring after this By-law comes into effect must comply with the regulations set out in the By-law.

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW No. 2003-38

**A By-law to regulate the use of land and the character,
location and use of buildings or structures
in the Municipality of Powassan.**

WHEREAS the Council of the Corporation of the Municipality of Powassan passed By-laws 647, 92-22, 1998-28, 2000-14 to regulate the use of land and the character, location and use of buildings or structures in the former Township of Himsworth South, Town of Trout Creek and Town of Powassan.

AND WHEREAS the Council of the Corporation of the Municipality of Powassan did pass By-law 2003-38 on October 21, 2003 adopting the Official Plan for the Municipality of Powassan;

AND WHEREAS the Council of the Corporation of the Municipality of Powassan now deems it desirable and in the public interest to rescind By-laws 647, 92-22, 1998-28, 84-4, 2000-14 and all Amendments thereto, and enact a new Comprehensive Zoning By-law under Section 34 of the Planning Act, R.S.O, 1990, c.P.13 as amended, which will serve to regulate the use of the land and the character, location and size of buildings and structures within the boundaries of the Municipality of Powassan;

NOW THEREFORE the Council of the Corporation of the Municipality of Powassan enacts a By-law as follows:

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SECTION 1 ADMINISTRATION

1.1 Title

This By-law may be referred to as "The Zoning By-law for the Municipality of Powassan".

1.2 Area Affected by this By-law

This By-law applies to all lands within the geographic Municipality of Powassan, including Crown lands and lands covered by water and the surface of waterbodies.

1.3 Building Permits

The requirements of the By-law must be met before a Building Permit is issued by the Municipality for the erection or alteration of any building or structure.

1.4 Enforcement

Any person convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$25,000 and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

1.5 Severability Provision

A decision of a Court stating that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

1.6 Repeal of Existing By-laws

Upon this By-law coming into effect the following By-laws and all Amendments thereto are hereby repealed: 647, 84-4, 1998-28, 92-22, and 2000-14.

1.7 Effective Date

This By-law shall come into force the day that it was passed in accordance with the provisions of the Planning Act.

1.8 Metric and Imperial Terms

The imperial measurements contained in this By-law are included for convenience only and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

1.9 Reference to Legislation

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean that as presently existing, or as amended, replaced or re-

enacted, from time-to-time by the Province, and shall be deemed to include, in addition to the statute itself, all regulations passed thereunder.

1.10 Minor Variances

Where a minor variance has been granted from any of the former Zoning By-laws such prior variance is deemed to be in force and effect despite Section 1.6.

1.11 Crown Land

The provisions of this By-law shall be binding upon individuals using Crown lands, but shall not be binding on the Crown or its agents.

SECTION 2 ESTABLISHMENT OF ZONES

2.1 Zones

For the purpose of this By-law the following zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone as indicated below:

RV1	-	Village Residential
RV2	-	Village Residential
RM	-	Multiple Residential
RU	-	Rural
CH	-	Highway Commercial
CT	-	Tourist Commercial
CV1	-	Village Commercial
CV2	-	Village Commercial
BP	-	Business Park
M1	-	General Industrial
MD	-	Disposal Industrial
MX	-	Industrial Extractive
I	-	Institutional
OS	-	Open Space
EP	-	Environmental Protection

2.2 Zone Schedule

The zones and zone boundaries are shown on Schedules A, B, and C, which form part of this By-law.

2.3 Determining Zone Boundaries

- a) A zone boundary, which is shown approximately at a lot line, street or lane, is considered to be at the boundary of the lot line, street or road.
- b) A zone boundary shown approximately at the centre line of a street or lane is considered to be the centre line of the street or road.
- c) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary, which lies within a lot, shall be fixed by the scale of the Schedule upon which it is shown.
- d) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural changes to the waterbody or watercourse.
- e) The Environmental Protection Zone will be determined in the field.

2.4 Compliance with Zoning By-law

No person shall change the use of any building, structure or lot or erect or use any building or structure or use or occupy any lot or building in whole or in part, except in conformity with the provisions of this By-law.

SECTION 3 GENERAL PROVISIONS

3.1 Accessory Buildings, Structures and Uses

a) Permitted Uses

Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a valid building permit for the principal use, if required, is issued or that the principal building or structure or use has already been legally established on the lot.

Accessory buildings shall not be used for:

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or lot except as specifically permitted in accordance with this By-law; or
- ii) human habitation except where specifically permitted by this By-law.

b) Setback Requirements

Except as otherwise provided by this By-law, any accessory building or structure shall comply with the yard requirement of the zone within which it is located. This provision shall not apply to prevent the construction of docks, marine facilities, gazebos or pump houses as may otherwise be permitted in this By-law.

All detached structures shall maintain a minimum physical separation of 1.2 metres from any other detached structure.

c) Lot Coverage and Height

The total lot coverage of all accessory buildings and structures, excluding swimming pools, shall not exceed 5 per cent of the lot area nor shall the height of any accessory building or structure exceed 5 metres.

For the purpose of this provision, building height shall be measured from finished grade to the highest point of the roof.

d) Accessory Structure Encroachments

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, signs or similar uses which comply with this By-law are permitted in any required yard or in the area between the street line and the required yard. A satellite dish shall be prohibited in a front yard and exterior side yard. Septic systems shall comply with the applicable Setbacks from Watercourses in Section 3.29.

e) Boat Dock or Launching Ramp

Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected and used in any yard, or pertaining to a lot abutting on a navigable waterway, provided such ancillary structure is located no closer than 1.5 metres to the side lot line or the 90-degree projection of the side lot line where it meets the tangent of the front lot line at the shoreline.

f) Garages or Other Accessory Buildings or Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, a detached private garage or other accessory building or structure may be erected and used in an interior side or rear yard, provided that:

i) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 1.5 metres to the interior side lot line.

ii) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 1.5 metres to the rear lot line except, where the rear lot line abuts a municipally maintained road, it shall not be closer than 10 metres to the rear lot line.

iii) Special Provisions

Notwithstanding the foregoing provisions, no building or structure accessory to a Commercial or Industrial use shall be erected closer than 3 metres to an interior side lot line.

iv) Habitable Space

Detached garages and accessory buildings may be utilized for habitable purposes in accordance with Section 3.37.

g) Decks, Steps, Balconies, Verandas or Patios

Notwithstanding the yard and setback provisions of this By-law to the contrary, decks, steps, balconies and patios may project into any required yard or setback a maximum distance of 2.0 metres, but not closer than 1.5 metres to any lot line. Where the floor of any porch, balcony or deck is in excess of 1.0 metres above finished grade, the side yard and rear yard requirements for the principal building shall apply. For the purposes of calculating the required yards, these structures shall not be considered part of the building.

h) Gazebos

Notwithstanding the yard and setback requirements of this By-law to the contrary, a gazebo may be permitted in the front yard of a lot adjacent to a waterbody provided that:

- i) the maximum area is 10.0 square metres;
 - ii) it is setback at least 4.0 metres from the normal average or maintained high water mark;
 - iii) it is setback at least 2.0 metres from any side lot line; and,
 - iv) the height shall not exceed 5.0 metres.
- i) Sea Containers

Sea containers shall be a permitted accessory structure in the RU, BP, M1, M2 or MX Zones provided the sea container maintains a minimum 30 metre setback from the front lot line, is compliant with the rear and side yard setbacks for the respective zone and is located behind the rear wall of the principle dwelling or structure. Furthermore, sea containers shall not be stacked. A sea container is not permitted on a vacant lot. Further, only one (1) sea container will be permitted on any lot in the RU zone.

3.2 Antennae, Towers, Satellite Dishes and Windmills

Radio and television antenna towers, satellite dishes and dish antennas, windmills less than 10 metres in height and other similar structures are permitted in any zone provided they meet the minimum requirements of the zone in which they exist and are not located in any front yard or exterior side yard.

3.3 Buffer Strips

Where a buffer strip is required in any zone, it shall be located within that zone and shall be the minimum width as specified in the regulations for that zone. It shall not form part of any required landscaped open space or yard requirement. Within required buffer areas, a solid and continuous landscape screen shall be planted and maintained. The landscaping shall consist of such species so as to continually restrict a clear view beyond such buffer strip.

3.4 Construction Uses

A tool shed, not exceeding 10 square metres, construction trailer, sea container, scaffold or other building or structure incidental to construction is permitted in all areas within the Municipality on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 120 consecutive days or the failure to maintain a current building permit.

3.5 Dwelling Units on a Lot

Unless specified elsewhere in this By-law, no more than one dwelling unit shall be permitted on a lot.

3.6 Environmental Protection Area

Lands zoned Environmental Protection (EP) may be included in the calculation of lot area and yard requirements except that, lands below the normal or maintained high water mark shall not be included as part of the lot area. Setback requirements

in this By-law shall be measured from the limit of the normal or maintained high water mark.

3.7 Established Building Line

Notwithstanding the minimum front yard requirements in Sections 4, to the contrary, where a dwelling is to be constructed on a lot abutting a navigable waterway that is situated between two existing lots on which dwellings presently exist, the required minimum front yard and setback for that lot shall be the average front yard and setback that lawfully exist on the two abutting lots, provided that the dwellings located on those abutting lots are within 100 metres of the lot on which the construction is to occur or the required front yard for the zone, whichever is the lesser.

3.8 Frontage on Improved Public Road, Private Road or Navigable Waterway

a) Improved Public Road

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon an improved public road.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in registered plan of subdivision where a Subdivision Agreement has been entered into with the Municipality, notwithstanding that the road or roads will not be assumed by the Municipality until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon an improved public road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located.

b) Frontage on Private Road or Seasonal Road

Notwithstanding the provision of Section 3.8 (a) where an existing lot fronts upon a private road or private right-of-way, a dwelling unit shall be permitted on such lot provided the existing lot has a legal, registered right to use the road and provided the dwelling is compliant with all other provisions of this By-law. Where an existing lot fronts upon a public road which is only maintained on a seasonable basis, a dwelling may be permitted provided the owner of the lot has entered into an agreement with the Municipality.

c) Hunt Camps

Notwithstanding the provisions of Sections 3.8 (a) and (b) a Hunt Camp shall be permitted if it is located on a lot which has access onto an unimproved municipal road allowance or a private road but does not have access on a maintained municipal road.

3.9 Group Homes

A group home shall be permitted on a lot in any zone that permits a dwelling provided that it is not located closer than 300 metres to another group home.

3.10 Height Exceptions

Notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the erection, alteration, or use of a barn or silo, a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill less than 10 metres in height, a radio or television tower or antenna, an air conditioner duct, a grain elevator, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment, which exceeds the maximum height requirements provided the main or principal use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with.

3.11 Home Occupation

Where a Home Occupation is a permitted use the following provisions shall apply:

- a) no person, other than a person living on the premises, shall be engaged in the occupation of providing merchandise and/or services to customers with the exception of one assistant who is not a resident in the dwelling;
- b) there shall be no display, other than a sign having a maximum area of 0.5 square metres, to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. In any residential zone, no display or sign to indicate that the dwelling is being used for a purpose other than residential shall be permitted;
- c) there shall be no goods, wares, or merchandise offered for sale or rent from the dwelling, which are not manufactured or processed on the premises. The resale of products not manufactured or processed on the property is prohibited;
- d) not more than 25 per cent of the gross floor area of the dwelling shall be used for the purposes of home occupation, and such home occupation shall be conducted entirely within the dwelling;
- e) there shall be no outside animal enclosures or external storage of goods or materials in conjunction with the home occupation use; and
- f) a home occupation shall not include a boarding or lodging house, an eating establishment, or a group home, but may include a bed and breakfast establishment or an unlicensed day nursery.

3.12 Home Industry

Where a Home Industry is a permitted use the following provisions shall apply:

- a) a maximum of four (4) persons may be engaged in the home industry;
- b) such home industry may be located in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the cumulative total gross floor area utilized by the home industry does not exceed a maximum of 150 square metres (1615 sq. ft.);
- c) there shall be no outside storage of goods, materials or articles;

- d) notwithstanding section 3.12(c) a maximum of three currently licensed motor vehicles associated with the home industry may be parked or stored on the lot but only within an interior side or rear yard;
- e) there shall be no emission of noise, odour or dust, which is not normally attributed to the use of the land for residential uses;
- f) only one home industry is permitted on an individual lot;
- g) a home industry shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling on the lot; and,
- h) the home industry shall comply with the following minimum lot area, yard and setback provisions:
 - i) minimum lot area 0.8 hectares (2.0 acres)
 - ii) minimum setback from all lot lines 30.0 metres (100 feet)
 - iii) minimum separation from dwelling in existence on another lot 60.0 metres (200 feet)
 - iv) Existing buildings, which do not meet the setback requirements of subsection ii) may be used for home industries provided that all of the other provisions in this section are met.
- i) maximum sign size 1.0 sq m

3.13 Minimum Distance Separation

No building shall be constructed which does not conform to the MDSI and MDSII Formulas, with the exception that existing vacant lots of record may be utilized for uses permitted by this Zoning By-law and are not required to be compliant with MDSI separation distances.

3.14 Minimum Opening Elevation

Where lands abut the South River Reservoir no opening to a habitable building shall be located below the 264.85 m CGD elevation.

3.15 Mobile Homes/Modular Homes

Mobile homes may be used as dwelling units where they meet the following requirements:

- a) the structure must be constructed to C.S.A. Standard Z240 or A-277;
- b) the structure is located on permanent foundations with the running gear and towing equipment removed;
- c) the structure shall have at least 65 square metres of ground floor area, and be located on a lot such that the widest dimension of the building faces the public road;

- d) the structure shall be completely enclosed from the surface of the finished grade to the roof;
- e) the structure shall be fully serviced with running water, electricity and sanitary sewage facilities; and.
- f) building permits are required for the placement of mobile homes on any lands.

3.16 Multiple Uses on One Lot

Where any land, building or structure is used for more than one permitted use, the applicable Zone Provisions of this By-law, which serve to regulate each, such use shall be complied with.

3.17 Multiple Zones on One Lot

Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of the lot shall be used in accordance with the Zone provisions of this By-law for the applicable Zone as if it were a separate lot.

3.18 Non-Complying Lots, Buildings and Structures

a) Buildings on Undersized Lots

Where a building or structure is located on a lot having less than the minimum frontage and/or lot area, and/or having less than the minimum setback, front yard and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, repaired and/or renovated provided that:

- i) the enlargement, reconstruction or renovation and/ or repair does not further reduce the front yard, and/ or side yard, and/ or rear yard or increase lot coverage beyond the requirements of this By-law;
- ii) the building or structure is being used for a purpose permissible within the Municipality in which it is located; and,
- iii) all other applicable Provisions of this By-law are complied with.

b) Reconstruction of Existing Building

Nothing in this By-law shall prevent the reconstruction of a legally existing building that does not comply with the provisions in this By-law, provided that no part of the building that is non-complying is increased in height or volume.

c) Existing Undersized Lots

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with and provided that a sewage system that

complies with the regulations under the Building Code can be installed on the lands. Notwithstanding, this provision shall not permit the use of any lot for residential purposes with a lot area less than 464.5 square metres (5,000 square feet) unless it is connected to a municipal water and sanitary sewer system.

Lots, which have been increased in size following adoption of this By-law, may also be used in accordance with this provision.

3.19

Non-Conforming Uses

a) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purposes prior to the effective date of this by-law and provided that the lot, building or structure continues to be used for that purpose.

b) Exterior Extension

The exterior of any building or structure which was lawfully used prior to the effective date of this by-law for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone unless these changes are necessary to provide for flood proofing or insulation of the building.

c) Interior Alteration

The interior of any building or structure which was lawfully used, prior to the effective date of the By-law, for a purpose not permissible within the Zone in which it is located, may be reconstructed or structurally altered for the existing purpose for which such building or structure was lawfully used.

d) Restoration

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration does not increase the building height, size or volume or change the existing, lawful use of such existing building or structure or unless these changes are necessary to provide for flood proofing or insulation of the building.

e) Reconstruction of Existing Dwellings

Nothing in this By-law shall apply to prevent the reconstruction of any existing non-conforming dwelling which is damaged by causes beyond the control of the owner other than flooding, or which is demolished and reconstructed by the owner. The existing dwelling may be reconstructed in the same location on which it existed on the date of the passage of this By-law even if such did not comply with one or more of the provisions of this By-law, but the non-conformity may not be further increased.

Buildings damaged or destroyed, as the result of natural flooding shall not be reconstructed except in accordance with the provisions of this By-law.

f) Building Permit Issued

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law for which the footings or foundations have been constructed prior to the passing of this By-law, so long as the building or structure, is substantially completed within one year after the date of the passing of this By-law and a building permit is issued by the Chief Building Official.

3.20 Outdoor Storage

No portion of a lot shall be used for the storage of goods or materials unless such storage is within a building, or unless the following provisions are complied with, in the event that the storage is in the open:

- a) the lot is located in an industrial or commercial zone;
- b) such open storage is accessory to the use of the main building on the lot;
- c) open storage is behind the front wall of the main building facing any street, and complies with all yard requirements;
- d) such open storage does not cover more than 15 percent of the lot area;
- e) any portion of a lot used for open storage is screened from adjacent uses and streets adjoining the lot, by a building, planting strip, and/or fence. All fences shall extend at least 1.8 metres in height from the ground.

3.21 Parking Area Regulations

a) Parking Space Requirements

Parking spaces and areas are required under this By-law, in accordance with Table 1, the Parking Space Requirement Table. The owner of every building or structure erected or used for any of the purposes listed shall provide and maintain parking spaces and areas accordingly.

If any computation of parking space requirement as set forth in this section results in a number containing a fraction above 0.25, that remaining fraction shall be counted as one parking space.

b) Parking Area Surface

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface, which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

c) Ingress and Egress Provisions

- i) ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.0 metres but not more than 12.0 metres in perpendicular width;
- ii) the maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 metres;
- iii) the minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 8.0 metres; and
- iv) the minimum angle of intersection between a driveway and a street line shall be 60 degrees.

d) More Than One Use on a Lot

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

e) Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback.

f) Additions to or Changes in, the Use of Existing Buildings and Structures

The parking space requirements referred to herein shall not apply to any existing building or structure so long as the gross floor area is not increased. If any addition is made to a building or structure, which increases its gross floor area, parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

The provision of this paragraph shall not apply to require the establishment of parking spaces for a dwelling, which existed at the date of passing of this By-law.

g) Use of Parking Spaces and Areas

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operation incidental to the permitted uses on the lot.

h) Winter Use

If the parking area is required to be used in the winter, an additional area equal to 20% of the required area shall be provided for snow storage.

**TABLE 1
PARKING SPACE REQUIREMENT TABLE**

Type of Use	Minimum Off-street Parking Requirements
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Farmers Market or other similar places of assembly	1 parking space for each four persons that may be legally accommodated at any one time.
Business and/or Professional Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation or Home Industry.	1 parking space for each 20 m ² of gross floor area of the building directly related to the specified permitted use.
Eating Establishment or Tavern	1 parking space for each 9 m ² fraction thereof, or 1 parking space for each 4 persons or fraction thereof, that may be legally accommodated at any one time, whichever is greater.
Golf Course	24 parking spaces for each 9 holes of golfing facilities.
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment, Camp Site, Camping Establishment	1 parking space for each guest room, cottage, cabin or camp site, plus such parking facilities as are required for an eating establishment or entertainment lounge licensed in accordance with The Liquor License Act, as amended, should such exist.
Liquor Licensed Premises, exclusive of an eating establishment, but including an entertainment lounge, public house or lounge licensed in accordance with The Liquor License Act as amended, and the Regulations thereunder.	1 parking space for each 4 persons that may be legally accommodated at any one time.
Marina	2 parking spaces for every 1 boat slip and 1 parking space for every 8 m ² of gross floor area devoted to commercial use, exclusive of storage areas.
Medical, Veterinary or Dental Clinic, or Offices of a Drugless Practitioner	5 parking spaces per practitioner, plus 1 parking space for each examination room exceeding 5 rooms
Residential, Residential Mobile Home	2 parking spaces per dwelling.
Multi-Residential (apartments)	1 parking space per dwelling unit plus 1 visitor space for every 2 dwellings
Workshop	1 parking space per 35 m ² of gross floor area.
Nursing Home, Retirement Homes, Seniors Residence or Home for the Aged	1 parking space per 4 rooms/beds.
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 35 m ² of gross floor area.

3.22 Pits, Quarries and Peat Extraction

The making or establishment of pits or quarries and the extraction of peat is prohibited within the area covered by this By-law, except in the locations permitted by this By-law, and in accordance with the express provisions of this By-law. No person shall use or occupy land or erect any building or structure or conduct any activity on land for the purpose of processing, washing, screening, sorting or crushing of rock, sand, gravel, or peat except as expressly provided for in this By-law and/or by Ministry license.

3.23 Prohibited Uses

The following uses are prohibited by this Zoning By-law:

- a) The use of any trailer for human habitation, except where such trailer is located in a zone authorizing the use of such trailer.
- b) The use of any motor vehicle for human habitation.
- c) The use of any accessory building or structure as a dwelling unit.
- d) The use of a truck, bus or coach body for human habitation.
- e) The storage of disused rail cars, streetcars, truck bodies or trailers except where legally permitted by this zoning by-law.
- f) The outdoor storage of partially dismantled motor vehicles or trailers or motor vehicle or trailer parts except where legally permitted by this zoning by-law.
- g) Obnoxious uses – a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or be offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste, or other material generated by the use, and without limiting the generality of the foregoing, shall include any use which may be declared to be a noxious or offensive trade or business.
- h) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.
- i) The bulk storage of industrial chemicals, hazardous waste or liquid industrial waste as defined under the Environmental Protection Act, as amended.
- j) Outdoor wood furnaces on lands located in the RV1 and RV2 Zones.

3.24 Public Uses

a) Public Services

The provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Municipality, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario and, for the purposes of this Section, shall include Hydro One, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Municipality, which company possesses all the necessary powers, rights, licenses and franchises.

b) Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is only permitted within a specific Zone classification, then such public use shall only be permitted within that Zone or Zones and shall comply with the Zone Provisions of the Zone or Zones in which the public use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision does not apply to Crown Agencies.

c) Provisions

- i) no goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law; and
- ii) no building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot.

d) Streets and Installations

Nothing in this By-law shall prevent a public authority from providing or using land as a street nor prevent the installation of a utility main including a water main, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, telephone or other utility supply or communication line.

3.25 Reduction of Requirements

No person shall change the purpose for which any land, building or structure is used or erect any building, or structure, or construct an addition to any existing building or structure, or sever any lot, if the effect of such action is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

3.26 Restrictions on Dwelling Units in Non-Residential Buildings

Notwithstanding any other provision of this By-law to the contrary, no dwelling unit shall be located within a portion of a non-residential building-

3.27 Setback from Natural Gas Pipeline

No permanent buildings, structures or excavations shall be located closer than 10 metres from the gas pipeline right of way.

3.28 Setback from Waste Disposal Areas

No dwelling serviced with a private well shall be located within 500 metres of a licensed Waste Disposal Fill Area or 100 metres from a licensed Sewage Lagoon or Sewage Treatment Facility.

3.29 Setback from Watercourses

No building or structure except marine facilities, gazebos, boathouses and pump houses shall be located within 10 metres (33 feet) of the normal or maintained high water mark of any river, stream or other watercourse

3.30 Sight Triangles

On a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each point being as specified below, no vehicle shall be parked and no structure or fence in excess of 1.0 metre in height shall be erected and no land shall be used for the growing of shrubs or trees in excess of 1.0 metre in height. The triangular space is hereafter defined as a site triangle.

Minimum site triangles

in Residential Zones	-	6.0 metres
in Commercial Zones	-	6.0 metres
in Rural and Agricultural Zones		10.0 metres
adjacent to Provincial Highways or Railways	-	30 metres

3.31 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Municipality including the specific sign provisions for home occupations and home industries as provided in this By-law.

3.32 Temporary Housing

Notwithstanding any other provision of this By-law, to the contrary, where a dwelling is destroyed or damaged and a Building Permit for repair of the dwelling has been issued by the Municipality for the subject lands, the residents may occupy a travel trailer on a temporary basis but only during the period which the dwelling is being reconstructed to a maximum of one year provided that the trailer is licensed by the Municipality.

3.33 Through Lots

Where a lot, which is not a corner lot, has lot frontage on more than one street, the setback and front yard requirements contained herein shall apply on each street in accordance with the provisions of this By-law.

3.34 Trailer Park and Private Recreational Uses

Unless specified elsewhere in this By-law, the establishment of trailer parks, mobile home parks, summer camps, private clubs, commercial clubs, camping establishments or private recreational parks shall be prohibited within the area covered by this By-law.

3.35 Trailers, Motor Homes and Campers

- a) The parking and storage of trailers, motor homes, truck campers, tent trailers and travel trailers shall be prohibited in all Zones except where such parking or storage is accessory to a dwelling located on the lot and owned by the occupant of the lot.

3.36 Secondary Dwelling Unit Accessory to a Single Detached Dwelling

Notwithstanding any other provisions of this By-law, one secondary dwelling unit is permitted in a detached dwelling in the RU, RV1 or RV2 Zones provided:

- a) the principle detached dwelling has a minimum ground floor area of 65 square metres and is otherwise compliant with the provisions of this By-law;
- b) the floor area of the secondary dwelling unit is no greater than 50 square metres;
- c) a minimum of three parking spaces are provided on the lot;
- d) the resultant two-unit dwelling is compliant with the Ontario Building Code Act;
- e) where applicable, both dwellings units are connected to the same septic system which is capable of sustaining both the principle dwelling and the secondary dwelling unit, confirmed by the issuance of a permit from the septic approval authority; and,
- f) where required, a window opening in the secondary dwelling unit having an area of 0.30 square metres is located above grade.

3.37 Secondary Dwelling Unit Accessory to a Detached Private Garage

Notwithstanding any other provisions of this By-law, one secondary dwelling unit is permitted in a detached garage in the RU Zone provided:

- a) the detached garage is otherwise compliant with the provisions of this By-law;
- b) the floor area of the secondary dwelling unit is no greater than 50% of the ground floor area of the detached garage to a maximum of 50 square metres and is located entirely above grade;
- c) the garage shall not be utilized for a home industry;
- d) a minimum of three parking spaces are provided on the lot;
- e) the resultant structure is compliant with the Ontario Building Code Act;
- f) both dwelling units are connected to the same septic system which is capable of sustaining both the principle dwelling and the secondary dwelling unit, confirmed by the issuance of a permit from the septic approval authority; and,
- g) no accessory structures or uses shall be permitted in conjunction with the secondary dwelling unit.

3.38 Hazard Overlay

Lands shown on the attached schedules to this By-law as Hazard Overlay may be susceptible to flooding. The construction of buildings and structures is discouraged in these areas, but may be permitted subject to confirmation that the location proposed for development has no history of flooding. Lands located in the Hazard Overlay Zone shall be subject to the use permissions and regulations of the underlying zone category.

SECTION 4 PROVISIONS FOR SPECIFIC USES

Where this By-law permits specific uses in areas described below, only those uses specifically identified as permitted uses shall be permitted in those described areas. No building, structure or use of land shall be permitted unless specifically permitted.

4.1 VILLAGE RESIDENTIAL (RV1) ZONE

No person shall within any Village Residential (RV1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.1.1 Permitted Uses

- i) single detached dwelling
- ii) semi-detached dwelling
- iii) duplex dwelling
- iv) home occupation

4.1.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	- 603.8 sq. m.	6,500 sq. ft
ii) Minimum Lot Frontage	- 15.0 m	50.0 ft
iii) Minimum Front Yard	- 6.0 m	20 ft
iv) Minimum Interior Side Yard	- 1.0 m	3 ft
v) Minimum Exterior Side Yard	- 3.0 m	10 ft
vi) Minimum Rear Yard	- 6.0 m	20 ft
vii) Maximum Lot Coverage	- 30%	30%
viii) Maximum Height	- 9.0 m	30 ft

- a) All residential uses located in the RV1 Zone shall be connected to the municipal water and sanitary sewer systems where such services are available to a lot.

4.1.3 Exceptions

4.1.3.1 Village Residential Exception One (RV1-1) Zone

Notwithstanding the provisions of the Village Residential (RV1) Zone, to the contrary, no person shall within any Village Residential Exception One (RV1-1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Regulations for Permitted Uses:

i) Minimum lot area	465 square metres
ii) Minimum lot frontage	12 metres
iii) Minimum lot depth	18 metres
iv) Minimum front yard	4.0 metres
v) Interior side yard	1.0 metres on one side
vi) Interior side yard	3.0 metres on the other side
vii) Minimum rear yard	6 metres

In all other respects, the provisions of this By-law shall apply.

**4.1.3.2 Village Residential Exception Two (RV1-2) Zone
(2011-33)**

Notwithstanding Section 4.1 of the Village Residential (RV1) Zone, to the contrary, the following provision shall apply to lands legally described as Con. 13, Pt Lot 15, RP 42R18947, Part 1, RP 42R2587, Part 4, Pcl 12414, Located in Part Lot 15, Con 13 and located within the RV1-5 Zone:

- i) Minimum Lot Area 525 m²

**4.1.3.3 Village Residential Exception Three (RV1-3) Zone
(2010-30)**

Notwithstanding the provisions of the Village Residential (RV1) Zone, to the contrary, no person shall within any Village Residential Exception Four (RV1-3) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

- i) Minimum front yard 3.3 metres;

**4.1.3.4 Village Residential Exception Four (RV1-4) Zone
(2015-28)**

Lands located in the RV1-4 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the RV1 Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii) a road salt storage facility greater than 5,000 tonnes;
- iv) storage of agricultural source material;
- v) handling and storage of non-agricultural source material;
- vi) handling and storage of commercial fertilizer;
- vii) keeping, confining and/or pasturing of livestock;
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- ix) storage of tailings from mines or a mine tailings pond;
- x) storage or injection of liquid industrial waste;
- xi) land farming of petroleum refining waste;
- xii) land filling of hazardous or municipal waste; and,
- xiii) land filling of solid non-hazardous industrial or commercial waste.

**4.1.3.5 Village Residential Exception Five (RV1-5) Zone
(2010-24)**

Notwithstanding the provisions of the Village Residential (RV1) Zone, to the contrary, no person shall within the Village Residential Exception Five (RV1-5) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

- a) Minimum lot area – 469.0 square metres.

**4.1.3.6 Village Residential Exception Six (RV1-6) Zone
(2010-24)**

Notwithstanding the provisions of the Village Residential (RV1) Zone, to the contrary, no person shall within any Village Residential Exception Six (RV1-6) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

- a) Minimum lot area – 376.0 square metres
- b) Maximum lot coverage – Legally existing as of July 7, 2010

4.2 VILLAGE RESIDENTIAL (RV2) ZONE

No person shall within any Village Residential (RV2) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.2.1 Permitted Uses

- i) single detached dwelling
- ii) semi-detached dwelling
- iii) duplex dwelling
- iv) home occupation

4.2.2	Regulations for Permitted Uses	Metric	Imperial
	i) Minimum Lot Area	0.4 ha	1.0 acres
	ii) Minimum Lot Frontage	20.0 m	66.0 ft
	iii) Minimum Front Yard	7.5 m	25 ft
	iv) Minimum Interior Side Yard	4.5 m	15 ft
	v) Minimum Exterior Side Yard	7.5 m	25 ft
	vi) Minimum Rear Yard	7.5 m	25 ft
	vii) Maximum Lot Coverage	30%	30%
	viii) Maximum Height	9.0 m	30 ft

4.2.3 Exceptions

4.2.3.1 Village Residential Exception One (RV2-1) Zone (2018-05)

Notwithstanding Section 4.2.2 of the Village Residential (RV2) Zone, on lands located in Part Lot 26, Concession 2 (South Himsworth) and legally described as Part 2, Plan 42R-20979 and located in the RV2-1 Zone, the following provisions shall apply:

- a) Minimum lot area: 2,000 square metres
- b) Minimum rear yard for a detached storage building: 0.6 metres

4.2.3.2 Village Residential Exception Two (RV2-2) Zone (2018-05)

Notwithstanding Section 4.2.2 of the Village Residential (RV2) Zone, on lands located in Part Lot 16, Concession 2 (South Himsworth) and legally described as Part 2, Plan 42R-5279, together with Part 1, Plan 42R-20979 and located in the RV2-2 Zone, the following provisions shall apply:

- a) Minimum Front Yard: 7.5 metres

4.3 MULTIPLE RESIDENTIAL (RM) ZONE

No person shall within any Multiple Residential (RM) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.3.1 Permitted Uses

- i) single detached dwelling
- ii) duplex dwelling
- iii) semi-detached dwelling
- iv) townhouse dwelling
- v) multi-unit dwelling

4.3.2	Regulations for Permitted Uses	Metric	Imperial
i)	Minimum Lot Area	- 0.1 ha per unit plus 0.01 over 2 units	25 acres
ii)	Minimum Lot Frontage	- 30 m	100 ft
iii)	Minimum Front Yard	- 15.0 m	50 ft
iv)	Minimum Interior Side Yard	- 7.5 m	25 ft
v)	Minimum Exterior Side Yard	- 7.5 m	25 ft
vi)	Minimum Rear Yard	- 7.5 m	25 ft
vii)	Maximum Lot Coverage	- 30%	30%
viii)	Maximum Height	- 10.5 m	35 ft

4.3.3 Exceptions

4.3.3.1 Multiple Residential Exception One (RM-1) Zone 7 Valleyview Drive East

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, no person shall within any Multiple Residential Exception One (RM-1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Regulations for Permitted Uses:

i)	Minimum lot area	700 square metres
ii)	Minimum lot frontage	20 metres
iii)	Minimum lot depth	40 metres
iv)	Minimum front yard	8.0 metres
v)	Interior side yard	3.0 metres
vi)	Minimum rear yard	10 metres
vii)	Maximum Lot Coverage	25%
viii)	Maximum Height	10 metres

In all other respects, the provisions of this By-law shall apply.

4.3.3.2 Multiple Residential Exception Two (RM-2) Zone

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, no person shall within any Multiple Residential Exception Two (RM-2) Zone use any land, or erect, alter or use any building or structure except in accordance with the following definition:

- l) Dwelling, Multiple Family, means a separate building divided horizontally or vertically into more than two, but not more than six dwelling units. In all other respects, the provisions of this By-law shall apply.

4.3.3.3 Multiple Residential Exception Three (RM-3) Zone (2016-38)

Notwithstanding the permitted uses under Section 4.3.1 of the Residential Multiple (RM) Zone, to the contrary, the following provisions shall apply to lands legally described as Parts 1 and 2, Parcel 7820 N/S, located in Part Lot 15, Concession 13 and located within the RM-3 Zone:

i)	Minimum Lot Area	0.11 ha
ii)	Maximum Ground Floor Area of Apartment Building	266 sq.metres
iii)	Maximum Number of Apartment Dwelling Units	9
iv)	Minimum Lot Frontage (Valley View West Drive)	75 metres
v)	Minimum Lot Frontage (Main Street)	75 metres
vi)	Minimum Interior Side Yard	3 metres
vii)	Minimum Setback from Valley View West Drive	4.4 metres
viii)	Minimum Setback from Main Street	4.5 metres
ix)	Maximum Lot Coverage	26%
x)	Maximum Setback of a Balcony from Valley View West Drive	1.5 metres
xi)	Maximum Floor Area of a Balcony	9 sq. metres
xii)	Maximum Number of Balconies	5
xiii)	Maximum Encroachment of a Stairway into the Main Street Front Yard	2 metres

For the purpose of the RM-3 Zone, a balcony shall be defined as an unenclosed platform with a roof attached to or extending horizontally from the exterior wall above the first floor or walkout of a residential building. Also, for the purpose of the RM-8 Zone, the maximum ground floor area shall not include balconies or external stairs and landings.

Furthermore, notwithstanding Table 1 of Section 3.21 of By-law 2003-38, as amended, the provision of on-site parking for residential apartment in the RM-8 Zone shall require a minimum of 12 spaces.

In all other cases the provisions of By-law 2003-38 as amended shall apply.

4.3.3.4 Multiple Residential Exception Four (RM-4) Zone (2011-34)

Notwithstanding the provisions of the Multiple Residential (RM) Zone to the contrary, the following provisions shall apply to lands legally described as Plan 44, Block E, Lots 8 & 9, Pt Lot 7, Station Grounds, RP 42R 19599, Part 3 and located within the RM-4 Zone:

i)	Minimum Frontage	24 m
ii)	Minimum front yard	0 m
iii)	Minimum rear yard	25 m
iv)	Minimum side yard one side	2 m
v)	Minimum side yard other side	5 m

4.3.3.5 Reserved

4.3.3.6 **Multiple Residential Exception Six (RM-6) Zone (2014-18A)**

Notwithstanding the permitted uses and provisions of the Multiple Residential (RM) Zone, to the contrary, on lands legally described as Block 6, Lot 15 and Part Lots 16, 17 and 18, Plan 57, located in Part of Lot 16, Concession 12, and located within the RM-6 Zone, a multi-residential building comprising up to 6 dwelling units shall be permitted subject to the following provisions:

i)	Minimum lot area	0.19 ha
ii)	Minimum lot frontage	30 m
iii)	Minimum interior side yard (south side)	7.5 m
		5.0 metres for decks
iv)	Minimum interior side yard (north side)	7.5 m
v)	Minimum front yard – 6.0 metres or compatible to the existing streetscape whichever is greater	
vi)	Maximum number of dwelling units	6
vii)	Parking spaces required per dwelling unit	1.5
viii)	Maximum number of parking spaces	9
ix)	No parking spaces shall be permitted in the front yard	

4.3.3.7 **Multiple Residential Exception Seven (RM-7) Zone (2016-39)**

Notwithstanding the permitted uses and provisions of the Multiple Residential (RM) Zone to the contrary, on lands legally described as Pcl. 4441 NS, located in Part of Lot 15, Concession 13, and located within the RM-7 Zone, a multi-residential building comprising up to 7 dwelling units shall be permitted subject to the following provisions:

ii)	Minimum Lot Area	0.18 hectares
iii)	Minimum Lot Frontage	30 metres
iv)	Minimum Interior Side Yard (east side)	15 metres
v)	Minimum Interior Side Yard (west side)	4 metres
vi)	Minimum Front Yard (to the exterior of the front wall)	15 metres
vii)	Minimum Front Yard (to the front porch)	13 metres
viii)	Minimum Rear Yard	8 metres
ix)	Maximum Number of Dwelling Units	7
x)	Maximum Ground Floor Area (multi-residential building)	315 square m
xi)	Maximum Lot Coverage	20%
xii)	Maximum Height	9 metres
xiii)	Minimum Number of Parking Spaces	10
xiv)	Maximum Number of Parking Spaces permitted within 20 metres of the Front Lot Line	0

In the RM-7 Zone, access to dwelling units shall be permitted only from the east side or front of the multi-residential dwelling. In addition, the calculation of lot coverage shall include any external roofed area, such as a porch, and furthermore no porch, balcony, patio, landing, deck or like feature shall be permitted along the west exterior wall of the building.

In all other respects the provisions of Comprehensive Zoning By-law 2003-38, as amended shall apply.

Lands located in the RM-7 Zone shall be subject to a Holding provision. The Holding provision shall not be removed until the following have been provided to Council:

- i) A site plan agreement prepared by the Municipality and signed by the Owner.
- ii) Any security required by the site plan agreement.
- iii) Municipal costs incurred in the review and preparation of items a) and b) have been reimbursed to the Municipality.

4.3.3.8 Reserved

4.3.3.9 Multiple Residential Exception Nine (RM-9) Zone (2018-39)

Notwithstanding the permitted uses and regulations of the Multiple Residential (RM) Zone, to the contrary, on lands described legally as Part 1, Plan 42R-21025, located in Part Lot 15, Registrar's Compiled Plan 318 (Himsworth) and located in the RM-9 Zone, multi-residential housing in the form of apartment buildings and/or townhouse units shall be permitted uses subject to the following regulations:

- | | | |
|----|--------------------------------------|--------------|
| a) | Minimum Lot Area: | 1.8 hectares |
| b) | Minimum Frontage on Big Bend Avenue: | 60 metres |
| c) | Minimum Setback from any lot line: | 7.5 metres |
| d) | Minimum Parking Spaces per Dwelling: | 1.75 |
| e) | Maximum Height: | 10.5 metres |
| f) | Maximum Lot Coverage: | 30% |

The Holding symbol applicable to lands located within the RM-9 (H) Zone shall not be removed until a site plan agreement has been prepared to the satisfaction of Council and CN Rail.

4.3.3.10 Multiple Residential Exception Ten (RM-10) Zone (2008-06)

Notwithstanding the provisions of the Multiple Residential (RM) Zone to the contrary, no person shall within any Multiple Residential Exception Ten (RM-10) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Regulations for Permitted Uses

- | | | |
|------|----------------------------|-----------|
| i) | Minimum lot area | .10 acres |
| ii) | Minimum lot frontage | 10 m |
| iii) | Minimum front yard | 3 m |
| iv) | Minimum interior side yard | .60 m |

In all other respects, the provisions of this By-law shall apply

4.3.3.11 Multiple Residential Exception Eleven (RM-11) Zone (2010-26)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, no person shall within the Multiple Residential Exception Four (RM-4) Zone use any land, or erect, alter or use any building or structure in accordance with the following:

- a) Rear Yard Setback – 7 metres
- b) Front Yard Setback – 13 metres

4.4 RURAL (RU) ZONE

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

4.4.1 Permitted Uses

Column A Uses

- i) farm
- ii) farm produce sales outlet
- iii) fire hall
- iv) hunt camp
- v) kennel
- vi) lodge or boarding house
- vii) municipal or provincial offices or works garage
- viii) resource management activities
- ix) riding school or boarding stables
- x) an accessory farm dwelling on one lot of at least 30 hectares (75 acres)

Column B Uses

- i) single detached dwelling
- ii) duplex dwelling
- iii) semi-detached dwelling
- iv) bed and breakfast
- v) home occupation
- vi) home industry
- vii) hobby farm
- viii) group home
- ix) public park
- x) veterinary hospital
- xi) observatory

4.4.2 Regulations for Permitted Uses

	Column A Uses	Column B Uses
i) Minimum Lot Area	10 ha	1.0 ha
ii) Minimum Lot Frontage	135 m	50 m
iii) Minimum Front Yard	30.0 m	30 m
iv) Minimum Interior Side Yard	15.0 m	15.0 m
v) Minimum Exterior Side Yard	15.0 m	15.0 m
vi) Minimum Rear Yard	15.0 m	15.0 m
vii) Maximum Lot Coverage	25%	25%
viii) Maximum Height	10.5 m	10.5 m
ix) No kennel shall be located within 120 metres (400 ft) of a residential dwelling on another lot.		

Minimum Lot Area for a hobby farm 2.0 ha

4.4.3 Exceptions

4.4.3.1 Rural Exception One (RU-1) Zone

Notwithstanding the provisions of the Rural (RU) Zone, to the contrary, no person shall within any Rural Exception One (RU-1) Zone, use any land, or erect, alter or use any building or structure except in accordance with the following

- i) Minimum Lot Frontage 54.86 metres

In all other respects, the provisions of this By-law shall apply.

4.4.3.2 Rural Exception Two (RU-2) Zone (2011-29)

Notwithstanding the permitted uses and regulations of the Rural (RU) Zone, on lands located in Part of Lot 27, Concession 10 and located in the RU-2 Zone, only the following uses shall be permitted:

- i) A single detached recreational dwelling together with accessory uses as regulated in accordance with Section 3.1 of By-law 2003-38:

In addition, for the purposes of the RU-3 Zone, the following provisions shall apply

- i) Minimum setback from the 265.76 metre elevation G.S.C. – 29 m
- ii) Minimum setback from the southern interior lot line – 3.8 m

Lands located within the RU-2 Zone shall be subject to a Holding (H) Provision. The purpose of the Hold is to identify lands that do not abut or have frontage on an assumed road maintained year round by the Municipality and therefore may only be used in accordance with Section 3.8 (b) of By-law 2003-38, as amended. The Hold may be removed by Council when Park Line has been assumed by the Municipality up to and abutting the lands located within the RU-2 Zone.

4.4.3.3 Rural Exception Three (RU-3) Zone (2016-28)

On lands located in Part of Lot 15, Concession 6 (Himsworth), in the Municipality of Powassan and located in the RU-3 Zone, a poultry processing facility shall be a permitted accessory use to a residential use and agricultural use. A poultry processing facility shall have a maximum floor area of 167.22 square metres (1,800 square feet) and shall be constructed and operated in accordance with The Food Safety and Quality Act (2001) and Ontario Regulation 31/05 or the successors to these documents.

4.4.3.4 Rural Exception Four (RU-4) Zone (2013-19)

Notwithstanding the permitted uses and regulations of the Rural (RU) Zone, on lands legally described as Part 3, Pcl 8538 NS, Plan PSR-550, located in Part of Lot 27, Concession 10 and located in the RU-4 Zone, only the following uses shall be permitted:

- i) A single detached recreational dwelling together with accessory uses as regulated in accordance with Section 3.1 of By-law 2003-38:

In addition, for the purposes of the RU-4 Zone, the following provisions shall apply:

- | | | |
|------|--|-------------------|
| i) | Minimum setback from front lot line (one corner of dwelling) | 20 m |
| ii) | Minimum setback from front lot line (other corner of dwelling) | 25 m |
| iii) | Minimum setback from the southern interior lot line | 12 m |
| iv) | Minimum setback for septic filter bed | 70 m |
| v) | Maximum ground floor area of dwelling | 75 m ² |
| vi) | Maximum area of attached deck | 68 m ² |

Lands located within the RU-4 Zone shall be subject to a Holding (H) Provision. The purpose of the Hold is to identify lands that do not abut or have frontage on an assumed road maintained year round by the Municipality and therefore may only be used in accordance with Section 3.8 (b) of By-law 2003-38, as amended. The Hold may be removed by Council when Park Street has been assumed by the Municipality up to and abutting the lands located within the RU-4 Zone.

**4.4.3.5 Rural Exception Five (RU-5) Zone
(2013-37)**

On lands located in the remainder of Part of Lot 25, Concession 13, excluding Part 1, Plan PSR-1920 and Parts 1 and 2, Plan 42R-19997 in the Municipality of Powassan and located in the RU-5 Zone, any agricultural building or structure in existence on the day this By-law comes into effect shall not be used for the keeping of animals. In addition, any new dwelling or detached accessory buildings shall maintain a minimum 15 metre setback from the rear lot line of Part 1, Plan PSR-1920 and Parts 1 and 2, Plan 42R-19997. Furthermore, the minimum lot area for any lot in the RU-5 Zone shall be 39.2 hectares and the minimum frontage along the southern lot line of Lot 25 shall be 200 metres which may exist as a dual or split frontage.

**4.4.3.6 Rural Exception Six (RU-6) Zone
(2013-37)**

On lands legally described as Parts 1 and 2, Plan 42R-19997 located in Part of Lot 25, Concession 13 in the Municipality of Powassan and located in the RU-6 Zone, the minimum lot area shall be 4,000 m² and the minimum lot frontage shall be 63 metres and the only permitted use shall be a detached residential dwelling and accessory uses as permitted under Section 3.1 of Zoning By-law 2003-38, as amended.

**4.4.3.7 Rural Exception Seven (RU-7) Zone
(2015-28)**

Lands located in the RU-7 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the RU Zone, the storage of tailings from a mine or a mine tailings pond shall be prohibited.

**4.4.3.8 Rural Exception Eight (RU-8) Zone
(2015-28)**

Lands located in the RU-8 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the RU Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii) a road salt storage facility greater than 5,000 tonnes;
- iv) storage of agricultural source material;
- v) handling and storage of non-agricultural source material;
- vi) handling and storage of commercial fertilizer;
- vii) keeping, confining and/or pasturing of livestock;
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- ix) storage of tailings from mines or a mine tailings pond;
- x) storage or injection of liquid industrial waste;
- xi) land farming of petroleum refining waste;
- xii) land filling of hazardous or municipal waste; and,

- xiii) land filling of solid non-hazardous industrial or commercial waste.

4.4.3.9 Rural Exception Nine (RU-9) Zone (2010-10)

Notwithstanding the permitted uses and provisions of the Rural (RU) Zone, on lands located on Lot 1, Concession 10 Plan 42R18715 pt parcel 2000, the following uses shall be permitted:

- i) a single detached dwelling for an owner or caretaker
- ii) a small scale commercial building to provide storage, service shop and light duty repairs.

In all other respects, the provisions of By-Law 2003-38 shall apply.

4.4.3.10 Rural Exception Ten (RU-10) Zone (2018-35)

Notwithstanding the permitted uses and provisions of the Rural (RU) Zone, on lands located on Reg. Plan 323, Lot 8, and zoned RU-10, permitted uses shall be limited to the following uses operating singularly or in conjunction with each **other**:

- i) a Bed & Breakfast
- ii) a Home Occupation
- iii) a Detached Dwelling
- iv) a secondary dwelling to the above uses.

For the purposes of the RU-10 Zone, the following regulations shall apply:

- a) Minimum Lot Area - 0.44 hectares
- b) Minimum Lot Frontage (Highway 534) - 88 metres
- c) Minimum Front Yard Setback - 9 metres
- d) Minimum Rear Yard Setback - 9 metres
- e) Notwithstanding the definition of Bed and Breakfast, in the RU-10 Zone, a Bed and Breakfast may have up to 5 rooms
- f) In the RU-10 Zone, subsection 3.11 d) shall not apply and a home occupation shall be permitted to utilize one full storey/floor of the dwelling; and,
- g) Notwithstanding Section 3.8, lands located in the RU-10 Zone shall obtain access from a private right-of-way from Fairview Lane

4.4.3.11 Rural Exception Eleven (RU-11) Zone (2017-32)

Notwithstanding Section 3.1 of Zoning By-law 2003-38, on lands located in Part Lot 16, Concession 10 and located in the RU-11 Zone, a storage building having a maximum floor area of 111.48m² (1,200 ft²) shall be a permitted use provided such storage building is used exclusively for private/personal storage and is not used for commercial purposes, nor shall it be used for the keeping of livestock or animals. The RU-11 Zone shall permit the construction of a dwelling, upon which time the storage building will be considered to be an accessory structure to such dwelling. The RU-11 Zone does not authorize or permit any open storage of trailers or construction equipment.

4.4.3.12 Rural Exception Twelve (RU-12) Zone

Notwithstanding Section 4.4.1 and 4.4.2 of Zoning By-law 2003-38, on lands located in Part Lot 21, Concession 13, described legally as Lots 1 to 12, Plan M471, and zoned RU-12, the permitted uses and regulations of the RV2 Zone shall apply.

4.4.3.13 Rural Exception Thirteen (RU-13) Zone (2019-20)

Notwithstanding Section 4.5.1 of Zoning By-law 2003-38 as amended, on lands located in Lot 21, Concession 15 and located in the RU-13 Zone, a farm and related agricultural buildings and facilities shall be the only permitted use. Furthermore, Sections 3.8 and 3.13 of Zoning By-law 2003-38 as amended, shall not apply to lands located in the RU-13 Zone.

4.5 HIGHWAY COMMERCIAL (CH) ZONE

No person shall within any Highway Commercial (CH) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.5.1 Permitted Uses

- i) building supply outlet
- ii) lumber yard
- iii) commercial nursery and/or greenhouse
- iv) country market/ flea market
- v) light equipment sales and rental establishment
- vi) marina sales and service establishment
- vii) motel
- viii) hotel
- ix) motor vehicle body shop
- x) motor vehicle dealership
- xi) motor vehicle repair garage
- xii) motor vehicle service station
- xiii) restaurant or tavern
- xiv) residential dwelling units located on the second storey of a building or to the rear of the main building

4.5.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	0.8 ha	2.0 acres
ii) Minimum Lot Frontage	45.0 m	150 ft
iii) Minimum Front Yard	15.0 m	50 ft
iv) Minimum Interior Side Yard	6.0 m	20 ft
v) Minimum Exterior Side Yard	15.0 m	50 ft
vi) Minimum Rear Yard	10.0 m	33 ft
vii) Maximum Lot Coverage	50%	50%
viii) Maximum Height	9.0 m	30 ft

4.5.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, a planting strip of 2 metres from the setback shall be provided.

4.5.4 Exceptions

4.5.4.1 Highway Commercial Exception One (CH-1) Zone (Lot 16, Concession 9, Parts 1-14)

Notwithstanding the provisions of the Highway Commercial (CH) Zone, to the contrary, no person shall within any Highway Commercial Exception One (CH-1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Permitted Uses:

- i) rental business in and around the existing garage and twenty feet to the west and north of the existing garage.

In all other respects, the provisions of this By-law shall apply.

**4.5.4.2 Highway Commercial Exception Two (CH-2) Zone
(2010-25)**

Notwithstanding the provisions of the Highway Commercial (CH) Zone, to the contrary, the following additional uses shall be permitted within the Highway Commercial Exception Two (CH-2) Zone:

- i) Manufacturing, processing, assembly and/or fabricating plant, limited to boats and marine structures and accessories.

4.6 VILLAGE COMMERCIAL (CV1) ZONE

No person shall within any Village Commercial (CV1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.6.1 Permitted Uses

- i) bank or financial institutions
- ii) business, professional and administrative offices
- iii) clinic
- i) commercial nursery and/or greenhouse
- ii) community centre
- iii) country market/ flea market
- iv) day nursery
- v) light equipment sales and rental establishment
- vi) motel
- vii) hotel
- xi) motor vehicle body shop
- xii) motor vehicle dealership
- xiii) motor vehicle repair garage
- xiv) motor vehicle service station
- xv) personal service shop
- xvi) parking lot
- xvii) place of worship
- xviii) post office
- xix) public or private club
- xx) restaurant or tavern
- xxi) retail store
- xxii) service shop
- xxiii) residential dwelling units located on the second storey of a building or to the rear of the main building

4.6.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	0.0 m	0.0 ft
ii) Minimum Lot Frontage	0.0 m	0.0 ft
iii) Minimum Front Yard	0.0 m	0.0 ft
iv) Minimum Interior Side Yard	0.0 m	0.0 ft
v) Minimum Exterior Side Yard	0.0 m	0.0 ft
vi) Minimum Rear Yard	0.0 m	0.0 ft
vii) Maximum Lot Coverage	100%	100%
viii) Maximum Height	9.0 m	30 ft

4.6.3 Exceptions

4.6.3.1 Village Commercial Exception One (CV1-1) Zone (2011-34)

In addition to the permitted uses and notwithstanding the provisions of the Village Commercial (CV1) Zone, to the contrary, in the CV1-1 Zone, a single detached dwelling shall be a permitted use and the following provisions shall apply to lands legally described Plan 44, Block E, Lots 8 & 9, Pt Lot 7, RP 42R 19599, Part 4 and located within the CV1-1 Zone and used for a single detached dwelling:

i)	Minimum frontage	24 m
ii)	Minimum Front Yard	36 m
iii)	Minimum Rear Yard	25 m
iv)	Minimum interior side yard one side	0.5 m
v)	Minimum interior side yard other side	7.5 m
iv)	Maximum Lot Area	0.11 ha

Where land within the CV1-1 Zone are to be used for any other use within the CV1 Zone, the provisions of the CV1 Zone and appurtenant provisions of Zoning By-law 2003-48 apply.

4.6.3.2 Village Commercial Exception Two (CV1-2) Zone (2006-08)

Notwithstanding the permitted uses of the CV1 Zone, on lands described legally as being Part of the Station Grounds, Plan 44, Part 1, Plan 42R-13899 (East end of King Street) and zoned CV1-2, a funeral home and crematorium shall be the only permitted uses, together with related accessory uses.

4.6.3.3 Village Commercial Exception Three (CV1-3) Zone – (2018-40)

Notwithstanding the permitted uses and regulations of the CV1 Zone, on lands described legally as Plan 4, Block E, Lots 8 and 9, Part Lot 7, Station Grounds, Plan 42R-19599, Parts 2, 5 and 6 and located in the Village Commercial Exception (CV1-4) Zone, the only permitted use shall be an Adult Residential Home. For the purpose of the CV1-4 Zone an Adult Residential Home shall be defined as a residential facility authorized or licensed by the Ministry of Health and Long Term Care that provides accommodation, meals and other support services to adult residents who require housing and support.

a)	Minimum Frontage on Catherine Street -	7 metres
b)	Maximum Floor Area of Adult Residential Home -	1,115 m ²
c)	Minimum Number of Parking Spaces -	26
d)	Maximum Number of Beds for Residents -	40
e)	Maximum Number of Accessory Apartment Dwelling Units -	6
f)	Minimum Setback from any lot line -	5 metres or as authorized by CN

4.6.3.4 Village Commercial Exception Four (CV1-4) Zone (2013-29)

Notwithstanding Section 4.7.1 (xxii), a residential apartment dwelling unit shall be permitted to be located on the main floor and at the front of a commercial building, provided such apartment dwelling unit complies with the following regulations:

i)	Maximum Floor Area of Main Floor Apartment Dwelling Unit	35.3 m ²
ii)	Maximum Building Frontage (along Main Street) that may be utilized for an Apartment Dwelling Unit	5.5 metres
iii)	Minimum number of parking spaces required in the CV1-4 Zone for 4 apartment dwelling units and a commercial use shall be 14 spaces.	

4.7 VILLAGE COMMERCIAL (CV2) ZONE

No person shall within any Village Commercial (CV2) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.7.1 Permitted Uses

- i) bank or financial institutions
- ii) business, professional and administrative offices
- iii) clinic
- iv) commercial nursery and/or greenhouse
- v) community centre
- vi) country market/ flea market
- vii) day nursery
- viii) light equipment sales and rental establishment
- ix) motel
- x) hotel
- xi) motor vehicle body shop
- xii) motor vehicle dealership
- xiii) motor vehicle repair garage
- xiv) motor vehicle service station
- xv) personal service shop
- xvi) parking lot
- xvii) place of worship
- xviii) post office
- xix) public or private club
- xx) restaurant or tavern
- xxi) retail store
- xxii) service shop
- xxiii) residential dwelling units located on the second storey of a building or to the rear of the main building

4.7.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	0.4 ha	1.0 acres
ii) Minimum Lot Frontage	30.0 m	100 ft
iii) Minimum Front Yard	15.0 m	50 ft
iv) Minimum Interior Side Yard	6.0 m	20 ft
v) Minimum Exterior Side Yard	15.0 m	50 ft
vi) Minimum Rear Yard	10 m	33 ft
vii) Maximum Lot Coverage	50%	50%
viii) Maximum Height	9.0 m	30 ft

4.7.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, a planting strip of 2 metres from the setback shall be provided.

4.7.4 Exceptions

4.7.4.1 Village Commercial Exception One (CV2-1) Zone (2015-27)

In addition to all other uses permitted in the CV2 Zone, lands located in the Village Commercial (CV2-1) Zone are permitted to be used for a retail store specializing in animal feeds and related merchandise, together with gasoline sales, which may include a propane exchange, and an internal accessory dwelling unit.

For the purpose of the CV2-1 Zone, a maximum of 3 sea containers or storage trailers are permitted to be used in conjunction with the feed business provided they are not located in the front yard and provided the following items are not stored in the containers:

- i) Bulk fuel and compressed gases;
- ii) Industrial chemicals, hazardous waste or liquid or solid industrial waste;
- iii) Bulk fertilizer;
- iv) Used tires;
- v) Used batteries;
- vi) Fireworks, ammunition or explosives; or,
- vii) Livestock or animals.

Lands located in the CV2-1 Zone shall be subject to a Holding (H) provision. The purpose of the Holding provision is to require the owner to enter into a site plan agreement, which shall be required prior to obtaining a building permit for any expansion to an existing building or construction of a new commercial building on lands located in the CV2-1 Zone.

4.8 TOURIST COMMERCIAL (CT) ZONE

No person shall within any Tourist Commercial (CT) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.8.1 Permitted Uses

- i) cabin establishment
- ii) camping establishment
- iii) cottage establishment
- iv) golf course
- v) hotel
- vi) marina
- vii) motel
- viii) restaurant
- ix) summer camp
- x) tavern
- xi) tourist establishment
- xii) accessory assembly hall
- xiii) accessory convenience store or sub-post office
- xiv) accessory single detached dwelling

4.8.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	1.6 ha	4.0 acres
ii) Minimum Lot Frontage	120.0 m	400 ft
iii) Minimum Front Yard	30.0 m	100 ft
iv) Minimum Interior Side Yard	15.0 m	50 ft
v) Minimum Exterior Side Yard	30.0 m	100 ft
vi) Minimum Rear Yard	15.0 m	50 ft
vii) Maximum Lot Coverage	20%	20%
viii) Maximum Height	9.0 m	30 ft
ix) Minimum Frontage on a Waterbody	6.0 m/unit	20 ft/unit
x) Maximum Density	10 units/ha	4 units/acre

4.8.3 Regulations for Camping, Cottage and Cabin Establishments

	Metric	Imperial
i) Minimum Site Area	150.0 sq m	1600 sq ft
ii) Minimum open space	50% of total park	
iii) Maximum lot coverage by all sites and all related and accessory buildings and structures	-5% of total park	
iv) minimum amenity area	-10% of total park	

4.8.4 Exceptions

4.8.4.1 Commercial Tourist Exception One (CT-1) Zone 2010-45

Notwithstanding the permitted uses and regulations of the Commercial Tourist (CT) Zone, on lands located in Part of Lot 21, Concession 16 and located in the CT-1 Zone, the following uses shall be permitted:

- a) A cottage establishment including a central lodge and bunkies;
- b) A single detached dwelling for an owner or caretaker;
- c) Passive non-motorized recreational trails, except for maintenance; and,
- d) Conservation and resources uses and activities.

In addition, for the purposes of the CT-1 Zone, the following provisions shall replace the provisions listed under Section 4.9.3 of Bylaw 2003-38:

- a) Maximum number of cottages – 10
- b) Maximum total floor area of a cottage – 150 m²
- c) Maximum area of disturbance for a cottage – 2 acres

Lands located in the CT-1 Zone shall be subject to a Holding (H) Provision. The Holding Provision may be removed by Council subject to the submission of a site plan prepared to Council's satisfaction and the Owner entering into a site plan agreement with the Municipality.

4.9 BUSINESS PARK (BP) ZONE

No person shall within any Business Park (BP) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.9.1 Permitted Uses

- i) assembly hall
- ii) building supply and lumber outlet
- iii) bulk fuel depot
- iv) business, professional and administrative office
- v) clinic
- vi) convenience store
- vii) day nursery
- viii) equipment sales/rental establishment
- ix) farm implement sales outlet
- x) farm produce sales outlet
- xi) feed mill
- xii) gas bar
- xiii) hotel and motel
- xiv) manufacturing, processing, laboratory or assembly within an enclosed building
- xv) marine or small engine sales and service establishment
- xvi) motor vehicle dealership
- xvii) motor vehicle fuel bar or service station
- xviii) motor vehicle repair garage
- xix) place of worship
- xx) post office
- xxi) private club
- xxii) public storage facilities
- xxiii) recreational establishment
- xxiv) recreational vehicle sales and service operation
- xxv) restaurant or tavern
- xxvi) retail sales accessory to a permitted use not exceeding 35 per cent
- xxvii) service shop
- xxviii) veterinary clinic
- xxix) warehouse including self-storage

4.9.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	0.8 ha	2.0 acres
ii) Minimum Lot Frontage	60.0 m	200 ft
iii) Minimum Front Yard	15.0 m	50 ft
iv) Minimum Interior Side Yard	6.0 m	20 ft
v) Minimum Exterior Side Yard	15.0 m	50 ft
vi) Minimum Rear Yard	7.5 m	25 ft
vii) Maximum Lot Coverage	25%	25%
viii) Maximum Height	10.5 m	35 ft
ix) Minimum Landscaped Open Space	20%	20%
x) In any yard abutting a Residential Zone a planting strip of at least 3.0 metres shall be required.		

4.9.3 Exceptions

**4.9.3.1 Business Park Exception One (BP-1) Zone
(2005-16)**

On lands located in Part of Lot 11, Concession 16 and zoned BP-1, the only permitted uses shall be a self-storage facility. And, that this rezoning be subject to having a site plan control agreement executed between the land owner and the Municipality of Powassan.

**4.9.3.2 Business Park Exception Two (BP-2) Zone
(2018-46)**

Notwithstanding the permitted uses and provisions of the Business Park (BP) Zone, on lands described legally as Parts 5 and 8, Plan 42R-12152, located in Part of Lot 18, Concession 12 and zoned BP-1, permitted uses shall be limited to the following uses operating singularly or in conjunction with each other:

- i) a motor vehicle fuel bar or service station
- ii) a convenience store
- iii) restaurants and takeout food service, including drive-throughs
- iv) a hotel or motel

Lands located in the BP-2 Zone are subject to a Holding (H) provision. The Hold shall be removed in whole or in part by Council upon fulfillment of the following:

- a) Issuance of building and land use permit by the Ministry of Transportation (MTO) which will require the completion of a traffic impact study, illumination plan, storm water management report and, if required, entry into an agreement with the MTO; and
- b) Execution of a site plan agreement with the Municipality of Powassan, which shall include a site plan, a storm water management plan, a servicing plan and if required, the posting of any securities.

4.10 GENERAL INDUSTRIAL (M1) ZONE

No person shall within any General Industrial (M1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.10.1 Permitted Uses

- i) bulk fuel depot
- ii) cartage, express truck, transport or bus terminal or yard
- iii) contractors yard
- iv) lumber yard
- v) manufacturing, processing, assembling and/or fabricating plant
- vi) retail outlet or wholesale outlet or business office accessory to a permitted use provided that it does not exceed 25 per cent of the gross floor area of the principal use
- vii) sawmill
- viii) warehouse
- ix) wood products or planing mill
- x) workshop
- xi) accessory single detached dwelling
- xi) open storage use of goods or materials if accessory to another permitted use

4.10.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	0.8 ha	2.0 acres
ii) Minimum Lot Frontage	90.0 m	300 ft
iii) Minimum Front Yard	15.0 m	50 ft
iv) Minimum Interior Side Yard	6.0 m	20 ft
v) Minimum Exterior Side Yard	10.0 m	33 ft
vi) Minimum Rear Yard	15.0 m	50 ft
vii) Maximum Lot Coverage	50%	50%
viii) Maximum Height	10.0 m	33 ft
ix) Setback from high water mark	120 m	400 ft

4.10.3 Planting Strips

Where lands used for Industrial purposes abut a Residential lot, a planting strip at least 10.0 metres (33 feet) wide shall be provided and maintained along that lot line so abutting.

Where a salvage or wrecking yard is permitted, a 6.0 metre wide planting strip and a solid fence at least 3.0 metres high shall be provided along that portion of the lot.

4.10.4.1 Exceptions

4.10.4.1 General Industrial Exception One (M1-1) Zone

Notwithstanding the provisions of the General Industrial (M1) Zone, to the contrary, no person shall within any General Industrial Exception One (M1-1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

- i) Minimum Lot Frontage 35 metres
- ii) Minimum Lot Area 0.6 hectares

- ii) Minimum front yard setback for accessory building 6 metres

In all other respects, the provisions of this By-law shall apply.

**4.10.4.2 General Industrial Exception Two (M1-2) Zone
Pt. Lots 10 and 11, Concession 17**

Notwithstanding the provisions of the General Industrial (M1) Zone, to the contrary, no person shall within any General Industrial Exception Two (M1-2) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Permitted Uses:

- i) a lumber yard.
- ii) open storage of wood products and portable buildings.
- iii) wood products or planing mill
- iv) warehouse
- v) workshop
- vi) manufacturing, processing, assembling and/or fabricating plant
- vii) sale or rental of portable buildings.

Regulations for Permitted Uses

- i) Minimum front yard setback 15 metres
- ii) Minimum side yard setback 6 metres

In all other respects, the provisions of this By-law shall apply.

**4.10.4.3 General Industrial Exception Three (M1-3)
Pt. Lot 20, Concession 14**

Notwithstanding the provisions of the General Industrial (M1) Zone, to the contrary, no person shall within any General Industrial Exception Three (M1-3) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Permitted Uses:

- i) Making and selling of wood crafts.

In all other respects, the provisions of this By-law shall apply.

**4.10.4.4 General Industrial Exception Four (M1-4) Zone
Pt. Lot 13, Concession 12**

Notwithstanding the provisions of the General Industrial (M1) Zone, to the contrary, no person shall within any General Industrial Exception Four (M1-4) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

Permitted Uses:

- i) warehouse
- ii) workshop

In all other respects, the provisions of this By-law shall apply.

4.10.4.5 **General Industrial Exception Five (M1-5) Zone (2009-44)**

On lands located in Part Lot 19, 20 Concession 13 and located in the M1-5 zone, the following uses shall be permitted:

- ii) Contractor's Yard
- iii) Lumber Yard
- iv) Retail outlet or wholesale outlet or business office accessory to a permitted use provided that it does not exceed 25% of the gross floor area of the principle use.
- v) Warehouse
- vi) Wood products or planning mill
- vii) Accessory single detached dwelling
- viii) Open storage of goods or materials if accessory to a permitted use.

4.10.4.6 **General Industrial Exception Six (M1-6) Zone (2013-21)**

Notwithstanding the permitted uses and provisions of the General Industrial (M1) Zone, to the contrary, on lands located within the M1-5 Zone the only permissible use shall be a tri-plex, subject to the following provisions:

- | | | |
|------|--|-----------|
| i) | Maximum Number of Residential Dwelling Units – | 3 |
| ii) | Minimum Number of Parking Spaces | 6 |
| iii) | Minimum Front Yard | 15 metres |
| iv) | Minimum Interior Side Yard | 7 metres |
| v) | Maximum Height | 10 metres |

4.10.4.7 **General Industrial Exception Seven (M1-7) Zone (2014-13)**

Notwithstanding the permitted uses and provisions of the General Industrial (M1) Zone, to the contrary, on lands legally described as Lot 16, Registrar's Compiled Plan 320 together with Part 1, Plan 42R-20106 and located within the M1-7 Zone the only permissible use shall be a contractor's yard, truck terminal, bulk fuel depot, manufacturing plant, warehouse, workshop and accessory retail uses subject to the following provisions:

- | | | |
|------|---------------------------------------|---------------|
| i) | Minimum Lot Area | 0.36 hectares |
| ii) | Minimum Lot Frontage | 60 metres |
| iii) | Minimum Interior Side Yard (one side) | 1.8 metres |
| iv) | Minimum Rear Yard | 9.0 metres |
| v) | Minimum Front Yard | 14.5 metres |

Lands located in the M1-6 Zone shall be subject to a Holding provision. The Holding symbol shall not permit any change in use, building expansion, renovation or site alteration to lands located in the M1-6 Zone until the provisions of the site plan agreement registered on title to the lands in the M1-6 Zone have been fulfilled to Council's satisfaction.

**4.10.4.8 General Industrial Exception Eight (M1-8) Zone
(2014-13)**

Notwithstanding the permitted uses and provisions of the General Industrial (M1) Zone, to the contrary, on lands legally described as Lot 17, Registrar's Compiled Plan 320 and located within the M1-8 Zone, an existing detached dwelling shall be an additional permitted use, and the following regulations shall apply:

- | | | |
|------|---------------------------------------|---------------|
| i) | Minimum Interior Side Yard (one side) | 4.5 metres |
| ii) | Minimum Front Yard | 12.5 metres |
| iii) | Minimum Lot Area | 0.28 hectares |
| iv) | Minimum Lot Frontage | 22 metres |

**4.10.4.9 General Industrial Exception Nine (M1-9) Zone
(2015-28)**

Lands located in the M1-9 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the M1 Zone, the storage of tailings from a mine or a mine tailings pond shall be prohibited.

4.11 EXTRACTIVE INDUSTRIAL (MX) ZONE

No person shall within any Extractive Industrial (MX) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.11.1 Permitted Uses

- i) pits and existing quarries
- ii) the processing of natural materials including screening, sorting, washing and crushing operations
- iii) peat extraction
- iv) agricultural uses, buildings and structures accessory thereto but excluding dwellings
- v) logging and forest products processing
- vi) resource management activities
- vii) contractors yard

4.11.2 Regulations for permitted uses

	Metric	Imperial
i) Minimum Lot Area	6.0 ha	15 acres
ii) Minimum Lot Frontage	190.0 m	625 ft
iii) Minimum Front Yard	130.0 m	425 ft
iv) Minimum Interior Side Yard	120.0m	400 ft
v) Minimum Exterior Side Yard	130.0m	425 ft
vi) Minimum Rear Yard	120.0 m	400 ft

4.11.3 Additional regulations for pits and quarries

No pit, quarry or the processing of sand, gravel or stone shall be located within 215 metres (700 ft) of any abutting lot in a Residential Zone.

No pit or quarry shall be located closer than 120 metres (400 ft) to an existing dwelling or 30 metres (100 ft) from a municipal road allowance lot line or watercourse.

4.11.4 Planting Strip Requirements

A planting strip shall be required along each front and exterior side lot line and any lot line that abuts a Residential lot. The planting strip shall have a minimum width of 15 metres (50 ft).

4.11.5 Exceptions

4.11.5.1 Extractive Industrial Exception One (MX-1) Zone (2014-31)

- a) Notwithstanding the permitted uses listed in Section 4.11.1 and notwithstanding the permitted accessory uses listed in Section 3.1:
 - i) The only permitted uses in the MX-1 Zone shall be a quarry that is above the water table; and
 - ii) The only permitted accessory uses shall be storage buildings and structures, weigh scales and the processing of stone including screening, sorting, washing and crushing.

- b) In addition to the foregoing permitting uses and permitted accessory uses, where the operator of the quarry has entered into a contract with a public authority or the contractor for a public authority concerning a short term construction project conducted by or on behalf of the public authority, the storage and processing of recycled aggregate materials and the placement and use of a portable asphalt plant and/or portable concrete batching plant necessary in connection with such construction project shall be permitted during the term of said construction project.
- c) Notwithstanding Section 4.11.2, the minimum required yard from any lot line shall be 30 metres for any building or structure.
- d) Notwithstanding Section 3.8, a quarry within the MX-1 Zone may be established and operated where the lands upon which the quarry is located fronts an unopened road allowance provided the owner has entered into a license agreement with the Municipality concerning the use and maintenance of the unopened road allowance.

4.11.5.2 Extractive Industrial Exception Two (MX-2) Zone (2018-32)

Notwithstanding the permitted uses and provisions of the General Industrial (MX) Zone, on lands located in the north part of Lot 15, Concession 15 and located in the MX-2 Zone, the only permissible use shall be a quarry and/or a gravel pit located above the water table. Accessory uses may include storage buildings and structures, weigh scales, and the processing of stone including screening, sorting, washing and crushing. In addition, the storage and processing of recycled aggregate materials shall be permitted on a temporary basis. In addition, a temporary cement or asphalt plant may also be permitted provided such facility is utilized only to serve a short-term, construction project for a public agency.

Furthermore, Section 4.12.3 of Zoning By-Law 2003-38 as amended, shall not apply to lands located in the MX-2 Zone.

4.12 DISPOSAL INDUSTRIAL (MD) ZONE

No person shall within any Disposal Industrial (MD) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.12.1 Permitted Uses

- i) approved solid waste land-fill site or management facility
- ii) approved recycling facility
- iii) salvage yard
- iv) wrecking yard
- v) open storage
- vi) sewage lagoon

4.12.2 Regulations for permitted uses

	Metric	Imperial
i) Minimum Lot Area	10.0 ha	25 acres
ii) Minimum Lot Frontage	60.0 m	200 ft
iii) Minimum Front Yard	60.0 m	200 ft
iv) Minimum Interior Side Yard	60.0m	200ft
v) Minimum Exterior Side Yard	60.0m	200 ft
vi) Minimum Rear Yard	60.0 m	200 ft
vii) Maximum Lot Coverage (including any open storage use)	35%	35%
viii) Maximum Height	12.0 m	40 ft
ix) Setback from residential uses	500 m	1640 ft
x) Setback from municipal road allowances and watercourses	500 m	1640 ft
xi) minimum landscaped open space	20%	20%

4.12.3 Planting Strip and Fencing Requirements

A planting strip and fence shall be required along each front and exterior side lot line and any lot line that abuts a Residential lot. The planting strip shall have a minimum width of 15 metres (50 ft). A solid fence at least 3.0 metres (10 ft) high shall also be provided along that portion of the lot.

4.12.4 Exceptions

4.13 INSTITUTIONAL (I) ZONE

No person shall within any Institutional (I) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.13.1 Permitted Uses

- i) ambulance station
- ii) business, professional and administrative offices
- iii) community centre
- iv) banquet hall
- v) day nursery
- vi) fire station
- vii) library
- viii) municipal office
- ix) museum
- x) public works yard
- xi) home
- iii) seniors' residence
- iv) retirement home
- v) home for the aged
- xv) place of worship
- xvi) school

4.13.2 Regulations for permitted uses

	Metric	Imperial
i) Minimum lot area	0.4 ha	1.0 acres
ii) Minimum Lot Frontage	20 m	66.0 ft
iii) Minimum Front Yard	30.0 m	100 ft
iv) Minimum Interior Side Yard	7.5m	25 ft
v) Minimum Exterior Side Yard	7.5m	25 ft
vi) Minimum Rear Yard	7.5 m	25 ft
vii) Maximum Lot Coverage	30%	30%
viii) Minimum Landscaped Open Space	10%	10%

4.13.3 Exceptions

4.13.3.1 Institutional Exception One (I-1) Zone

Notwithstanding the provisions of the Institutional (I) Zone, to the contrary, on lands within the Institutional Exception One (I-1) Zone, the only permitted uses shall be a place of worship, single family dwelling, two family dwelling and multiple family dwelling, subject to the following special provisions:

i) Minimum Lot Area	800 sq. m
ii) Minimum Lot Frontage	20 metres
iii) Minimum Lot Depth	40 metres
iv) Minimum Front Yard	3 metres
v) Minimum Side Yard	3 metres
vi) Minimum Rear Yard	10 metres
vii) Minimum Floor Area	80 sq. m. per unit
viii) Maximum Lot Coverage	25%
ix) Maximum Height	10 metres
x) Maximum Number of Dwellings per Lot	1
xi) Maximum Number of Dwelling Units	4

In all other respects, the provisions of this By-law shall apply.

**4.13.3.2 Institutional Exception Two (I-2) Zone
(2015-28)**

Lands located in the I-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the I Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii) a road salt storage facility greater than 5,000 tonnes;
- iv) storage of agricultural source material;
- v) handling and storage of non-agricultural source material;
- vi) handling and storage of commercial fertilizer;
- vii) keeping, confining and/or pasturing of livestock;
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite);
- ix) storage of tailings from mines or a mine tailings pond;
- x) storage or injection of liquid industrial waste;
- xi) land farming of petroleum refining waste;
- xii) land filling of hazardous or municipal waste; and,
- xiii) land filling of solid non-hazardous industrial or commercial waste.

4.14 OPEN SPACE (OS) ZONE

No person shall within any Open Space (OS) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.14.1 Permitted Uses

- i) public park
- ii) resource management activities, excluding buildings, structures or dwellings
- iii) accessory marine facility
- iv) accessory boathouse

4.14.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of pump houses and buildings and structures for flood and erosion control are permitted in the Open Space (OS) Zone unless specifically provided for in this By-law.

4.14.3 Regulations for Public Parks

No buildings or structures associated with a public park with the exception of bathing stations and refreshment stands are permitted in the Open Space (OS) Zone.

4.14.4 Regulations for Marine Facilities and Boathouses

Marine facilities and Boathouses shall be permitted in the Open Space (OS) Zone provided that they are accessory to the permitted uses in the zone on the pertaining lands.

4.14.5 Exceptions

4.15 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall within any Environmental Protection (EP) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.15.1 Permitted Uses

- i) conservation
- ii) resource management activities
- iii) passive public parks

4.15.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of pump houses and buildings and structures for flood and erosion control are permitted in the Environmental Protection (EP) Zone.

4.15.3 Floating Docks

Where the frontage of a residential lot is zoned Environmental Protection (EP) in its entirety a floating dock, having a maximum width of 0.8 m (6 ft) shall be permitted.

4.15.4 Exceptions

4.15.4.1 Environmental Protection Exception One (EP-1) Zone (2015-28)

Lands located in the EP-1 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the EP Zone the storage of tailings from a mine or a mine tailings pond shall be prohibited.

4.15.4.2 Environmental Protection Exception Two (EP-2) Zone (2015-28)

Lands located in the EP-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the EP Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii) a road salt storage facility greater than 5,000 tonnes;
- iv) storage of agricultural source material;
- v) handling and storage of non-agricultural source material;
- vi) handling and storage of commercial fertilizer;
- vii) livestock grazing or pasturing land, an outdoor livestock confinement area or farm- animal yard;
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- ix) storage of tailings from mines or a mine tailings pond;

- x) storage or injection of liquid industrial waste;
- xi) land farming of petroleum refining waste;
- xii) land filling of hazardous or municipal waste; and,
- xiii) land filling of solid non-hazardous industrial or commercial waste.

4.15.4.3 Environmental Protection Exception Three (EP-3) Zone (2015-28)

Lands located in the EP-3 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and further to the permitted uses and provisions of the EP Zone, the following uses shall be prohibited:

- i) storage or injection of liquid industrial waste;
- ii) land filling of municipal waste; and,
- iii) land filling of solid non-hazardous industrial or commercial waste

SECTION 5 DEFINITIONS

5.1 ACCESSORY

A use, separate building or structure, which is incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted.

5.2 AGGREGATE

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed materials under the Aggregate Resource Act.

5.3 AGRICULTURAL BUILDING

Any building or structure customarily used in connection with a farm other than a residence.

5.4 AGRICULTURE, INTENSIVE

Lands on which the predominant economic activity consists of but is not limited to the raising of intensive livestock, chickens or other fowl, the raising of fur bearing animals, the raising of swine, sheep or goats, the raising of cattle or dairying of cattle, in excess of 100 units, as defined by the minimum distances formulae attached to and forming part of this by-law.

5.5 AGRICULTURAL PRODUCE OUTLET

The use of land, buildings or structures for the purposes of buying or selling or the processing, storage and supply of commodities and services that support agricultural operations.

5.5 a) AGRICULTURAL SOURCE MATERIAL

Material used for land application of nutrients that originate from agricultural activities such as livestock operations. May include manure, livestock bedding, runoff water from animal yards or manure storage and compost.

5.6 AGRICULTURAL USE

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.

5.7 AIRFIELD, HOBBY

Any land, lot or building used for the purpose of landing, storing or flying of model airplanes

5.8 AIRPORT HANGER

A building or structure designed and used for the shelter of aircrafts.

5.9 AIRSTRIP, PRIVATE

Lands used for the purpose of landing, storing, taxiing or taking-off of private aircrafts.

5.10 AISLE

The area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

5.11 ASSEMBLY HALL

A building or part of a building used for the gathering of groups of persons for a specific function. Full kitchen facilities shall not be provided.

5.12 ATTACHED

A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

5.13 AUTOMOBILE SERVICE STATION

A building or place where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

5.13 a) BALCONY

A partially enclosed or roofed platform attached to or extended horizontally from one or more of the main walls above the first floor of a building.

5.14 BANQUET HALL

A building or part thereof, used for the gathering of groups of people for a specific function including the consumption of food and drink and shall include full kitchen facilities

5.15 BASEMENT

That portion of a building partly underground, but having less than one-half of its clear height below the average lot grade.

5.16 BED AND BREAKFAST

A home occupation within a single family dwelling wherein no more than 3 guest rooms are made available for temporary accommodation of the traveling or vacationing public. Such an establishment may offer light meals to those persons

temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant or a Tourist Establishment.

5.17 BOARD WALK

An elevated public pedestrian walkway constructed over a public street, over a water feature or along a shoreline.

5.18 BUILDING

A structure whether temporary or permanent, used or built for the shelter, accommodations or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk, platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

5.19 BUILDING SUPPLY AND LUMBER OUTLET

A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.

5.20 BULK FUEL DEPOT

Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.

5.21 BULK WATER EXTRACTION FACILITY

An industrial use which extracts surface or ground water as a commodity to be processed on-site or transported off-site to a processing or distribution facility.

5.22 BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

5.23 CABIN

A single storey structure or building, which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.

5.24 CABIN ESTABLISHMENT

A tourist establishment comprised of two (2) or more cabins arranged singled or in pairs and which does not provide cooking facilities.

5.25 CAMP SITE

An area within a camping establishment of at least 186 square metres that is occupied on a temporary basis only, by the trailer, motorized home, truck camper, camper or tent, but not a mobile home.

5.26 CAMPING ESTABLISHMENT

A tourist establishment consisting of at least five (5) camping sites and comprising land used or maintained as grounds for the camping or temporary parking of trailers, motorized mobile homes, truck campers, campers or tents.

5.27 CEMETERY

The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried as authorized under the Funeral, Burial and Cremation Services Act.

5.28 CHIEF BUILDING OFFICIAL

An official employed by the Municipality appointed under the Building By-law or pursuant to the provisions of The Building Code Act, as amended, and shall include any Inspector likewise employed and appointed.

5.29 CLINIC

An establishment in which medical, dental or other professional healing treatment is given to human beings.

5.30 COMMUNITY CENTRE

Any track of land, or building, or any part of any building used for community activities without purpose of gain.

5.31 CONTRACTOR'S YARD

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

5.32 CORPORATION

The Corporation of the Municipality of Powassan.

5.33 COTTAGE

A building within a cottage establishment to accommodate one (1) or more guests which contains at least two (2) rooms; which is at least partially furnished; and, which provides facilities to permit the guest to prepare and cook food.

5.34 COTTAGE ESTABLISHMENT

A tourist establishment comprising of two (2) or more cottages owned or leased by the same person.

5.35 COUNCIL

The Council of the Corporation of the Municipality of Powassan.

5.36 COUNTRY MARKET/ FLEA MARKET

A building or track of land used for the temporary exhibit, storage and temporary retail sale of merchandise, goods, wares, produce, crafts and arts for the utilization and consumption of the general public provided that any temporary exhibit, storage and temporary retail sales occurring does not include the sale of livestock and auction sales

5.37 DAY NURSERIES

A day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, as amended.

5.38 DECK

Is an elevated structure attached to a building with no walls or roof or structure serving the same purpose as a wall or roof.

5.39 DOCK

A structure for the mooring of boats, attached to or forming part of the mainland.

5.40 DWELLING

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently, but shall not include a mobile home having less than 65 square metres in area.

5.41 DWELLING, ACCESSORY

A use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but not including another dwelling.

5.42 DWELLING, APARTMENT

A building containing three or more dwelling units, sharing a common hall and common entrance at grade.

5.43 DWELLING, DETACHED

A detached building containing one dwelling unit only and shall include a mobile home or modular home as defined and regulated in this By-law.

5.44 DWELLING, DUPLEX

A building that is divided horizontally into separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

5.45 DWELLING, SEMI-DETACHED

A building that is divided vertically into two separate dwelling units, each of which has a separate entrance at grade.

5.46 DWELLING, TOWNHOUSE

A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

5.47 DWELLING, FOUR-PLEX

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

5.48 DWELLING UNIT

A room or rooms in which one kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside.

5.49 DWELLING UNIT, SECONDARY

Means an independent dwelling unit located within another dwelling or within a detached garage.

5.50 ESTABLISHED BUILDING LINE

The average distance from the street line or shoreline to existing buildings in any block where more than half the frontage has been built upon, at the date of passing of this By-law.

5.51 FARM

Any farming or agricultural use and includes apiaries; breeding, raising, training or boarding of horses or cattle; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; field crops; goat or cattle dairies; riding stables; the raising of sheep or goats; the raising of swine; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "Farm" includes a single-family dwelling house, and such principal or main buildings and structure as a barn or silo, as well as accessory buildings and structures, which are incidental to the operation of the farm and/or any farm business that meets the requirement for the Farm Class Designation of the Ministry of Agriculture, however a marijuana facility is not a farm.

5.52 FARM, SPECIALIZED

Any 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, goats, horses, or cattle on feed lots, the raising or boarding of dogs or cats or the growing of mushrooms.

5.53 FARM PRODUCE RETAIL OUTLET

A building, or part of a building, in which farm produce, exclusive of meat or poultry, is offered for sale at retail. But shall not include the sale of farm produce which has been reprocessed not shall it include a slaughter house.

5.54 FINISHED GRADE

The average elevation of the finished surface of the ground at ground level on any one side of a building or structure.

5.55 FLOOD FRINGE

Those lands being part of the flood plain, which delineates the area beyond the floodway, which includes the remaining lands susceptible to flooding.

5.56 FLOOD PLAIN

The flood-prone area, usually lowlands, adjoining the channel of a river, stream or watercourse, which are susceptible to being inundated by water from any source.

5.57 FLOODWAY

The channel of a river or other watercourse and the adjacent land areas where the flood waters are in excess of 1.0 metres deep and are moving at greater than 1.0 metres cubed per second.

5.58 FLOOR AREA, GROSS

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah, deck or sunroom unless such sunroom is habitable during all seasons of the year.

5.59 FLOOR AREA, GROUND

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, deck or sunroom (unless such sunroom is habitable at all seasons of the year).

5.60 GARAGE, PRIVATE

A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

5.61 GOLF COURSE

A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, clubhouse and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

5.62 GROUP HOME

A single-detached dwelling unit in which not more than 10 persons, having physical, social or mental handicaps reside in a household under the appropriate supervision of supervisory personnel, who may also reside in the dwelling unit, and which is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws. A dwelling unit occupied for the purpose of providing shelter for persons on parole or released from penal institutions, or for persons ordered to reside there as a result of a conviction of a criminal offence is not a group home.

5.63 GUEST CABIN

A single storey accessory structure, which is not attached to the main dwelling on a lot, which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.

5.64 HEIGHT OF BUILDINGS

The vertical distance, measured between the finished grade at the front of the building, and:

- a) In the case of a flat roof, the highest point of the roof surface;
- b) In the case of a mansard roof, the deck roof line; or,
- c) In the case of a gable, hip or gambrel roof, the average height between the eaves and ridge.

Accessory roof constructions, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building.

5.65 HIGH WATER MARK SETBACK

The setback will be measured from the normal average or maintained water level of the lake or river.

5.66 HOBBY FARM

An accessory use to a residential dwelling involving the keeping of no more than three large livestock such as horses, sheep, cattle, swine or goats or no more than 10 small livestock such as poultry, fowl or rabbits.

5.67 HOME FOR THE AGED

Home for the aged shall mean a home for the aged within the meaning of the Long Term Care Homes Act 2007.

5.68 HOME INDUSTRY

Any occupation of an industrial nature conducted entirely within a building or part of a building accessory to a single-detached dwelling house.

5.69 HOME OCCUPATION

An occupation carried on by the occupant of a dwelling on his premises as a secondary use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and may include a day nursery or a bed and breakfast establishment.

5.70 HOTEL

A part of a building, building or group of buildings where sleeping accommodations (with or without meals) is provided to the public, but where no individual private cooking facilities are provided.

5.71 HUNT CAMP

Shall mean a building or structure having a maximum area of 45 square metres consisting of one or more rooms which is at least partially furnished and may include facilities for the preparation of food and overnight accommodation on a temporary basis for use only during the hunting or fishing seasons but shall not include any other establishments or use as may be defined or classified in this By-law.

5.72 IMPROVED PUBLIC ROAD

A street, road or highway under the jurisdiction of the Province of Ontario or the Municipality, which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a Municipality Road, is a road for which the Municipality receives construction and maintenance subsidies from the Ministry of Transportation and Communications.

5.73 KENNEL

Shall mean the keeping of three (3) or more dogs or ten (10) or more cats.

5.73 a) LANDFARMING

Means the biodegradation of petroleum refining wastes by naturally occurring soil bacteria by means of controlled application of the wastes to land followed by periodic tilling.

5.74 LANDSCAPED OPEN SPACE

The open unobstructed space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

5.75 LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators;

jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

5.76 LODGING HOUSE/ BOARDING HOUSE

A dwelling in which the proprietor supplies for a fee, sleeping accommodations with board for at least three people and nor more than 10 people exclusive of the proprietor, members of the proprietors' family and employees of the establishment, but does not include a hostel.

5.77 LOGGING

The removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip or clear-cutting operations.

5.78 LOT

A parcel or tract of land described in a deed or other legal document, which is legally capable of being conveyed.

5.79 LOT AREA

The total horizontal area within the lot lines of a lot above the normal or maintained high water mark.

5.80 LOT, CORNER

A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets.

5.81 LOT COVERAGE

The percent of the lot area covered by buildings or structures, including porches, verandas and any other roofed area but excluding parking areas, driveways and uncovered decks less than 1.0 metres in height, and walkways.

5.82 LOT FRONTAGE

The horizontal distance between side lot lines measured at right angles from the side lot lines. Where the side lot lines are not parallel, the lot frontage shall be measured as a minimum distance between the points at which the side lot lines intersect with the front lot line.

5.83 LOT LINE, INTERIOR

A lot line, which does not abut a street

5.84 LOT LINE

Any boundary of a lot.

5.85 LOT LINE, EXTERIOR SIDE

The side lot line, which abuts an improved public street or an unopened road allowance on a corner lot.

5.86 LOT LINE, FRONT

The lot line that abuts the street, but in the case of any lot having water access, the front lot line shall be the lot line abutting the high water mark of the navigable waterway, or the lot line abutting the Crown Shoreline Reserve and:

- a) In the case of a corner lot or through lot, the shorter lot line that abuts a street or navigable waterway shall be deemed to be the front lot line and the longer lot line that abuts a street or navigable waterway shall be deemed the exterior side lot line, but,
- b) In the case of a corner lot or through lot with two lot lines of equal length abutting streets, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the streets are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction and of the same width, the line over which access to the property is gained shall be the front lot line.

5.87 LOT LINE, REAR

The lot line farthest from or opposite to the front lot line.

5.88 LOT LINE, INTERIOR SIDE

A lot line other than a front or rear lot line.

5.89 LOT, THROUGH

A lot bounded on opposite sides by streets or navigable waterways.

5.90 LUMBER YARD

A building, structure or yard in which building materials are offered or kept for sale at retail and may include the fabrication of lumber products.

5.91 MANUFACTURING, PROCESSING, ASSEMBLY AND/OR FABRICATING PLANT

A building used for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article, or product.

5.92 MARINA

An establishment or premises, containing docking facilities, where boats or boat accessories are berthed, stored, serviced, repaired, or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided.

5.93 MARINE FACILITY

An accessory structure without a roof, which is used to take a boat into or out of a navigable waterway, or to moor a boat. This definition includes a launching ramp, boat lift, or dock but does not include any building or boathouse or any boat servicing, repair, or sales facility.

5.94 MARINE SALES AND SERVICE ESTABLISHMENT

A building or part of a building and associated lands where a dealer displays new and used boats and boat accessories for sale at retail or for rental, and where marine equipment is service or repaired and may include boat storage facilities.

5.94 a) MARIJUANA (CANNIBUS) FACILITY

A facility utilizing land and/or structures for the purpose of growing, cultivating, propagating, processing, extracting, destroying, storing, retailing and/or distributing marijuana used in accordance with Federal law and regulation and shall include industrial hemp and shall include outdoor and indoor grow facilities.

5.95 MINIMUM OPENING ELEVATION

The lowest elevation on a habitable building that is constructed to withstand flooding.

5.96 MOBILE HOME

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons certified in accordance with C.S.A. Standard Z240 but does not include a travel trailer, park model trailer or tent trailer or trailer otherwise designed.

5.97 MOBILE HOME PARK

A parcel of land which is developed and managed as a unit where individual lots are made available on a rental basis for the placing of a mobile home, where the ownership and responsibility for the maintenance of private internal roads, services, communal areas and buildings, including snow plowing and removal, garbage collection, together with general park management rests with management.

5.97 a) MODULAR HOME

Any dwelling that is substantially constructed off-site in accordance with CSA Standard A-277, and is transported to the building site in two or more pieces to be assembled onto a permanent foundation.

5.98 MOTEL

A structure containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the parking area to the individual units.

5.99 MOTOR VEHICLE

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by human power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, as amended.

5.100 MOTOR VEHICLE, COMMERCIAL

Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.

5.101 MOTOR VEHICLE BODY SHOP

A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.

5.102 MOTOR VEHICLE DEALERSHIP

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

5.103 MOTOR VEHICLE REPAIR GARAGE

A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

5.104 MOTOR VEHICLE SERVICE STATION

A building or structure where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.

5.105 MUNICIPAL, PROVINCIAL WORKS GARAGE

Any land, building and/or structure owned by the Corporation of the Municipality of Powassan or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

5.106 MUNICIPALITY

The Corporation of the Municipality of Powassan

5.106 a) NON-AGRICULTURAL SOURCE MATERIAL

Means materials applied to land as nutrients that do not originate from agricultural activities. Includes pulp and paper bio solids, sewage bio solids, non-agricultural compost and any other material capable of being applied to land as a nutrient that is not from an agricultural source.

5.107 NON-COMPLYING

A lot, building or structure on a lot that does not fulfill the requirements of the zone provisions for the zone in which the lot, building or structure is located.

5.108 NON-CONFORMING

An existing use or activity of any land, building or structure which does not conform with the permitted uses, or activities of this By-law for the Zone in which such existing land, building or structure is located, so long as it continues to be used or enjoyed for that purpose.

5.109 NURSERY OR GREENHOUSE, COMMERCIAL

A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

5.110 NURSING HOME

Any premises maintained and operated for persons requiring nursing care.

5.111 NUTRIENT MANAGEMENT PLAN

A technical document, which specifies how an agricultural operation is to store, manage and distribute agricultural nutrients (manure).

5.112 OPEN STORAGE

Any accessory storage outside of a principal or main building or structure on the lot.

5.113 OUTDOOR RECREATION AREA

A place designed and/or equipped for the conduct of sports, leisure time activities and other recreational activities, but shall not require buildings. It may include accessory structures to the principle use. It may include such items as signs, benches, and goal posts.

5.113 a) PAINTBALL FACILITY

A commercial business that provides the premises, facilities and accessories for participants to engage in recreational games of combat using paintball pellets ejected from air rifles or pistols.

5.114 PARK, PRIVATE RECREATION

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding and cross-country skiing but do not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) Swimming and wading areas;
- c) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, swimming pools and similar uses;
- d) Buildings and structures accessory to the foregoing including a refreshment booth or pavilion, and administrative offices; and,
- e) An accessory club house; and
- f) Parking lots accessory to the foregoing.

5.115 PARK, PUBLIC

Any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, and special parks or areas and may include one or more athletic fields, field houses, fair grounds or similar uses.

5.116 PARKING AREA

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of parking motor vehicles.

5.117 PARKING LOT

A parking area forming the principal use of a lot.

5.118 PARK MODEL TRAILER

Any vehicle constructed to CSA Standard Z-241 and designed to be attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. A Park model trailer shall not include any trailer used primarily for the purpose of sale or storage.

5.119 PARKING SPACE

An area, for the parking or storage of motor vehicles, having a minimum width of 3 metres (10 feet) and a minimum area of 18.5 square metres (200 sq. ft.), exclusive of any aisles, ingress or egress lanes.

5.120 PATIO

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade.

5.121 PERSON

Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.

5.122 PIT

A place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

5.123 PLACES OF WORSHIP

Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

5.124 PLANTING STRIP

An open unobstructed space free of buildings or structures, which is used for the growing and maintenance of grass, flowers, shrubs, natural vegetation or other landscaping.

5.125 PORCH

Is a partially enclosed, or fully enclosed structure attached to and forming part of a building.

5.126 PORTABLE PROCESSING PLANT

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, of which the equipment is capable of being readily drawn or readily propelled

by a motor vehicle and which equipment is not considered permanently affixed to the site.

5.127 PRINCIPAL OR MAIN BUILDING

Any building, which is carried on, the principal purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.

5.128 PRIVATE CLUB

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

5.129 PRIVATE ROAD

A private right-of-way over private property, which affords access to abutting lots.

5.130 PROVINCIAL HIGHWAY

A street under the jurisdiction of the Ministry of Transportation and Communications.

5.131 PUBLIC AUTHORITY

Any Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department established by such agency.

5.132 QUARRY

A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

5.132 a) RAFT

A non-roofed structure used for recreational purposes on a lake which is attached to or rests upon land below the high water mark. For the purpose of this By-law, a raft shall not have a floor area greater than 10 m².

5.133 RECREATIONAL AREA

A place designed and/or equipped for the conduct of sports, leisure time activities and other recreational activities, but shall not include buildings. It may include accessory structures to the principle use. It may include such items as signs, benches and goal posts.

5.134 RECREATIONAL VEHICLE

A self-propelled vehicle used as a temporary accommodation for seasonal recreational purposes and equipped with sanitary and cooking facilities.

5.135 RESORT

A tourist establishment that operates throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to

persons in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises.

5.136 RESOURCE MANAGEMENT ACTIVITY

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use, including forestry and wildlife management areas.

5.137 RESTAURANT

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

5.138 RETAIL STORE

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail or rental and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

5.139 RETIREMENT HOME

A residential development consisting of a group of self-care units, either attached or detached, with ancillary facilities that provides social and recreational activities for use by its inhabitants, such facilities and forms of housing being designed for, and offered to persons who are at or near retirement age. Ancillary facilities may include nursing and medical facilities, chapels, meeting rooms, recreational facilities, therapy rooms, kiosk facilities and the like.

5.140 RIDING SCHOOL OR BOARDING STABLE

An area of land, which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

5.141 SALVAGE OR WRECKING YARD

A place where motor vehicles and parts are wrecked, disassembled, repaired and resold, where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and where used lumber and used building materials are stored for sale or resale.

5.142 SAWMILL

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

5.143 SCHOOL

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

5.144 SERVICE SHOP

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales, but shall not include the servicing, repairing or sales of motor vehicles.

5.145 SERVICE SHOP, PERSONAL

A building, or part of a building, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber's shop, a ladies hairdressing establishment and a shoe repair shop.

5.146 SETBACK

The horizontal distance from the centre line of the street right-of-way, measured at right angles to such centre line, or in the case of a lot having frontage on a navigable waterway take the horizontal distance from the high water mark to the nearest part of any building or structure or excavation on the lot.

5.147 STREET

A highway as defined under The Highway Traffic Act, or the Municipal Act or a road, which has been assumed and is maintained by the Corporation of the Municipality of Powassan.

5.148 STREET LINE

The limit of the street or road allowance and is the dividing line between a lot and street or road.

5.149 STRUCTURE

Anything man-made that is fastened to or into the earth or rests on the earth by its own mass or is attached to something having location on the ground, or is attached to a building including a septic system, holding tanks, satellite receiving dishes, and heat pumps. A floating dock or boardwalk shall be considered a structure.

5.150 SUMMER CAMP

A camp, which is privately owned and operated, or a camp, which is operated by a charitable corporation, approved under The Charitable Institutions Act, as amended, or a camp within the meaning of the regulations made under The Public Health Act, as amended.

5.151 TAVERN

A building or part thereof at which alcoholic beverages may be prepared and served for consumption on the premises with or without food.

5.152 TENT

Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

5.153 TOURIST ESTABLISHMENT

Any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided including a resort and a cottage establishment but does not include:

- a) A camp operated by a charitable corporation approved under The Charitable Institutions Act, as amended;
- b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, as amended; or
- c) A club owned by its own members and operated without profit or gain.

5.154 TRAILER

A vehicle that is at any time drawn upon a highway by a motor vehicle and for the purposes of this By-law does not include a mobile home.

5.155 TRAILER, CONSTRUCTION

Any trailer designed to be temporarily located on a parcel of land during the construction of a building or the development of land utilized for temporary shelter and/or the storage of equipment related to the construction occurring on the land and having the running gear and towing equipment permanently attached.

5.156 TRAILER, TRAVEL OR TENT

Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment that is permanently attached and is not permanently affixed to the ground.

5.157 TRUCK CAMPER

Any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being temporarily utilized for the living, sleeping or eating accommodation of persons.

5.158 USE

- a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,
- b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

5.159 UTILITY PROVIDER

Any agency, which under public or private ownership, provides the public with electricity, gas, heat, rail, transportation, water, sewage, collection or other public service.

5.160 VERANDA

Is an unenclosed structure attached to a building having a floor and roof.

5.161 VEHICLE

A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.

5.162 VETERINARY HOSPITAL

The premises of a veterinary surgeon where animals are treated or kept.

5.163 WASTE DISPOSAL AREA

A place where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.

5.164 WATERBODY

A navigable river or lake having a surface area in excess of 10 hectares (25 acres).

5.165 WATERCOURSE

The natural channel for a perennial or intermittent stream of water including a river or stream.

5.166 WAREHOUSE

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

5.167 WAYSIDE PIT OR QUARRY

A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

5.168 WRECKING YARD

An area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.

5.169 WOODCHIPPER

A machine that processes logs into wood chips

5.170 WORKSHOP

A building or structure where manufacturing is performed by tradesmen 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 commercial welder's shop, or similar uses.

5.171 YARD

Any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line.

5.172 YARD, EXTERIOR SIDE

A yard extending from the front yard to the rear yard between the exterior side lot line and the nearest wall of any building on the lot for which the yard is required.

5.173 YARD, FRONT

A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required.

5.174 YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.

5.175 YARD, REQUIRED

The minimum yard required by the provisions of the By-law.

5.176 YARD, INTERIOR SIDE

A yard extending from the front yard to the rear yard between the interior side lot line and the nearest wall of any building on the lot for which the yard is required.

5.177 ZONE

The category of use or activity of land, buildings, structures or activities permitted by this By-law.

5.178 ZONE PROVISIONS

The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other Zone provisions are set out within the By-law for the respective Zones.

**SECTION 6
ENACTMENT**

BY-LAW READ A FIRST AND SECOND TIME THIS 18th DAY OF NOVEMBER, 2003.

BY-LAW READ A THIRD AND FINAL TIME AND PASSED THIS 18th DAY OF NOVEMBER, 2003.

Bob Young, MAYOR

Roger Labelle, CAO, CLERK