

ZONING BY-LAW No. 2003-38

MUNICIPALITY OF POWASSAN

FINAL DRAFT

Prepared by:



OCTOBER 2003

**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-___ on the ___ day of _____, 2003 under Section 34 of the Planning Act.

AND TAKE NOTICE THAT any person or agency may appeal to the Ontario Municipal Board in respect of the By-law by filing with the Clerk of the Municipality of Powassan not later than the ___ day of ___, 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 ___ day of _____, 2003.

Roger Labelle CAO/Clerk

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

Lands Affected:

By-law No. 2003-___ 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-___ 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.

**CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW No. 2003-__

**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 and 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-__ on _____, 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 and 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.

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.

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
RMH	-	Residential Mobile Home
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 Schedule A, which forms 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) All lands below the surface of a navigable waterbody or watercourse with the exception of the Genesee Creek shall be deemed to be in the Open Space (OS) Zone. Lands below the Genesee Creek, shall be deemed to be in the Environmental Protection (EP) Zone.
- f) 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 is already in existence 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 pumphouses as may otherwise be permitted in this By-law.

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.

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 3.27.

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, an attached or 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) Commercial and Industrial Uses

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

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.

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, 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) **Seasonally Maintained Roads**

Notwithstanding the provision in Section 3.8 (a), recreational dwellings that are occupied on a seasonal basis and not as a principle residence by the occupant shall be permitted on roads that are maintained on a seasonal basis. Permanent dwellings occupied, as a principle residence shall not be permitted on a seasonally maintained road.

c) **Frontage on Private Road**

Notwithstanding the provision of Section 3.8 (a) where a lot fronts upon a private road or private right-of-way, a use, building or structure shall be permitted on such lot, in accordance with the applicable provisions of this By-law provided such private road or private right-of-way existed as of the date of passing of this By-law.

d) **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 in the rural and agricultural zone, which does not conform to the MDS1 and MDSII Formulas, attached to and forming part of this By-law.

Setbacks for new dwellings constructed on lots other than the lot containing the barns containing livestock shall be required in conformity with the MDSI Formula, attached to and forming part of this By-law.

New barns or expansions to existing barns shall require setbacks in conformity with the MDSII Formula, attached to and forming part of this By-law.

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

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 Z241;
- 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, at least 5.5 metres wide and 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; and,

- e) the structure shall be fully serviced with running water, electricity and sanitary sewage facilities.
- f) building permits are required for the placement of mobile homes on any lands.
- g) mobile homes having a width of less than 5.5 metres shall be permitted in a Residential Mobile Home (RMH) Zone only.

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 Building Code can be installed on the lands.

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. Where the use ceases to exist for a period of two years, the use will be deemed to have been discontinued.

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) such open storage is accessory to the use of the main building on the lot;
- b) open storage is behind the front or exterior wall of the main building facing any street, and complies with all yard requirements;
- c) such open storage does not cover more than 15 percent of the lot area; and,
- d) 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 or 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.
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.

3.23 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.

3.24 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 lands, 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.

3.25 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 which has gasoline or other flammable fluids stored in bulk for commercial purposes, in conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a motor vehicle service station, a motor vehicle repair garage, a marina, a motor vehicle body shop or a marine sales and service shop.

3.26 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.

3.27 Setbacks 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.

3.28 Setback from Watercourses

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

3.29 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 on 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

3.30 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.

3.31 Temporary Housing

Notwithstanding any other provision of this By-law, to the contrary, where a dwelling is destroyed, and a Building Permit for reconstruction 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.

3.32 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.

3.33 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.

3.34 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.
- b) One tent trailer, travel trailer or truck camper may be located and used on any lot in the Municipality provided that the tent trailer, travel trailer or truck camper:
 - i) is not located on the lot for more than a total of 30 consecutive or a total of 30 days in any calendar year;
 - ii) it is accessory to an existing dwelling;
 - iii) accessory structures such as sun rooms, decks and porches attached to any trailer shall not exceed the ground floor area of the trailer.
 - iv) the trailer or truck camper is roadworthy and is legally capable of being towed on a public roadway.

**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 (SERVICED)

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

4.1.3 Exceptions

4.1.3.1 Village Residential Exception One (RV1-1) Zone (Sauve Subdivision)

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.

4.2 VILLAGE RESIDENTIAL (RV2) ZONE (UNSERVICED)

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	15.0 m	50 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

4.3 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) four-plex dwelling
- v) retirement home
- vi) nursing home
- vii) seniors residence
- viii) home for the aged
- ix) townhouse dwelling

4.3.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	- 0.1 ha	.25 acres
	plus 0.1 ha per unit over 2 units	
ii) Minimum Lot Frontage	- 30 m	100 ft
	plus 10 m per unit over 2 units	
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 Regulations for Retirement Homes

A retirement home, shall be permitted in the Multiple Residential Zone subject to the following provisions:

- i) Minimum Open Space - 20% 20%
- ii) Maximum unit size - 150 m² 1600 sq ft
- iii) All entrances shall be at grade

4.3.4 Multiple uses in excess of 2 units shall be required on full municipal services.

4.3.5 Exceptions

4.3.5.1 Multiple Residential Exception One (RM-1) Zone (7 Valleyview Drive East, Sauve)

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.

4.3.5.2 Multiple Residential Exception Two (RM-2) Zone
(Sauve)

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:

- i) 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.

4.4 RESIDENTIAL MOBILE HOME (RMH) ZONE

No person shall within any Residential Mobile (RMH) 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

- i) mobile home
- ii) community centre
- iii) recreational facilities, commercial and service facilities, accessory to the mobile home establishment, intended to serve only the mobile home community

4.4.2 Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	- 1.0 ha	2.5 acres
ii) Minimum Lot Frontage	- 100.0 m	330ft
iii) Minimum Front Yard	- 30.0 m	100 ft
iv) Minimum Interior Side Yard	- 7.5 m	25 ft
v) Minimum Exterior Side Yard	- 15.0 m	50 ft
vi) Minimum Rear Yard	- 7.5 m	25 ft
vii) Maximum Lot Coverage	- 5%	5%
viii) Maximum Height	- 9.0 m	30 ft
ix) Minimum Ground Floor Area	- 65.0 m ²	700 sq ft
x) Minimum Mobile Home Site Size	- 195 m ²	2000 sq ft

4.4.3 No less than 10% of the total area of any mobile home community establishment shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings and pathways for pedestrian and cyclists. At least one principal common recreational area shall contain not less than 5% of the total area of the community.

4.4.4 Every mobile home park shall be serviced with an approved gas, water, sewer and electrical distribution system with connections thereto on every mobile home site.

4.4.5 Exceptions

4.5 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:

4.5.1 Permitted Uses

Column A Uses

- i) farm
- ii) farm produce sales outlet
- iii) fire hall
- iv) golf course
- v) hunt camp
- vi) kennel
- vii) logging
- viii) lodging or boarding house
- ix) municipal or provincial offices or works garage
- x) portable asphalt or concrete batching plant
- xi) resource management activities
- xii) riding school or boarding stables
- xiii) an accessory farm dwelling on one lot of at least 30 hectare (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) cemetery
- viii) group home
- ix) public park
- x) veterinary hospital
- xi) observatory

4.5.2 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.		

4.5.3 Specialized Farm

A specialized farm shall only be permitted where the operator has submitted a Nutrient Management Plan to the satisfaction of Council.

4.5.4 Exceptions

4.5.4.1 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.

4.6 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:

4.6.1 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

4.6.2 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

4.6.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, a planting strip of 10 metres from the setback shall be provided.

4.6.4 Exceptions

4.6.4.1 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.

4.7 VILLAGE COMMERCIAL (CV1) ZONE (SERVICED)

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:

4.7.1 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	0.0 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

4.7.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, a planting strip of 10 metres from the setback shall be provided.

4.7.4 Exceptions

4.8 VILLAGE COMMERCIAL (CV2) ZONE (UNSERVICED)

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:

4.8.1 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

4.8.2 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

4.8.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, a planting strip of 10 metres from the setback shall be provided.

4.8.4 Exceptions

4.9 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:

4.9.1 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

4.9.2 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

4.9.3 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	

4.9.4 Exceptions

4.10 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:

4.10.1 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

4.10.2 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.		

4.10.3 Exceptions

4.11 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:

4.11.1 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
- xii) open storage use of goods or materials if accessory to another permitted use

4.11.2 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

4.11.3 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.

4.11.4 Exceptions

4.11.4.1 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
- xi) Minimum front yard setback for accessory building 6 metres

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

4.11.4.2 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.

4.11.4.3 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.

4.11.4.4 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.

4.12 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:

4.12.1 Permitted Uses

- i) pits and 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

4.12.2 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

4.12.3 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.

4.12.4 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).

4.12.5 Exceptions

4.13 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:

4.13.1 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

4.13.2 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%

4.13.3 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.

4.13.4 Exceptions

4.14 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:

4.14.1 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
- xii) seniors residence
- xiii) retirement home
- xiv) home for the aged
- xv) place of worship
- xvi) school

4.14.2 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%	

4.14.3 Planting Strip

In any yard abutting a Residential Zone a planting strip having a minimum width of 3.0 metres (10 ft) shall be required.

4.14.4 Exceptions

4.14.4.1 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.

4.15 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:

4.15.1 Permitted Uses

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

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 Open Space (OS) Zone unless specifically provided for in this By-law.

4.15.3 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.

4.15.4 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.

4.15.5 Exceptions

4.16 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:

4.16.1 Permitted Uses

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

4.16.2 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.

4.16.3 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.

4.16.4 Exceptions

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.

5.6 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.
- 5.14 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 BOATHOUSE**
- Any building or enclosure in which one or more boats, ships or float planes and related equipment are stored, kept or repaired, where there is no habitable living quarters included.

5.19 BOATHOUSE, TWO STOREY

Any accessory building or enclosure in which one or more boats, or float planes and related equipment are stored, kept or repaired and where the second storey is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided. A two storey habitable boathouse shall be considered a guest cabin for the purposes of determining the number of permitted accessory buildings on a lot.

5.20 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.

5.21 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.

5.22 BULK FUEL DEPOT

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

5.23 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.

5.24 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.

5.25 CABIN ESTABLISHMENT

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

5.26 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.

5.27 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, and licensed under the Tourism Act.

5.28 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.

5.29 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.

5.30 CLINIC

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

5.31 COMMUNITY CENTRE

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

5.32 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.

5.33 CORPORATION

The Corporation of the Municipality of Powassan.

5.34 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.

5.35 COTTAGE ESTABLISHMENT

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

5.36 COUNCIL

The Council of the Corporation of the Municipality of Powassan.

5.37 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

5.38 DAY NURSERIES

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

5.39 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.

5.40 DOCK

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

5.41 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.

5.42 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.

5.43 DWELLING, APARTMENT

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

5.44 DWELLING, DETACHED

A detached building containing one dwelling unit only.

5.45 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.

5.46 DWELLING, SEMI-DETACHED

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

5.47 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.

5.48 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.

5.49 DWELLING UNIT

A room or rooms in which a 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.

5.50 DWELLING UNIT, ACCESSORY

A separate dwelling unit, which is contained in a building, which was originally designed as a detached dwelling and continues to be occupied by the owner.

4.51 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.

4.52 FARM

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; 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.

5.53 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.

5.54 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.

5.55 FINISHED GRADE

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

5.56 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.

5.57 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.

5.58 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.

5.59 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.

5.60 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).

5.61 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.

5.62 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.

5.63 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.

5.64 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.

5.65 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.

5.66 HIGH WATER MARK SETBACK

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

5.67 HOME FOR THE AGED

Home for the aged shall mean a home for the aged within the meaning of the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c.H.13.

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 a building or structure where three (3) or more domestic household pets are kept, raised and/or boarded for commercial purposes.

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 not 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, 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 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.

5.95 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 or 241, but does not include a travel 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.

5.98 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

5.107 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.

5.114 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 so constructed that is suitable for being 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.

5.133 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 DWELLING

A single detached dwelling that is used for temporary occupation on a seasonal basis by persons who maintain a permanent residence in another location.

5.135 RECREATIONAL VEHICLE

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

5.136 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.

5.137 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.

5.138 RESTAURANT

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

5.139 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.

5.140 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.

5.141 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.

5.142 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.

5.143 SAWMILL

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

5.144 SCHOOL

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

5.145 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.

5.146 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.

5.147 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.

5.148 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.

5.149 STREET LINE

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

5.150 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.

5.151 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.

5.152 TAVERN

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

5.153 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.

5.154 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.

5.155 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.

5.156 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.

5.157 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.

5.158 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.

5.159 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.

5.160 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.

5.161 VERANDA

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

5.162 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.

5.163 VETERINARY HOSPITAL

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

5.164 WASTE DISPOSAL AREA

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

5.165 WATERBODY

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

5.166 WATERCOURSE

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

5.167 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.

5.168 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.

5.169 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.

5.170 WOODCHIPPER

A machine that processes logs into wood chips

5.171 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.

5.172 YARD

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

5.173 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.

5.174 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.

5.175 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.

5.176 YARD, REQUIRED

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

5.177 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.

5.178 ZONE

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

5.179 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 _____ DAY OF _____, 2003.

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

Bob Young, MAYOR

Roger Labelle, CAO/CLERK