

MUNICIPALITY OF MISSISSIPPI MILLS

**COMPREHENSIVE ZONING BY-LAW #11-83**

**OFFICE CONSOLIDATION**

**April 20, 2026**

This is an Office Consolidation of Comprehensive Zoning By-law #11-83 and amendments thereto, which has been prepared for convenience purposes only. While every effort has been made to ensure accuracy of the information contained herein, reference should be made to the original By-law and all amendments thereto for all legal purposes.

**COMPREHENSIVE ZONING BY-LAW NO. 11-83  
OF THE  
MUNICIPALITY OF MISSISSIPPI MILLS**

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**CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

**BY-LAW NO. 11-83**

**BEING** a by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in the Municipality of Mississippi Mills.

**WHEREAS** the Council of the Corporation of the Municipality of Mississippi Mills considers it advisable to restrict the use of land and the erection of buildings and structures on land situated within the Municipality of Mississippi Mills;

**AND WHEREAS** authority is granted under Section 34 of the *Planning Act, R.S.O. 1990*, as amended, to the Council of the Municipality of Mississippi Mills to exercise such powers;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Mississippi Mills enacts as follows:

## SECTION 1 – TITLE

This By-law may be cited as the “**Comprehensive Zoning By-law of the Municipality of Mississippi Mills.**”

## SECTION 2 – APPLICATION OF BY-LAW

No building or structure shall hereafter be erected or altered, and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of this By-law. The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Municipality of Mississippi Mills.

## SECTION 3 – INTERPRETATION

### 3.1 TEXT

- a) The particular shall control the general;
- b) The word “shall” is mandatory and not discretionary; and the word “may” is permissive; the words “used” and “occupied” shall include the words “intended or arranged” and “designed to be used or occupied”;
- c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural shall include the singular unless the context clearly indicates the contrary;
- d) A “building” or “structure” includes any part thereof;
- e) The provisions of this By-law shall be held to be the minimum requirements except where the word maximum is used, in which case the maximum requirements shall apply;
- f) For the purpose of this By-law, the definitions and interpretations given herein shall govern.
- g) The *Interpretation Act* (Ontario) R.S.O. 1990 applies to this By-law.
- h) Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.
- i) This By-law is to be read and applied in a way that will ensure the effective implementation of its provisions and intent.
- j) Where a situation arises that is not covered by a specific regulation, the provisions of this By-law apply by analogy to that situation, so that the application that is made is the one that ensures effective implementation of this By-law.
- k) Where a situation arises that is not covered by a specific regulation, or where two or more regulations are equally applicable, all provisions must be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions must be complied with.
- l) Where an exception, suffix, schedule or overlay applies, the provisions imposed by that exception, suffix, schedule or overlay prevail over any other provisions in the Zoning By-law.
- m) This By-law is gender-neutral and, accordingly, any reference to one gender includes the other.
- n) Unless otherwise defined, the words and phrases used in this By-law have their

normal and ordinary meaning.

- o) Whether or not a word or term used in this By-law is defined, it is not included within the meaning of any other word or term used in this By-law, whether or not that other word or term is defined.
- p) The abbreviations “m” and “m<sup>2</sup>” are used in the Zoning By-law text and mean ‘metres’ and ‘square metres’ respectively.

## **3.2 ZONING MAP**

### **3.2.1 Boundaries of the Zones**

Where any uncertainty exists as to the boundary of any zone as shown on the Zoning Map Schedule, the following provisions shall apply:

- a) where a zone boundary is indicated as following and is within the boundary of a street, lane, railway right-of-way, or watercourse, the boundary shall be the centre line of such street, lane, railway right-of-way or watercourse;
- b) where a zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lot lines of the original municipal survey fabric, the boundary shall follow such lot lines;
- c) where a zone boundary is indicated as approximately parallel to any street line and the distance from the street line is not indicated, such boundary shall be construed as being parallel to such street line, and the distance therefrom shall be according to the scale shown on the Zoning Map Schedule;
- d) where a zone boundary is indicated as following a shoreline, the boundary shall follow such shoreline and, in the event that the shoreline changes, the boundary shall be taken as having moved with the shoreline; and
- e) where any zone boundary is left uncertain after application of the provisions of clauses a), b), c) and d) above, then the boundary shall be determined by the scale shown on the Zoning Map Schedule measured from the centre of the zone line.
- f) Wherever it occurs, the municipal limit is the boundary of the zone adjacent to it.

### **3.2.2 Precedence of Schedules**

In the event of a conflict or inconsistency between the Zoning Schedules and another Schedule, the other Schedule shall take precedence over Zoning Schedules for those lands to which it more particularly refers.

### **3.2.3 Streets and Rights-of-Way**

A street, public lane, railway right-of-way, electrical transmission right-of-way, or watercourses shown on the Schedule hereto, unless otherwise indicated, shall be included within the zone of adjoining property on either side thereof and where such street, public lane, right-of-way or watercourse serves as a boundary between two or more different

zones, the centreline of such street, public lane, right-of-way or watercourse, and extending in the general direction of the long dimension thereof, shall be considered the boundary between zones unless otherwise indicated.

### 3.2.4 More Than One Zone on a Lot

Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot, except that the lot area requirement for a permitted use in an Agricultural zone may include any part of that lot that may be zoned Environmental Protection.

### 3.2.5 Environmental Hazard (EH) Zone Boundary

The boundary of the Environmental Hazard (EH) zone has been derived from information provided by the Mississippi Valley Conservation (MVC), based on their flood plain maps. The MVC flood plain maps are acknowledged as being more accurate than the Zoning Schedules attached to and forming part of this By-law. In cases where the boundary of the EH zone is in question, reference should be made to the MVC flood plain mapping. Any variation from the EH zone boundary on the attached Zoning Schedules consistent with the MVC flood plain mapping will not require an amendment to this By-law. Any variation from the EH zone boundary on the attached Zoning Schedules which is not consistent with the MVC flood plain mapping will require an amendment to this By-law.

## 3.3 ORGANIZATION AND STRUCTURE OF THE BY-LAW

The organization and structure of this By-law is set out in Table 3.3, below:

**TABLE 3.3 – THE STRUCTURE OF THE BY-LAW**

(I) Name of the Mechanism	(II) Description of the Mechanism	(III) Legal Effect	(IV) Where Used
(1) General and Specific Use Provisions	Regulations that apply on a broad level	Enacts provisions that apply to most uses or to a specific use in most cases	Sections 6, 7 and 8 and of the Zoning By-law
(2) Primary Zone	The basis structural unit of the Zoning By-law. A land use category with specific permitted uses and regulations	Regulates areas of similar or compatible land uses	Indicated by one of the symbols set out in Section 10.1, e.g. R1
(3) Subzone	Sub-category of primary zone	Imposes regulations to deal with the unique characteristics of an area while maintaining the purpose of the primary zone	Indicated by a letter or number added to the primary zone symbol; e.g. R2A
(4) Overlay	An additional layer of regulation	Imposes regulations that take precedence over the underlying zoning or over any other provisions of the	Shown on the zoning maps by a distinctive marking (e.g. shading or hatching) and may overlap the

		By-law (heritage, source water protection [By-law #16-93])	boundaries of the underlying zones
(5) Suffix	A simple form of overlay	Adds regulation to anyone (h-Holding Zone)	Shown by a “suffix” to the primary zone on the zoning maps, e.g. R2-h
(6) Schedule	A document appended to and forming part of the By-law that contains detailed regulations or complex descriptions	Imposes specific or detailed regulations that are meant to apply only in specific circumstances or to specific situations	A separate document, plan or map appended to the Zoning By-law and indicated on the zoning maps by a specific schedule number
(7) Exception	A modification to the zoning of a site, used only when none of the above mechanisms is appropriate. All other provisions of the By-law continue to apply	Allows a use that would not be permitted otherwise; prohibits a use that would be permitted otherwise, or makes any modifications to the regulations applicable to the site. Contains only the provision being modified and does not repeat regulations which already apply	The text of the exception is contained within the Exception section to each zone and the area to which the exception applies is shown on the zoning map by a number following the zone, e.g. R2-3, the number following the dash corresponds to the exception in the text

## SECTION 4 – ADMINISTRATIVE PROVISIONS

### 4.1 ADMINISTRATION

This By-law shall be administered by the Municipal Planner or the person designated by the Corporation as the Zoning Administrator.

### 4.2 APPLICATIONS, PLANS AND PERMITS

- (a) In addition to all the requirements of the Corporation's Building By-Law or any other By-Law of the Corporation, every application for a building permit shall be accompanied by a plan (prepared by an Ontario Land Surveyor if deemed necessary) in duplicate, (one copy of which shall be retained by the Chief Building Official) drawn to scale and showing the following:
- i) the true dimensions of the lot to be built upon or otherwise used;
  - ii) the proposed location, height and dimensions of any building, structure or use proposed for such lot;
  - iii) the proposed locations and dimensions of any yards, setback, landscaped open space, off-street parking and loading facilities required by this By-law;
  - iv) the location of all existing buildings and structures on the lot; and,
  - v) a statement signed by the owner, disclosing the exact use proposed for each aforesaid building, structure or use giving all information necessary to determine if such proposed or existing building, structure or use conforms to the requirements of this By-law.
- (b) No building permit shall be issued where the proposed building, structure, or use would be in violation of any of the provisions of this By-law or any other By-law of the Corporation.
- (c) In addition to all other requirements of the Corporation, every application for a building permit shall be made in compliance with the Ontario *Building Code Act*, S.O. 1992, and amendments thereto.

### 4.3 CERTIFICATES OF OCCUPANCY

No person shall change the use of any building or structure on any land without first obtaining an Occupancy Permit from the Chief Building Official [*By-law #18-77*].

### 4.4 INSPECTION OF PREMISES

- (a) Where an employee of the Corporation believes on reasonable grounds that there has been a contravention of this By-law, the employee may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.
- (b) Except under the authority of a search warrant issued under Section 49.1 of the *Planning Act*, R.S.O. 1990, an employee of the Corporation shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry

may be refused and entry made only under the authority of a search warrant.

- (c) Notwithstanding Section 4.4(a), all legally executed applications to amend this By-law under Section 34 (10) of the *Planning Act, R.S.O. 1990* and/or directed to the Committee of Adjustment under Section 45 of the *Planning Act, R.S.O. 1990*, are hereby deemed to have authorized entry of property for employees of the Corporation.

#### 4.5 VIOLATIONS AND PENALTIES

- (a) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable:
  - i) on a first conviction to a fine of not more than twenty-five thousand dollars (\$25,000); and
  - ii) on a subsequent conviction to a fine of not more than ten thousand dollars (\$10,000) for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
- (b) Every corporation which contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable:
  - i) on a first conviction a fine of not more than fifty thousand dollars (\$50,000); and
  - ii) on a subsequent conviction to a fine of not more than twenty-five thousand dollars (\$25,000) for each day or part thereof upon which the contravention continued after the day on which the corporation was first convicted.
- (c) Every such fine shall be recoverable under the *Provincial Offences Act*, all the provisions of which apply, except that any imprisonment shall be as provided in the *Municipal Act, S.O. 2001*.

#### 4.6 REMEDIES

- (a) In case any building or structure is, or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure (or part thereof) is, or is proposed to be, used in contravention of any requirement of this By-law, such contravention may be restrained by action at the insistence of any ratepayer or of the Corporation pursuant to the *Municipal Act, S.O. 2001*, as amended, Section 440.
- (b) Where a person guilty of an offence under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done by the Corporation at the expense of such person.
- (c) Where a person has refused or neglected to reimburse the Corporation for the cost of such work, thing or matter done, the same may be recovered by the Corporation by an action or otherwise and such amount shall be added to the collector's roll and form a lien in a like manner as municipal taxes.
- (d) Where any By-law of the Municipality, passed under the authority of the *Planning*

*Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or persons convicted.

#### **4.7 LICENCES, PERMITS AND OTHER BY-LAWS**

Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force with the Corporation or from obtaining any license, permission, permit, authority or approval required by this or any other By-law of the Corporation unless hereinafter specifically stated.

#### **4.8 GREATER RESTRICTIONS OF OTHERS TO GOVERN**

Nothing in this By-law shall reduce the severity of restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

#### **4.9 SEWAGE DISPOSAL APPROVAL**

Where the issuance of a permit for a building or structure or change of use of an existing building or structure may affect any sewage system either on the subject lands or adjacent lands or any water supply, no building permit shall be issued for such building or structure unless the building permit application is accompanied by an approved permit for the proposed method of sewage disposal in accordance with the *Building Code Act* for systems with a design capacity of less than 10,000 litres (2,200 gallons) per day, or from the Ministry of the Environment for systems with a design capacity of greater than 10,000 litres (2,200 gallons) per day.

#### **4.10 METRIC MEASUREMENTS**

All measurement figures used in this By-law shall be metric measurement.

#### **4.11 TECHNICAL REVISIONS TO THE ZONING BY-LAW**

Revisions may be made to this By-law without the need for a Zoning By-law amendment in the following cases:

- (a) correction of grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;
- (b) adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends or title blocks; and
- (c) changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

#### 4.12 COMMENCEMENT

Where one or more appeals are filed under subsection 34(19) of the *Planning Act*, the affected portions of this By-law do not come into force until all such appeals have been withdrawn or finally disposed of, whereupon the By-law, except for those parts of it that are repealed by or at the direction of the Local Planning Appeal Tribunal, is deemed to have come into force on the day that it was passed [*By-law #18-77*].

#### 4.13 VALIDITY

Should any section or provision of this By-law for any reason be declared invalid by a court of competent jurisdiction, such declaration does not affect the validity of the By-law as a whole and all the remaining sections or provisions of this By-law remain in full force and effect until repealed.

#### 4.14 TRANSITION

- (1) Despite Section 4.12, this By-law does not apply to prevent the issuance of a building permit for a project or which a completed application for a:
  - (i) building permit;
  - (ii) Committee of Adjustment approval;
  - (iii) site plan control approval;
  - (iv) payment in lieu of parking agreement;
  - (v) part lot control approval; or
  - (vi) approval of draft plan of subdivisionwas received prior to commencement of this By-law.
- (2) For the purposes of subsection (1), “complete application” means an application which would have been approved or granted on the date of commencement of this By-law, had it been processed or disposed of on that day.
- (3) Where a project qualifies under subsection (1), the building permit for that project may be issued, or the Committee of Adjustment approval, site plan control approval, the payment in lieu of parking agreement, the part lot control approval and the approval of the draft plan of subdivision may be granted if the project in question complies with the provisions of the applicable Zoning By-law as it read on the date of commencement of this By-law.
- (4) Nothing in this By-law applies so as to continue the exemption provided by this section beyond the issuance of the permit upon which the exemption is founded; and in no case does the exemption mentioned in subsection (3) continue beyond the repeal of this subsection.
- (5) Once the permit, agreement or approval under subsection (1) has been granted, the provisions of this By-law apply to the land in question.
- (6) Subsections (1) to (5) are repealed three years from the date of enactment.

## SECTION 5 – DEFINITIONS

For the purposes of this By-law, the definitions and interpretations given in this Section shall govern.

“ABATTOIR” means a building or structure wherein animals are slaughtered, and/or processed for packaging, distribution and resale.

“ACCESSORY” when used to describe a use, building or structure means a use, building, or structure subordinate, incidental and exclusively devoted to the main use, building or structure located on the same lot therewith and not designed or intended for human habitation, unless specifically permitted by this By-law.

“ADDITIONAL RESIDENTIAL UNIT” means a separate dwelling unit subsidiary to an associated principal dwelling unit and located either within the same building as the associated principal dwelling unit or in a building or structure ancillary to the associated principal dwelling.

“AGRICULTURAL ACCESSORY BUILDING” means a building or structure which is associated with, and located on land devoted to an agricultural use, used for the housing of farming equipment, livestock, and/or the production, storage or processing of agricultural and horticultural produce or feeds. A greenhouse is considered an agricultural accessory building [*By-law #14-09*].

“AGRICULTURAL INDUSTRIAL USE” means an industrial use directly related to agriculture and requiring proximity to farm operations and includes such uses as commercial grain mill, feed mill, grain drying, livestock sales and marketing yards, abattoir.”

“AGRICULTURAL USE” means the growing of crops (including nursery, market gardens and horticultural crops), the raising of livestock and other animals for food or fur, (including dairy or beef cattle, poultry, swine, sheep, fish and non-traditional livestock, such as deer, bison, emu, pheasant, etc.), equine related activities, aquaculture, apiaries, forestry, maple syrup production, orchards and associated farm buildings and structures. May include associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

“AGRICULTURE USE, SPECIALIZED” means an intensive farm or land on which market gardening, orchards or a plant nursery provides the main occupation for the operator and may include an accessory farm dwelling.

“ AISLE” means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access and which is not used for the parking of vehicles.

“ALTER” when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” means to change the width, depth, or area of any required yards, setback, landscaped open space or parking area, to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The word “altered” and “alteration” shall have a corresponding meaning.

“AMENITY AREA” means the total passive or active, designed recreational area provided on a

lot for the personal, shared or communal use of the residents of a building or buildings, and includes balconies, patios, rooftop gardens and other similar features, but does not include indoor laundry or locker facilities [*By-law #18-77*].

“AMUSEMENT CENTRE” means an indoor entertainment facility providing for amusement diversion or pastime, including a video game or pinball arcade; bingo hall; bowling alley; billiard hall or pool hall.

“AMUSEMENT PARK” means an indoor or outdoor entertainment facility providing for a range of activities and recreation, including a zoo or aquarium, electronic or mechanical rides such as a go-cart track or sports-adventure and participation games such as laser tag; paintballing; batting cage; or miniature golf facility.

“ANCILLARY USE” means a listed, permitted land use that is additional, secondary and complementary to a permitted principal use, but not accessory to the permitted principal use.

“ANIMAL CARE ESTABLISHMENT” means an establishment for the caring, grooming and training of household pets, but does not include a kennel or an animal clinic.

“ANIMAL CLINIC” means a facility:

- (a) operated by one or more licensed veterinarians and associated staff;
- (b) providing medical, surgical, grooming or similar services solely for household pets, but may include livestock where this use is permitted in a rural or industrial zone; and
- (c) providing shelter in conjunction with the hospital only during the period of recovery.

“ARTIST STUDIO” means the workplace of an artist or craftsman, including a painter, a sculptor or a photographer, where goods including jewelry or fine art such as portraits or sculptures are produced in small quantity and may be provided for sale.

“ASSEMBLY HALL” means a building or part of a building in which facilities are provided for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.

“ATTACHED” when used in reference to a building, means a building otherwise complete in itself which depends for structural support or complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

“ATTIC” means the portion of a building situated wholly or in part within the roof and which is not a half storey.

“AUTOMOBILE BODY SHOP” means a place used for complete motor vehicle repairs to bodies, frames or motors and/or painting, upholstering and/or complete collision work, but shall not include a wrecking or salvage yard.

“AUTOMOBILE CAR WASH” means a building or structure or lot or part thereof used for the washing and cleaning of motor vehicles and shall not include any other automotive use defined in this By-law.

“AUTOMOBILE CARE” means a place where mufflers, glass, tires or other similar minor parts and items are offered for sale and installation on motor vehicles.

“AUTOMOBILE GAS BAR” means a place, containing not more than eight fuel pumps and may include a structure of not greater than 18.5 m<sup>2</sup> (199.1 ft<sup>2</sup>) where gasoline and/or oil is kept for sale with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a gasoline pump island, but where no servicing, repair or equipping of motor vehicles is carried on, but shall not include any other automotive use defined in this By-law.

“AUTOMOBILE SERVICE STATION” means a place where retail goods including gasoline, oil, grease, antifreeze, tires, sparkplugs, batteries and other automobile accessories may be sold incidentally and where minor or running repairs essential to the operation of motor vehicles are executed or performed but shall not include any other uses otherwise defined herein.

“AUTOMOTIVE SALES ESTABLISHMENT” means a building and/or lot used for the display and sale of new or used motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles.

“AUTOMOTIVE WRECKING ESTABLISHMENT” means a building and/or lot used for the wrecking or dismantling of motor vehicles and for the storage and sale of scrap material, salvage and parts obtained therefrom, but does not include any other automotive use defined in this By-law.

“AWNING” means a canvas or other stretchable material on a frame that is used to keep the sun or rain off a storefront, window or doorway, or deck that is free of enclosing walls [*By-law #18-77*].

“BAKERY” means a place where baked foods are produced and processed for packaging, distribution and resale off the premises. A bakeshop is a permitted accessory use in a bakery.

“BANK” means a place that provides a range of financial services and includes a trust company or other financial institution, and may include an accessory use bank machine.

“BANK MACHINE” means a principal use automated banking terminal activated by a bank customer to obtain cash withdrawals and other banking services, but does not include a bank machine that is accessory to another use.

“BAR” means a licensed drinking establishment, the principal business of which is to serve any sort of beverage alcohol to the public for consumption on the premises, and may include a full-service restaurant [*By-law #18-77*].

“BASEMENT” means the portion of a building between two floor levels which is partly below finished grade and is not a storey [*By-law #19-14*].

“BED AND BREAKFAST” means a detached dwelling, containing not more than three rooms available for sleeping accommodation of the vacationing or travelling public for not more than eight (8) persons in which breakfast shall be offered. A bed and breakfast establishment shall not include a restaurant and the owner/operator must occupy said dwelling.

“BUILDING” means any structure, other than a fence, being a permanent edifice fixed to, or supported by the soil, and used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels.

“BUILDING, PRINCIPAL” or “PRINCIPAL STRUCTURE” means the building or structure in which is conducted the principal use of the lot on which it is situated.

“BUILDING, TEMPORARY” shall mean a building or structure intended for removal or demolition within a prescribed time, not exceeding two years, as set out in a building permit.

“BUILDING BY-LAW” means any “Building By-law” within the meaning of the *Planning Act R.S.O. 1990* and the *Building Code Act R.S.O. 1992*.

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

“BUILDING LINE, ESTABLISHED” means the average distance between the street and the building line for all main buildings on the same side of the street within the block as of the date of the passing of this By-law.

“BUILDING SETBACK” means the minimum horizontal distance between a defined line and the nearest part of any building or structure on the lot.

“BUILDING SUPPLY OUTLET” means the use of land, building or structure for the sale, storage and/or display of goods, merchandise or equipment used in building and construction.

“BULK SALES ESTABLISHMENT” means the use of land, building or structure for the purposes of buying, storing and selling fuels, oil, wood, coal, landscaping material, and nursery stock, but does not include manufacturing, assembling or processing uses.

“BULK SALES ESTABLISHMENT – AGRICULTURAL” means the use of land, building or structure for the purposes of buying and selling agricultural products, nursery stock and/or garden supplies.

“BUTCHER SHOP” means a place where animals, poultry and/or fish are processed, packaged and offered for retail sale on the premises, but shall not include an abattoir.

“CAMPGROUND” means a lot used for not more than seven (7) months in any consecutive twelve (12) month period, for the parking and use of travel trailers, tent-trailers, tents or similar transportable accommodation, together with all yards and open space defined in this By-Law, but shall not include a mobile home as defined in this By-Law. A campground may include the off-season storage of travel trailers, tent-trailers or similar transportable accommodation.

“CAMPGROUND PLOT” means a parcel of land within a campground intended for occupancy by travel trailers, tents, camper trailers and similar recreation vehicles together with all yards and open space defined in this By-law but shall not include a mobile home.

“CANNABIS” means a part, or mixture of substances including, a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not, but shall not include non-viable seeds, mature stalks, hemp fibers or roots of the plant. psychoactive drug from the cannabis plant, commonly known as marijuana, used for medical or recreational purposes in its derivative forms, that is produced, tested, stored, distributed, and/or sold. [*By-law #19-92*].

“CANNABIS GROWING FACILITY” means any number of building or structures licensed by

Health Canada for the purposes of producing cannabis. Production of cannabis shall be deemed to including, manufacturing, synthesizing, altering chemical properties, cultivating, propagating or harvesting the product. Incendiary uses may also include: the on-site storage of commercial motor vehicles (trucks, tractors and/or trailers) for freight, handling including pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the permitted use(s). [By-law #19-92].

“CANOPY” means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

“CARPORT” means a covered structure attached to the wall of the main building and used for the storage of passenger motor vehicles. The roof of said structure shall be supported only by piers or columns so that fifty (50) percent of its wall area adjacent to the lot line is unenclosed.

“CATERING ESTABLISHMENT” means a place where food is prepared in large quantities and is then delivered and consumed elsewhere.

“CEMETERY” means,

- (a) land that has been established as a cemetery under the *Funeral, Burial and Cremation Services Act, 2002*, a private Act or a predecessor of one of them that related to cemeteries, or
- (b) land that was recognized by the registrar as a cemetery under a predecessor of the *Funeral, Burial and Cremation Services Act, 2002* that related to cemeteries, and includes,
- (c) land that, in the prescribed circumstances, has been otherwise set aside for the interment of human remains, and
- (d) a mausoleum or columbarium intended for the interment of human remains.

“CENTRELINE” means the midpoint of any street, railway, street, lane or railway right-of-way.

“CHIEF BUILDING OFFICIAL” means the officer or employee of the Corporation for the time being appointed by by-law with the duty of enforcing the provisions of the *Building Code Act*, Building By-law, and other similar By-laws of the Corporation.

“CHIP WAGON” means a trailer, or vehicle, licensed by the Corporation that is designed to be made mobile from which food is prepared and offered for sale to the public for consumption outside [By-law #18-77].

“CINEMA” means a place where motion pictures are exhibited for public viewing.

“CLUB, COMMERCIAL” means a building or premises used as an athletic, recreational or social club operated for gain or profit.

“CLUB, PRIVATE” means a building or premises used as an athletic, recreational or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel or a labour union hall.

“COLUMBARIUM” means a structure designed for the purpose of interring cremated human remains in sealed compartments.

“COMMERCIAL MOTOR VEHICLE” means a motor vehicle having permanently attached thereto

a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highways.

“COMMERCIAL STORAGE” means a place in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.

“COMMERCIAL USE” means the use of any land, building or structure for the purpose of offices or retail buying or selling of commodities, but does not include uses for warehousing, wholesaling, manufacturing or assembling of goods, or a shopping centre.

“COMMUNITY CENTRE” means a place that is used for community activities, whether for commercial purposes or not, the control of which is vested in the corporation, a local board or agent thereof.

“CONSERVATION AREA” means an area of land owned, leased, or having a right of use by a public authority and managed for the purposes of preserving and improving the natural features of the environment.

“CONSTRUCTION TRAILER” means a building or structure that is designed to be made mobile and drawn by a separate vehicle, and is used for the purpose of storage or administration on a site while building construction is taking place, as set out in a building permit. For the purposes of this definition, a mobile home as defined by this By-law shall not be considered a construction trailer.

“CONTAINER SALTES AND RENTAL ESTABLISHMENT” means the use of land for the temporary erection and storage of shipping containers which are rented or sold for transport off-site for use by the general public [*By-law 19-62*].

“CONTRACTOR'S OR TRADE ESTABLISHMENT” means a building or part of building where mechanical, electrical, structural, plumbing, landscaping or like contractors conduct their businesses, whether in conjunction with a retail store or not, and may include offices, display areas and storage areas, but shall not include open storage.

“CONVENIENCE STORE” means a building or part of a building wherein convenience commercial goods and foodstuffs which serve the day-to-day needs of local residents are offered for sale. Such stores shall be limited to a maximum size of 400 m<sup>2</sup> (4307 ft<sup>2</sup>).

“CONVERSION” means the alteration of, but not demolition of a residential use building to increase the number of principal dwelling units or rooming units, resulting in the creation of a use which must be a permitted use in the zone and does not include the creation or addition of an additional residential unit.

“CORPORATION” means the Corporation of the Municipality of Mississippi Mills.

“COUNCIL” means the Municipal Council of the Corporation.

“COUNTRY INN” means a unique form of accommodation for the travelling public, similar to a Bed and Breakfast, but of a slightly larger scale, which are found in older buildings with historic character. In addition to serving meals to those seeking accommodation, Country Inns may also

serve meals to the general public, although this should not be the principal function of the Inn [*By-law #18-77*].

“COUNTY” means the Corporation of the County of Lanark.

“COURT” means with respect to a motel, hotel, condominium dwelling, apartment dwelling, retirement home or other medium to high density accommodation type, an open area bounded on all sides by buildings and used for such uses as a passive recreational area, swimming pool and deck, or children's play area [*By-law #18-77*].

“CREMATORIUM” means a building fitted with appliances for the purpose of cremating human remains that has been approved or consented to as a crematorium in accordance with sections 83 to 87 of the *Funeral, Burial and Cremation Services Act, 2002*, or a predecessor of it and includes everything necessarily incidental and ancillary to that purpose.

“CREMATORIUM SERVICES” means services provided in respect of the cremation of dead human bodies and includes such services as may be prescribed.

“CUSTOM WORKSHOP” means a building or part of a building where individual custom productions such as drapes, venetian blinds, handmade leather goods, orthopaedic and prosthetic appliances, weaving, awnings and other non-offensive, non-dangerous custom production is carried out, but does not include any factory production or any shop or factory otherwise classified or defined in this By-law. A custom workshop may include an accessory retail use up to 25% of the gross leasable floor area.

“DAIRY” means a building or portion of a building where dairy products are produced and processed for packaging, distribution and resale off premises. A dairy may include an accessory retail use up to 25% of gross leasable floor area.

“DAYCARE” means a premise that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

- a) Under eighteen years of age in the case of special needs childcare centres, and
- b) Under ten years of age in all other cases, but does not include part of a public school, separate school or private school within the meaning of the *Education Act* of part of a school continued for established under Section 13 of the *Education Act*.

“DAY NURSERY” and “DAYCARE” have a corresponding meaning

“DENSITY” means the ratio of the number of dwelling units to the lot area.

“DISPLAY AND SALES AREA” means an area of a building which is:

- (a) accessory to a permitted use in that building;
- (b) primarily used for the display of samples, patterns or other goods and
- (c) wherein orders are taken for merchandise which is stored in bulk in part of that building for future delivery to its customers.

“DRIVE-IN THEATRE” means a place of public assembly intended for the screening and viewing of motion pictures by customers seated in motor vehicles parked therein.

“DRIVE-THROUGH FACILITY” means a premise used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land use. Kiosks within a parking structure or associated with a surface parking area are not considered drive through facilities.

“DRIVEWAY” means the area between the travelled portion of a street and a parking lot used by motor vehicles for access to and from the parking lot, but does not include an aisle. A driveway on a residential lot may be used as one or more parking spaces, excluding the required parking spaces, where specifically permitted herein.

“DRY CLEANER'S DISTRIBUTION STATION” means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

“DRY CLEANING ESTABLISHMENT” means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on.

“DWELLING” means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any mobile home, construction trailer, travel trailer, hotel, motel, a home for the aged, nursing home or hospital.

- (a) “ACCESSORY DWELLING” means a detached dwelling subordinate and incidental to the principal use, building or structure located on the same lot therewith.
- (b) “ADDITIONAL RESIDENTIAL UNIT” means a separate dwelling unit subsidiary to an associated principal dwelling unit and located either within the same building as the associated principal dwelling unit or in a building or structure ancillary to the associated principal dwelling.
- (c) “APARTMENT DWELLING, LOW RISE” means a residential use building of three or fewer storeys in height containing four or more principal dwelling units, other than a multiple attached dwelling or stacked dwelling.
- (d) “CONVERTED DWELLING” means a building originally designed as a one-family dwelling which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, which may be located partially in the basement [By-law #19-14].
- (e) “DETACHED DWELLING” means a separate dwelling unit constructed for permanent use and containing only one dwelling unit and occupied by one or more persons and constructed for year-round human habitation, but does not include a mobile home. For the purposes of this definition, a detached dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a detached dwelling.
- (f) “DUPLEX DWELLING” means a separate dwelling unit constructed for permanent use and containing only one principal dwelling unit and occupied by one or more persons and constructed for year-round human habitation, which may include a Additional Residential Unit, but does not include a mobile home [By-law #18-77]. For the purposes of this definition, a duplex dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a duplex dwelling.
- (g) “FOURPLEX” means a building which is divided vertically or horizontally into four separate dwelling units, each of which has an independent entrance, either directly

- or through a common vestibule.
- (h) “SEASONAL DWELLING” means a detached dwelling unit constructed and used as a secondary place of residence for seasonal vacations and recreational purposes, and not as the principal residence of the owner or occupant thereof and is not intended for permanent occupancy notwithstanding that it may be designed and/or constructed for year-round or permanent human habitation. Furthermore, every seasonal dwelling shall include any two or more of the following:
- a building power supply requiring Electrical Safety Authority (ESA) approval
  - a septic system that exceeds Class 1 status as per Part 8 of the Ontario Building Code
  - a primary heating source or a secondary heating source [*By-law #15-118 & By-law #18-77*].
- (i) “SEMI-DETACHED DWELLING” means one of a pair of attached single dwelling units constructed for permanent use with a common wall dividing the pair of dwelling units vertically, each of which has an independent entrance either directly from the outside or through a common vestibule. For the purposes of this definition, a semi-detached dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a semi-detached dwelling.
- (j) “TOWNHOUSE” means a building that is divided vertically into five or more dwelling units, but not exceeding 8 units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit [*By-law #18-77*].
- (k) “TRIPLEX” means a building which is divided horizontally or vertically into three separate dwelling units, each of which has an independent entrance, either directly or through a common vestibule.
- (l) “TOWNHOUSE, BACK-TO-BACK” means a building that is divided vertically into four or more dwelling units, not exceeding 16 units, each of which has independent entrances to a front yard immediately abutting the front wall of each dwelling unit.
- (m) “TOWNHOUSE, STACKED” means a building that is divided horizontally and vertically into four or more dwelling units, not exceeding 16 units, each of which has an independent entrance at ground level.
- (n) “ROW DWELLING” means a vertically separated triplex, fourplex or townhouse dwelling with each dwelling unit divided vertically from another by a party wall. For the purposes of this definition, a row dwelling with up to two additional residential units as defined in this by-law is deemed to be a row dwelling.

“DWELLING UNIT” means two or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with cooking, living, sleeping and sanitary facilities. A seasonal dwelling shall have a similar meaning but shall be limited to non-permanent occupancy.

- (a) “DWELLING UNIT ACCESSORY, ACCESSORY DWELLING UNIT” means a dwelling unit which is subordinate and incidental to the permitted Non-Residential Use.
- (b) “DWELLING UNIT, BACHELOR” means a dwelling unit consisting of one bathroom and not more than one habitable room providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms [*By-law #18-77*].

“EARTH ENERGY SYSTEMS” means “mechanical equipment that transfers thermal energy to and/or from the ground for the purposes of heating and/or cooling a building or for utility purposes.

“ENVIRONMENTAL PRESERVE AND EDUCATIONAL AREA” means a natural area for environmental research, observation and education that does not include a building, but may include weather protection shelters, boardwalks, observation platforms, pedestrian bridges, educational displays, as well as other similar outdoor structures provided for incidental or complementary leisure activities, such as hiking and bird watching.

“EQUESTRIAN ESTABLISHMENT” means a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

“EQUIPMENT RENTAL OUTLET” shall mean the use of land and buildings for the rental of equipment, machinery, furniture and fixtures which are primarily of a size and type which would be used for home improvement or household purposed and which would generally be transportable by the general public.

“ERECT” when used in this By-law includes building, construction, reconstruction and relocation and, without limiting the generality of the word, also includes:

- (a) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (b) any work for the doing of which a building permit is required under the Ontario Building Code.

“ERECTED” and “ERECTION” shall have a corresponding meaning.

“EXISTING”, unless otherwise indicated, means existing on the date of passing of this By-law. For the purposes of this By-law, any existing lot which is of a lesser size than that required by this By-law and which has been increased in size through consent of the Lanark County Land Division Committee, shall be deemed to be an ‘existing lot’. Further, any lot which is reduced in size through acquisition via consent of the Lanark County Land Division Committee to a size which is less than that required by this By-law, shall also be deemed to be an ‘existing lot’.

“EXPROPRIATION” means conveyances to and expropriation by the Corporation or any other authority having the power of expropriation, and includes the taking or receiving of land by the Corporation or any other authority having the power of expropriation, either in satisfaction of a condition imposed on a consent to a severance by the County of Lanark or as a condition of the Corporation’s site plan control approval process, or any other process allowing the Corporation or any other expropriation authority having jurisdiction, the right to require such a conveyance.

“EXTERNAL DESIGN” means the arrangement and/or pattern of materials forming the exterior of a building or structure.

“FAIRGROUND” means lands where fairs, circuses or exhibitions are held primarily outdoors, and includes any accessory and temporary buildings.

“FARM IMPLEMENT ESTABLISHMENT” means a retail establishment which deals in the sale or rental of new and used agricultural machinery and may include the servicing and/or repair of such machinery as a secondary use but does not include the sale of new and used automotive vehicles or supplies.

“FARM SUPPLIES DEALERSHIP” means a building wherein farm supplies which may include feed, seed, agricultural chemicals, hardware, farm working apparel, etc. may be sold or rented.

“FILL LINE” means the line which delineates the boundary of the lands which are subject to The Fill, Construction and Alteration to Waterways Regulations.

“FLOOD FRINGE” means the outer portion of the flood plain between the floodway and the limit of the regulatory flood. Flood depths and velocities are generally less severe in the flood fringe than those experienced in the floodway.

“FLOOD LINE” means the line which delineates 1:100 year flood boundary.

“FLOOD PLAIN” has the same meaning as it has under the Conservation Authorities Act, and the regulations made under that Act, both as amended or re-enacted from time to time.

“FLOOD PROOFED” means those established technical measures for buildings, structures or properties prone to flooding, which are implemented to reduce or eliminate flood damage. Flood proofed non-residential uses and alterations to existing non-conforming uses may incorporate wet passive measures.

“FLOOR AREA” means:

- (a) for a dwelling or dwelling unit, the total area of the storeys contained within the inside walls of the dwelling exclusive to any garage, carport, porch, verandah, unfinished attic, sunroom or unfinished basement, and including common hallways, common stairways, or other common areas and the thickness of exterior walls; and
- (b) for a building other than a dwelling or dwelling unit, the total area of all the floors contained within the outside walls of the building.

“FORESTRY OPERATION” means the planting, management and/or harvesting of timber resources including the establishment of a temporary or portable sawmill as an accessory use for the processing of timber resources taken from the lot on which the temporary or portable sawmill is located, but does not include the establishment of a permanent sawmill, as herein defined.

“FUEL PUMP ISLAND” means a structure on a lot of an automobile gas bar or automobile service station where fuel pumps are located.

“FUEL STORAGE” means a building or structure or depot designed and used exclusively as a storage facility for combustible liquids.

“FUNERAL ESTABLISHMENT” means premises where funeral services are supplied; has the same meaning as in the *Funeral, Burial and Cremation Services Act, 2002*.

“FUNERAL SERVICES” means the care and preparation of dead human bodies and the co-ordination of rites and ceremonies with respect to dead human bodies, but does not include services provided by a cemetery or crematorium owner under the *Cemeteries Act*; has the same meaning as in the *Funeral, Burial and Cremation Services Act, 2002*.

“GARAGE, PARKING” means an enclosed structure used for the temporary parking of more than 4 vehicles available for public use either for free, for compensation or as an accommodation to customers; the permanent parking of more than 4 vehicles available for private use either for free or for compensation by property owners or tenants; or the combination of temporary and permanent parking of more than 4 vehicles available for public or private use [*By-law #18-77*].

“GARAGE, PRIVATE” means a detached accessory building or portion of a dwelling designed and used for the sheltering of private motor vehicles, travel trailers, boats, and the storage of household equipment incidental to the residential occupancy and in which no business, occupation or service is conducted for profit or gain.

“GARAGE, PUBLIC” means a government facility used for the storage and servicing of Street construction and maintenance equipment and materials.

“GARDEN CENTRE” means an outdoor or indoor area used primarily for the display and retail sale of plants, gardening and landscaping supplies and equipment.

“GARDEN SUITE” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

“GENERAL STORE” means a retail establishment which deals primarily in goods required by the residents of the immediate vicinity to meet their day-to-day household and shopping needs.

“GOLF COURSE” means a public or private area operated for the purpose of playing golf and includes a driving range, clubhouse and restaurant if located on the same property and is considered as a secondary use.

“GRADE” means:

- (a) when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building;
- (b) when used with reference to a structure, shall mean the average elevation of the finished surface of the ground immediately surrounding such structure;
- (c) when used with reference to a street, Street or highway means the elevation of the street, or highway established by the Municipality or other designated authority.

“GREENHOUSE” means a building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation, including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools, etc. This definition shall not include any premises for the growing of mushrooms.

“GROSS FLOOR AREA” means the total area of each floor whether located above, at or below grade, measured from the interiors of outside walls and including floor area occupied by interior walls and floor area created by bay windows, but excluding:

- (a) floor area occupied by shared mechanical, service and electrical equipment that serve the building;
- (b) common hallways; corridors; stairwells; elevator shafts and other voids; steps and landings;
- (c) bicycle parking; motor vehicle parking or loading facilities;
- (d) common laundry, storage and washroom facilities that serve the building or tenants;
- (e) common storage areas that are accessory to the principal use of the building;
- (f) common amenity area and play areas accessory to a principal use on the lot; and
- (g) living quarters for a caretaker of the building.

“GROSS LEASABLE FLOOR AREA (GLFA)” shall mean the gross floor area designated for the exclusive use and occupancy of an owner or tenant or used as a single premise, and includes

any basement, mezzanine or upper floor areas, as expressed in square metres and measured from the centre lines of partition walls between premises and/or the exterior face of outside walls, but shall exclude:

- (a) any utility room occupied by mechanical, electrical, heating, cooling or similar equipment that serves the building;
- (b) publicly accessible space not used for the sale or display of merchandise including: washrooms, balconies, hallways, stairways, elevator shafts, landings and similar void spaces;
- (c) offices or rooms used for building management or custodial purposes;
- (d) staff locker rooms and lunch rooms;
- (e) enclosed parking or loading areas;
- (f) storage areas that are accessory to the principal use to a maximum of 10% of the floor area of the principal use.

“GROUND FLOOR” means that floor at or nearest grade.

“GROUP HOME, TYPE A” means a single household unit in a dwelling, in which 3 to 10 residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents, who, by reason of their emotional, mental, social or physical condition, require a group living arrangement. The home is licensed or approved under Provincial Statute and complies with Municipal By-laws. This definition does not include residences for young offenders or boarding/rooming dwelling houses.

“GROUP HOME, TYPE B” means a single household unit in a dwelling in which residents live together under custodial supervision consistent with the particular needs of its residents. A Young Offenders Type B group home shall be licensed or approved by either the Ministry of Community and Social Services or the Ministry of Correctional Services under the *Young Offenders Act*. An Adult Offenders Type B group home, or Community Resource Centre, shall be licensed or approved by the Ministry of Correctional Services under the *Ministry of Correctional Services Act*.

“GUEST CABIN” means an accessory detached building or structure, one storey maximum height, without kitchen facilities and maintained for the accommodation of non-paying guests having a maximum ground floor area of 23.2 m<sup>2</sup> (249.7 ft<sup>2</sup>).

“GUEST ROOM” means a room or suite of rooms which contain no facilities for cooking or for the installation of cooking equipment and which is used or designed for gain or profit by providing accommodation to the travelling or vacationing public.

“HABITABLE ROOM” means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a bathroom, den, library or enclosed sunroom, but shall not include any porch, veranda, unfinished attic, or unfinished basement [*By-law #19-14*].

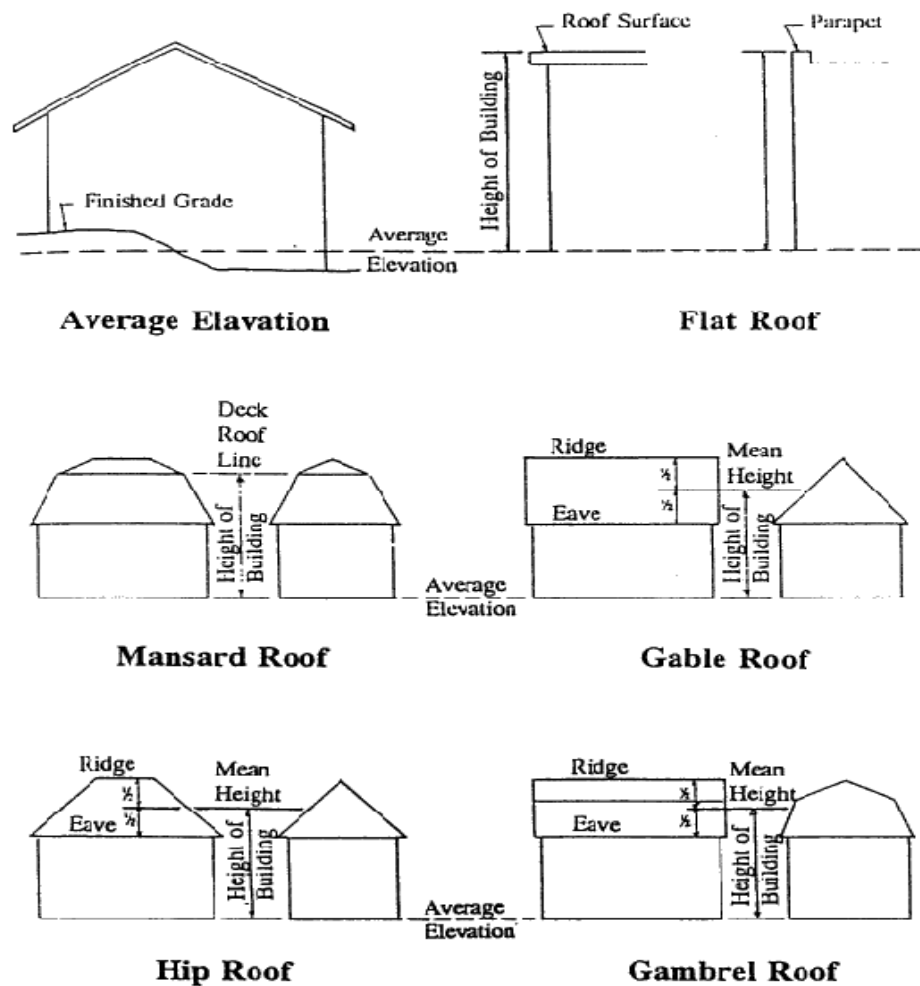
“HEIGHT” when used with reference to a building or structure, means the vertical distance between the average grade at the front of such building or structure to the highest point thereon exclusive of any ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, television or radio antenna, or structure for the mechanical equipment required for the operation of such building or structure. Without limiting the generality of the foregoing, the highest point shall be taken as:

- (a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever

- is the greater.
- (b) in the case of a mansard roof, the deck roof line.
- (c) in the case of a gable, hip or gambrel roof, the mean height between the eaves and ridge.

Where the height is designated in terms of storeys, it means the designated number of storeys above and including the first storey.

**Figure 1: Illustration of Heights of Buildings**



“HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL AND SERVICING” includes the sale, rental, servicing and accessory storage of heavy vehicles including farm vehicles or equipment, and transport trucks or trailers.

“HIGHWAY COMMERCIAL MALL” means a building divided into a number of self-contained units which are occupied by uses which are permitted uses in the Highway Commercial zone, provided that not more than a total of 25% of the gross leasable floor area of the mall shall be occupied by retail store and personal service shop uses.

“HOBBY FARM” means the keeping, breeding, raising and grazing of livestock and/or poultry, other than domestic pets, for the personal use of the household operating the hobby farm and excludes an agricultural use as herein defined which is operated for commercial purposes.

“HOME-BASED BUSINESS” means one or more businesses operated by a resident as secondary and subordinate uses to a residence or farm, and includes home-based daycare.

“HOSPITAL” means a hospital as defined under the *Public Hospitals Act, R.S.O. 1990*, or under the *Private Hospitals Act, R.S.O. 1990*, as amended.

“HOTEL” means any hotel or hostel in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying furnished sleeping accommodation in rooms to which access is obtained through a common hall or commonly shared space, and may include a restaurant and/or bar, but does not include any other establishment otherwise defined or classified in this By-law [By-law #18-77].

“HUNT OR FISHING CAMP” means a building or structure which is occupied for limited times during the year as a base for hunting, fishing and similar outdoor activities, but which is not a single detached dwelling or a seasonal dwelling as defined herein.

“INDUSTRIAL MALL” means a building divided into a number of self-contained units which are occupied by uses which are permitted uses in a zone in which industrial uses are permitted.

“INDUSTRY, NON-EFFLUENT PRODUCING” means an industrial use which does not utilize process waters and which does not produce wastewater.

“INSTITUTION” means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular purpose. This definition may include a library, college, university, or similar use, but shall not include an assembly hall.

“KENNEL” means a building, structure or premises or portion of any of the foregoing, used for the raising or housing of five or more dogs, over the age of four months.

“LANDSCAPED AREA” means that part of a lot located outdoors that is available or used for the placement of any or a combination of the following elements:

- (a) soft landscaping consisting of vegetation, such as trees, shrubs, hedges, ornamental plantings, grass and ground cover;
- (b) hard landscaping consisting of non-vegetative materials, such as brick, pavers, rock, stone, concrete, tile and wood, excluding monolithic concrete and asphalt and any area used for parking, and including such features as a walkway, patio, deck or in-ground pool; and
- (c) architectural elements consisting of decorative fencing, walls, sculptures, gazebos, trellises, planters, benches and other similar features.

“LANDSCAPED BUFFER” means a landscaped area located inside and along the perimeter of a lot intended to screen or separate land uses either from one another or from a public street.

“LANE” means a public thoroughfare which affords a secondary means of access to abutting lots and which is not intended for general traffic circulation.

“LAUNDRY FACILITY” means a building or part of a building, used for the purpose of receiving articles or goods of fabric or leather and subjecting such articles or goods to a cleaning and drying process.

“LAUNDROMAT” means a building or part of a building containing two or more washing and/or self-service dry-cleaning machines and/or dryers for use by the public which is operated for profit or gain.

“LIBRARY” means a library, branch library to which the provisions of the *Public Libraries Act, R.S.O. 1990*, apply.

“LIGHT INDUSTRIAL USE” means:

- (a) warehousing or distribution of finished parts or finished products;
- (b) the manufacture from previously prepared materials of finished parts or finished products;
- (c) factory or assembly-line processes that involve the manufacture, processing, assembly or packaging of finished parts or finished products made from previously prepared materials; or
- (d) the repair or servicing of such products.

“LIVESTOCK UNIT” means the equivalent values for various types of animals and poultry based on manure production and production cycles as set out in the minimum distance separation formulae of the Province of Ontario Ministry of Agriculture, Food and Rural Affairs.

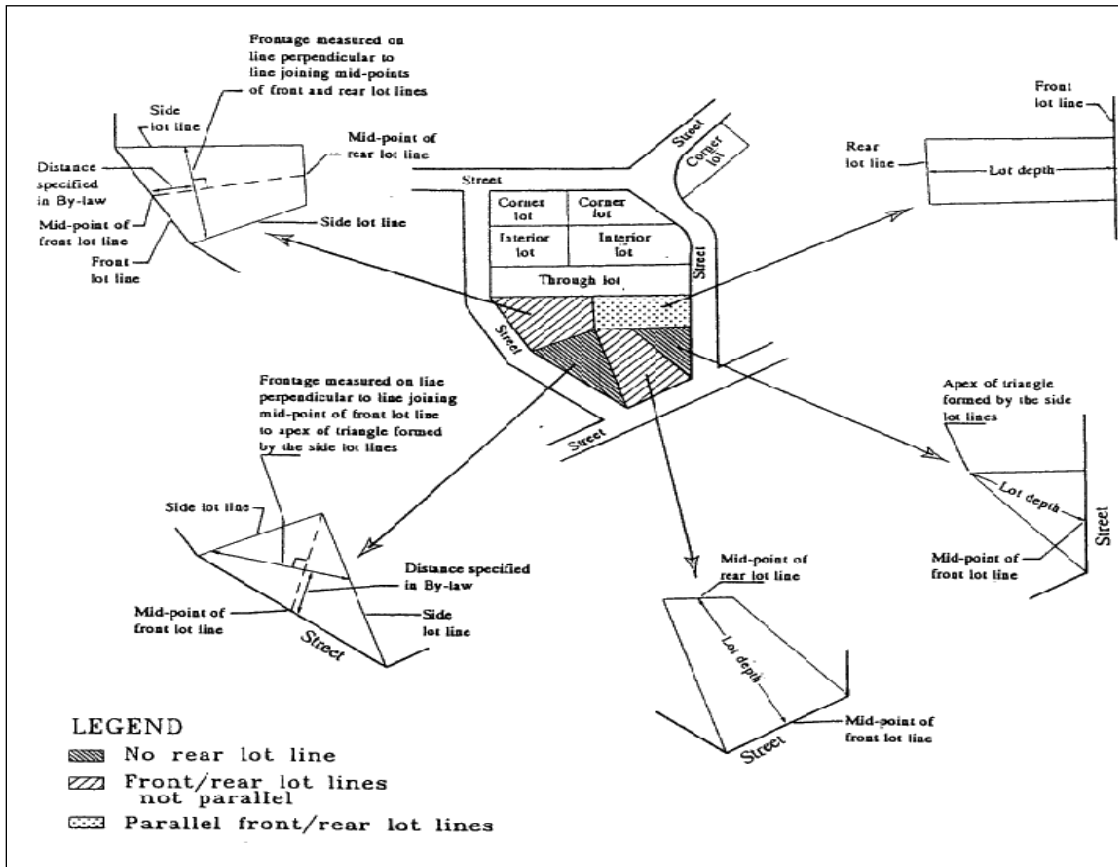
“LOADING SPACE” means a space or bay located on a lot which is used or intended to be used for the temporary parking of any vehicle while loading or unloading goods, merchandise, animals or materials used in connection with the use of the lot or any building thereon.

“LODGE” means one main building and/or two or more buildings used mainly for the purpose of catering to the needs of the tourist and travelling public by supplying food and furnishing sleeping accommodation and recreation facilities, and staff accommodation, and includes any portion of the premises licensed under the *Liquor License Act*, but does not include any other establishment otherwise defined in this By-law.

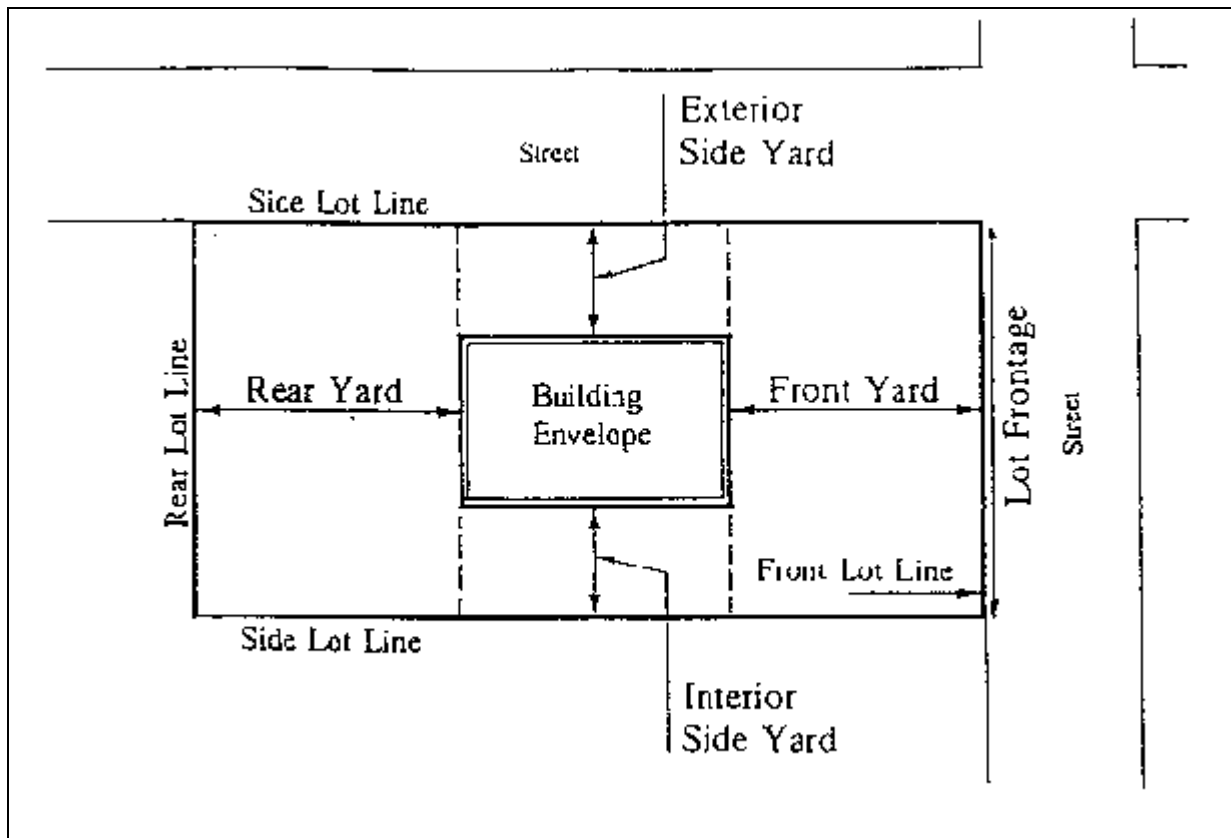
“LOT”

- (a) means a parcel of land or contiguous parcels of land under one ownership and which is described in a deed or other document legally capable of conveying an interest in land and which deed is on record in the Registry Office or land titles office for the Lanark Registry Division; or
- (b) means a parcel land shown as a lot or block on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50.4 of *The Planning Act*, as amended from time to time.

Figure 2: Illustration of Lot Definition



“LOT, CORNER” means a lot situated at the intersection of two or more streets or two parts of the same street of which the two adjacent sides upon the street line or street lines include an angle of not more than one hundred and thirty-five (135) degrees and where such adjacent sides are curved, the angle included by the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents of the street lines drawn through the extremities of the interior lot lines.

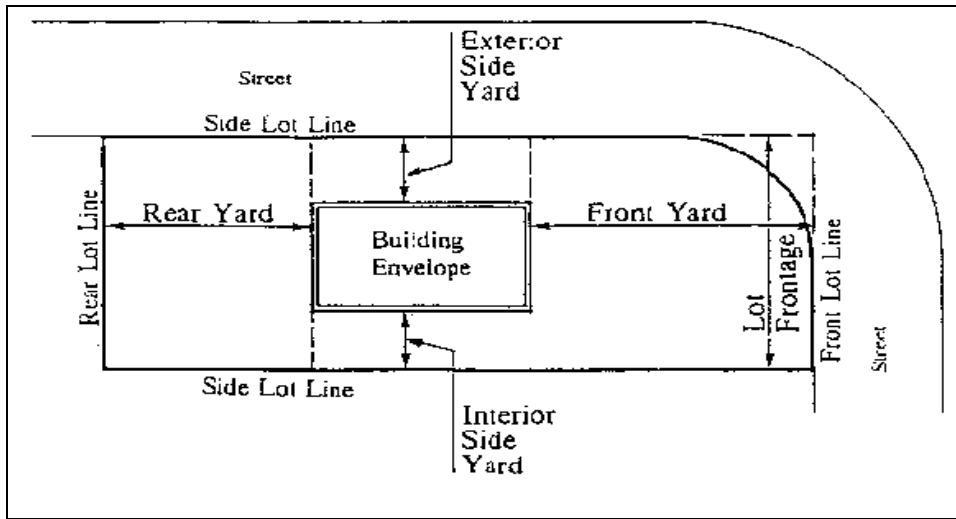
**Figure 3: Illustration of Corner Lot (Parallel Lot Lines)**

“LOT, INTERIOR” means a lot other than a corner lot and having frontage on one street only.

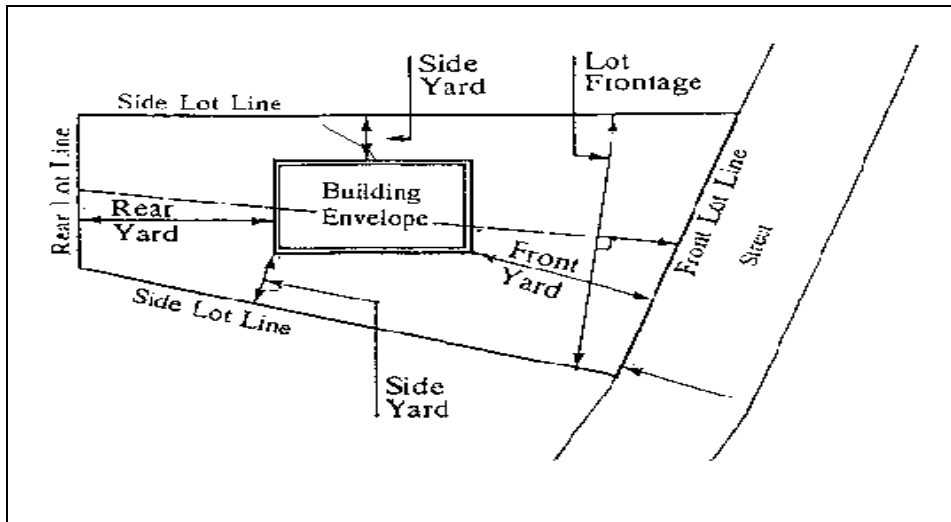
“LOT, THROUGH” means a lot bounded on two opposite sides by streets, but does not include a corner lot.

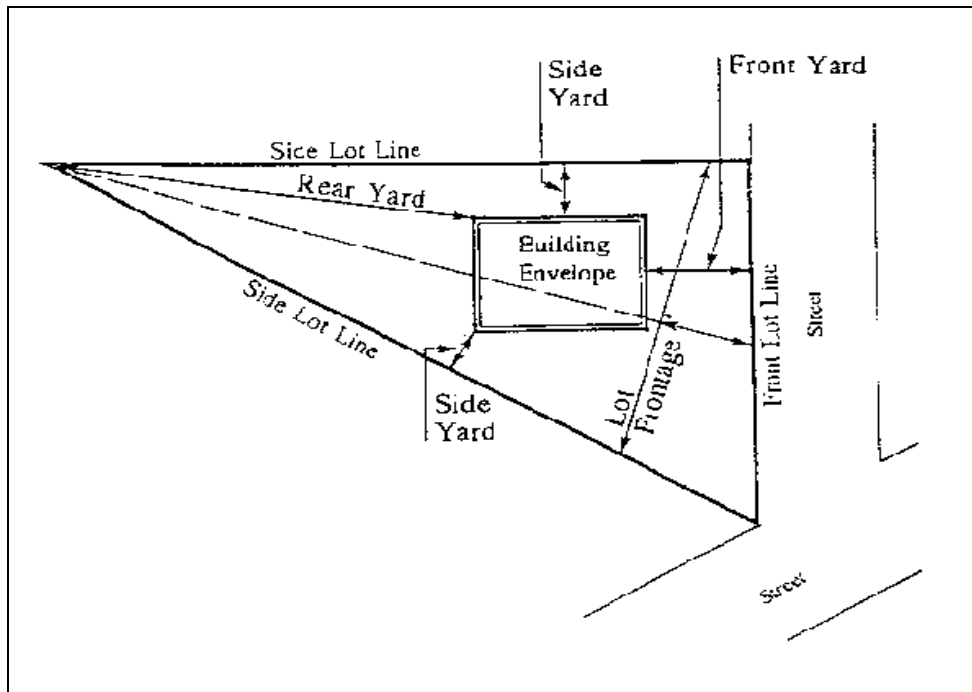
“LOT AREA” means the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or marsh or between the rim of the banks of a river or watercourse, or areas between the top and toe of a cliff or embankment having a slope of 30 degrees or more from the horizontal, provided that only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this By-law for such permitted use. In the case of corner lots having a street line rounding of a radius 6 m (19.7 ft) or less, the lot area of such lot shall be calculated as if the lot lines were produced to their point of intersection.

**Figure 4: Illustration of Corner Lot (Curved Side)**



**Figure 5: Illustration of Irregular Lot (No Parallel Lot Lines)**



**Figure 6: Illustration of Irregular Lot (No Rear Lot Line)**

“LOT COVERAGE” means that part of a lot covered by a building but does not include:

- (a) eaves or eavestrough or any other feature that is located at or above the ceiling of the first storey; or
- (b) any projection permitted under Part 6.18 and Part 6.19.

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

“LOT FRONTAGE” means the horizontal distance between the side lot lines, such distance being measured perpendicularly to a line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines at the minimum distance from the front lot line at which erection of buildings or other structures is permitted by this By-law.

“LOT LINE” means any boundary of a lot.

“LOT LINE, FRONT” means the line dividing the lot from the street.

- (a) In the case of an interior lot, means the line dividing the lot from the street.
- (b) In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. If such lot lines are equal lengths, the front lot line shall be deemed to be the lot line as established by building orientation and/or main access.
- (c) In the case of a through lot, the lot line which provides the principal means of access shall be deemed to be the front lot line and the opposite lot line shall be the rear lot line.

- (d) In the case of a waterfront lot, the lot line abutting a street shall be deemed to be the front lot line. If such lot has frontage on more than one street, the front lot line shall be deemed to be the lot line as established by building orientation and/or main access.
- (e) In the case of an irregular lot, the shortest lot line abutting a street shall be deemed to be the front lot line, or the front lot line shall be deemed to be the lot line as established by building orientation and/or main access, whichever is the more appropriate.
- (f) Where the "Lot" does not abut a street, the "Front Lot Line" shall be determined to be the boundary of the "Lot" closest to the street from which access to the "Lot" is gained.

"LOT LINE, REAR" means the lot line farthest from and opposite of the front lot line in the case of a lot having four (4) or more lot lines. If a lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.

"LOT LINE, SIDE" means any lot line other than a front lot line or rear lot line.

"MARINA" means a lot, building or structure containing docking facilities, boat launching ramps, lifts, boathouses, and located on a waterbody, where boats and 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, and may include a building or structure for the sale of accessories or refreshments, but does not include a marine facility.

"MARINE FACILITY" means an accessory building structure located on a waterfront lot which is used to take a boat into or out of a waterbody, to moor, to berth or to store a boat. This definition may include a boat-launching ramp, boatlift, dock, or boathouse, but shall not include any building used for human habitation or a marina.

"MAUSOLEUM" means a structure, other than a columbarium, used as a place for the interment of human remains in tombs, crypts or compartments.

"MEDICAL FACILITY" means a place where a medical doctor, dentist or other legally qualified health care practitioner has his or her practice, and includes a medical or dental laboratory.

"MICRO-BREWERY" means a building or structure used to brew local beer for sale and distribution and may include a retail facility not exceeding 25% of the gross leasable area [*By-law #15-06*].

"MOBILE HOME" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or seasonal residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed. A mobile home shall be distinguished from other forms of prefabricated transportable housing by reason of a design which is in accordance with Regulation Z-240.2.1-1979 of the Canadian Standards Association, as amended from time to time.

"MOTEL" means one or more buildings used primarily for the purpose of catering to the traveling public by furnishing sleeping accommodation and may include permanent staff quarters, tourist cabins, sleeping and housekeeping units, but does not include any other establishment otherwise defined or classified in this By-law.

For the purpose of this section, a

- (a) "HOUSEKEEPING UNIT" means a unit for the overnight accommodation of the travelling public which may include sanitary and food preparation facilities.
- (b) "SLEEPING UNIT" means a unit for the overnight accommodation of the travelling public, but does not include food preparation facilities.
- (c) "TOURIST CABIN" means a detached sleeping unit.
- (d) "TOURIST COTTAGE" means a detached housekeeping unit.

"MOTOR HOME" means a self-propelled dwelling unit.

"MOTOR VEHICLE" includes an automobile, motorcycle, recreational vehicle, motorized boat, motorized snow vehicle and any other vehicle propelled or driven otherwise than by muscular power, but excludes a heavy vehicle.

"MUNICIPAL DRAIN" means a drainage works as defined by *The Drainage Act*, as amended from time to time.

"MUNICIPAL PLANNER" means the officer or employee of the Corporation with the duty of enforcing the provisions of the Zoning By-law and other similar By-laws of the Corporation.

"MUSEUM" means a lot, building and/or structure used for the storage and exhibition of objects illustrating antiquities, natural history, arts, etc. and which is publicly or privately owned or managed.

"NIGHTCLUB" means a place where food or drink may be served and has an open floor area used for dancing to music, and viewing musical performances or other forms of entertainment.

"NON-COMPLYING" means a use of land that is listed as a permitted use in the zone in which it is located, but which enjoys a limited immunity from the regulatory provisions of the By-law because the law analogous to Section 34(9), *Planning Act (R.S.O. 1990)*, but applicable to the regulation of the site conditions rather than use, protects the existing site conditions as long as those site conditions are not changed.

"NON-CONFORMING" means a use of land that is not listed as a permitted use in the zone in which it is located, but which is tolerated because Section 34 (9), *Planning Act (R.S.O. 1990)*, allows it to continue as long as the use is not changed or discontinued from the date when the Zoning By-law was passed.

"NORMAL HIGH WATER MARK" means the mark made by the action of water under natural conditions on the shore or bank of a watercourse or waterbody, the action having been so common or usual or so long continued that it has created a distinction in the general terrestrial vegetation, in changes in soil characteristics or be the edge of some embankment particularly scored by the action of water. It is a variable line in characteristics indicators and distinctiveness, and it is identified by the consideration of all visible evidence, not alone by one indicator, as located by an Ontario Land Surveyor.

"NUISANCE" means any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of disease.

"NURSING HOME" means a building containing multiple rooms with common access to eating, bathrooms, recreation and leisure areas for temporary occupancy by those requiring nursing or

other care where meals, personal care, nursing services and medical care and treatment are provided or made available, as defined under the *Nursing Homes Act*, but does not include any premises falling under the jurisdiction of the *Long-Term Care Homes Act, 2007 - O. Reg. 79/10*, the *Private Hospitals Act, R.S.O., 1990* or the *Public Hospitals Act, R.S.O., 1990*, as amended.

“OBNOXIOUS USE” means a use which is offensive by reason of its emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter, and a use which, under *The Health, Protection and Promotion Act, R.S.O. 1990* or its regulations, has been declared to be noxious.

“OFFICE” means a place used by an agency, business or organization for:

- (a) the transaction of administrative, clerical, data processing or management business;
- (b) the practice of a profession other than a medical facility; or
- (c) the provision of government or social services and other similar services.

“ONE HUNDRED YEAR FLOOD” means that flood, based on analysis of precipitation, snowmelt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

“OUTDOOR COMMERCIAL PATIO” means an outdoor area where food, beverage, wine, spirits or any of them are served to the public or members of a club or organization.

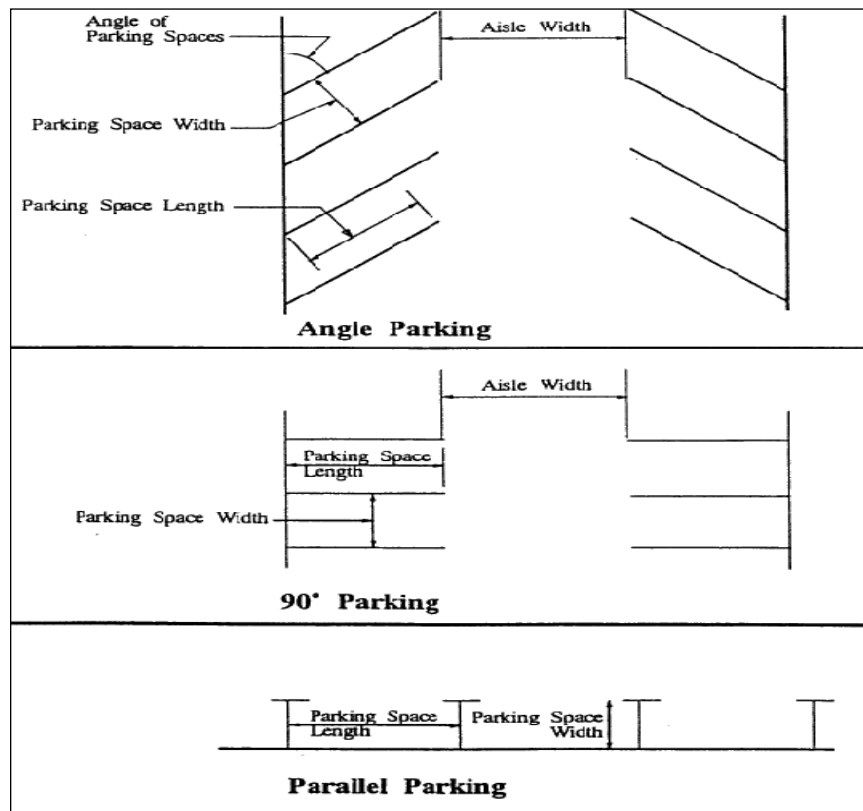
“PAINTBALL OPERATION, COMMERCIAL” means a building or part of a building or lot or part of a lot where the use of facilities and/or accessories are sold to persons to engage in target practice, games of combat and related activities using paintball pellets ejected from air rifles, pistols or other devices. A Commercial Paintball Operation may include an accessory retail store and/or a restaurant [*By-law #15-40*].

“PAINTBALL OPERATION, PRIVATE” means a building or part of a building or lot or part of a lot other than a Commercial Paintball Operation where the use of facilities and/or accessories are provided to persons to engage in target practice, games of combat and related activities using paintball pellets ejected from air rifles, pistols or other devices. A Private Paintball Operation is not operated for gain or profit [*By-law #15-40*].

“PARK” includes a playground, sports field, botanical garden, outdoor public swimming pool or parkway, and may also include accessory buildings or structures such as maintenance building, washroom or canteen.

“PARKING LOT” means a lot or place other than a building used for the parking of four or more motor vehicles, which includes the parking spaces, aisles and driveways, but excludes the interior landscaped islands and medians, the required perimeter landscaped buffer to a lot line, and an area used solely for the display of vehicles for sale.

“PARKING SPACE” means a space enclosed in a principal or accessory building or unenclosed, that is available for the parking of a motor vehicle and which is accessible from a street or lane.

**Figure 7: Illustration of Parking Space Definitions**

**“PARKING SPACE, ANGLE”** means a parking space which is accessed from an aisle or driveway and which permits the entry or exit from said parking space without the need to travel over any other parking space.

**“PARKING SPACE, PARALLEL”** means a parking space which is accessed from an aisle, Street or driveway that is beside and runs the same direction as the aisle, Street or driveway.

**“PARKING SPACE, TANDEM”** means a parking space which is only accessed by travelling over one other parking space.

**“PERSON”** means any human being, association, firm partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**“PERSONAL SERVICE BUSINESS”** means a place where:

- (a) a service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon; tattoo and piercing parlours; spa; tanning salon; shoe repair shop; dry cleaning outlet and accessory dry-cleaning equipment; laundromat; tailor shop or dressmaker shop; or massage therapy service, but excluding a body rub parlour;
- (b) a consultation or information service is provided by a professional, other than a medical professional, including a travel agency or an interior decorator; or
- (c) other personal or business services are provided, including printing, publishing, photocopying, picture framing or photofinishing service, including self-service

operations.

“PET, HOUSEHOLD” means a domestic animal which is tamed and commonly kept in a dwelling unit either with free movement or confined in an appropriate container, but shall not include a domesticated animal which is commonly kept, bred, raised or grazed as an agricultural use, an animal requiring unusual care beyond normal feeding or grooming, or an animal representing a hazard or danger to the health, safety or well-being of the occupants of the dwelling unit.

“PIT” means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit. For the purposes of this By-law, a pit must be licensed pursuant to the *Aggregate Resources Act R.S.O. 1990*, as amended or succeeded.

“PLACE OF ASSEMBLY” means a place designed and used to accommodate gatherings of people such as clubs, reception halls, conference centres, legion halls, assembly halls and lodges, and for events such as trade shows, banquets, and political or other conventions.

“PLACE OF WORSHIP” means a building or structure designed and constructed or erected for the sole purpose of public or private worship of a Supreme Deity or deities.

“PLANNED UNIT DEVELOPMENTS” means a group of dwellings situated on the same lot and that share common facilities such as access to a public Street, parking facilities, open space and recreational areas, and which are designed as an integral part of a residential complex [*By-law 18-73*]

“PRIMARY HEATING SOURCE” means a heating source that includes but is not limited to Gas Forced Air, Oil Drip Furnace, Oil Forced Air, In Floor Heating, or Electric Baseboard. A primary heating source allows consistent heating of a building for extended periods of time without constant attention or refill of fuel source [*By-law #15-118*].

“PRINCIPAL” when used to describe a use, building or structure, means a use, building or structure, one to which any other is subordinate and constitutes the main use of a lot therewith.

“PRINTING ESTABLISHMENT” means a business which furnishes a service of printing or for the publication of periodical or other written material.

“PRIVATE-HOME DAY CARE” means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

“PUBLIC AUTHORITY” means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Conservation Authority, or other board or commission or committee of a local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof and includes any committee or local authority established by By-law of the municipality.

“PUBLIC LANE” means a public right-of-way that provides a secondary means of access from a public street to abutting lots.

“PUBLIC USE” means the use of any land, building or structure by a public authority.

“PUBLIC UTILITY” means any water works, sewerage works, gas works, electric heat, light or power works, telegraph and telephone lines and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessary services or conveniences.

“PUTRESCIBLE” means able to decompose quickly enough to cause odours and attract flies, such as putrescible waste.

“QUARRY” means 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. For the purposes of this By-law, a quarry must be licensed pursuant to the *Aggregate Resources Act R.S.O. 1990*, as amended or succeeded.

“RECREATIONAL AND ATHLETIC FACILITY” means a public space designed and equipped with facilities such as a swimming pool, squash or tennis courts, gymnasias, weightlifting and exercise rooms and used for recreational, fitness or athletic pastimes, and may include an ancillary sports field or sports arena, or ancillary retail food store which exclusively sells pre-packaged food and athletic goods [*By-law #18-77*].

“RECREATIONAL VEHICLE” means a vehicle designed for use principally for recreation and includes a travel trailer, tent trailer, motor home, boat, boat trailer, snowmobile, all terrain vehicle, etc.

“RECREATIONAL VEHICLE SALES” means a building and/or lot where recreational vehicles are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair, including service centre, service bays, body shop, storage of parts, etc.

“RENEWABLE ENERGY GENERATION FACILITY” means a generation facility that generates electricity from a renewable energy source and that meets such criteria as may be prescribed by regulation and includes associated or ancillary equipment, systems and technologies as may be prescribed by regulation, but does not include an associated waste disposal site.

“RESEARCH AND DEVELOPMENT CENTRE” means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products, and may include a research laboratory; but excludes industrial and manufacturing operations other than those required as part of research.

“RESIDENTIAL CARE FACILITY” means an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide ongoing medical or nursing care or counselling, and personal services.

““RESTAURANT” includes a:

- (a) “Fast-food restaurant” which means a building or part of a building which sells food and beverages over a counter to its customers for consumption within the building or outdoor commercial patio, for consumption in a motor vehicle on the premises, or for

consumption off the premises;

(b) "Full-service restaurant" which means a building or part of a building that sells and serves food and beverages to patrons seated at tables within the building or within an outdoor commercial patio, for consumption on the premises or for consumption off the premises; and

(c) "Takeout restaurant" which means a building or part of a building or motor vehicle or a trailer that does not have seating capacity for diners and instead:

- a. sells food and beverages over the counter for pickup by the consumer for consumption off the premises, or
- b. delivers food and beverages directly to the consumer for consumption off the premises.

"RETAIL FOOD STORE" means a store where primarily food, as well as other personal, convenience and household items and services, is provided for sale directly to the public and includes a supermarket, butcher shop, bakery shop, produce outlet, delicatessen or farmers' market.

"RETAIL STORE" means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail but does not include any establishment otherwise defined or classified in this By-law.

"RETIREMENT HOME" means a residential use building containing rooming units or a combination of rooming and dwelling units, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home.

"RETIREMENT HOME, CONVERTED" means the whole of a residential use building or the whole or part of any other building that was converted to a retirement home.

"RISK MANAGEMENT OFFICIAL (RMO)" means the risk management official appointed under Part IV of the Clean Water Act [*By-law #18-77*].

"ROOMING HOUSE" means a principal dwelling within the whole of a residential use building that contains at least four rooming units, and which may also contain dwelling units and an administration office accessory to the operation of the house.

"ROOMING HOUSE, CONVERTED" means the whole of a residential use building or the whole or part of any other building that was converted to a rooming house.

"ROOMING UNIT" means a room, or a suite of rooms, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the principal dwelling or building intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms.

"RIGHT-OF-WAY, PRIVATE" means land owned by an individual other than a public authority over which right-of-way has been granted to others for access purposes.

"SALVAGE YARD" means a lot, building and/or structure where goods, wares, merchandise articles or things are stored, handled, processed for further use and/or are abandoned, and

includes a junk yard, a scrap metal yard, an automobile wrecking yard or premises, but does not include a waste disposal site.

“SAMPLE AND SHOWROOM” means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken, provided that articles from the display are not taken from the premises.

“SANITARY SEWER “ or “MUNICIPAL SEWER” means a system of underground conduits, operated either privately or by a municipal corporation or by the Ministry of the Environment, which carries sewage to a place of treatment which meets with the approval of the Ministry of the Environment.

“SAWMILL” means a building, structure or area where timber is cut or sawed, either to finished lumber, or as an intermediary step and may include accessory processing involving planing, grading, and/or drying.

“SAWMILL, PORTABLE” means a trailer, or vehicle that is designed to be made mobile and that is used for the cutting and sawing of timber, either to finished lumber or as an intermediary step.

“SCHOOL” has the same meaning as in the *Education Act*, and includes any other place of primary, elementary, or secondary education which has a body of teachers and students on the premises, and that provides instruction in the primary, elementary or secondary courses of study authorized or approved by the Minister of Education of Ontario, and also includes adult education and English or French as second language programs.

“SCHOOL, COMMERCIAL” means a school, other than any school classified or defined in this by-law, and includes the studio of a dancing teacher or music teacher, an art school, golf school, school of calisthenics, business school, craft school, or other such specialized school.

“SECONDARY HEATING SOURCE” means a heating source includes but is not limited to Wood Burning Fireplace, Pellet Stove and Airtight Woodstove. A Secondary Heating Source consists of heating systems that are easily depleted and require constant attention to ensure the fuel is provided to maintain heat within the building [*By-law #15-118*].

“SERVICE AND REPAIR SHOP” means a place where personal effects and household goods and appliances are repaired, but does not include the repair of large equipment, such as motor vehicles, heavy equipment or heavy motors.

“SETBACK” the least horizontal dimension between the centreline of a street allowance, measured at right angles to such centreline, and the nearest part of any excavation, building or structure on the lot, or the nearest open storage use on the lot.

“SEWAGE DISPOSAL SYSTEM” means any class of sewage works, with a designed capacity of less than 10,000 litres (2,200 gallons) per day, as defined in the *Building Code Act* and the Building Code.

“SHOPPING CENTRE” means a group of predominantly commercial and service occupancies that:

- (a) is designed, developed and managed as a unit whether by a single owner or a group of owners or tenants acting in collaboration;

- (b) is either in a single building or in multiple buildings on the same lot or abutting lots, and may, but shall not be required to, be considered as one lot for zoning purposes;
- (c) is made up entirely of uses permitted or lawful non-conforming on the site;
- (d) has either:
  - i) a common parking lot or parking garage or a combination thereof; or
  - ii) a group of parking lots or parking garages or a combination thereof which are managed as a unit by the same owner, owners or tenants of the commercial and service occupancies required in paragraph (a) above, and are on the same lot or lots as the commercial and service occupancies required in subparagraph (a) above.

“SIGHT TRIANGLE” means the triangular space formed by intersecting street lines and a line drawn from a point in one street line to a point on the other street line, which must be kept clear of obstructions such as hedges so that people on one Street can see cars approaching on the other. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

“SITE PLAN” means a scaled drawing prepared to illustrate the relation between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, walkways, landscaped areas, lighting, building areas, minimum yards, floor areas, easements, drainage contours, and areas for special uses.

“SNOW DISPOSAL FACILITY” means a facility to which snow is transported for storage from other off-site locations.

“SOLID WASTE DISPOSAL FACILITY” means a facility providing for the long-term storage or destruction of municipal solid waste, and includes a landfill site or an incinerator.

“STORAGE YARD” means land used for outdoor storage, including:

- (a) the storage of vehicles;
- (b) the storage of Street maintenance material such as gravel or sand;
- (c) the storage of construction, building or landscaping materials; and
- (d) the storage of heavy vehicles or construction equipment, and includes an accessory maintenance garage used for the service and repair of the stored vehicles and equipment.

“STOREY” means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 2 m (6.6 ft) above grade. Provided also that any portion of a storey exceeding 4.5 m (14.8 ft) in height shall be deemed an additional storey for each 4.5 m (14.8 ft) or fraction thereof of such excess.

“STOREY, HALF” or “HALF STOREY” means the portion of a building located wholly or partly within a sloping roof, having a floor area of not less than one-half or more than two-thirds of the floor area of the storey next below, sidewalls not less than 1 m in height and a ceiling with a minimum height of 2.5 m (8.2 ft) over an area equal to at least 50 percent of its floor area.

“STREET, OPEN PUBLIC” means an open thoroughfare under the jurisdiction of the Corporation, the County, the Province of Ontario, or the Government of Canada. This definition includes highways, streets, rights-of-way and street allowances, but excludes private rights-of-way.

“STREET, PRIVATE” means a street, not otherwise defined herein, which is described on a plan of subdivision or on a plan of condominium which is not under the jurisdiction of the Corporation, but which has been approved by the Corporation.

“STREET, UNOPENED PUBLIC” means a street which has not been assumed by the Corporation, the County, the Province of Ontario, or the Government of Canada as a public thoroughfare.

“STREET LINE” means the limit of the street allowance and is the dividing line between a lot and a street.

“STRUCTURE” means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground, or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs, billboards, and private outdoor swimming pools, and an object designed and intended to float, but does not include freestanding walls, hedges, fences, furniture, or chattel [*By-law #18-77*].

“SUGARBUSH” means a maple tree forest used for the harvesting of sap for the purpose of producing maple syrup and related products, either on site or elsewhere, and associated on-farm buildings and structures.

“SWIMMING POOL” means any body of water located indoors or outdoors contained by artificial means, and having a depth of greater than 0.6 m (2.0 ft) at any point, and used and maintained for the purpose of swimming, wading, diving or bathing.

“TAXI STATION” means a building or structure or a part thereof used in whole or in part to dispatch taxis and includes adjacent land used to store vehicles used for the taxi business.

“TENT” means a temporary structure used for temporary human shelter that is not permanently fixed to the ground and is capable of being easily moved.

“THEATRE” means a place where live theatrical performances or concerts are given on a stage before an audience.

“TOP OF BANK” means a boundary where a majority of normal discharges and channel forming activities takes place. The top of bank boundary will contain the active stream channel, active floodplain, and their associated banks.

“TOURIST CAMPGROUND” means a lot which is used to provide temporary accommodation for the public, or members of an organization in tents, or recreational vehicles, or in tourist trailers, whether or not a fee is charged or paid for such accommodation, and includes accessory uses such as recreation and leisure areas, restaurant, convenience store, souvenir shop, etc.

“TOURIST ESTABLISHMENT” means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation with or without meals, and shall include a tourist guest house, tourist cabins, resort, a motel, and a hotel. Accessory uses such as recreation and leisure areas, restaurant, convenience store, souvenir shop, etc. are included in this definition.

“TOURIST GUEST HOUSE” means a single detached dwelling and/or an accessory building to

a single detached dwelling in which more than three guest rooms are used to accommodate the travelling public for gain or profit and may include the provision of meals to the guest room occupants.

“TRAILER” means any vehicle constructed to be attached to and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping, working or eating, even if the vehicle is jacked-up or its running gear is removed.

“TRAINING CENTRE” means a place where an employer provides job-related training or instruction to its employees that is designed to improve job performance or enhance the career advancement opportunities of those employees.

“TRANSMISSION TOWER” means a structure, over 20 m (65.6 ft) in height, designed and erected for the purpose of transporting or carrying hydroelectric power in quantities equal to, or greater than, 100,000 volts.

“TRANSPORTATION TERMINAL” means a lot, building or structure where trucks or tractor trailers are kept for hire, rent or lease, are stored, or parked for remuneration, or from which trucks or tractor trailers are dispatched for hire as common carriers and includes buildings or structures used for storage or distribution of goods, wares or merchandise.

“USE” as a verb, means anything permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and assent of such owner or occupant, for the purpose of making use of the said land, building or structure. The phrase “used for” includes “arranged for”, “designed for”, “maintained for” or “occupied for”.

“USE” as a noun, means any of the following depending on the context:

- (a) any purpose for which land, buildings or other structures may be arranged, designated, designed, intended, maintained, or occupied, or
- (b) any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land, or
- (c) a name of a tract of land or a building or other structure which indicates the purpose for which it is arranged, designated, intended, maintained or occupied.

“UTILITY” means an entity operating with a regulated industry that has been given the express right or subsequent legal duty to supply the general public with a product, commodity or service, and includes a stormwater management facility and a wind turbine farm.

“UTILITY LINE” means a utility line as defined in the *Ontario Energy Board Act*.

“WAREHOUSE” means a building used for the storage and distribution of goods and equipment including self-storage units and mini-warehouses and may include one accessory dwelling unit for a facility manager.

“WASTE DISPOSAL SITE” means,

- (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a).

“WASTE MANAGEMENT SYSTEM” means any facilities or equipment used in, and any operations carried out for, the management of waste including the collection, handling, transportation, storage, processing or disposal of waste, and may include one or more waste disposal site.

“WASTE PROCESSING AND TRANSFER FACILITY (non-putrescible)” means a facility where non-putrescible waste is sorted, processed and temporarily stored prior to transfer off site and may include a recycling operation.

“WASTE PROCESSING AND TRANSFER FACILITY” means a facility where putrescible and non-putrescible waste is sorted, processed or temporarily stored prior to transfer off site and may include a source separated organics and biosolids processing and storage facility.

“WATER FRONTAGE” means a piece of land fronting on a waterbody.

“WATER SUPPLY PIPED” or “MUNICIPAL WATER” means a distribution system of underground piping and related storage, including pumping and purification appurtenances operated by the municipality and/or its agent for public use and which have been approved by the Ministry of the Environment.

“WATERBODY” means any bay, lake, river, canal, as well as any floodplain associated with the waterbody, but excluding a drainage or irrigation channel and any other watercourse.

“WATERCOURSE” means any depression of 1 m or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks, as well as any floodplain associated with the watercourse. Creeks, streams, municipal drains and other similar watercourses are included in this definition.

“WAYSIDE PIT OR WAYSIDE QUARRY” means a temporary pit or quarry licensed under the *Aggregate Resources Act, R.S.O. 1990* opened and used by a public street authority solely for the purpose of a particular project or contract of street construction and not located on the street right-of-way.

“WEDDING AND EVENTS VENUE” shall mean a venue for uses that are celebratory in nature such as wedding ceremonies and receptions, anniversaries, and corporate events, which may also include associated cooking, banquet, licensed bar, washroom and parking facilities. The venue shall be secondary in nature to the principal agricultural use of the property, and shall occur primarily within former agricultural outbuildings in a manner which respects the agricultural and historical character of the surrounding area, and avoids disruption with nearby lands through the use of appropriate noise control, buffering, servicing, and traffic management amongst other appropriate operational controls [By-law #13-122].

“WELL” means a private underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped system from a surface water source.

“WELLNESS CENTRE” means a building or part thereof used to provide a range of therapeutic and wellness disciplines such as massage therapy, energy medicine, naturopath medicine, acupuncture, homeopathy, health counselling and personal training, and may include accessory uses such as administrative offices, treatment rooms, physical fitness rooms, and waiting rooms.

[By-law #19-92]

“WINERY” Shall mean the uses associated with the growing production of grapes, fruits or other produce directly associated with onsite cider or wine making process. Buildings or structures on the site may be used for value-added services including storage, display, processing, tasting, hospitality room, administrative facilities, outdoor patio area. An on-site restaurant, dining facility, commercial kitchen, banquet hall, retail facility or other uses that are normally incidental, subordinate and accessory to the main permitted use may also be permitted where it is demonstrated that they are secondary to the primary use. [By-law #19-52]

“YARD” means an area of a lot abutting a building that is intended for use for such purposes as privacy space, landscaping, parking or access.

“YARD, EXTERIOR SIDE” or “EXTERIOR SIDE YARD” means a side yard (corner) immediately adjoining a street that extends from the front yard to the rear yard between a side lot line and the nearest point of the principle building, not including a projection permitted under Part 6.18.

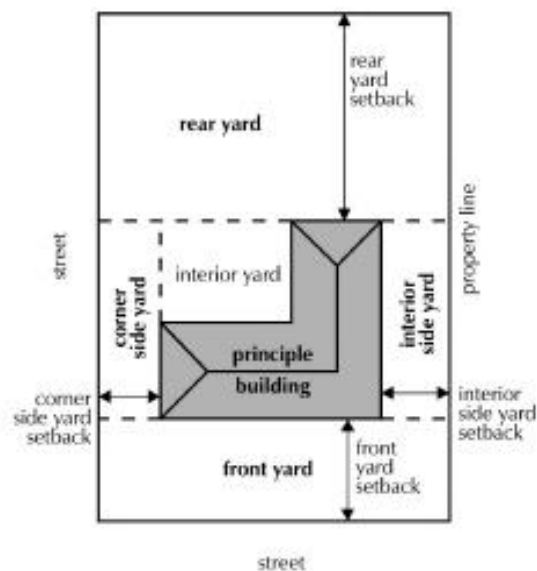
“YARD, FRONT” or “FRONT YARD” means a yard extending across the full width of a lot, measured perpendicularly from the front lot line to the closest wall of any main buildings or structures on the said lot, not including a projection permitted under Section 6.19.

“YARD, INTERIOR SIDE” means a side yard not abutting a public street that extends from the front yard to the rear yard between the side lot line and the nearest point of the principal building, not including a projection permitted under Section 6.19.

“YARD, REAR” or “REAR YARD” means a yard extending across the full width of a lot, measured perpendicularly from the rear lot line to the closest wall of any main building or structure on the said lot, not including a projection permitted under Section 6.19.

“YARD, INTERIOR” means a yard other than a front yard, exterior (corner) side yard, interior side yard or rear yard.

#### ILLUSTRATION OF YARDS AND YARD SETBACKS



“YARD SETBACK” means the distance required by this By-law between a lot line, not including

an exterior (corner) lot line, and building, and includes:

- (a) front yard setback which means the shortest distance between the front lot line and any part of a building, not including projections permitted under Section 6.19;
- (b) rear yard setback which means the shortest distance between the rear lot line and the nearest point of the principal building, not including a projection permitted under Section 6.19;
- (c) interior side yard setback which means the shortest distance between the side lot line not abutting a street and any part of a building between the front and rear yards, not including a projection permitted under Section 6.19;
- (d) exterior (corner) side yard setback which means the shortest distance between a side lot line abutting a street and any part of a building between the front and rear yards, not including a projection permitted under Section 6.19.

“ZONE” means an area delineated on the Zoning Schedule established and designated by this By-law for a specific use.

“ZONING ADMINISTRATOR” means the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Zoning By-law of the Corporation.

## SECTION 6 – GENERAL PROVISIONS FOR ALL ZONES

### 6.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

- (1) An accessory use is permitted in any zone if:
  - (a) it is on the same lot as the principal use to which it is accessory; and
  - (b) it exists to aid and contribute to the principal use to carry out the function of that principal use.
- (2) No person shall, where an accessory use is in a different building than the principal use to which it is accessory, use that accessory building:
  - (a) for human habitation; and
  - (b) in non-compliance with the provisions set out in Table 6.1.
- (3) For the purposes of this section, the determination of whether or not a use is an accessory use or an ancillary use to a principal use should be made by referencing the definitions of accessory, accessory building, accessory structure, accessory use and ancillary use. It should be noted that a building is a land use, be it a principal use, an accessory use or an ancillary use.
- (4) This Section does not apply to satellite dishes or tower antennas in residential zones either of which could be by definition an accessory structure as they are regulated in another Section of this By-law.
- (5) A garden suite is not considered to be an accessory use and it is regulated by Section 8.7 of this By-law.
- (6) This Section does not apply to unenclosed, uncovered decks or decks accessed seamlessly by an opening that is, or is capable of being, an entrance with an area less than 10m<sup>2</sup> (108ft<sup>2</sup>) [By-law #18-77].

**TABLE 6.1A – PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES**

I Zoning Mechanism	II R1, R2, R3, LSR, V, RR	III RU, A, C1, C5, M3, M4, MP, MQ, MR	IV All Other Zones	V Endnotes
(1) Minimum Front Lot Line Setback	Same as required for principal building			1, 4, 6
(2) Minimum Exterior Side Yard Setback and Minimum Rear Yard Setback Where the Rear Lot Line Abuts a Street	Same as required for principal building			1, 4, 6
	(i) In an Interior	Same as required for principal building	0.6 m	1, 2, 3, 4, 6

(3) Minimum Side Yard Setback	Side Yard or Exterior Side Yard				
	(ii) In a Rear Yard	1.2 m	1 m	0.6 m	1, 2, 3, 4, 6
(4) Minimum Rear Lot Line Setback Where the Rear Lot Line Does Not Abut a Street		1.2 m	1 m	0.6 m	1, 4, 6
(5) Maximum Height		4.5 m	(a) A and RU zones: 12 m	6 m	4, 6
			(b) All other zones: 6 m		6
(6) Maximum Cumulative Area of All Accessory Buildings Combined		The lesser of 55 m <sup>2</sup> or 50% of the area of the yard in which they are located	The greater of 150 m <sup>2</sup> or 5% of the area of the total lot	No restrictions	6
(7) Maximum Number of Accessory Buildings Permitted on a Lot		2	3	3	6
(8) Maximum Number of Agricultural Accessory Buildings Permitted on a Lot		Not permitted	No restrictions	Not permitted	6
(9) Minimum Required Distance from Any Other Building Located on the Same Lot		1.2 m			5, 6

**TABLE 6.1B – ADDITIONAL PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES**

Endnotes	
<b>I</b> Endnote Number	<b>II</b> Additional Provision

1	For a marine facility where it abuts a watercourse, no setback is required from the watercourse
2	For shared garages or carports erected on a common side lot line, the side lot line setback for the shared garages or carports may be 0 m.
3	(i) For children's play structure, aboveground swimming pools, hot tubs, and swimming pools/hot tubs located within a building or structure (note: for the purposes of this provision the height of a play structure means the highest point designed for a child to safely stand, sit or climb): Abutting a residential zone: a distance equal to the height of the structure; no less than 1.5 metres from a lot line for a pool or hot tub
	(ii) For children's play structure, aboveground swimming pools, hot tubs, and swimming pools/hot tubs located within a building or structure (note: for the purposes of this provision the height of a play structure means the highest point designed for a child to safely stand, sit or climb): Not abutting a residential zone: 0.6 m; no less than 1.5 metres from a lot line for a pool or hot tub
4	(a) wind turbine with a power rating of 1 kilowatt or less – setback equal to height above grade
	(b) wind turbines with a power rating higher than 1 kilowatt but less than 3 kilowatt – not permitted any zones except the RU, A, C1, C5, M3, M4, MP, MQ, MR zones, subject to the following additional restrictions: (i) from any dwelling unit or residential zone: the greater of 500 m or a distance equal to seven times the rotor diameter, and (ii) 30 m from any lot line
	(c) See Green Energy Act, 2009 – Renewable Energy Approvals (REA) process for other situations
	(d) wind turbines are exempt from maximum height restrictions
5	Except in the case of a hot tub, where no minimum distance from any other building located on the same lot applies
6	No accessory uses, buildings or structures are permitted in the EP zone

## 6.2 ADEQUATE MUNICIPAL SERVICES

- (1) No land can be used or the intensity of any use of land expanded or any building placed, erected, altered, enlarged, or used within the public service area of the Ward of Almonte unless the land is serviced by municipal water, sewage and drainage systems that have adequate capacity.
- (2) With the exception of wells that are required for environmental site assessment purposes as per Ontario Regulation 153/04 (*Environmental Protection Act*), on any

land within the Ward of Almonte (Schedule C) the following are prohibited:

- (a) drilling of a new groundwater well;
- (b) drilling to make an existing groundwater well any deeper; and
- (c) the installation of a groundwater heat pump, except as approved by the Municipality of Mississippi Mills [*By-law #18-77*].

### **6.3 BOAT LIFTS, DOCKS**

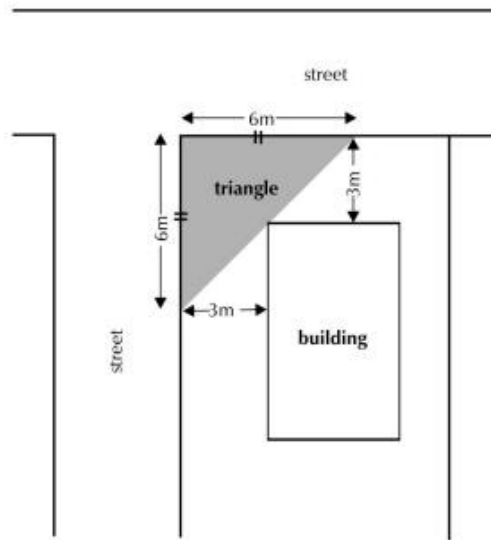
A boat lift or dock for pleasure boats may be erected and used in the rear yard of a lot backing on a navigable waterway, provided such accessory structures are located no closer than 2 m (6.5 ft) to the side lot line, and the documented approval of the government body having jurisdiction has been obtained.

### **6.4 CORNER SIGHT TRIANGLES**

#### **6.4.1 Corner Lots on Municipal Streets**

- (a) For any detached, duplex, semi-detached or triplex dwelling located on a corner lot, no obstruction to the vision of motor vehicle operators higher than 0.75 m above grade, including but not limited to buildings, structures or vegetation, is permitted within the triangle formed by that part of the lot lines measured along each street from the intersection of those lines at the street corner, or the projection of those lines, for the distance of 6 m, and a line drawn between those two lines to form the base of the triangle.
- (b) For development other than that listed in (a), the required corner sight triangle will be determined through the Site Plan Control Approval process.
- (c) For the purposes of subsections (1) and (2), an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction.

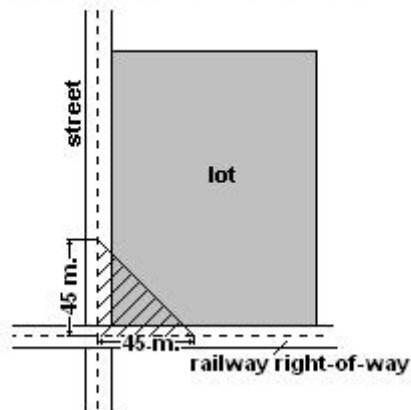
**ILLUSTRATION OF CORNER SIGHT TRIANGLES**



**6.4.2 At Railway Grade Crossings**

Where any street crosses a railway at the same grade, no building, structure or landscaping shall hereafter be erected closer to the point of intersection of the centreline of both the railway and the street than 30 m (98.4 ft) where automatic signal protection is provided and 45 m (147.6 ft) where no automatic signals are provided.

**ILLUSTRATION OF RAILWAY SETBACKS**



### 6.4.3 At Street Intersections with County or Provincial Streets

- (a) In all zones, on a corner lot having frontage on a County or Provincial Street, no building or structure shall be erected, and no vehicle shall be parked in such a manner as to materially impede vision above a height of 0.8 m (2.6 ft) above the centreline grade of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines a distance of 30 m (98.4 ft) from the point of intersection of the said street lines.
- (b) The provisions of this Section shall not apply to built-up areas as defined herein, and/or Towns, Villages or Cities as defined in the *Highway Traffic Act*; however, the provisions of Section 6.4.1 shall apply in these areas. For the purposes of this Section, a “built-up area” means the territory contiguous to a highway and not within a city, town or village where:
  - i) not less than 50% of the frontage on one side of the highway, for a distance of not less than 200 m (656 ft), contains separate lots and such lots are occupied by non-agricultural uses including non-farm residential uses, businesses, schools or churches; or
  - ii) not less than 50% of the frontage on both sides of the highway for a distance of not less than 100 m (328 ft), contains separate lots and such lots are occupied by non-agricultural uses including non-farm residential uses, businesses, schools or churches.

### 6.5 DANGEROUS SUBSTANCES

- (1) No use shall be permitted which, from its nature or the materials used therein, is declared to be a public health hazard under *The Health Protection and Promotion Act* or regulations thereunder.

### 6.6 DRAINAGE OF LOTS

- (1) All lands, buildings and structures shall provide adequate drainage consistent with the common law of water and shall provide adequate outlet for any increase in flow or change of direction of collected and surface water onto adjoining lots.

### 6.7 FRONTAGE ON A PUBLIC STREET

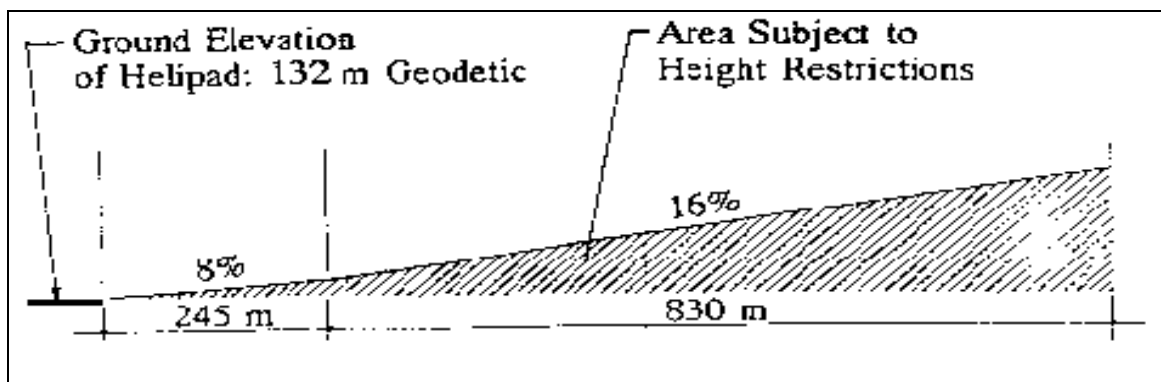
- (1) No building or structure shall be erected in any zone except the Limited Services Residential (LSR) Zone unless the lot on which such building or structure is located has frontage on a street which is an improved street and is part of the Corporation’s approved street system. This provision shall not apply to a lot on a registered plan of subdivision where an agreement between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry Office or the Land Titles Office. Notwithstanding the above, a non-residential building or structure accessory to a permitted agricultural, forestry or conservation use shall not require frontage on an improved street, nor shall a hunting or fishing camp.

## 6.8 HEIGHT RESTRICTIONS

- (1) Notwithstanding any provisions of this By-law to the contrary, on the lands identified by the diagonal hatching adjacent to the Almonte General Hospital on Schedule A, no building or structure and no accessory building or structure shall be permitted to extend in height above the elevation of the flight path for the helipad at the Almonte General Hospital, pursuant to the regulations of Transport Canada.

For the purposes of determining the elevation of the flight path, the following chart may be used as a guide; however, this chart does not form part of this By-law and the regulations of Transport Canada shall apply in determining the height limit for any buildings or structures under the flight path.

**Figure 8: Illustration of Elevation of Flight Path**



## 6.9 LOTS HAVING LESS AREA AND/OR FRONTAGE

- (1) Where a lot having a lesser lot area, lot depth and/or lot frontage than that required wherein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-law, or where such a lot is created as a result of any expropriation or dedication required for site plan approval, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are met.

## 6.10 MINIMUM DISTANCE SEPARATION

- (1) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted in the Zone in which the lot is situated, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using the MDS Formula. Notwithstanding the aforementioned, existing vacant lots which cannot be developed as a result of MDS I may be developed subject to the approval of the Committee of Adjustment.
- (2) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the

Minimum Distance Separation (MDS II) calculated using the MDS Formula. Notwithstanding the aforementioned, existing livestock facilities which cannot be expanded as a result of MDS II may be expanded subject to the approval of the Committee of Adjustment.

- (3) Notwithstanding the above, Sections 6.13 and 6.14 of this By-law shall apply to non-agricultural buildings and livestock facilities which existed at the date of the passing of this By-law and which do comply with the Minimum Distance Separation Formula.
- (4) Where a new or expanded livestock facility is proposed adjacent to a vacant non-farm residential parcel of land containing a lot area of 2 ha (4.9 ac) or less, the minimum separation distance shall be calculated from the nearest part of the new or expanded agricultural use to the boundary of the vacant lot.
- (5) Where a new or expanded livestock operation is proposed adjacent to a vacant non-farm residential parcel of land containing a lot area greater than 2 ha (4.9 ac), the minimum separation distance shall provide for a minimum building area on the vacant lot of 1 ha (2.5 ac).
- (6) Notwithstanding the above, in the rural or agricultural zones, MDS does not apply to livestock facilities with the capacity to house less than 5 nutrient units [*By-law #18-77*].
- (7) Notwithstanding the above, MDS 1 does not apply in approved settlement area designations.

## **6.11 MOBILE HOMES AND RECREATIONAL VEHICLES AS DWELLINGS**

- (1) No mobile home or recreational vehicle shall be used for residential or non-residential purposes within the Municipality except as a temporary office, temporary residence, tool storage shed or similar use on a construction site subject to the terms and conditions set out in a building permit or agreement with the Corporation. Notwithstanding the aforementioned, a mobile home may be used as a garden suite residence in accordance with the requirements of this By-law, and a recreational vehicle may be used in accordance with Section 8.14 [*By-law #18-77*].

## **6.12 MUNICIPAL STREETS**

### **6.12.1 Municipal Streets – Class 1**

- (1) Improved streets under the jurisdiction of the Corporation which are maintained on a year-round basis.

### **6.12.2 Municipal Streets – Class 2**

- (1) Improved streets under the jurisdiction of the Corporation shall, for the purposes of the By-law, mean that the Corporation is not obligated to provide services on a year-round basis or at all.

### 6.13 NON-CONFORMING USES

- (1) Nothing in this By-law shall apply:
  - (a) to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose; or
  - (b) to prevent the erection for a purpose prohibited by this By-Law of any building or structure for which a permit has been issued under Section 5 of the *Building Code Act*, prior to the day of the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided that the permit has not been revoked under Section 8 of the *Building Code Act*; or
  - (c) to prevent the repair or replacement in whole or in part, or the strengthening to a safe condition of any building or structure or part of any such building or structure which does not comply with the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure; or
  - (d) to prevent the restoration of any building or structure which does not comply with the provisions of this By-law, where such building or structure is damaged by fire or an act of nature, provided that:
    - such restoration does not increase the height, size or volume or change the use of such building or structure;
    - all efforts are made with such reconstruction to improve the non-conforming nature of the building or structure.
- (3) A non-conforming use of a lot, building or structure shall not be changed except to a use which is permissible within such zone, or such other compatible uses as may be approved under Section 45 of the *Planning Act, RSO 1990*.
- (4) A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use.

### 6.14 NON-COMPLYING USES

#### (1) Rebuilding, Repairs and Renovations

Nothing in this By-law shall prevent the rebuilding, repair or renovation of a non-complying use, building or structure which has been damaged or destroyed by fire or natural disaster provided that such rebuilding, repair or renovation does not further contravene this By-law. Efforts should be made to have the rebuilding of buildings or structures comply with all applicable setbacks and yard provisions of the applicable zone.

#### (2) Additions and Accessory Uses Permitted

Nothing in this By-Law shall prevent an accessory use, an extension or an addition being made to a building or structure which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure

legally existed at the date of passing of this By-law but which building or structure does not comply with one or more of the Zone Provisions of this By-law, provided such accessory use, extension or addition does not further contravene any of the provisions of this By-law and is in compliance with Sections 4.8 and 4.9 of this By-law.

## **6.15 OCCUPANCY RESTRICTIONS**

- (1) Human habitation shall not be permitted in any of the following buildings, structures or parts thereof;
  - (a) any private garage or other building which is accessory to a residential use;
  - (b) any truck, bus, coach or streetcar bodies whether or not the same is mounted on wheels;
  - (c) any building or structure before the main wall and roof have been erected, application of the exterior siding and roofing has been completed and the kitchen, heating and sanitary conveniences have been installed unless approval of the Chief Building Official has been obtained in advance;
  - (d) any trailer other than as temporary or seasonal accommodation, pursuant to Section 8.14 herein [By-law #19-14].

## **6.16 OPEN STORAGE – COMMERCIAL, BUSINESS PARK AND INDUSTRIAL ZONES**

### **6.16.1 Minimum Setbacks**

- (1) The minimum setback from any front, side or rear lot line of any permitted open storage in any commercial, business park or industrial zone shall be no less than the respective minimum front, side or rear yard for the zone in which the said open storage is located unless otherwise specified hereinafter.
- (2) In any lot in an industrial, business park or commercial zone, where any side or rear lot line abuts a lot in the same zone as the zone in which the said lot is located, the minimum setback of any open storage shall be 3 m (9.8 ft) from the said side or rear lot line.

### **6.16.2 Fencing**

- (1) Except for a lot used for any defined “Automotive” use, other than an Automotive Wrecking Establishment, any permitted open storage which adjoins a street, or a lot in any commercial, business park or industrial zone other than the zone in which the said open storage is located, or an agricultural zone, shall be screened from view from the said street or lot through the erection and maintenance of a fence having a minimum height of 2 m (6.6 ft).

### **6.16.3 Surface Treatment**

- (1) Any permitted open storage area, or vehicular access thereto, involving the storage, parking or display of motor vehicles for the purpose of sale, lease, rental, washing, service or repair, or any primary means of vehicular access to any permitted open storage area, shall be constructed and maintained with a stable surface of crushed stone or gravel adequately treated to prevent the raising of dust

or loose particles, and shall include provisions for adequate drainage facilities.

#### **6.16.4 Parking and Loading Spaces to be Preserved**

- (1) Unless otherwise permitted, any areas used for permitted open storage shall be in addition to and separate from such areas as may be required by this By-law for the provisions of off-street parking or loading spaces.

#### **6.16.5 Lighting**

- (1) Where lighting facilities are provided in conjunction with any permitted open storage, such lighting shall be so arranged as to project light only onto the open storage area and away from any adjoining lands or the sky.

#### **6.17 ORNAMENTAL STRUCTURES**

- (1) A statue, monument, cenotaph, fountain or other such memorial or ornamental structure endorsed by the Corporation may be permitted in all zones subject to the building permit process.

#### **6.18 PERMITTED PROJECTIONS ABOVE THE HEIGHT LIMIT**

- (1) The maximum height limits do not apply to the structures listed below or to any other similar structures that may require a height in excess of a maximum height limits in order to serve their intended purpose, unless otherwise specified in the By-law and provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve:
  - barn, silo, or other farm-related buildings or structures
  - bridge
  - chimney or smokestack
  - clock tower, church spire, steeple or belfry
  - construction equipment during the construction process
  - mechanical and service equipment or penthouse, elevator or stairway penthouses
  - flagpole
  - hydro and other utility transmission and distribution towers
  - landscaped areas, rooftop gardens and terraces and associated safety guards and access structures
  - ornamental dome, skylight, cupola or parapet
  - solar panels or solar collectors
  - utility poles
  - television, radio or telecommunication antenna, excluding a satellite dish or tower antenna accessory to a permitted use in a residential zone
  - water tower
  - wind turbine and tower on a lot greater than 0.8 ha in area.

- (2) Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transportation or practices recommended by the Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

### 6.19 PERMITTED PROJECTIONS INTO REQUIRED YARDS

- (1) Despite any other provision to the contrary, the following features and other similar features are permitted to project from a principal building into a required yard in accordance with Table 6.19. Where no yard setback is specified, the provisions of Table 6.19 do not apply. This section does not apply to:
- (a) accessory buildings which are regulated by Section 6.1, except for projections set out in row (2) of Table 6.19 [By-law #18-77]; and
  - (b) the projection of any structure listed in Table 6.19, row (6) into the minimum required setback from watercourses or waterbodies.

#### TABLE 6.19 – PERMITTED PROJECTIONS INTO REQUIRED YARDS

[Amended by By-law #12-49 amended by By-law #18-77 & further amended by By-law #23-078 as indicated in the table]

I Feature	Maximum Size and Extent of Projection	
	II For Residential Use Buildings	III For All Other Buildings
(1) Chimney, chimney box and fireplace box	1 m, but not closer than 0.3 m to a lot line	2 m, but not closer than 0.6 m to a lot line
(2) Eaves, eavestroughs and gutters	1 m, but not closer than 0.3 m to a lot line	2 m, but not closer than 0.3 m to a lot line
(3) Ornamental elements such as sills, belt courses, cornices, parapets and pilasters	0.6 m, but not closer than 0.3 m to a lot line	1.2 m, but not closer than 0.6 m to a lot line
(4) Canopies and awnings	(a) Residential use buildings other than low-rise apartment dwellings and mid-rise apartment dwellings: 1.8 m, but not closer than 3 m to a lot line (b) All other buildings including a low-rise apartment dwelling and mid-high-rise apartment dwelling: (i) a distance equal to ½ the depth of a front, rear or exterior side yard but not closer than 3 m to a front lot line and 0.6 m to a rear or exterior side lot line, and (ii) 1.8 m into an interior side yard, but not closer than 0.6 m to a side lot line	
(5) Fire escapes, open stairways, stoop, landing, steps and ramps	(a) Wheelchair ramps – no limit (b) Other features: at or below the floor level of the first floor – no limit; other cases 1.5 m, but not closer than 1.0 m to a lot line	

<p>(6) Covered or uncovered balcony, porch and deck, including those with a minimum of 1 unenclosed side, where sides are limited to 1.8 metres in height or guardrails not exceeding 1.2 metres [By-law #26-018]</p>	<p>a) Project up to 3.0 metres into the provided front yard and no closer than 3.0 metres to the front lot line, or in the case of a provided front yard setback that is less than 5.0 metres no closer than 2.0 metres to the front lot line;</p> <p>b) No closer than 2.0 metres to the rear lot line;</p> <p>c) No closer than the minimum required interior side yard setback;</p> <p>d) Project up to 2.0 metres into the provided exterior side yard and no closer than 2.0 metres to the exterior side lot line, or in the case of a provided exterior side yard setback that is less than 4.0 metres, no closer than 1.0 metre to the exterior side lot line; and</p> <p>e) Notwithstanding provision (c), if the principal use of the building is a semi-detached dwelling, vertically separated triplex or fourplex, or townhouse dwelling:</p> <ul style="list-style-type: none"> <li>i. Where uncovered, no limit to the shared interior lot line;</li> <li>ii. Where covered, no closer than 1.0 metre to the shared interior lot line</li> </ul> <p>f) Notwithstanding provision (b), where covered, and with a walking surface greater than 0.6 metres in height:</p> <ul style="list-style-type: none"> <li>i. 3.65 metre maximum projection into the required rear yard, but no closer than 2.0 metres to the rear lot line.</li> </ul> <p>[By-law #26-018]</p>		
<p>(7) Bay window where window faces a lot line</p>	<p>1 m, but not closer than 3 m from a front lot line and 1.2 m from all other lot lines</p>	<p>No restriction</p>	
<p>(8) Features incidental to home design (including but not limited to window wells, gas metres, air conditioning units, exhaust, solar panels, heat pumps, or similar equipment) [By-law #18-77].</p>	<p>(a) 1 m, but not closer to a lot line than 0.6 m, and may not be located in a front yard or a corner side yard;</p> <p>(b) notwithstanding, no projection shall obstruct an easement or legal right-of-way [By-law #18-77].</p>	<p>(a) In a yard abutting a residential use – 1 m, but not closer to a lot line than 0.3 m;</p> <p>(b) Other cases – no restriction;</p> <p>(c) notwithstanding, no projection shall obstruct an easement or legal right-of-way [By-law #18-77].</p>	
<p>I Zoning Mechanism</p>	<p>II R1, R2, R3, LSR, V</p>	<p>III A, C1, M3, EP, MP, MQ, MR, RU, C5, M4, RR</p>	<p>IV All Other Zones</p>
<p>(9) Pergolas and other structures above the walking surface of a deck or porch</p>	<p>a maximum height of 2.5 metres above the walking surface of a deck or porch</p>		

## 6.20 PLANTING AREAS

- (1) Except in the Downtown Commercial Zone, where any lot in a Commercial, Business Park, Shopping Centre or Industrial Zone abuts a lot in a residential zone or where any lot used for institutional purposes abuts a lot in a residential zone, then a continuous strip of landscaped open space having a minimum width of 3 m (9.8 ft) shall be provided along the abutting lot line.
- (2) In a yard in any non-residential zone except the Downtown Commercial Zone, where the required parking abuts a lot in a residential zone, then a continuous strip of landscaped open space a minimum width of 3 m (9.8 ft) shall be provided along the abutting lot line.
- (3) In any zone where the required parking abuts a street, then a strip of landscaped open space a minimum width of 1.5 m (4.9 ft) shall be provided along the lot line abutting the street and the landscaped strip shall be continuous except for aisles and driveways required for access to the parking area.
- (4) In the Downtown Commercial Zone, where any lot abuts a lot in a residential zone, a visual barrier a minimum of 1.5 m (4.9 ft) in height shall be established along the lot line.
- (5) In all cases where driveways or walks extend through the landscaped open space, it shall be permissible to interrupt the strip within 3 m (9.8 ft) of the edge of such driveway or within 1.5 m (4.9 ft) of the edge of such walk.
- (6) No accessory use shall be permitted to locate within the required landscaped open space.
- (7) A Planting Area referred to in this subsection may form part of any Landscaped Open Space required by this By-law.
- (8) A private buffer strip consisting of a 1.5 m (min.) berm, 1.5 m privacy fence and plantings providing a minimum 70% screen must be included between active agricultural land and new residential development. When the buffer strip is incorporated into private residential lots, these lots should have a minimum depth of 40 m and include a 10 m “no-build” buffer strip adjacent to the agricultural land.
- (9) The retention and/or establishment of mature tree cover and native shrubs and vegetative cover on lands within 15 m of a highwater mark of a water resource is required as part of any development application. Notwithstanding the 15 m vegetative buffer, a water access area of a maximum of 9 m in width may be permitted provided the natural shoreline is protected and balance of waterfront is maintained in a natural state.

## 6.21 PROVISIONS FOR THE HANDLING AND TRANSFER OF PROPANE AND NATURAL GAS

- (1) Facilities relating to the handling and transfer of propane and natural gas, including tanks and associated compressors, pumps and other similar facilities, must not be

located in any required front, side, corner side or rear yard, nor closer than 30 m to any lot line abutting a residential zone.

- (2) Despite subsections (1), the minimum of 30 m may be reduced to a minimum of 15 m where it can be demonstrated that appropriate noise abatement measures have been undertaken to ensure that noise levels at the boundary of the residential zone do not create a nuisance for uses in that abutting residential zone.

## 6.22 REDUCTION OF REQUIREMENTS

- (1) No person shall:
  - (a) change the purpose for which any lot, building or structure is used, or
  - (b) erect any new building or structure, or
  - (c) add to or take away from any existing building or structure, or
  - (d) reduce any lot in area by conveyance or alienation of any portion thereof or otherwise,

if the effect of such action is to cause the original, adjoining, remaining or new building structure or lot to be in contravention of this By-law.

- (2) In the event that a contravention of this By-law occurs as a result of any action described in Section 6.22(a), no building or structure located on the lot shall thereafter be used until the requirements of this By-law applicable thereto are complied with.
- (3) The provisions of Section 6.22(a) and 6.22(b) shall not apply to lands severed pursuant to the provisions of the *Expropriations Act* or to street widening acquired by a governmental authority.

## 6.23 SENSITIVE LAND USE SETBACK FROM MINERAL AGGREGATE ZONES

- (1) Despite any other provisions to the contrary, no new building consisting of a sensitive land use (e.g. dwelling, dwelling units or rooming units) may be constructed any closer than:
  - (a) 150 m for licensed pits above the water table in the Mineral Aggregate Pit (MP) Zone, or
  - (b) 300 m for licensed pits below the water table in the Mineral Aggregate Pit (MP) Zone, or
  - (c) 300 m to an Aggregate Resource-Pit Reserve (MR) Zone, or
  - (d) 500 m for licensed quarries above or below the water table in the Mineral Aggregate Quarry (MQ) Zone, or
  - (e) 500 m for Aggregate Resource-Quarry Reserve (MR) Zone.
- (2) Where development is on an existing lot of record and separation distances cannot be achieved, development may take place within the separation distance subject to the approval of the Committee of Adjustment. Such development shall be permitted only if:
  - (a) the resource use would not be feasible; or

- (b) the proposed land uses or development serves a greater long-term public interest; and
- (c) issues of public health, public safety and environmental impact are addressed.

## **6.24 SETBACKS FROM WATERCOURSES AND WATERBODIES**

- (1) Despite the provisions of the underlying zone, the minimum setbacks set forth in subsection (2) must be provided to provide a margin of safety from hazards associated with flooding and unstable slopes and to help protect the environmental quality of watercourses and waterbodies.
- (2) Except for flood or erosion control works, or a public bridge or a marine facility, development shall be setback a minimum of 30 m from the highwater mark or 15m from the flood line, whichever is greater. Any septic tank or tile field shall be setback a minimum of 30 m from the highwater mark or 23 m from the flood line, whichever is greater.

### **6.24.1 Municipal Drains**

- (1) Notwithstanding any yard provisions of this By-law, except as otherwise provided, no person shall hereafter erect any permanent building or structure in any zone which is:
  - (a) closer than 15 m (49.2 ft) from an open municipal drain as defined in the *Drainage Act R.S.O. 1990*; or,
  - (b) closer than 8 m (26.2 ft) to an enclosed municipal drain as defined in the *Drainage Act R.S.O. 1990*.
- (2) Notwithstanding the above, no setback shall be required for public facilities such as drainage culverts, municipal, county or provincial bridges and other similar public facilities.

## **6.25 SETBACKS FROM WASTE DISPOSAL AREAS (WD) ZONE**

- (1) No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.
- (2) No building or structure used for human habitation shall be located closer than 200 m (656 ft) from any area zoned for and/or containing a licensed sewage treatment works or a closed waste disposal site either within or outside the limits of the Corporation.
- (3) Notwithstanding the above-noted section, nothing in this By-law shall prevent an addition or extension being made to an existing structure used for human habitation in compliance with the requirements of the applicable zone.

## **6.26 SETBACKS FROM ENVIRONMENTAL PROTECTION (EP) ZONE**

- (1) The Environmental Protection (EP) zone only applies to lands which have been

identified as provincially or locally significant wetlands.

- (2) Development within 120 m of a provincially significant wetland or 50 m of a locally significant wetland (adjacent lands) may take place in accordance with the land use zoning shown on the land use Schedules to this Plan only when it has been demonstrated through an Environmental Impact Assessment that there will be no negative effects on the natural features or ecological functions of these wetlands.
- (3) Notwithstanding Section 6.26(2), established agricultural uses, existing as of August 29, 2006, are permitted to continue within and adjacent to provincially and locally significant wetlands. New or expanded agricultural structures or the clearing or draining of lands within the limits of wetlands are prohibited.
- (4) Notwithstanding Section 6.26(2), minor expansions or alterations to existing buildings or structures or the construction of accessory buildings or structures is permitted within the adjacent lands without an environmental impact assessment.
- (5) Notwithstanding Section 6.26(4), no development is permitted within a 30 m setback from a wetland.
- (6) All development within 120 m of provincially significant wetlands or 50 m of a locally significant wetland shall be subject to the Site Plan Control By-law.

#### **6.27 SETBACK REQUIREMENTS, ADDITIONAL**

- (1) Notwithstanding any other provisions of this By-law, no persons shall hereafter, in any zone:
  - (a) erect any permanent residential building or structure closer than 30 m (98.4 ft) to the centreline of any County or Provincial Street, or
  - (b) erect any permanent non-residential building or structure closer than 45 m (147.6 ft) to the centreline of any County or Provincial Street, or
  - (c) erect any permanent building or structure closer than 10 m (33 ft) from the edge of the TransCanada Pipeline right-of-way. Accessory structures shall have a minimum setback of 3m (9.8ft) from the limit of the right of way, or
  - (d) erect any permanent residential building or structure closer than 90 m (295 ft) from the edge of a railway right-of-way within the Ramsay Ward and Pakenham Ward.
- (2) Subsection 6.27(a) shall not apply to prevent the erection of a building or structure between two existing buildings not more than 100 m (328 ft) apart closer to any County or Provincial Street than the average setback from such Street of the existing building, plus an additional 2 m (6.6 ft), but in no case closer than 23 m (75.5 ft).

#### **6.28 SEWAGE DISPOSAL SYSTEMS**

- (1) A private sewage disposal system may be permitted in all zones except the Environmental Hazard (EH) Zone and the Environmental Protection (EP) Zone. Notwithstanding the foregoing, new private sewage disposal systems shall not be permitted within the boundaries of the Almonte Ward (Schedule C).

## **6.29 SIGNS**

- (1) Nothing in this By-law shall apply to prevent the use of signs on any land, building or structure, but the erection, use and maintenance of such signs shall be subject to the provisions of the Sign By-law of the Corporation and the provisions of this By-law for Home Occupations and Sight Triangles. Notwithstanding the above, the County of Lanark Sign Policy shall prevail on streets under the County's jurisdiction and the MTO Sign Policy shall prevail on streets under the Province of Ontario jurisdiction.

## **6.30 SITE PLAN REQUIREMENTS**

- (1) No development shall take place on any parcel of land zoned as Site Plan Control Area in the Site Plan Control By-law unless the Council of the Corporation has approved such plans and drawings required under the provisions of the Site Plan Control By-law.

## **6.31 TEMPORARY USES, BUILDINGS OR STRUCTURES DURING CONSTRUCTION OR SPECIAL EVENTS**

- (1) Despite any provision to the contrary, the following temporary buildings, structures or equipment are permitted in any zone, except an EH or EP zone, during a period of construction or special events:
  - (a) the use of land or the use or erection of a temporary building, structure or equipment essential to the construction or special event in progress on that land;
  - (b) a temporary office for the sale of residential lots or residential units, and
  - (c) in a rural zone, a mobile home as temporary accommodation for a period not to exceed 24 months while a permanent dwelling unit is being erected on the same land.
- (2) The minimum yard setback provisions of the applicable zone and the parking provisions do not apply to these temporary buildings, structures or equipment.
- (3) These temporary buildings, structures or equipment may be located on lands only until such time as the work has been completed or abandoned or such buildings, structures or equipment are no longer required.
- (4) In the case of a temporary office for the sale of residential lots or residential units not situated in a zone where offices are a permitted use, such office must not exceed the height limit applicable to that zone.

## **6.32 SOURCE WATER PROTECTION OVERLAY**

[Originally 'Wellhead Overlays', amended by By-law #16-93]

- (1) The following provisions take precedence over the provisions of the underlying zone. They apply to land uses within an area affected by the Source Water Protection Overlay in order to restrict development in wellhead protection areas, intake protection areas, and areas where groundwater protection due to

vulnerability of aquifers or significant groundwater recharge areas as shown on the Schedules to this By-law to:

- (a) Provide for the protection of municipal water supplies from contamination
- (b) Prohibit the establishment or expansion of land uses that pose a risk of contaminating the groundwater or surface water that supply municipal drinking water systems
- (c) Require study within areas that are associated with either highly vulnerable areas or Significant Groundwater Recharge Areas prior to development being approved
- (d) Work with the Risk Management Official (RMO) to ensure that development within the overlay is only allowed to proceed once the development has received the appropriate approvals [*By-law #18-77*].

### **General Provisions**

The following General Provisions apply to the lands within the Source Water Protection (SWP) Overlay:

- (1) All applications for development within the Source Water Protection Overlay shall be accompanied by a completed Source Protection Activity Checklist unless exempted by the Municipality and/or the RMO.
- (2) No Building Permit or Site Plan Control approval shall be issued for any use within the Source Water Protection Overlay area without the prior review of the potential impact upon Source Water by the Municipality and/or the RMO.
- (3) Properties having parts lying within more than one sensitivity rating as shown on the SWP Overlay, or only having a part of the property within the SWP Overlay area, shall be subject to the restrictions applicable to the more sensitive rating, subject to the approval of the Municipality and/or the RMO.
- (4) Notwithstanding clauses 1 or 2 above, properties lying within the SWP Overlay area, other than Wellhead Protection Area A with a score of 10, may be developed for solely for residential purposes that are on full municipal water and sanitary sewer services without need for approval of a Source Protection Activity Checklist.
- (5) Any non-residential use that is proposed that has the potential to use, store or undertake the following types of activity, or which may use any of the items listed in this Section, shall be prohibited until it is demonstrated to the satisfaction of the Municipality and/or the RMO that the use does not represent a significant threat to drinking water:
  - (a) Waste disposal site
  - (b) Future Sewage Plants, storage and discharges, including industrial discharges, combined sewage discharges and sewage treatment plant by-pass discharge
  - (c) In WHPA-A and WHPA-B with a score of 10: the handling and storage of liquid fuel
  - (d) In WHPA-A and WHPA-B with a score of 10, or IPZ 9 or 8: livestock grazing
  - (e) In WHPA-A and WHPA-B with a score of 10, or IPZ 9: the application, storage or handling of commercial fertilizer to land

- (f) In WHPA-A and WHPA-B with a score of 10, or IPZ 9: the handling and storage of: pesticide, liquid fuel at private outlets, street salt, dense non-aqueous phase liquid (excluding incidental volumes for personal/domestic use), organic solvent
  - (g) Snow storage/disposal site.
- (6) Any non-residential use that has the potential to impact the supply of water by removing water from an aquifer without returning it to the same aquifer shall not be permitted unless it has been demonstrated to the satisfaction of the RMO that the use would not be a significant drinking water threat.
- (7) The installation of all types of earth energy systems is prohibited in WHPA-A and WHPA-B

### **Scope of Land Use Categories**

For the purposes of implementing Schedules D1, D2 and D3 of the Community Official Plan, and Appendices “L and “M” of the Source Protection Plan, Schedules H-1, H-2, and H-3 to this By-law describe the extent of the Source Water Protection Overlay.

### **6.33 YARDS AND OPEN SPACE TO BE RESERVED**

- (1) When any part of a lot is required by this By-law to be reserved as a yard or other open space, it shall continue to be used and maintained in all cases regardless of changes in ownership of such land or part thereof. The area for yards and other open space shall be computed using the area within the lot lines of the lot proposed for building purposes.

### **6.34 ZONING OVER WATERBODIES**

- (1) For the purposes of this By-law, all lands below the highwater mark where the flood plain has not been defined, or from the inland side of the flood line, are zoned Environmental Hazard Area.

## SECTION 7 – SPECIFIC USE PROVISIONS

### 7.1 AGRICULTURAL (A) AND RURAL (RU) ZONES

#### 7.1.1 Accessory Detached Dwellings

In the Agricultural (A) or Rural (RU) zones detached dwellings shall be considered as accessory uses when the principal use of the property is agricultural. Notwithstanding anything in this By-law as otherwise provided, a second single-detached dwelling may be erected on a lot with a minimum lot area of 40 ha, within the Agriculture (A) or Rural (RU) zones, provided one dwelling is occupied by the owner of the land and the other dwelling is occupied by a person or persons, whose principal occupation is involved in the agricultural operation. For the purpose of this provision, a mobile home may be used as a second accessory detached dwelling.

#### 7.1.2 Provisions for Liquid Manure Storage Facilities

In the Agricultural (A) or Rural (RU) Zone, no facility for the storage of liquid shall hereafter be constructed or altered except in accordance with the following provisions. The liquid manure storage facility shall:

- (a) be constructed of:
  - (i) reinforced concrete or corrosion proof steel using current Ontario Ministry of Agriculture, Food and Rural Affairs plans or plans individually stamped by a professional engineer, or;
  - (ii) properly compacted clay which meets or exceeds the Ontario Ministry of Agriculture, Food and Rural Affairs' guidelines on earthen manure storage.
- (b) have walls that
  - i) extend 1.5 m (4.9 ft) or more above the surrounding grade level; with solid continuous fencing of plywood, metal panelling, or other suitable material, erected on top of or in contact with these walls extending 1.2 m (3.9 ft) or more above the top edge of these walls; thus providing a windbreak for a total height of 2.7 m (8.8 ft) above the surrounding grade level, or
  - ii) extend 0.25 m (0.8 ft) or more above the surrounding grade level; and have a solid cover of plywood, metal panelling or other suitable material erected on top of these walls; thus providing an effective top seal for the storage facility, and
- (c) have a safety sign warning of toxic gases installed at every access;
- (d) be adequate in size to contain the total amount of manure generated in any 240-day period by the agricultural operation;
- (e) be sealed to prevent surface drainage or groundwater from gaining access;
- (f) be erected not less than 100 m (328 ft) from any lake, stream, pond, or municipal drain;

- (g) be erected in accordance with the setback requirements of the Minimum Distance Separation Formula II;
- (h) a covered storage facility shall have:
  - (i) access ports that weigh at least 20.4 kilograms (45 pounds) and are attached by a chain to the storage top; and
  - (ii) a cover strong enough to support all vehicles and animal load or is protected by a safety fence and permanent warning signs.
- (i) an uncovered storage facility has walls or gates that:
  - (i) extend 1.5 m (4.9 ft) above adjacent ground level;
  - (ii) are constructed of concrete or other materials with an opening less than 10 centimetres (4 inches) in size; and
  - (iii) have three (3) strands of barbed wire on top, if fence is climbable.
- (j) notwithstanding the foregoing paragraphs, liquid manure storage lagoons may be permitted provided that solid continuous fencing of plywood, metal panelling, or other suitable material extending to a height of at least 1.5 m (4.9 ft) above the surrounding grade level, is erected around the perimeter of such lagoon and provided that such lagoon is located not less than 60 m (196.8 ft) from any lake, stream, pond, municipal drain, or the edge of an Environmental Protection Area Zone boundary, whichever is greater.

### **7.1.3 Existing Lots**

- (a) In the Agricultural (A) or Rural (RU) Zones, an existing lot, or a lot created by the Lanark Land Division Committee, may be used for any non-residential use permitted by the applicable zone notwithstanding that such lot may have a lesser lot area and/or frontage than the minimum required by the applicable zone, provided that all other provisions of this By-law are complied with, including the Minimum Distance Separation provisions of Section 6.10.
- (b) In the Agricultural (A) or Rural (RU) Zone, an existing lot or a lot created by the Lanark Land Division Committee may be used for non-farm residential purposes, notwithstanding that such lot may have lesser lot area and/or frontage than the minimum required and provided that such lot and building conforms to the provisions for non-farm residential uses of the zone and all other provisions of this By-law, including the Minimum Distance Separation provisions of Section 6.10.

### **7.1.4 Nutrient Units On Lots Under 4 Hectares (10 Acres)**

On lots within the Agricultural (A) or Rural (RU) zone that are under 4 ha (10 ac) in size, the maximum number of nutrient units permitted shall be limited to 1 nutrient unit per 0.4 ha (1 ac) of land [*By-law #18-77*].

## **7.2 AUTOMOBILE SERVICE STATIONS, GAS BARS, ETC.**

- (1) Where automobile service stations, gas bars and retail propane/compressed

natural gas transfer facilities are permitted in this By-law, the following provisions shall apply:

- a) The minimum lot frontage shall be 38 m (124.7 ft) when on municipal services and 45 m (147.6 ft) while on private services;
- b) The minimum yard requirements for the main building shall be as follows:
  1. front yard depth 7.5 m (24.6 ft)
  2. exterior side yard width 7.5 m (24.6 ft)
  3. interior side yard width 3.5 m (11.5 ft) except where the yard abuts a Residential Zone or residential use, the minimum shall be 7.5 m (24.6 ft)
  4. rear yard depth 7.5 m (24.6 ft)
- c) The minimum distance between any portion of a fuel pump island and any front or exterior side lot line shall be 6 m (19.7 ft).
- d) The minimum distance between any portion of a fuel pump island and any rear or interior side lot line shall be 4.5 m (14.8 ft).
- e) Where the lot is a corner lot, no portion of any pump island shall be located closer than 3 m (9.8 ft) to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being 15 m (49.2 ft) distant from the intersection of such lines.
- f) The minimum distance between a driveway and the intersection of street lines, measured along the street line shall be 4.5 m (14.8 ft).
- g) The minimum interior angle of intersection between a driveway and a street line shall be 45 degrees and the maximum interior angle between a driveway and a street line shall be 90 degrees.

### **7.3 COMMERCIAL, VILLAGE & INDUSTRIAL ZONES**

#### **7.3.1 Lighting**

Where lighting facilities and/or illuminated signs are provided, they shall be so arranged to minimize the possibility of glare to car passengers or pedestrians in the vicinity.

#### **7.3.2 Hold for future use.**

#### **7.3.3 Accessory Detached Dwelling**

A detached dwelling, accessory to a non-residential use shall be located on the lot so that there is a private amenity area abutting each exterior wall which is measured as though the detached dwelling is located on a separate lot in accordance with the zone provisions for the Residential Type 2 (R2) zone.

### 7.3.4 Existing Lots

In any Commercial Zone where an existing lot has a lesser area and/or frontage than required in the applicable Commercial Zone, such lot may be used in accordance with the applicable zone provided that all other requirements of this By-law are complied with.

## 7.4 UTILITY INSTALLATIONS

- (1) A utility installation is permitted in all zones other than EP, MP, MQ or MR subject to the following provisions:
  - (a) the form and appearance of any building containing the utility installation must blend in with surrounding development and must comply with zone setback provisions.
  - (b) no offices, maintenance uses or indoor or outdoor storage facilities are permitted except where otherwise allowed in the zone; and
  - (c) no dust, smoke, noise or odour may be produced that is likely to be dangerous or obnoxious.
- (2) Despite subsection (1), utility installations that are subject to the requirements of the *Environmental Assessment Act* are permitted in all zones, and are not subject to the provisions of this Section.
- (3) A utility installation need not comply with the minimum lot area and minimum lot width specified for the zone in which it is located.
- (4) Hydro distribution and transmission and telecommunications towers providing service from utility operators may exceed the height limit applicable to the zone, but must not be higher than is necessary to operate effectively and safely.
- (5) Parking need only be provided on the basis of the actual gross floor area of the utility installation.
- (6) Despite subsection (1), poles, pedestals, drop line, cables, pipelines, kiosks, cabinets and other similar equipment used to provide services from a utility installation to a use, building or structure are not considered to constitute a utility installation and are not subject to the provisions of this Section.
- (7) Despite subsection (1), electrical substations are not permitted within the EH zone.

## 7.5 WAYSIDE PITS AND WAYSIDE QUARRIES

- (1) Wayside pits, wayside quarries and related portable plants and portable concrete plants are permitted in all zones other than EP.
- (2) Where a wayside pit, wayside quarry, portable asphalt plant or portable concrete plant is located on prime agricultural lands, the site shall be rehabilitated in accordance with Section 3.5.6 Aggregate Extraction on Prime Agricultural Lands of the Community Official Plan.

## SECTION 8 – RESIDENTIAL PROVISIONS

### 8.1 AMENITY AREA

- (1) Amenity area must be provided for residential use that is a permitted use in the zone in which it is located, in accordance with Table 8.1.
- (2) Amenity area must be located on the same lot as the use for which it is provided.
- (3) Amenity area provided outdoors must not be located in a required front or exterior side yard.
- (4) Where amenity area is located outside at grade, it may be included in the calculation of landscaped area requirements.
- (5) Minimum required communal amenity area may only be included as part of a required landscape buffer where it is aggregated into areas of 54 m<sup>2</sup> or more.

**TABLE 8.1 – AMENITY AREA**

I Land Use	II Total Amenity Area	III Communal Amenity Area	IV Layout of Communal Amenity Area
(1) Apartment building, low-rise more than four dwelling units (2) Retirement Home (3) Retirement Home, Converted	6 m <sup>2</sup> per dwelling unit, and 10% of the gross floor area of each rooming unit	A minimum of 50% of the required total amenity area	Where more than one aggregated area is provided, at least one must be a minimum of 54 m <sup>2</sup> [By-law #18-77].
(4) Residential Care Facility	10% of the gross floor area of each rooming unit	All of the total amenity area	
Other Uses	Not required		

### 8.2 BED AND BREAKFAST

- (1) Where listed as a permitted use, a bed and breakfast business may be conducted within a detached dwelling provided that:
  - (a) The lot and detached dwelling in which the Bed and Breakfast establishment is located must meet all the requirements of the zone in which it is located.
  - (b) No person, other than members of the household who operate the establishment shall be employed except as is necessary for housekeeping

purposes.

- (c) Each guestroom shall have a minimum floor area of 10.5 m<sup>2</sup> (113ft<sup>2</sup>).
- (d) Guestrooms are not permitted within an attic.
- (e) No Bed and Breakfast shall provide more than 3 guestrooms for overnight accommodation.
- (f) No food or drink shall be offered or kept for sale for persons who are not guests of the establishment.
- (g) A sign shall be permitted provided such sign is not greater than 0.3 m<sup>2</sup> (3.23 ft<sup>2</sup>) in area.
- (h) A maximum eight (8) guests shall be permitted to stay within a Bed and Breakfast.

### **8.3 CONVERSIONS**

- (1) A residential use building may be converted to any residential use permitted in the residential zone or exception zone in which it is located, and may be enlarged to the full building envelope permitted in the zone for the original residential use building that existed prior to conversion.
- (2) Subsection (1) applies, with all necessary modifications, to a non-complying residential use building as long as the conversion does not increase the degree to which the building is non-complying.
- (3) Any conversion that results in the creation of a retirement home, converted; rooming house, converted; or converted dwelling must be serviced with public sewer and water, except in the V – Village Core Zone, where such uses may be permitted, if listed as permitted uses, on approved private services where public services are not available.
- (4) A residential use building converted under subsection (1) must, after conversion, continue to meet the lot area, lot width, height and yard setback provisions, applicable to the original residential use for which the building was used prior to conversion.
- (5) A building converted under subsection (1) must, after conversion, meet the parking provisions that apply to the newly converted use.
- (6) Where a residential use building, located in a residential zone, is converted to a retirement home, converted; rooming house, converted; or group home, such uses must occupy the whole of the building.
- (7) A residential use building converted pursuant to this section is not permitted to have any additional new driveway, except in the case of an exterior lot, where such new driveway may only be created in the yard that did not contain a driveway prior to the conversion.

- (8) A residential use building converted pursuant to this section is not permitted to have any new doorway entrance added to a front wall, whether before, during or after conversion.
- (9) Subsection (8) does not,
- (a) prohibit the conversion of a building that originally contained more than one doorway entrance in a front wall, nor
  - (b) require the removal of a doorway entrance to a building that already contained more than one entrance in a front wall, nor
  - (c) prohibit an internal lobby or vestibule with one doorway entrance in the front wall, nor
  - (d) prohibit a new doorway entrance added to a front wall where one previously did not exist.

#### 8.4 DAY NURSERIES

- (1) Where permitted, day nurseries are subject to the following provisions:
- |    |                                    |                    |                          |
|----|------------------------------------|--------------------|--------------------------|
| 1. | Lot Area (minimum)                 | 465 m <sup>2</sup> | (5,005 ft <sup>2</sup> ) |
| 2. | Lot Frontage (minimum)             | 15 m               | (49.2 ft)                |
| 3. | Front Yard Depth (minimum)         | 6 m                | (19.7 ft)                |
| 4. | Exterior Side Yard Width (minimum) | 6 m                | (19.7 ft)                |
| 5. | Interior Side Yard Width (minimum) | 3 m                | (9.8 ft)                 |
| 6. | Rear Yard Depth (minimum)          | 8 m                | (26.2 ft)                |
| 7. | Landscaped Open Space (minimum)    | 30%                |                          |
| 8. | Height of Building (maximum)       | 11 m               | (36.1 ft)                |
- (2) A private home day care, as herein defined, shall be permitted in any dwelling unit as a home-based business in accordance with the provisions of Section 8.9.

#### 8.5 DWELLING UNITS BELOW GRADE

*Repealed by By-law #19-14*

#### 8.6 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

- (1) Where the front yard setback of at least one of the residential lots on either side of another residential lot is less than the required front yard setback for the zone but was lawfully established, the front yard setback for the middle residential lot may be reduced to the greater of,
- (a) 1.5 m, or
  - (b) the average of the two front yard setbacks of the other two lots.
- (2) Where one of the lots on either side of the middle lot mentioned in subsection (1) is vacant, and the other lot is less than the required front yard setback for the zone but was legally established, the front yard setback for the middle lot may be reduced to the greater of,

- (a) 1.5 m, or
  - (b) the average of the required front yard setback for the zone and the front yard setback of the lot that is not vacant.
- (3) Subsections (1) and (2) apply to both an addition to a residential building or to a new residential building on the middle lot.
- (4) Where the front yard setback of the residential lot abutting a corner lot is less than the required front yard setback for the zone, either the exterior side yard setback or the front yard setback of an exterior lot may be reduced to the greater of,
- (a) 1.5 m, or
  - (b) the front yard setback of the abutting residential lot that faces the same street, but only one of the yards abutting a street is permitted this reduced setback.

## 8.7 GARDEN SUITES

- (1) A garden suite is only permitted where a site-specific, temporary zoning by-law allows one.
- (2) Garden suites are subject to a legal agreement between the Municipality and the owner of the main dwelling. The agreement is registered on title, stipulating the name of the tenant, the period of time the agreement is in effect (up to a maximum of ten years), the removal and restoration of the property once the unit is removed, and penalties that will be invoked for failure to comply with the terms of the agreement.
- (3) Where a garden suite is permitted by the temporary zoning mentioned in subsections (1) and (2), the following provisions apply:
- (a) only one garden suite is permitted per lot;
  - (b) the garden suite must be on the same lot as a principal residential use building;
  - (c) the principal residential use building must be either a detached dwelling or a semi-detached dwelling;
  - (d) the detached dwelling or semi-detached dwelling must be a permitted use in the zone;
  - (e) the garden suite must comply with the regulations set out in Table 8.7; and
  - (f) despite subsection (3) (e), these regulations may be varied on a site-specific basis through the temporary zoning by-law;
  - (g) garden suites are not subject to Official Plan density calculations.
- (4) Subsection (3) does not preclude both units of a semi-detached dwelling having a garden suite.
- (5) A garden suite is not permitted on a lot containing an additional residential unit.

### TABLE 8.7 – PROVISIONS FOR GARDEN SUITES

I Zoning Mechanism		II Provision
(1) Maximum height		4.6 m and 1 storey
(2) Permitted Location		In the rear yard only
(3) Minimum Setback	(a) From a side lot line	Same as a principal building
	(b) From a rear lot line	2.3 m
(4) Maximum Lot Coverage		(i) 35% of the area of the rear yard (ii) a garden suite is not included in the calculation of any other maximum lot coverage requirements
(5) Minimum distance from any other building on the lot		1.2 m
(6) Driveways		No driveway, other than one already on the lot prior to the installation of the garden suite, is permitted
(7) Maximum floor area		65% of the gross floor area of the principal building on the lot
(8) Parking		No additional parking is required

## 8.8 GROUP HOMES

- (1) Type A Group Homes may be a permitted use in all zones in which a single detached dwelling is permitted as a principal use in accordance with the following provisions.
- (a) Type A Group Homes shall not be permitted in accessory single detached dwelling houses nor in accessory dwelling units.
  - (b) Type A Group Homes may be permitted in single-detached dwellings and in both units of semi-detached and duplex dwellings, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten [By-law #18-77].

## 8.9 HOME-BASED BUSINESS - DOMESTIC AND HOUSEHOLD ARTS

- (1) Where listed as a permitted use, a home-based business - domestic or household art may be conducted within a dwelling unit and may include dressmaking and tailoring, private home daycare, instruction in the arts and crafts, painting, sculpting, pottery, picture framing, furniture refinishing and repair, catering (preparation of food to be served elsewhere), yoga or other personal fitness instruction, in accordance with the following provisions.
- (a) The said dwelling unit is occupied as a place of residence by the individual operating the home-based business.
  - (b) Not more than thirty-five percent (35%) of the gross floor area of the dwelling, or 65 m<sup>2</sup> whichever is the lesser, is devoted to the business.

- (c) The business is carried on by at least one member of the household residing on the premises.. Two additional employees, other than a household member residing on the premises, shall be permitted provided one additional parking space is provided on the lot.
- (d) There is no display of goods or advertising other than a plate or sign which is not larger than 0.3 m<sup>2</sup> in area, not flashing or back lit. Signs shall adhere to the Municipality's Sign By-law provisions.
- (e) The rental or retail sales permitted as part of a home-based business shall be limited to those items produced, assembled, repaired or otherwise has value added to, within the dwelling unit or is associated with a service being provided as part of the home-based business.
- (f) There is no outside storage of goods or material, except for child play furniture and structures for a Private Home Daycare use.

### **8.10 HOME-BASED BUSINESS - PROFESSIONAL USES**

- (1) Where listed as a permitted use, Home-Based Business - Professional Use may be carried on within a dwelling unit by professional practitioners such as trades persons, accountants, architects, auditors, engineers, insurance agents, land surveyors, lawyers, notaries, realtors, medical practitioners, chiropractors, dentists, veterinarians, photographers, professional consultants, telecommuters, and hairdressers for professional purposes in accordance with the following provisions:
  - (a) The said dwelling unit is occupied as a place of residence by the professional user.
  - (b) Not more than thirty-three percent (33%) of the gross floor area of the dwelling, or 60 m<sup>2</sup> (645 ft<sup>2</sup>) whichever is the lesser, is devoted to the business.
  - (c) The business is carried on by a member of the household residing on the premises and all articles sold are produced by members of the household. Two additional employees, other than a household member residing on the premises, shall be permitted provided one additional parking space is provided on the lot.
  - (d) The residential character of the dwelling is not changed, nor does the home-based business become a public nuisance, in particular, in regard to noise, traffic, vibration, fumes, dust, effluent, odour, or parking.
  - (e) There is no display of goods or advertising other than a plate or sign which is not larger than 0.3 m<sup>2</sup> (3.23 ft<sup>2</sup>) in area, not flashing or back lit. Signs shall adhere to the Municipality's Sign By-law provisions [*By-law #18-77*].
  - (f) No mechanical equipment is used except if reasonably consistent with the

use of a dwelling. The home-based business uses(s) shall not interfere with telephone, television, radio, or satellite reception.

- (g) The rental or retail sales permitted as part of the home-based business shall be limited to those items produced, assembled, repaired or otherwise has value added to, within the dwelling unit or is associated with a service being provided as part of the home-based business.
- (h) There is no outside storage of goods or material.
- (i) One off-street parking space is provided for every 19 m<sup>2</sup> (204.5 ft<sup>2</sup>) of floor space occupied by the professional use.
- (j) Where the Home-Based Business – Professional Use is in the form of a trades person business, the storage of equipment and material necessary to conduct the home-based business shall be permitted within an accessory building, provided the area devoted to the home-based business is not more than 100 m<sup>2</sup> (1076 ft<sup>2</sup>) and is confined by walls on all sides, and the accessory building complies with all other setbacks and provisions of this By-law [By-law #18-77].

### **8.11 HOME-BASED BUSINESS - RURAL BUSINESS**

- (1) Where listed as a permitted use, a Home-Based Business – Rural Business may be conducted within a dwelling, a farm building or an accessory building and shall be limited to welding, machining, seed dealing, small machinery repair, cabinet making, furniture making or repair, arts and craft studio, carpentry, the sale and service of equestrian equipment and trades person business purposes in accordance with the following provisions:
  - (a) The said dwelling unit is occupied as a place of residence by the professional user.
  - (b) Not more than thirty-three percent (33%) of the gross floor area of the dwelling is devoted to the business.
  - (c) Where the rural home-based business is located within an accessory building, such accessory building must be a minimum of 70 m (230 ft) from any part of a dwelling located on surrounding properties and must comply with all other setbacks and provisions of this By-law. Not more than 100 m<sup>2</sup> (1076 ft<sup>2</sup>), confined by walls on all sides, of an accessory building shall be devoted to a rural home-based business. Any change in use of an accessory structure to accommodate a rural home-based business will require a permit under the Building Code Act, Chap. 14, R.S.O. 1990 [By-law #18-77].
  - (d) The business is carried on by a member of the household residing on the premises and all articles sold are produced by members of the household. Two additional employees, other than a household member residing on the premises, shall be permitted provided one additional parking space is provided on the lot.

- (e) Such home industry is clearly secondary to the main use and does not change the rural character of the area.
- (f) There is no advertising other than a plate or sign which is not flashing or back lit and not larger than 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) in area and not flashing. Signs shall adhere to the Municipality's Sign By-law provisions [*By-law #18-77*].
- (g) The rental or retail sales permitted as part of the a home-based business shall be limited to those items produced, assembled, repaired or otherwise has value added to, within the dwelling unit or is associated with a service being provided as part of the home-based business.
- (h) There is no outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening.

### **8.12 HOME-BASED BUSINESS - FARM VACATION**

- (1) Where listed as a permitted use, a Home-Based Business - Farm Vacation business may be conducted within a farm dwelling provided that:
  - (a) The lot and detached dwelling in which the Home-Based Business - Farm Vacation establishment is located must meet all the requirements of the zone in which it is located.
  - (b) No person, other than members of the household who operate the establishment shall be employed except as is necessary for housekeeping purposes.
  - (c) Each guest room shall have a minimum floor area of 10.5 m<sup>2</sup> (113 ft<sup>2</sup>).
  - (d) Guestrooms are not permitted within an attic.
  - (e) No Home-Based Business - Farm Vacation shall provide more than 3 guestrooms for overnight accommodation.
  - (f) No food or drink shall be offered or kept for sale for persons who are not guests of the establishment.
  - (g) There is no display of goods or advertising other than a plate or sign which is not larger than 0.3 m<sup>2</sup> (3.23 ft<sup>2</sup>) in area, not flashing or back lit. Signs shall adhere to the Municipality's Sign By-law provisions [*By-law #18-77*].
  - (h) A maximum of eight (8) guests shall be permitted to stay within a Home-Based Business - Farm Vacation.

### **8.13 ONE DWELLING PER LOT**

- 1) Except where specifically permitted in this By-law, no more than one dwelling shall be located on a lot.

- 2) Notwithstanding Section 8.13(1), more than one dwelling may be permitted on a lot provided that all of the following are met:
- a. The lot is within an approved draft plan of subdivision;
  - b. The Subdivision Agreement and Subdivision Plan have been fully executed;
  - c. All required securities have been posted and any required Certificate of Insurance has been provided confirming that the required coverage levels have been secured, to the satisfaction of the Municipality;
  - d. Each dwelling is sited in accordance with the lot configuration shown in the approved draft plan of subdivision, and development shall not result in more than one (1) dwelling per lot following registration of the subdivision; and
  - e. Each dwelling complies with all provisions of this by-law following registration.

#### **8.14 OPEN STORAGE - RESIDENTIAL ZONES**

[Amended by By-law #18-77]

##### **(1) In any Residential Zone:**

- (a) No person shall block any required front yard or rear yard with the location of a building or structure, or by the storage of lumber, salvage or similar material.
- (b) No person shall use any lot for the parking or storage of any commercial vehicle in excess of 2000 kg (4409 lb) vehicle weight.
- (c) Notwithstanding the provisions of Section 8.12 (b), the occupant of any dwelling may use any garage situated on the same lot for the housing or storage of one commercial vehicle, not exceeding 4500 kg. (9920 lb) vehicle weight, which vehicle is operated by the owner.
- (d) No person shall use any lot for the outside parking or storage of:
  - (i) a motor vehicle which has had part or all of its superstructure removed;
  - (ii) a motor vehicle which is unlicensed.
- (e) No person shall use any lot for the purpose of outside parking or storage of a recreational vehicle, except as permitted below:
  - (i) one boat which shall not exceed 8.5 m (27.9 ft) in length;
  - (ii) one tourist vehicle which shall not exceed 8.5 m (27.9 ft) in length;
  - (iii) two snowmobiles;
  - (iv) one tourist trailer which shall not exceed 8.5 m (27.9 ft) in length, exclusive of hitch or tongue.

This provision shall not apply to prevent the parking or storage of one or more boats on a lot which abuts a shoreline.

##### **(2) In all zones in which a dwelling is permitted as a principal use:**

- (a) Where a recreational vehicle is parked in any yard on a lot, such vehicle shall not be used for living or sleeping accommodation for longer than

30 consecutive days by any person in transit between one place and another; but in no case shall such living or sleeping accommodation be leased or rented.

- (b) Where a lot has an area of 1ha or less, the parking or outside storage of a recreational vehicle may be permitted for a period of not more than 72 hours in any one calendar month in a front yard or exterior side yard.
- (c) Notwithstanding the foregoing, where a lot is used for a dwelling house or houses containing more than two (2) dwelling units, the limitations imposed herein shall not restrict the number of recreational vehicles that are stored on the lot provided the area, building or structure used for such storage complies with the yard provisions of the zone in which such area, building or structure is located and has been approved by the Corporation under a site plan agreement. Such area, building or structure shall be in addition to the required parking.

### **8.15 ROOMING UNITS IN PRIVATE DWELLINGS**

- (1) In the case of the R1, R2, R3, and R4 zones, up to three rooming units are permitted in a detached dwelling; and in each principal dwelling unit of a semi-detached dwelling, duplex dwelling, and townhouse dwelling.
- (2) In the case of the V, RU, and RR zones, up to two rooming units are permitted in a detached dwelling; and in each principal dwelling unit of a semi-detached dwelling and a duplex dwelling.
- (3) In no case, may the cumulative total of rooming units within the whole of one of the residential use buildings, listed in subsections (1) and (2) above, result in the creation of a rooming house, or rooming house, converted.
- (4) Rooming units are not permitted within additional residential units and garden suites.
- (5) Rooming units are not permitted on a lot containing an additional residential unit..

### **8.16 ADDITIONAL RESIDENTIAL UNITS**

- 1) An additional residential unit is permitted in any detached, semi-detached, row dwelling, townhouse or duplex dwelling, or in a building or structure ancillary to a detached, semi-detached or duplex dwelling in any zone that permits any one or more of these dwelling types.
- 2) A maximum of two additional residential units are permitted per lot, except in the case of vertically attached principal units, two additional residential units are permitted per principal dwelling unit.
  - a. Notwithstanding Section 8.16(2), a maximum of three additional residential units are permitted per lot with a primary detached dwelling in the urban settlement area of Almonte, provided the lot is zoned R1 or R2 and meets the minimum area and frontage requirements of the R1 zone for municipally serviced lots.

- 3) All additional residential units are subject to the following provisions:
- a. The entrance (doorway) to the additional residential unit within a single detached dwelling or demi-detached dwelling is provided in the side or rear yard and is not permitted within the front wall of the principal dwelling unit. For the purpose of single detached or semi-detached dwelling on an exterior lot, the location of the entrance to the principal dwelling is considered the front wall.
  - b. The additional residential unit is located on the same lot as a principal dwelling unit and is not a standalone, principal use capable of being severed.
  - c. The lot containing the principal dwelling unit and additional residential unit has frontage on a street which is an improved street and is part of the Corporation's approved street system.
  - d. The gross floor area of an additional residential unit located at or above ground is limited to an amount equal to 40% of the gross floor area of the principal dwelling unit except in the case of an additional residential unit located in a basement, with only the entrance at grade, may occupy the entire basement.
  - e. The principal dwelling unit shall be considered whichever dwelling unit has the greatest gross floor area.
  - f. A maximum of two additional residential units are permitted an ancillary structure.
  - g. A detached additional residential unit must be located within 40 metres of the principal dwelling unit.
  - h. A detached additional residential unit is subject to the performance standards outlined in Table 6.1A – 'Provisions for Accessory Uses, Buildings or Structures', subject to the following:
    - i. The floor area of the additional residential unit shall not apply to the calculation of Table 6.16A(6) – 'Maximum Cumulative Area of All Accessory Buildings Combined'
    - ii. The additional residential unit shall not apply to the calculation of Table 6.1A(7) – 'Maximum Number of Accessory Buildings Permitted on a Lot'
  - i. The additional residential unit must be connected to the existing water and sewer services for the principal dwelling unit subject to the following:
    - i. In the case of a lot serviced by private services (well and septic system) within the urban settlement area of Almonte, the principal dwelling unit must be connected to municipal services to permit an additional residential unit; or
    - ii. In the case of a lot connected to municipal services, servicing of the additional residential unit must be provided through the principal dwelling unit; or
    - iii. In the case of lot serviced by private services (well and septic system), at least one of the private services must be shared with the principal dwelling unit.
  - j. An additional residential unit is not permitted on a lot that is legally non-complying with respect to lot width or lot area.
  - k. An additional residential unit is not permitted where the existing residential use is a legal non-conforming use.
  - l. Where an additional residential unit is located on a lot, neither a garden suite nor any rooming units are permitted on that lot.

## 8.17 ACCESSORY APARTMENT

*[Section 8.1 added by By-law #18-77, sections that follow have adjusted accordingly]*

- (1) Accessory Apartments are subject to the requirements outlined under Section 8.16 of this By-law.
- (2) Notwithstanding Section 8.16(2), Accessory Apartments are permitted in the A and RU Zones.

## SECTION 9 – PARKING, QUEUING & LOADING SPACING PROVISIONS

### 9.1 GENERAL PARKING PROVISIONS

- (1) Parking, queuing and loading spaces and all driveways and aisles leading to those spaces must be provided for each land use in accordance with the provisions of Section 9 of this By-law, and
  - (a) must be set aside for and used exclusively for that purpose;
  - (b) must not be obstructed; and
  - (c) must be located on the same lot as the use or building for which they are provided, except where otherwise permitted.
  
- (2) Despite subsection (1), a seasonal garden centre or a temporary special event accessory to retail store, retail food store or shopping centre may be located such that it temporarily prevents the use of a portion of the required or provided parking spaces, aisles or driveways, provided that:
  - (a) the majority of the parking spaces continue to be available in compliance with this By-law;
  - (b) the garden centre or temporary special event does not obstruct access to a fire route.

No additional parking is required for these special activities or for an outdoor commercial patio. For the purpose of this Section, a temporary special event includes a seasonal or short-term fair, carnival, show, exhibit or other similar events.

- (3) All motor vehicle parking spaces and queuing and loading spaces must have unobstructed access directly to a public street by:
  - (a) a driveway or private way;
  - (b) an aisle leading to a driveway; or
  - (c) a public lane.
  
- (4) All motor vehicle parking spaces, queuing and loading spaces, and aisles and driveways leading to those spaces must have a surface which is:
  - (a) hard, stable and dust preventative in Almonte and Villages;
  - (b) usable in all seasons in the Rural area.

### 9.2 MINIMUM PARKING SPACE RATES

- (1) Off-street motor vehicle parking must be provided for any land use at the rate set out in Table 9.2 below. In addition, visitor parking must be provided in accordance with Section 9.3.
  
- (2) For the purpose of this Section, 0.5 m of fixed bench seating is equivalent to one fixed seat.

- (3) Despite subsection (1), where a restaurant, bar, place of assembly, place of worship or recreational and athletic facility is located within a shopping centre, and one or more occupancies of that same use comprise more than 30% of the gross leasable area of the shopping centre, then the minimum required parking for that use will be calculated at the parking rate specified for that use, and not at the shopping centre rate.
- (4) For uses that are not listed in Table 9.2, parking space rates for a comparable land use will be applied.

**TABLE 9.2 – MINIMUM PARKING SPACE RATES**

I Land Use	Minimum Number of Parking Spaces Required		
	II Almonte	III Villages	III Rural Areas
<b>Uses Related – Residential or in accordance with Section 9.3.3</b>			
Apartment – Low Rise	1.2 per dwelling unit		N/A
Back-to-Back Townhouse	1 per dwelling unit		
Bed and Breakfast	1 per dwelling unit plus 0.5 for each guest room [By-law #18-77]		1 per dwelling unit plus 1 per guest room
Converted dwelling, Dwelling Units, in the same building with other uses	0.5 per dwelling unit	1 per dwelling unit	
Detached dwelling	1 per dwelling unit		
Garden Suite	None		
Group Home	1 per 100 m <sup>2</sup> of gross floor area, minimum of 1		
Home-based Business	None	1 per home-based business	
Residential Care Facility	0.25 per dwelling unit or rooming units plus 1 per 100 m <sup>2</sup> of gross floor area used for medical, health or personal services		
Retirement Home, converted retirement home			
Rooming House, converted Rooming House	0.25 per rooming unit	0.5 per rooming unit	
Additional Residential Unit	One (1) per additional residential unit, on a lot containing a single detached dwelling or semi-detached dwelling, which shall not be located in tandem to the required principal dwelling unit parking rate.  In all other cases, one (1) per additional residential unit, which can be located in tandem to the required principal dwelling unit parking rate.		
Townhouse	1 per dwelling unit		
Triplex Dwelling	1 per dwelling		
Stacked Townhouse	1 per dwelling unit		
Semi-detached	1 per dwelling unit		

dwelling			
Duplex dwelling	1 per dwelling unit		
Fourplex dwelling	1 per dwelling unit		
<b>Use-Related Non-Residential</b>			
Agriculture Use	2 per farm plus 3 per 100 m <sup>2</sup> of floor area of farm produce outlet		
Agriculture Industrial Use	0.8 per 100 m <sup>2</sup> of gross floor area		
Airport	0.5 per 100 m <sup>2</sup> of gross floor area used for passenger terminal or aircraft hangar		
Amusement Centre Amusement Park	4 per alley, court, ice sheet, game table or other game surface plus 10 per 100 m <sup>2</sup> of gross floor area used for dining and assembly		
Animal Clinic	0.5 per 100 m <sup>2</sup> of gross floor area	4 per 100 m <sup>2</sup> of gross floor area	
Artist Studio	0.75 per 100 m <sup>2</sup> of gross floor area	2.5 per 100 m <sup>2</sup> of gross floor area	3.4 per 100 m <sup>2</sup> of gross floor area, minimum of 5 spaces
Automobile Body Shop	3 per serviced bay		
Automobile Dealership	1. sales/showroom area – 2 per 100 m <sup>2</sup> of gross floor area 2. other areas – 1 per 100 m <sup>2</sup> of gross floor area		
Automobile Rental Establishment			
Automobile Service Station	Greater of 1 per 100 m <sup>2</sup> of gross floor area or 2 per service bay		
Bank	2.5 per 100 m <sup>2</sup> of gross floor area	3.4 per 100 m <sup>2</sup> of gross floor area	
Bank Machine	None		
Bar	None	6 per 100 m <sup>2</sup> of gross floor area	
Campground	1 per camping site within campground		
Car Wash	None		
Catering Establishment	0.75 per 100 m <sup>2</sup> or 0.8 per 100 m <sup>2</sup> of gross floor area		
Cemetery	None		
Cinema	1 per 8 fixed seats		
Convenience Store	2.5 per 100 m <sup>2</sup> of gross floor area	3.4 per 100 m <sup>2</sup> of gross floor area	
Day nursery	2 per 100 m <sup>2</sup> of gross floor area		
Environmental Preserve and Education Facility	None		
Equestrian Establishment	None		
Fairground	None		
Forestry Operation	None		
Funeral establishment	0.75 per 100 m <sup>2</sup> of gross floor area	7 per 100 m <sup>2</sup> of gross floor area	
Golf Course	1 per 100 m <sup>2</sup> of gross floor area plus 4 per hole		

Heavy Equipment and Vehicle Sales, Rental and Servicing	0.75 per 100 m <sup>2</sup> of gross floor area	
Hospital	1.4 per 100 m <sup>2</sup>	
Hotel	1 per guest unit for up to 40 guest units, and 1 per 6 guest units over 40 units	1 per guest unit
Library	2.5 per 100 m <sup>2</sup> of gross floor area	
Light Industrial Use	0.8 per 100 m <sup>2</sup> of gross floor area	
Marine Facility	1 per 100 m <sup>2</sup> of gross floor area plus 1 per boat slip	
Medical Facility	4 per 100 m <sup>2</sup> of gross floor area	
Mineral Extraction Operation	None	
Municipal Service Centre	2 per 100 m <sup>2</sup> of gross floor area	
Museum	0.75 per 100 m <sup>2</sup> of gross floor area	2 per 100 m <sup>2</sup> of gross floor area
Nightclub	6 per 100 m <sup>2</sup> of gross floor area	
Office	1.8 per 100 m <sup>2</sup> of gross floor area	2.3 per 100 m <sup>2</sup> of gross floor area
Personal Service Business	2.5 per 100 m <sup>2</sup> of gross floor area	3.4 per 100 m <sup>2</sup> of gross floor area
Place of Assembly Place of Worship	10 per 100 m <sup>2</sup> of gross floor area of assembly area	
Post Office	2 per 100 m <sup>2</sup> of gross floor area	
Post Secondary Educational Institution	1 per 100 m <sup>2</sup> of gross floor area	
Printing Plant	0.8 per 100 m <sup>2</sup> of gross floor area	
Recreational and Athletic Facility	2 per alley, court, ice sheet, game table or other game surface plus 10 per 100 m <sup>2</sup> of gross floor area used for dining, assembly or common area	
Restaurant	3 for first 50 m <sup>2</sup> of gross floor area plus 10 per 100 m <sup>2</sup> of gross floor area over 50 m <sup>2</sup> of gross floor area	10 per 100 m <sup>2</sup> of gross floor area
Restaurant – Fast Food		
Restaurant – Full Service	5 per 100 m <sup>2</sup> of gross floor area	
Restaurant – Take Out	1.5 for first 50 m <sup>2</sup> of gross floor area plus 5 per 100 m <sup>2</sup> of gross floor area over 50 m <sup>2</sup> of gross floor area	5 per 100 m <sup>2</sup> of gross floor area
Retail Food Store	2.5 per 100 m <sup>2</sup> of gross floor area	3.4 per 100 m <sup>2</sup> of gross floor area
Retail Store		
School	Secondary School – 3 per classroom Others – 1.5 per classroom	
Service and Repair Shop	2.5 per 100 m <sup>2</sup> of gross floor area	3.4 per 100 m <sup>2</sup> of gross floor area

Shopping Centre	3.4 per 100 m <sup>2</sup> of gross leasable floor area	
Snow Disposal Facility	None	
Solid Waste Disposal Facility	None	
Sports Arena	1 per 4 fixed seats	
Storage Yard	1 per 100 m <sup>2</sup> of gross floor area	
Theatre	1 per 8 fixed seats	1 per 4 fixed seats
Training Centre	1.8 per 100 m <sup>2</sup> of gross floor area	2.4 per 100 m <sup>2</sup> of gross floor area
Utility Installation	0.5 per 100 m <sup>2</sup> of gross floor area	0.8 per 100 m <sup>2</sup> of gross floor area
Warehouse	0.5 per 100 m <sup>2</sup> of gross floor area	0.8 per 100 m <sup>2</sup> of gross floor area
Wayside Pit or Quarry	None	

### 9.3.1 Minimum Visitor parking space rates

- (1) In addition to the parking required under Section 9.2, off-street visitor motor vehicle parking must be provided for the land uses and at the rate set out in Table 9.3.

**TABLE 9.3 – MINIMUM VISITOR PARKING SPACE RATES**

I Land Use	Minimum Number of Visitor Parking Spaces Required
Apartment Building, Low-Rise	0.2 per dwelling unit
Townhouse	0.2 per dwelling unit

### 9.3.2 Accessible Parking Spaces

Included in the number of parking spaces required in Section 9.2 for all uses, save and except for Residential uses, shall be Accessible parking spaces designed in accordance with the following:

Parking Spaces Required per Section 9.2	No. of Accessible Spaces Required
9 or less	0
10-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401+	2% of the total

### 9.3.3 Cash-in-lieu of Parking

The Minimum Parking Requirements for Non-Residential Uses required herein may be reduced or waived provided the owner enters into an Agreement with the Corporation under Section 40 of the *Planning Act, RSO 1990*.

### 9.3.4 Parking Lot Required

Where more than three (3) parking spaces are required and such parking spaces are to be located together, such parking spaces shall be located in a parking lot or parking garage.

### 9.3.5 Calculation of Spaces

- (a) When a building or lot accommodates more than one use or purpose the required parking spaces shall be the sum total of the required parking spaces for the separate uses or purposes. Parking facilities for one use shall not be considered as providing required parking for any other use.
- (b) If calculation of the required parking spaces results in a fraction the required parking spaces shall be the higher whole number.

### 9.3.6 Size and Accessibility of Parking Spaces

Every parking space shall maintain a minimum area and width and shall be accessible from unobstructed manoeuvring aisles and shall be in accordance with the following regulations:

- (a) in the case of a private garage or carport, the minimum interior size of a parking space: 2.75 m x 5.75 m. Notwithstanding the interior size of the garage, the minimum width of a garage door: 2.4 m.
- (b) in the case of regular or angled parking spaces, consisting of a minimum width of 2.75 m and a minimum length of 5.75 m, with the parking space measured at right angles to the angle of parking; and
- (c) in the case of parallel parking spaces, consisting of a minimum width of 2.75 m and a minimum length of 6.7 m.
- (d) Notwithstanding the parking space size requirements listed above, the minimum parking space width for accessible parking shall be 3.9 m (12.8 ft). Where two or more angled accessible parking spaces are located together, the minimum parking space width shall be 3.2 m (10.5 ft).
- (e) Notwithstanding the parking space requirements listed above, for a parking lot with five or more spaces, 20% of the parking spaces may be provided as compact vehicle parking spaces. Where compact vehicle parking spaces are provided, they must be signed as such and consist of a minimum width of 2.4m and a minimum length of 4.6m.

### 9.3.7 Provisions and Location of Spaces

- (a) Parking spaces shall be provided at the time of erection, expansion, and/or conversion of any building or structure, or at the time any building or structure is enlarged.
- (b) Required parking in a Residential Zone shall be located on the same lot or within the same building as the use for which said parking is required.
- (c) Where the owner of a non-residential building or structure proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such shall be located not more than 150 m (492 ft) from the said lot. Where required parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be required to be dedicated parking under a long-term lease in favour of the property which requires the parking spaces and areas.
- (d) Unless otherwise provided for herein, uncovered parking spaces shall be permitted in yards in accordance with the following:
  - i) all yards, except in the required front yard unless located in a driveway leading to a required parking space
  - ii) For open space and commercial uses, all yards, provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line.
  - iii) For industrial and institutional uses interior side and rear yards only, except for visitor parking covering not more than 15% of the front yard area, provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line.

### 9.3.8 Application of Parking Requirements

- (a) The parking area requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area as it existed at such date is not increased and the building or structure is used for a purpose which does not require more parking spaces according to this section, than were required by its use at the date of passing of the By-law.
- (b) If a use is changed or a building is enlarged in floor area or there is an increase the number of dwelling units or otherwise as would require an additional number of parking spaces, then such additional parking spaces shall be provided based on said change of use or expansion. In the case of a change in use, the number of additional parking spaces required will be determined by calculating the difference between that which would be required by the new and the existing uses [By-law #18-77].
- (c) When a building or structure accommodates more than one type of use, the parking area requirements shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use.

### 9.3.9 Driveways

- (a) For all zones other than a Residential zone, a driveway leading to required and provided parking spaces shall be unobstructed and at least 3.0 m wide but not more than 9.0 m. the maximum width of a shared driveway is 9.0 m.
  - i. For Residential zones, a driveway leading to required and provided parking spaces shall be unobstructed and a minimum 3.0 m wide and maximum 6.5 m wide or 50% of the lot frontage, whichever is less. For corner lots with less than 60 m of frontage only one driveway is permitted. The maximum width of a shared driveway is 6.5 m.
- (b) For all other zones other than a Residential zone, all lots are limited to the following number of driveways:
  - 1. One driveway if the lot frontage is less than 60 m;
  - 2. Two driveways if the lot frontage is 60 m to 90 m;
  - 3. A maximum of three driveways if the lot frontage is greater than 90 m.
  - i. Residential zones are limited to the following number of driveways:
    - 1. One driveway if the lot frontage is less than 60 m
    - 2. A maximum of two driveways if the lot frontage is greater than 90 m
- (c) A driveway serving a residential use or in a Residential zone shall not be located closer than the required interior side yard setback or required corner side yard setback. Notwithstanding the foregoing, for those driveways which are abutting and service two lots, the setback shall be "nil". For those driveways located in the rear yard, the minimum rear yard setback shall be 1.2 m.
- (d) The minimum distance from a driveway and an intersection of two public streets, measured along the street line is 7.0 m, except for automobile service stations, gas bars and retail propane or compressed natural gas transfer facilities where the minimum is 4.5 m.
- (e) The minimum angle of an intersection of a driveway and a public street line is 60 degrees.
- (f) Parking lots serving any use other than a residential use with less than four units, shall be designed in such a manner that any vehicle entering or exiting a public street need not travel in a backwards manner.
- (g) A driveway serving a non-residential use shall not be located closer than 3.0 m to a lot which is in a Residential zone or a lot where a residential dwelling is the principal use.

### 9.3.10 Surfacing and Drainage of Parking Areas and Access Lanes

Each parking lot and driveway connecting the parking lot with a street shall be surfaced with asphalt, concrete, interlocking pavers or similar hard surfaces, except that in the case of a dwelling house containing not more than three dwelling units, such parking area and driveway may be constructed of any stable surface treated so as to prevent the raising of dust or loose particles. Drainage shall be provided so as to prevent the flow of surface water onto adjoining lots.

### 9.3.11 Illumination of Parking Areas or Driveways

When parking areas and/or driveways are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 9 m (29.5 ft) above the adjoining finished grade and light shall be directed downward only onto the parking area or driveway and away from any adjoining lands or the sky.

### 9.3.12 Aisle Widths

Aisles between parking spaces shall provide unobstructed access from each parking space to a driveway and shall be established on the basis of the following:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
0° to 55°	4.0 m
56° to 75°	5.8 m
90°	6.0 m

## 9.4 LANDSCAPING PROVISIONS FOR PARKING LOTS

- (1) Except in the case of an industrial zone, a minimum of 20% of the area of any parking lot must be provided as a perimeter or interior landscaped area comprised of the following [*By-law #18-77*]:
  - (a) a landscaped buffer must be provided between the perimeter of the parking lot and a lot line in accordance with Table 9.4. A driveway may cross the landscaped buffer;
  - (b) in addition to the landscaped buffer, interior landscaping may be provided including various landscaped islands, landscaped medians, pedestrian pathways or public plazas to meet the minimum 20% requirement;
  - (c) a landscaped island shall be located at the end of each parking aisle and shall be a minimum of 2.5 m wide and include one tree per parking row; and
  - (d) in the case of large-scale highway commercial and shopping centre developments, parking areas will be broken up into smaller areas separated by treed islands that are 1.8 m – 3.7 m wide, with trees every 7.6 m – 12.2 m.

**TABLE 9.4 MINIMUM REQUIRED WIDTH OF A LANDSCAPED BUFFER OF A PARKING LOT**

<b>I Location of Landscaped Buffer</b>	<b>II For a parking lot containing 10 or fewer spaces</b>	<b>III For a parking lot containing more than 10 but fewer than 100 spaces</b>	<b>IV For a parking lot containing 100 or more spaces</b>
Abutting a street		3 m	
Not abutting a street	1.5 m	3 m	5 m

- (2) All outdoor loading and refuse collection areas contained within a parking lot must:
- (a) be located at least 9 m from a lot line abutting a public street;
  - (b) be located at least 3 m from any other lot line;
  - (c) be screened from view by an opaque screen with a minimum height of 2m; and
  - (d) not be in a front yard [*By-law #18-77*]

## 9.5 BICYCLE PARKING SPACE RATES AND PROVISIONS

- (1) Bicycle parking must be provided for the land uses and at the rate set out in Table 9.5 for lands located within the Town of Almonte.

**TABLE 9.5 – BICYCLE PARKING SPACE RATES**

<b>I Land Use</b>	<b>II Minimum Number of Spaces Required</b>
Apartment building, low-rise	0.50 per dwelling unit
School	1 per 100 m <sup>2</sup> of gross floor area
Bank, convenience store, daycare, office, post office, post-secondary educational institution, restaurant, retail food store, retail store	1 per 250 m <sup>2</sup> of gross floor area
Library, municipal service centre, personal service business, service and repair shop, shopping centre	1 per 500 m <sup>2</sup> of gross floor area
Airport, hospital, hotel, light industrial use, medical facility	1 per 1,000 m <sup>2</sup> of gross floor area
Animal clinic, storage yard, warehouse	1 per 2,000 m <sup>2</sup> of gross floor area
All other non-residential uses	1 per 1,500 m <sup>2</sup> of gross floor area

- (2) Bicycle parking must be located on the same lot as the use or building for which it is provided.
- (3) Bicycle parking spaces must be located in order to provide convenient access to main entrances or well-used areas.

## 9.6 LOADING REGULATIONS

- (1) The owner or occupant of any lot, building or structure erected or used for any purpose, other than an agricultural use, involving the frequent receiving, shipping,

loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading and unloading spaces in accordance with Table 9.6. Table 9.6 –Minimum Number of Vehicle Loading Spaces Required

<b>Minimum Number of Vehicle Loading Spaces Required per m<sup>2</sup> of Gross Floor Area</b>					
<b>I Land Use</b>	<b>II Less than 350 m<sup>2</sup></b>	<b>III 350-999 m<sup>2</sup></b>	<b>IV 1,000-1,999 m<sup>2</sup></b>	<b>V 2,000- 4,999 m<sup>2</sup></b>	<b>VI 5,000 m<sup>2</sup> and over</b>
Light industrial use, warehouse, hospital, museum, place of worship, post secondary educational institution, school, sports arena, theatre	0	1			2
Office	0	1			2
Retail food store, shopping centre	0		1	2	
All other non- residential uses	0	1		2	
Residential Uses	None required				

### 9.6.1 Access

Access to loading spaces shall be by means of a driveway at least 4 m (13.1 ft) wide contained within the lot on which the spaces are located and leading to a street or public lane located within or adjoining the zone in which the use is located.

### 9.6.2 Loading Space Dimensions

Each loading space shall be at least 9 m (29.5 ft) long, at least 3 m (9.8 ft) wide and shall have a vertical clearance of at least 4 m (13.1 ft).

### 9.6.3 Location of Loading Space

The loading space or spaces required shall be located in the interior side or rear yard. Loading spaces may be in front and exterior side yards if set back from the street line a minimum distance of 10 m and where there is a vegetative buffer [*By-law #18-77*].

### 9.6.4 Surface and Drainage of Spaces and Driveways

Loading spaces and driveways thereto shall be surfaced with asphalt, concrete, interlocking pavers or similar hard surfaces. Drainage should be provided so as to prevent the flow of surface water onto adjoining lots.

### **9.6.5 Application of Loading Space Requirements**

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area as it existed at such date is not increased. However, if a building is enlarged in floor area as would require an additional number of loading spaces, then such additional loading spaces shall be provided based on said expansion or enlargement. Notwithstanding Section 9.6, where the building or structure is deficient in loading spaces, a loading space shall not be required for an expansion of 25 m<sup>2</sup> (269 ft<sup>2</sup>) or greater and less than 100 m<sup>2</sup> (1076 ft<sup>2</sup>).

### **9.6.6 Cumulative Standards**

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

### **9.6.7 Landscaping**

Where a loading area adjoins any residential zone or a street, then a planting area of a minimum width of 3 m (9.8 ft) shall be provided within the lot requiring such loading area and along the lot lines adjoining such residential zone or street.

## SECTION 10 – ESTABLISHMENT OF ZONES

### 10.1 GENERAL

For the purposes of this By-law, the land area of the Corporation is hereby divided into various generalized and specific “Zones” to which the provisions and regulations herein shall respectively apply.

### 10.2 ZONE SYMBOLS

- (a) The following Zones are hereby established and are zoned on the Zoning Map Schedules by symbols consisting of letters and numbers or letters only, as the case may be:

<u>Zone</u>	<u>Symbol</u>
Agricultural	A
Rural	RU
Residential First Density	R1
Residential Second Density	R2
Residential Third Density	R3
Residential Fourth Density	R4
Limited Service Residential	LSR
Rural Residential	RR
Agricultural Commercial	C1
Downtown Commercial	C2
Highway Commercial	C3
Shopping Centre Commercial	C4
Rural Commercial	C5
Tourist Commercial	C6
Local Commercial	C7
Village Core	V
Business Park	E1
Light Industrial	M1
Medium Industrial	M2
Agricultural Industrial	M3
Rural Industrial	M4
Community Facility	I
Parkland and Open Space	OS
Mineral Aggregate Pit	MP
Mineral Aggregate Quarry	MQ
Mineral Aggregate Reserve	MR
Environmental Hazard	EH
Environmental Protection	EP
Waste Disposal	WD
Development	D

- (b) Whenever in this By-law the term “Zone” is used, preceded or followed by any symbol, as the case requires, such combination shall refer to any area delineated on the zoning maps and zoned therein by said symbol.

### **10.3 SPECIAL PROVISIONS FROM OTHER BY-LAWS**

Where any of the zone symbols described in Section 10.2(a) are shown on the zoning maps followed by a dash and number, (e.g. C1-01-17), then special provisions to the normal zone provisions apply to such lands. The number following the dash shall identify the by-law in which such special provisions may be found. Unless specified otherwise in the referenced by-law, all other provisions of the zone and this By-law shall apply to the lands.

### **10.4 SPECIAL EXCEPTION PROVISIONS**

Where any of the zone symbols described in Section 10.2(a) are shown on the zoning maps followed by a dash and a letter (e.g. R1-a) then special provisions and/or uses to the normal zone provisions apply to such lands. Such special provisions will be found by reference to that section of the By-law which deals with that particular zone. Lands zoned in this manner shall be subject to all restrictions of the zone, except as otherwise provided by the special exception provision.

### **10.5 INCORPORATION OF ZONING MAP**

The locations and boundaries of the zones established by this By-law are shown on the maps appended hereto and which are referred to as the zoning maps and comprise the sectional parts of the zoning map and such maps together with everything shown thereon and all succeeding amendments thereto are hereby incorporated into and are declared to form part of this By-law.

### **10.6 SPECIAL HOLDING PROVISIONS**

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

Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than uses existing on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law and the Corporation may require that the applicant enter into an agreement for the development of the land prior to the amendment being adopted.

Notwithstanding the provisions of this Section, alterations, additions or enlargements to existing residential building or structures and accessory structures will be permitted provided such buildings and structures were lawfully used for residential purposes on the date of the passing of this By-law and provided such alterations, additions or enlargements conform to all other provisions of this By-law.

### **10.7 SPECIAL TEMPORARY ZONING PROVISIONS**

(1) Where the zone symbol zoning certain lands is followed by the letter "t" (for

example R1-t), then special provisions apply to permit a use or uses in addition to the uses permitted in the zone in which the lands are located for a specified period of time following which the use or uses shall cease. Temporary uses shall only be permitted by an Amendment to this By-law which amends the appropriate Schedule by adding the letter "t" to the zone symbol on the lands where the temporary use is located and by amending the appropriate zone:

- (a) to describe the lands on which the temporary use or uses is/are permitted including the municipal address where appropriate;
  - (b) to list the permitted temporary use or uses;
  - (c) to specify the time period for which the temporary use or uses is/are permitted including the date on which the use or uses is/are to cease, on which date the Amendment shall be deemed to be repealed and the temporary use(s) shall be deemed to be repealed and the temporary use(s) no longer permitted;
  - (d) to describe any conditions which apply to the temporary use or uses.
- (2) In accordance with Section 39 of the *Planning Act, R.S.O. 1990*, the period of time which a temporary use by-law shall be in effect shall not exceed:
- (a) ten (10) years from the day of the passing of the By-law, in the case of a by-law authorizing the temporary use of a garden suite; or
  - (b) three (3) years from the day of the passing of the By-law in all other cases.

## 10.8 OVERLAYS

Source Water Protection overlays are shown as dashed areas on Schedules H-1, H-2, and H-3 as dashed areas on the zoning map and referenced in the legend, and that the effect of invoking the general provisions covering Source Water Protection provisions contained in Section 6.32 for the dashed areas [*By-law #16-93*].

## SECTION 11 – AGRICULTURAL (A) ZONE

### PURPOSE OF THE ZONE

The purpose of the A – Agricultural Zone is to:

- (1) recognize and permit agricultural uses in areas designated **Agricultural** in the Community Official Plan;
- (2) restrict the range of uses to agricultural, forestry and related accessory uses in order to preserve these prime agricultural areas from loss to other uses; and
- (3) regulate uses in a manner that respects the character of the area and minimizes land use conflicts.

### 11.1 USES PERMITTED

No person shall within the “A” zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Residential Uses

- detached dwelling accessory to an agricultural use
- a non-farm detached dwelling in accordance with Section 7.1.3
- a group home type A within a non-farm detached dwelling
- garden suite
- accessory apartment [*By-law #17-61*]

(b) Non-Residential Uses

- agricultural use
- agricultural use, specialized
- bed and breakfast
- conservation area
- dairy
- equestrian establishment
- forestry operation
- home-based business - professional use
- home-based business - rural business
- home-based business - farm vacation
- pit, Class A
- sugarbush

## 11.2 ZONE PROVISIONS

No person shall within the “A” zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Provisions	Agricultural	Non-Farm Residential
Lot Area, Minimum (ha)	40	0.4
Lot Frontage, Minimum (m)	150	45
Side Yard, Minimum (m)	20	6
Rear Yard, Minimum (m)	20	9
Front Yard, Minimum (m)	20	9
Exterior Side Yard, Minimum (m)	20	9
Maximum Height of detached dwelling (m)	11	11
Lot Coverage, Maximum	5%	15%
Minimum Separation from an accessory detached dwelling to any structure where animals are housed (m)	30	30

## 11.3 SPECIAL PROVISIONS

- 11.3.1 Notwithstanding their 'A' Zoning, on those lands delineated as 'A-1' on Schedule “A” to this By-law the rights for one farm related severance transferred to Part of Lot 22, Concession 12, Pakenham Ward, Municipality of Mississippi Mills.
- 11.3.2 Notwithstanding their 'A' zoning, lands zoned as 'A-2' may be used in compliance with the A zone provisions contained in this By-law, excepting however, that:
- 1) the minimum lot area shall be 17.8 ha (44 ac).
- 11.3.3 Notwithstanding their 'A' zoning, lands zoned as 'A-3' may be used in compliance with the A zone provisions contained in this By-law, excepting however, that:
- 1) the minimum lot area shall be 32 ha (79 ac); and
  - 2) on lands zoned A-3a no residential uses shall be permitted.
- 11.3.4 Notwithstanding their 'A' zoning, lands zoned as 'A-4' may be used in compliance with the A zone provisions contained in this By-law, excepting however, that:
- 1) the minimum lot frontage for a non-farm residential lot shall be 7.8 m (25.5 ft)
- 11.3.5 Notwithstanding their 'A' zoning, lands zoned as 'A-5' may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- 1) a garden suite shall be a permitted temporary use;
  - 2) a garden suite shall cease to be a permitted use effective August 3, 2014; and
  - 3) on lands zoned A-5 no residential uses shall be permitted.
- 11.3.6 Notwithstanding their 'A' zoning, lands zoned as 'A-6' may be used in compliance with the A zone provisions contained in this By-law, excepting however, that:
- 1) on lands zoned A-6 no residential uses shall be permitted.

- 11.3.7 (reserved)
- 11.3.8 Notwithstanding their 'A' Zoning, on those lands zoned as 'A-8', a Special Support Home for Developmentally Handicapped Adults shall be permitted.
- 11.3.9 Notwithstanding their 'A' zoning, lands zoned as 'A-9' may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:
- 1) one accessory residential apartment shall be a permitted use.
- 11.3.10 Notwithstanding their 'A' zoning, those lands zoned as 'A-10' have had the rights for a farm related severance (B87-99) transferred to Part of the East ½ of Lot 20, Concession 6, Ramsay Ward, Municipality of Mississippi Mills and this is notice thereof.
- 11.3.11 Notwithstanding the Agricultural (A) zone, lands zoned A-11 on Schedule 'A' to this By-law, except that the following provisions shall apply.
- i. All buildings, structures and septic tank or tile field, shall be setback a minimum of 30 metres from the watercourse.
- 11.3.12 Notwithstanding their 'A' Zoning, on those lands delineated as 'A-12' on Schedule 'A' to this By-law a gift shop shall be permitted in accordance with the following provisions:
- 1) the gift shop shall be restricted to the area of the garage and basement of the residential dwelling as they existed on May 4, 1993; and
  - 2) no expansion or extension of the garage or basement for the purpose of enlarging the gift shop shall be permitted without an amendment to this By-law.
- 11.3.13 Notwithstanding the A zoning, lands zoned as A-13 on Schedule "A" to this by-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that all residential uses are prohibited.
- 11.3.14 Notwithstanding their 'A' Zoning, on those lands delineated as 'A-14' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that all residential uses are prohibited
- 11.3.15 [By-law #12-47] Notwithstanding the "A" zoning, lands zoned as A-15 on Schedule "A" to this by-law, may be used in compliance with the "A" zone provisions contained in this by-law, excepting however, that all residential uses are prohibited.
- 11.3.16 [By-law #18-77 with amended Section #, repeals #13-91] Notwithstanding their 'A' Zoning, lands delineated as 'A-16' on Schedule 'B' to this By-law may be used in compliance with the 'A' Zone provisions contained within this By-law, excepting however, that:
- 1) the minimum lot frontage shall be 9.1 m (30.0 ft).
- 11.3.17 [By-law #13-122] Notwithstanding their 'A' Zoning, lands delineated as 'A-17' on Schedule 'A' to this By-law may be used in compliance with the 'A' Zone provisions contained within this By-law, excepting however, that a WEDDING AND EVENTS

VENUE and a single GUEST ROOM shall be permitted uses.

- 11.3.18 [By-law #14-40] Notwithstanding the 'A' zoning, those lands zoned as 'A-18' on Schedule 'B' to this By-law, shall be used in compliance with the 'A' zone provisions contained in the By-law, excepting however, that all residential uses shall be prohibited.
- 11.3.19 [By-law #14-40] Notwithstanding the 'A' Zoning, lands delineated as 'A-19' on Schedule 'A' to this By-law may be used in compliance with the 'A' Zone provisions contained within this By-law, excepting however, that:
- 1) the minimum lot area requirements shall be 3.6ha (8.9ac)
  - 2) the minimum lot frontage shall be 141.0m (459.3 ft).
  - 3) the minimum side yard setback shall be 8.67m (28.4ft)
  - 4) the minimum rear yard setback shall be 5.62m (18.4ft)
- 11.3.20 [By-law #15-14] Notwithstanding their "A" zoning, lands zoned as "A-20" on Schedule 'A' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however, that:
- 1) the minimum lot frontage shall be 6.1 m (20 ft);
  - 2) the minimum lot area shall be 20.3 ha (50.1 ac); and,
  - 3) all residential uses are prohibited.
- 11.3.21 [By-law #15-20] Notwithstanding their "A" zoning, lands zoned as "A-21" on Schedule 'A' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however, that all residential uses are prohibited.
- 11.3.22 [By-law #15-20] Notwithstanding their "A" zoning, lands zoned as "A-22" on Schedule 'A' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however, that the maximum number of accessory buildings permitted shall be four (4).
- 11.3.23 [By-law #15-53] Notwithstanding their "A" zoning, lands delineated as "A-23t" on Schedule 'A' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however that:
- 1) A garden suite shall be a permitted temporary use; and,
  - 2) A garden suite shall cease to be a permitted use effective May 19, 2025.
- 11.3.24 [By-law #16-05] Notwithstanding their "A" zoning, lands zoned as "A-24" on Schedules 'A' and 'B' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however, that:
- 1) All residential uses are prohibited; and,
  - 2) The minimum lot area shall be 38.2ha (94.4ac).
- 11.3.25 [By-law #16-05] Notwithstanding their "A" zoning, lands zoned as "A-25" on Schedules 'A' and 'B' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however, that the minimum lot frontage shall be 10.5m (34.4ft).
- 11.3.26 [By-law #16-34] Notwithstanding their "A" zoning, lands delineated as "A-26" on

Schedules 'A' and 'B' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however that all residential uses are prohibited.

11.3.27 [By-law #16-34] Notwithstanding their "A" zoning, lands delineated as "A-27" on Schedules 'A' and 'B' to this by-law, may be used in accordance with the A zone provisions contained in this by-law, excepting however that the maximum number of accessory buildings shall be four (4).

11.3.28 [By-law #18-24] Notwithstanding their 'A' zoning, lands zoned as 'A-28' on Schedule 'A' to this By-law, may be used in compliance with the A Zone provisions contained in this by-law, excepting however, that:

- 1) all residential uses are prohibited; and
- 2) the minimum lot area shall be 32.8ha

11.3.29 [By-law #18-41 with amended Section #] Notwithstanding their 'A' zoning, lands zoned as 'A-29' on Schedule 'A' to this By-law, may be used in compliance with the A Zone provisions contained in this by-law, excepting however, that:

- 1) all residential uses are prohibited; and
- 2) the minimum lot area shall be 21.0ha

11.3.30 [By-law #18-65] Notwithstanding their 'A' zoning, lands zoned as 'A-30' on Schedule 'A' to this By-law, may be used in compliance with the A Zone provisions contained in this by-law, excepting however, that:

- 1) 0m of frontage is required; and
- 2) that the lands are not subject to Section 6.7

11.3.31 [By-law #18-85] Notwithstanding their 'A' zoning, lands zoned as 'A-31' on Schedule 'A' to this By-law may be used in compliance with A Zone provisions contained in this by-law, excepting however, that:

- 1) all residential uses are prohibited

11.3.32 [By-law #18-76 with amended Section #] Notwithstanding their 'A' zoning, lands zoned as 'A-32' on Schedule 'A' to this By-law, may be used in compliance with the A Zone provisions contained in this by-law, excepting however, that:

- 1) all residential uses are prohibited; and
- 2) the minimum combined lot area of the retained lands resulting from Consent Application B18/005 shall be 36.7 ha

11.3.33 [By-law #19-16] Notwithstanding their 'A' zoning, lands zoned as 'A-33' on Schedule 'A' to this By-law may be used in compliance with A Zone provisions contained in this by-law, excepting however, that:

- 1) all residential uses are prohibited

11.3.34 [By-law #19-67] Notwithstanding their 'A' zoning, lands zoned as 'A-34' on Schedule 'A'

to this By-law may be used in compliance with A Zone provisions contained in this by-law, excepting however, that:

- 1) all residential uses are prohibited
- 11.3.35 [By-law #19-89] Notwithstanding their 'A' zoning, lands zoned as 'A-35' on Schedule 'A' to this By-law, may be used in compliance with the A Zone provisions contained in this by-law, excepting however, that:
- 1) all residential uses are prohibited; and
  - 2) the minimum permitted lot area is 34ha.
- 11.3.36 [By-law #20-079] Notwithstanding their 'A' Zoning, on those lands delineated as 'A-36' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) all residential uses are prohibited; and
  - ii) the minimum lot area may be 31.08ha
- 11.3.37 [By-law #20-079] Notwithstanding their 'A' Zoning, on those lands delineated as 'A-37' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) the minimum lot frontage may be 10m."
- 11.3.38 [By-law #20-081] (Retained Lands) Notwithstanding their 'A' Zoning, on those lands delineated as 'A-38' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) all residential uses are prohibited; and
  - ii) the minimum lot area may be 30.78ha.
- 11.3.39 [By-law #20-081] (Severed Lands) Notwithstanding their 'A' Zoning, on those lands delineated as 'A-39' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) the minimum lot area may be 10.5 ha; and
  - ii) that notwithstanding the uses permitted in the definition of "agricultural" uses, the following uses shall not be permitted: raising of large livestock including dairy or beef cattle, poultry, swine, deer, bison etc, in excess of 1 nutrient unit."
- 11.3.40 [By-law #21-073] Notwithstanding their 'A' Zoning, on those lands delineated as 'A-40' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) all residential uses are prohibited; and
  - ii) the minimum lot area may be 33 ha
- 11.3.41 [By-law #21-082] Notwithstanding the provisions of the 'A' Zone, on those lands delineated as 'A-41' on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:
- i) the minimum lot frontage shall be 19 metres.
  - ii) the minimum lot area shall be 30.14 hectares

- 11.3.42 [By-law #22-018] Notwithstanding their 'A' Zoning, on those lands delineated as 'A-42' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) the minimum lot frontage shall be 13 metres
- 11.3.43 [By-law #22-018] Notwithstanding their 'A' Zoning, on those lands delineated as 'A-43' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) the minimum lot area of an agricultural use shall be 37 hectares
  - ii) all residential uses shall be prohibited
- 11.3.44 [By-law #22-035] *Notwithstanding their 'A' Zoning, on those lands delineated as 'A-44' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:*
- i) Notwithstanding Section 6.24, the minimum setback from the top of bank is 15 metres.*
  - ii) the minimum lot frontage is 12 metres.*
- 11.3.45 [By-law #23-022] Notwithstanding the 'A' zoning, on those lands delineated as 'A-45' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however that:
- i. The minimum lot area is 16 ha.
  - ii. All residential uses are prohibited
- 11.3.46 [By-law #24-011] Notwithstanding the 'A' zoning, lands zoned 'A-46' on Schedule 'A' to this by-law may be used in compliance with the 'A' zone provisions contained in this by-law, except that the following provisions shall apply:
- i. The minimum lot area is 29 ha.
- 11.3.47 [By-law #24-063] Notwithstanding the 'A' zoning, on those lands delineated as 'A-47' on Schedule 'A' to this By-law, may be used in compliance with the 'A' zone provisions contained in this by-law, excepting however that:
- i. The minimum lot area is 39.2 ha.
  - ii. All residential uses are prohibited
- 11.3.48 [By-law #25-020] Notwithstanding the Agricultural (A) zoning, lands zoned A-48 on Schedule 'A' to this By-law may be used in compliance with the A zone provisions contained in this By-law, except that the following provisions shall apply:
- i. All residential uses are prohibited
  - ii. Minimum lot area: 8 hectares
- 11.3.49 [By-law #25-023] Notwithstanding their 'A' zoning, on those lands delineated as 'A-49' on Schedule "A" of this By-law, a septage disposal use shall be permitted in accordance with the requirements of the Health Unit.
- 11.3.50 [By-law #25-023] Notwithstanding the 'A' zoning, lands designated as 'A-50' on Schedule "A" to this By-law, may be used in compliance with the A zone provisions contained in this By-law, excepting however, that all residential uses are prohibited.

- 11.3.51 [By-law #25-023] Notwithstanding the 'A' zoning, those lands designated as 'A-51' on Schedule 'A' to this By-law, shall be used in compliance with the A zone provisions contained in this By-law, excepting however, that all residential uses shall be prohibited.
- 11.3.52 [By-law #25-023] Notwithstanding the 'A' zoning, those lands designated as 'A-52' on Schedule "A" to this By-law, shall be used in compliance with the A zone provisions contained in this By-law, excepting however, that:
- i. All residential uses shall be prohibited
  - ii. The minimum lot area is 36.6 ha.
- 11.3.53 [By-law 25-072] Notwithstanding their 'A' zoning, on those lands delineated as 'A-53' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law excepting however that:
- i. All residential uses are prohibited
  - ii. The minimum lot area is 20.1 ha
  - iii. The minimum lot frontage is 66 m

## SECTION 12 – RURAL (RU) ZONE

### PURPOSE OF THE ZONE

The purpose of the RU – Rural Zone is to:

- (1) accommodate agricultural, forestry, non-farm residential lots by severance in areas designated **Rural** in the Community Official Plan;
- (2) recognize and permit this range of rural-based land uses which often have large lot or distance separation requirements; and
- (3) regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context.

### 12.1 USES PERMITTED

No person shall within the “RU” zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Residential Uses

- detached dwelling
- detached dwelling accessory to an agricultural use
- garden suite
- group home type A within a non-farm single detached dwelling
- accessory apartment [*By-law #17-61*]

(b) Non-Residential Uses

- agricultural uses
- bed and breakfast
- conservation areas
- forestry
- hobby farm
- home-based business - domestic and household arts
- home-based business - professional use
- home-based business - rural business
- home-based business - farm vacation
- hunt or fishing camp
- pit, Class A
- sugarbush

## 12.2 ZONE PROVISIONS

No person shall within the 'RU' zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Provisions	Rural Use	Agricultural Use	Non-Farm Residential
Lot Area, Minimum (ha)	10	40	1
Lot Frontage, Minimum (m)	150	150	45
Side Yard, Minimum (m)	15	20	6
Rear Yard, Minimum (m)	15	20	9
Front Yard, Minimum (m)	15	20	9
Exterior Side Yard, Minimum (m)	15	20	9
Maximum Height of detached dwelling (m)	11	11	11
Lot Coverage, Maximum	5%	5%	15%
Minimum Separation from accessory detached dwelling to any structure where animals are housed (m)	30	30	30
Minimum Separation between non-farm buildings and structures on lands adjacent to the Agricultural designation (m)	150	n/a	150

## 12.3 SPECIAL PROVISIONS

- 12.3.1 Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-1' no vegetation shall be materially altered within the 90 m (295 ft) front yard except for the purpose of a driveway providing access to the lot.
- 12.3.2 (reserved)
- 12.3.3 Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-3' to this By-law a recording/teaching studio shall be permitted.
- 12.3.4 (reserve for future use)
- 12.3.5 (reserved)
- 12.3.6 (reserved)
- 12.3.7 Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-7' a single detached dwelling shall be permitted in accordance with the following provisions:
- 3) the minimum interior side yard shall be 5.5 m (18.0 ft)
- 12.3.8 Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-8' to this By-law the minimum interior side yard from the southerly lot line shall be 5.5 m (18.0 ft).
- 12.3.9 (reserved)

12.3.10 Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-10' to this By-law all uses of the land are prohibited except for passive open space. No buildings or structures shall be erected on the lands and no type of passive open space uses which would result in the alteration of the natural conditions of the property shall be permitted.

12.3.11 (reserved)

12.3.12 (reserved)

12.3.13 1) Notwithstanding their 'RU' zoning, where lands are zoned as 'RU-13a' to this By-law,

- i) the minimum lot area shall be 8.4 ha (21 ac);
- ii) the minimum lot frontage shall be 100 m (328 ft); and
- iii) the minimum front yard setback shall be 100 m (328 ft).

2) Notwithstanding their 'RU' zoning, where lands are zoned as 'RU-13b' to this By-law,

- i) the minimum lot area shall be 4.5 ha (11.1 ac);
- ii) the minimum lot frontage shall be 100 m (328 ft); and
- iii) the minimum front yard setback shall be 100 m (328 ft).

3) Notwithstanding their 'RU' zoning, where lands are zoned as 'RU-13c' to this By-law,

- i) the minimum lot area shall be 4.1 ha (10.1 ac);
- ii) the minimum lot frontage shall be 100 m (328 ft); and
- iii) the minimum front yard setback shall be 100 m (328 ft).

4) Notwithstanding their 'RU' zoning, where lands are zoned as 'RU-13d' to this By-law,

- i) the minimum lot area shall be 1.5 ha (3.7 ac);
- ii) the minimum lot frontage shall be 100 m (328 ft); and
- iii) the minimum front yard setback shall be 100 m (328 ft).

12.3.14 1) Notwithstanding their 'RU' zoning, lands zoned as 'RU-14a' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:

- i) the minimum lot area shall be 1.1 ha (2.7 ac); and,
- ii) the minimum lot frontage shall be 85 m (278 ft)

2) Notwithstanding their 'RU' zoning, lands zoned as 'RU-14b' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:

- i) the minimum lot area shall be 1.4 ha (3.5 ac); and,
- ii) the minimum lot frontage shall be 90 m (295 ft)

- 3) Notwithstanding their 'RU' zoning, lands zoned as 'RU-14b' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:
    - i) the minimum lot area shall be 1.2 ha (3.0 ac); and,
    - ii) the minimum lot frontage shall be 55 m (180 ft)
  - 4) Notwithstanding their 'RU' zoning, lands zoned as 'RU-14d' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:
    - i) the minimum lot area shall be 1.2 ha (3.0 ac); and,
    - ii) the minimum lot frontage shall be 125 m (410 ft).
- 12.3.15 Notwithstanding their 'RU' zoning, lands zoned as 'RU-15t' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:
- 1) a garden suite shall be a permitted temporary use;
  - 2) a garden suite shall cease to be a permitted use effective December 10, 2012; and
  - 3) the maximum height of the garden suite structure shall be 17.5 ft.
- 12.3.16 (repealed by By-law #18-25)
- 12.3.17 Notwithstanding their 'A' zoning, lands zoned as 'RU-17' this By-law, may be used in compliance with the 'RU' zone provisions contained in this By-law, excepting however, that:
- 1) lot frontage shall be measured at a distance of 15 m (49.2 ft) from the southern extent of the municipal street allowance;
  - 2) the minimum lot frontage for a non-farm residential lot shall be 45 m (147.6 ft); and
  - 3) the minimum lot area shall be 3.8 ha (9.3 ac).
- 12.3.18 Notwithstanding their 'RU' zoning, lands zoned as 'RU-18' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:
- 1) Section 6.26, Setbacks from Environmental Protection (EP) Zone shall not apply;
  - 2) no building or structure shall be located closer than 30 m (98.4 ft) from any area within the Environmental Protection (EP) zone; and
  - 3) no site alteration, including such activities as fill, grading and excavation, that would change the landform and natural vegetative characteristics of the site shall be permitted within 30 m (98.4 ft) of any area within the Environmental Protection (EP) zone without the written permission of the Mississippi Valley Conservation Authority and the Municipality.
- 12.3.19 Notwithstanding their 'RU' zoning, lands zoned as 'RU-19' to this By-law, may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:

- 1) the minimum lot frontage shall be 7.1 m (23 ft);
- 2) the minimum lot area shall be 1.3 ha (3.2 ac); and
- 3) site-specific setbacks for all development, including septic systems shall be the greater of one of the following:
  - i) a 2 m erosion allowance, plus a stable slope allowance of three times the height of the slope plus a 6 m erosion access allowance;
  - ii) 15 m from the crest of the slope; or
  - iii) 50 m from the highwater mark.
  - iv) The minimum lot frontage shall be measured at the location where the shortest lot line of the individual lot abuts the unopened municipal street allowance which is being used as a private street; and
  - v) Section 6.7 of the Zoning By-law, Frontage on a Public Street shall not apply.

12.3.20 (reserved)

12.3.21 Notwithstanding their 'RU' zoning, lands zoned as 'RU-21' may be used in compliance with the RU zone provisions contained in this By-law, excepting however, that:

- 1) Section 6.7 of the Zoning By-law, Frontage on a Public Street shall not apply; and
- 2) the front lot line shall be that lot line which abuts the private street.

12.3.22 Notwithstanding their 'RU' zoning, on those lands delineated as 'RU-22' the following commercial uses shall be permitted:

- a small engine sales, service and storage business
- an agricultural equipment sales, service and storage business
- a machine shop
- a welding shop
- a contractors or trade establishment
- a custom workshop

12.3.23 (repealed by By-law #14-05)

12.3.24 Notwithstanding their 'RU' zoning, lands zoned as 'RU-24t' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:

- 1) A garden suite shall be a permitted temporary use;
- 2) A garden suite shall cease to be a permitted use effective July 19<sup>th</sup>, 2020; and
- 3) the maximum height of the garden suite structure shall be 17.5 ft

12.3.25 Notwithstanding their 'RU' zoning, lands zoned as 'RU-25t' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:

- 1) A garden suite shall be a permitted temporary use;
- 2) A garden suite shall cease to be a permitted use effective February 28<sup>th</sup>, 2021;

12.3.26 (reserve for future use)

12.3.27 [*By-law #12-56*] Notwithstanding their 'RU' zoning, lands zoned as 'RU-27' on Schedule

'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:

- 1) Section 6.7 of the Zoning By-law, Frontage on a Public Street shall not apply;
- 2) The front lot line shall be that lot line which abuts the private street.

12.3.28 (reserve for future use)

12.3.29 [*By-law #14-05 with amended Section #*] Repealed March 1, 2017

12.3.30 [*By-law #14-12 with amended Section #*] Notwithstanding the 'RU' zoning, those lands zoned as RU-30 on Schedule 'A' to this By-law, shall be used in compliance with the RU zone provisions contained in this By-Law, excepting however, that:

- 1) the minimum lot area shall be 4.5 ha (11.1 ac); and
- 2) the minimum lot frontage shall be 11 m (36 ft)

12.3.31 [*By-law #15-05 with amended Section #*] Notwithstanding the "RU" zoning, lands zoned as "RU-31" on Schedule 'A' to this by-law, may be used in accordance with the RU zone provisions contained in this by-law, excepting however, that:

- 1) A Place of Assembly shall be permitted, with operations limited to a 30-day timeframe between the months of June and July; and,
- 2) The maximum number of buildings used to support the Place of Assembly use shall be 21.

12.3.32 [*By-law #15-47 with amended Section #*] Notwithstanding their "RU" zoning, lands delineated as "RU-32" on Schedule 'A' to this by-law, may be used in accordance with the RU zone provisions contained in this by-law, excepting however that a semi-detached dwelling shall be a permitted use.

12.3.33 [*By-law #18-25*] Notwithstanding their 'A' zoning, lands zoned as 'RU-33' to this By-law, may be used in compliance with the 'RU' zone provisions contained in this By-law, excepting however, that:

- 1) all buildings, structures and septic systems shall have a 30m setback from the top of a bank associated with the Mississippi River;
- 2) the minimum lot frontage for a non-farm residential lot shall be 45 m (150 ft);
- 3) the minimum lot area of the severed parcel created by consent application B122/02, whose boundaries are amended by consent application B17/057, shall be 4.05 ha (10 ac);
- 4) the minimum lot area of the severed parcel created by consent application B123/02, whose boundaries are amended by consent application B17/058, shall be 5.55 ha (13.7 ac); and
- 5) the minimum lot area of the retained parcel created by consent application B123/02, whose boundaries are amended by consent application B17/058, shall be 4.21 ha (10.4 ac).

12.3.34 [*By-law #19-52*] Notwithstanding their "RU" zoning, lands delineated as "RU-34h" on Schedule 'A' to this by-law may be used for the following additional purposes:

- (1) Winery

- (2) Micro-Brewery
- (3) Dairy

The holding provision (h) shall maintain a water consumption operating limit of no more than 1000L/day, to be lifted upon approval by the Municipality and Conservation Authority of the following:

- (1) Appropriate hydrological studies that support the required water use, maintaining appropriate water quality and quantity standards of the aquifer.

12.3.35 [By-law #19-92] Notwithstanding their "RU" zoning, lands delineated as "RU-35h" on Schedule 'A' to this by-law may be used for the following additional purposes:

- (1) Cannabis Growing Facility (Max gross floor area of 380m<sup>2</sup>)
- (2) Wellness Centre
- (3) Detached Accessory Dwelling Units (no more than 8 units)

The holding provision (h) shall prohibit further construction of new buildings on the site until such time as the applicant has demonstrated the following:

- (1) The completion of a geotechnical analysis to the satisfaction of the MVCA;
- (2) The submission and approval of a septic system for the proposed wellness centre by the Leeds Grenville and Lanark District Health Unit;
- (3) The completion of an Environmental Impact Assessment to the satisfaction of the Municipality and MVCA;
- (4) The submission of a Site Plan Control application respecting the full build out of the site including the management of impacts resulting from grading and drainage of the lands;

12.3.36 [By-law # 21-074] Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-36' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:

- i) an Additional Residential Unit is permitted in an ancillary building; and
- ii) the maximum Ground Floor Area of an Additional Residential Unit in an ancillary building be limited to 120% the Ground Floor Area of the primary dwelling

12.3.37 [By-law # 22-022By] Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-37' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however that the performance standards shall be set out by Schedule 'B' of this by-law.

12.3.38 [By-law #19-62] Notwithstanding their "RU" Zoning, lands delineated as "RU-38" on Schedule 'A' to this by-law may be used for the following additional purposes:

- (1) Commercial Storage
- (2) Container Sales and Rental Establishment
- (3) Agricultural Equipment Sales, Service & Storage Business

12.3.39 [By-law #22-047] Notwithstanding their 'RU' zoning, on those lands delineated as 'RU-39' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:

- i) The minimum rear yard setback is 30 metres
- ii) The minimum southerly interior side yard setback is 30 metres

- 12.3.40 [By-law #22-060] Notwithstanding the 'RU' zoning, on those lands delineated as 'RU-40' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:
- i) The minimum frontage is 20 metres
  - ii) The minimum lot area is 1.5 ha.
  - iii) All residential uses are prohibited
- 12.3.41 [By-law # 22-063] Notwithstanding their 'RU' zoning, on those lands delineated as 'RU-41' on Schedule 'A' to this By-law, a single detached dwelling shall be permitted in accordance with RU zone provisions contained in this by-law, excepting however, the 30 metre setbacks set out by Schedule 'B' of this by-law.
- 12.3.42 [By-law #22-018] Notwithstanding their 'RU' Zoning, on those lands delineated as 'RU-42' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
- i) the minimum lot area of an agricultural use shall be 16 hectares
  - ii) all residential uses shall be prohibited
- 12.3.43 (reserve for future use)
- 12.3.44 (reserve for future use)
- 12.3.45 [By-law #25-007] Notwithstanding their 'RU' zoning, on those lands delineated as 'RU-45' on Schedule 'A' to this By-law, a battery energy storage system shall be permitted in accordance with the RU zone provisions contained in this by-law.
- 12.3.46 [By-law #24-057] Notwithstanding the 'RU' zoning, on those lands delineated as 'RU-46' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law excepting however that:
- i. All residential uses are prohibited.
  - ii. The minimum lot area is 36.6 ha.
- 12.3.47 [By-law #25-009] Notwithstanding the 'RU' zoning, on those lands zoned 'RU-47' on Schedule 'A' of this By-law, may be used in compliance with the 'RU' zone provisions contained in this By-law, excepting however, that:
- i. A Light Industrial Use is permitted limited to the repair and service construction hoist elevator lifts that have been manufactured and assembled off-site.
  - ii. A maximum of three structures limited to no more than 315 m<sup>2</sup> of gross floor area shall be permitted for a light industrial use.
  - iii. A maximum of four accessory structures shall be permitted for a residential use in accordance with Section 6.1.
  - iv. Notwithstanding the foregoing, agricultural accessory structures are permitted in accordance with Section 6.1.
- 12.3.48 [By-law #25-034] Notwithstanding their 'RU' zoning, on those lands zoned 'RU-48' on Schedule 'A' of this By-law, may be used in compliance with the 'RU' zone provisions contained in this By-law, excepting however, that:
- i. The following uses shall be included as permitted uses, in addition to

those normal RU permitted uses:

- Automotive Sales Establishment
  - Recreational Vehicle Sales
  - Automotive Care
  - Heavy Equipment and Vehicle Sales, Rental, and Servicing
  - Contractor's or Trade Establishment
- ii. A maximum of one structure limited to no more than 297 m<sup>2</sup> of gross floor area shall be permitted for those uses noted in Section 12.3.48(i)
- iii. Outdoor storage associated with the uses noted in Section 12.3.48(ii) is permitted in the interior side and rear yards only and shall be fully screened from adjacent streets. Outdoor storage includes, but is not limited to, the storage of light, heavy, and recreational vehicles intended for sale, awaiting service, or pending customer pickup

## SECTION 13 – RESIDENTIAL FIRST DENSITY (R1) ZONE

### PURPOSE OF THE ZONE

The purpose of the R1 – Residential First Density Zone is to:

- (1) limit the building form to single detached dwellings in areas designated as **Residential and Rural Settlement Area & Village** in the Community Official Plan;
- (2) permit a number of other residential uses to provide additional housing choices within detached residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) regulate development in a manner that is compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced; and
- (5) permit different development standards, identified by subzones, primarily for developing areas zoned **Residential** in the Almonte Ward, which promote efficient land use and compact form incorporating newer design approaches [*By-law #18-77*].

### 13.1 USES PERMITTED

- (1) The following uses are permitted uses subject to:
  - (a) the provisions of subsection 13.2 (1) to (3);
  - (b) a maximum of 3 guest bedrooms in a **bed and breakfast**;
  - (c) a maximum of 10 residents is permitted in a **group home Type A**;
  - (d) a maximum of 10 residents is permitted in a **retirement home**, converted

**accessory apartment**  
**bed and breakfast**  
**detached dwelling**  
**garden suite**  
**group home Type A**  
**home-based business** - domestic and household arts  
**home-based business** - professional uses  
**park**  
**rooming house, converted**  
**country inn**

### CONDITIONAL PERMITTED USES

- (2) The following conditional use is also permitted in the R1 zone, subject to the following:

- (a) it is located on a lot fronting on and having direct vehicular access to Main Street East or West; and
  - (b) a maximum of seven rooming units, or a maximum of one dwelling unit and six rooming units.
- (3) The following conditional use is also permitted in the R1 zone, subject to the following:
- (a) the use is located in residential buildings with heritage value and the unique historic characteristics of the buildings are preserved in keeping with the Municipality's heritage and design policies and guidelines.
  - (b) adequate off-street parking is provided per Section 9 – Parking, Queuing, and Loading Spacing Provisions of this Plan;
  - (c) each guest room has a minimum floor area of 25 square meters;
  - (d) signage shall be in keeping with the Municipality's heritage and design policies and guidelines;
  - (e) a minimum of 15% of the site has to be maintained as usable landscaped open space;
  - (f) the site has to be located on or within 50 m of an arterial street;
  - (g) the use is subject to Site Plan Control;
- (4) A dwelling, semi-detached is permitted in the R1 zone, subject to the following:
- a) the lot is located within the urban settlement boundary of Almonte and serviced by municipal services; and
  - b) development complies with performance standards for a 'Dwelling, Semi-detached' as outlined in Table 14.2 of this By-law

### 13.2 ZONE PROVISIONS

- (2) The zone provisions are set out in Tables 13.2A, 13.3A and 13.3B
- (3) A park is not subject to the provisions of Tables 13.2A, 13.3A and 13.3B, however, any development will be subject to the zone provisions for a detached dwelling.
- (4) Conversions that alter an existing residential use building to create another listed permitted use are subject to the provisions of Section 8.3 – Conversions.

**TABLE 13.2A - R1 Zone**

<b>Provisions</b>	<b>No Municipal Water or Sewer</b>	<b>Either Municipal Water or Sewer</b>	<b>Municipal Water and Sewer</b>
Lot Area, Minimum (m <sup>2</sup> )	4000 (c)	1000 (c)	450
Lot Frontage, Minimum (m)	30	20	18
Front Yard, Minimum (m)	7.5	6	6
Side Yard, Minimum (m)	3 (d)	3 (d)	1.2 (a), (d)
Exterior Side Yard, Minimum (m)	7.5	7.5	4.5
Rear Yard, Minimum (m)	10	10	7.5
Building Height,	9	9	9

Maximum (m)			
Lot Coverage, Maximum	30%	30%	40%, 45%(e)

**Footnote**

- a) The minimum interior side yard width shall be 1.2 m, except where a garage or carport is located in the rear yard and accessed by a driveway, the minimum shall be 4.5 m.
- b) The maximum gross density shall be 15 units per hectare.
- c) Lots serviced by private services may require lot sizes larger than that necessary to meet zone provisions in order to accommodate the servicing systems capable of handling the increased levels of water consumption and sewage generation that may be associated with these uses.
- d) On lots abutting a non-residential use the minimum interior side yard requirement is 3.5 m.
- e) If the dwelling type is a bungalow, maximum lot coverage is 45%.

**13.3 R1 SUBZONES**

In the R1 Zone, the following subzones and provisions apply such that:

- (1)
  - (a) Column I lists the subzone character;
  - (b) Columns II through IX inclusive, establish required zone provisions applying to development in each subzone;
  - (c) Column X lists the reference number of additional provisions applying in each subzone. The additional provisions themselves are provided in Table 13.3B. Where an additional provision applies, the corresponding provision specified in Table 13.3B takes ultimate precedence over any provision provided in Table 13.3A;
- (2) Despite any other provision of this By-law, retirement homes, converted dwellings and rooming houses are prohibited on lands zoned R1 and developed with private services.

**TABLE 13.3A – R1 SUBZONE PROVISIONS**

I	II	III	IV	V	VI	VII	VIII	IX	X
Sub-Zone	Min. Lot Frontage (m)	Min. Lot Area (m <sup>2</sup> )	Max. Building Height (m)	Min.-Max. Front Yard Setback (m)	Min. Exterior Side Yard Setback (m)	Min. Rear Yard Setback (m)	Min. Side Yard Setback (m)	Max. Lot Coverage (and other Provisions)	End Notes (see Table 13.4B)
<b>A</b>	18	540	9.5	4.5	4.5	7.5	varies	na	1, 2
<b>B</b>	15	450	9.5	3-5	3	7.5	1.2	na	2
<b>C</b>	15	440	9.5	6	4.5	7.5	varies	na	1, 2
<b>D</b>	12	360	9.5	4.5	4.5	7.5	1.2	na	2
<b>E</b>	12	360	9.5	3-5	3	7.5	1.2	na	2
<b>F</b>	12	360	9.5	4.5	4.5	7.5	1.2	na	2

<b>G</b>	12	360	9.5	6	4.5	7.5	1.2	na	2
<b>H</b>	12	360	9.5	3-5	3	6	varies	na	3, 4
<b>I</b>	12	360	9.5	3-5	3	6	varies	na	4, 5
<b>J</b>	8.5	250	11	3	3	6	1.8	55%	4, 6, 7, 8, 9, 10, 11, 12

**TABLE 13.3B – ADDITIONAL ZONING PROVISIONS**

**I  
Endnote  
Number**

**II  
Additional Zoning Provision**

1. Minimum total interior side yard setback is 2.5 m, with one minimum yard, no less than 1.2m. Where there is a corner lot on which is located only one interior side yard, the minimum required interior side yard setback equals the minimum required for at least one yard.
2. Minimum rear yard setback is 25% of the lot depth which must comprise at least 25% of the area of the lot, however, it may not be less than 6.0 m and need not exceed 7.5 m. Despite the foregoing, on lots with depths of 15 m or less, the minimum rear yard setback is 4.0 m.
3. Minimum front yard setback is 4.0 m for any attached private garage. The minimum setback between the vehicular entrance to a private garage or carport and an existing or planned sidewalk is 6.2 m.
4. Minimum total interior side yard setback is 1.8 m, with one minimum yard no less than 0.6 m. Where there is a corner lot on which is located only one interior side yard, the minimum required interior side yard setback equals the minimum required for at least one yard.
5. Access to a lot by means of a rear lane is permitted, provided the rear lane is a minimum of 8.5 m wide. Where access is via the rear lane, the minimum rear yard setback may be reduced to 1.0 m and, in no case, may the width of the garage, carport or driveway exceed 50% of the house width.
6. Notwithstanding the maximum building height in Table 13.3A, the maximum building height for those lots with lot widths less than or equal to 9.2 metres: 12 metres.
7. Notwithstanding the minimum front yard setback, the minimum setback between the front face of a garage and sidewalk or road edge, whichever is closer: 6.2 metres.
8. Notwithstanding the minimum exterior side yard setback, the minimum setback between the front face of a garage and sidewalk or road edge, whichever is

- closer: 6.2 metres.
9. The minimum rear yard setback shall be 6 metres.
  10. Notwithstanding Section 6.19 (6) porches located in the front or exterior side yards with foundations are considered permitted projections.
  11. Section 9.3.6(a) does not apply.
  12. Notwithstanding Section 9.3.9:
    - a. The minimum distance from a driveway to an interior lot line: same as the minimum interior side yard setback of the R1J zone;
    - b. The minimum width of a driveway for lots with 9.2 m of lot width or less: 60% of lot width; and
    - c. The maximum width of a driveway for lots greater than 9.2 m of lot width: 50% of lot width.

### 13.4 SPECIAL PROVISIONS

- 13.4.1 Notwithstanding their 'R1' Zoning, those lands delineated as 'R1-1' to this By-law shall be used for residential purposes in accordance with the 'R1' Zone provisions contained in this By-law, excepting, however, that:

- |  |   |                    |                          |
|--|---|--------------------|--------------------------|
| 1) Minimum Lot Area  | - | 800 m <sup>2</sup> | (8611 ft <sup>2</sup> ); |
| 2) Minimum Lot Frontage  | - | 20 m               | (65.6 ft)                |
| 3) Minimum Dwelling Unit Area for:   |   |                    |                          |
| b) a one-storey dwelling   | - | 74 m <sup>2</sup>  | (796 ft <sup>2</sup> )   |
| c) 1.5 storey dwelling   | - | 88 m <sup>2</sup>  | (947 ft <sup>2</sup> )   |
| d) 2 or more storey dwelling   | - | 102 m <sup>2</sup> | (1097 ft <sup>2</sup> ); |
| 4) Minimum Interior Side Yard  | - | 2.3 m              | (7.5 ft)                 |
| 5) An accessory building may be located in an exterior side yard provided that such accessory building is located not less than 2.4 m (7.8 ft) from the exterior lot line. |   |                    |                          |

- 13.4.2 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-2' to this By-law, a special care home as defined herein shall be permitted in addition to a single detached dwelling, in accordance with the following provisions:

- |   |   |                      |                           |
|---|---|----------------------|---------------------------|
| 1) Lot Area (minimum)   | - | 1,800 m <sup>2</sup> | (19,375 ft <sup>2</sup> ) |
| 2) Lot Frontage (minimum)   | - | 45 m                 | (147 ft)                  |
| 3) Front Yard Depth (minimum)   | - | 10 m                 | (32 ft)                   |
| 4) Interior Side Yard Width (minimum)   | - | 6 m                  | (19 ft)                   |
| 5) Rear Yard Depth (minimum)  | - | 10 m                 | (32 ft)                   |
| 6) Landscaped Open Space (minimum)  | - | 50%                  |                           |
| 7) Parking Spaces (minimum)   | - | 5                    |                           |
| 8) Special care home shall be defined as a dwelling house consisting of not more than 12 bedrooms, in which common living, dining and kitchen accommodations are provided for persons requiring special care but shall not include a boarding/rooming dwelling house as defined in Section 5. |   |                      |                           |

- 13.4.3 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-3' to this By-law, a medical facility shall be included as a permitted use.

- 13.4.4 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-4' to this By-law, the permitted uses shall be restricted to one single detached dwelling.
- 13.4.5 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-5' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum lot frontage shall be 45 m (147 ft); and
  - 2) the minimum lot area shall be 2,000 m<sup>2</sup> (21,528 ft<sup>2</sup>)
- 13.4.6 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-6' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum lot frontage shall be 80 m (262 ft); and
  - 2) the minimum lot area shall be 8,000 m<sup>2</sup> (86,114 ft<sup>2</sup>)
- 13.4.7 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-7' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum lot frontage shall be 61 m (200 ft); and
  - 2) the minimum lot area shall be 4,000 m<sup>2</sup> (43,057 ft<sup>2</sup>)
- 13.4.8 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-8' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum floor area shall be 93 m<sup>2</sup> (1,001 ft<sup>2</sup>); and
  - 2) the minimum lot area shall be 1,672 m<sup>2</sup> (17,997 ft<sup>2</sup>).
- 13.4.9 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-9' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum rear yard shall be 7.5 m (24.6 ft);
  - 2) the minimum interior side yard shall be 6 m (16.6 ft);
  - 3) the minimum floor area shall be 110 m<sup>2</sup> (1,184 ft<sup>2</sup>);
  - 4) accessory buildings shall not occupy more than 5% of the total lot area;
  - 5) all buildings including accessory buildings except a marine facility shall be set back a minimum of 24 m (78 ft) from the highwater mark;
  - 6) no building or structure, except a marine facility shall be erected below the 395 ft contour based on Canadian Geodetic Datum; and
  - 7) no part of any tile filed shall be installed within 15 m (49 ft) of the centreline of any existing drainage course.
- 13.4.10 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-10' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:

- 1) the minimum lot frontage shall be 25.5 m (83 ft);
  - 2) the minimum lot area shall be 1,390 m<sup>2</sup> (14,962 ft<sup>2</sup>);
  - 3) the minimum rear yard shall be 7.4 m (24 ft); and
  - 4) the minimum side yard shall be 4.5 m (14.7 ft).
- 13.4.11 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-11' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum lot frontage shall be 24 m (78 ft).
- 13.4.12 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-12' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum rear yard shall be 7.5 m (24.6 ft).
- 13.4.13 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-13' to this By-law, a single detached dwelling shall be the only permitted use.
- 13.4.14 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-14' to this By-law, a single detached dwelling shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum lot area for two of the three lots shall be 1,376 m<sup>2</sup> (14,811 ft<sup>2</sup>) and 1,538 m<sup>2</sup> (16,555 ft<sup>2</sup>) respectively;
  - 2) Section 6.24, Watercourse Setbacks shall not apply; and
  - 3) the minimum setback from the highwater mark for any sewage disposal system or any building or structure, except a marine facility, shall be 15 m.
- 13.4.15 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-15' to this By-law, all buildings and structures, including sewage disposal systems shall be set back a minimum of 30 m (98 ft) from the crest of bank.
- 13.4.16 Notwithstanding their 'R1' zoning, on those lands delineated as 'R1-16' to this By-law, development shall be permitted in accordance with the R1 zone provisions, excepting however that:
- 1) the minimum lot area shall be 1,260 m<sup>2</sup> (13,562 ft<sup>2</sup>); and
  - 2) the minimum lot frontage shall be 24 m (78 ft).
- 13.4.17 Notwithstanding their 'R1' zoning, lands zoned as 'R1-17-h' to this By-law may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:
- 1) the minimum lot frontage shall be 24 m (80 ft);
  - 2) the minimum lot area shall be 2,100 m<sup>2</sup> (22,600 ft<sup>2</sup>); and
  - 3) the setback from the highwater mark for all buildings and structures shall be 45 m (147 ft).
- 13.4.18 Notwithstanding their 'R1' zoning, lands zoned as 'R1-18' to this By-law may be used

in compliance with the R1 zone provisions contained in this By-law, excepting, however, that:

- 1) buildings and structures may be serviced by municipal water supply only.

13.4.19 Notwithstanding their 'R1' zoning, lands zoned as 'R1-19' to this By-law may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:

- 1) development may proceed on private well and septic system services and shall be subjected to the "no municipal water or sewer" R1 zone provisions.

13.4.20 Notwithstanding their 'R1' zoning, lands zoned as 'R1-20' to this By-law may be used in compliance with the with the R1 zone provisions contained in this By-law, excepting however, that:

- 1) the minimum front yard setback for the main residential dwelling shall be 3.0 m (9.8 ft) with a garage, detached or attached being no closer than 6.0 m (19.7 ft) from the front lot line;
- 2) the minimum interior side yard setback shall be 1.2 m (3.9 ft);
- 3) the minimum exterior side yard setback shall be 3.0 m (9.8 ft); and
- 4) the maximum lot coverage shall be 40%.

13.4.21 Notwithstanding the 'R1' zoning, lands zoned as 'R1-21' to this By-law may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:

- 1) the minimum lot area shall be 450 m<sup>2</sup> (4,844 ft<sup>2</sup>);
- 2) the minimum lot frontage shall be 15.0 m (50 ft);
- 3) the minimum front yard setback for the main residential dwelling shall be 3.0 m (9.8 ft) with a garage, detached or attached, being no closer than 6.0 m (19.7 ft) from the font lot line;
- 4) the minimum interior side yard setback shall be 1.2 m (3.9 ft);
- 5) the minimum exterior side yard setback shall be 3.0 m (9.8 ft); and
- 6) the maximum lot coverage shall be 40%.

13.4.22 Notwithstanding their 'R1' zoning, lands zoned as 'R1-22' to this By-law, may be used in compliance with the R1 zone provisions contained in this By-law, excepting however that:

- 1) the minimum required setback from the highwater mark for any building or structure shall be 18.0 m (759 ft) and a minimum natural buffer of 15 m (50 ft), in which no site alteration can occur.
- 2) an unenclosed deck structure may encroach into the highwater mark setback up to a maximum of 2.0 m (6.56 ft), provided that the deck structure does not exceed 3 m (9.8 ft) in width.

13.4.23 Notwithstanding their 'R1' zoning, lands zoned as 'R1-23' to this By-law may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:

- 1) to allow for the construction of a single detached dwelling without frontage on a public street.
- 13.4.24 Notwithstanding their 'R1' zoning, lands zoned as 'R1-24' to this By-law may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:
- 1) the minimum lot area shall be 450 m<sup>2</sup> (4844 ft<sup>2</sup>);
  - 2) the minimum lot frontage shall be 15.0 m (50 ft);
  - 3) the minimum front yard setback for the main residential dwelling shall be 3.0 m (9.8 ft) with a garage, detached or attached, being no closer than 6.0 m (19.7 ft) from the front lot line;
  - 4) the minimum interior side yard setback shall be 1.2 m (3.9 ft);
  - 5) the minimum exterior side yard setback shall be 3.0 m (9.8 ft); and
  - 6) the maximum lot coverage shall be 45%.
- 13.4.25 Notwithstanding their 'R1' zoning, lands zoned 'R1-25' may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:
- 1) a spa (personal service shop) and related accessory uses shall be permitted.
- 13.4.26 Notwithstanding their 'R1' zoning, on those lands zoned as 'R1-26' the following additional provisions apply:
- 1) the minimum lot frontage shall be 12 m (39 ft); and
  - 2) a spa (personal service shop) and related accessory uses shall be permitted.
- 13.4.27 Notwithstanding their 'R1' zoning, on those lands zoned as 'R1-27-h' the following provisions shall apply:
- 1) the minimum lot frontage of Lot No. 10 shall be 25 m;
  - 2) no setback from the regulatory flood plain is required;
  - 3) the minimum front yard setback on Lots No 1, 2, 3, 4 and 16 shall be 6 m;
  - 4) on lots subject to both a Residential First Density (R1) and Environmental Hazard (EH) Zone, the entire lot shall be used to apply lot area, lot coverage, and setback provisions; and
  - 5) the holding provision shall be lifted, and the sensitive land use setbacks established in Section 6.23 shall be deemed to not apply, upon approval of the following to the satisfaction of the Municipality:
    - a) A Mineral Impact Assessment Study to be undertaken by a qualified professional identifying the impact of the proposed development on the quarry, located west of the site, including future expansion in depth or extent and vice versa, and outlining mitigation measures to address any identified impact.
- 13.4.28 Notwithstanding their 'R1' zoning, lands zoned as 'R1-28' to this By-law may be used in compliance with the R1 zone provisions contained in this By-law, excepting however, that:
- 1) the minimum lot frontage shall be 10.7 m (35 ft)

- 13.4.29 [By-law #14-45] Notwithstanding the R1I zoning, lands zoned as R1I-29 on Schedule "A" to this by-law, may be used in compliance with the R1I zone provisions contained in this by-law, the following provisions shall apply:
- 1) the minimum Lot Area shall be 360.0m<sup>2</sup>;
  - 2) the minimum lot frontage shall be 12.0m;
  - 3) the minimum front yard setback shall be 3.0m;
  - 4) the minimum setback between the vehicular entrance to a private garage or carport and an existing or planned sidewalk is 6.2m. No portion of a private garage or a carport shall be located more than 2.5m closer to a street lot line than the closer of:
    - a. a building front wall or side; or
    - b. a covered porch or veranda that is at least 2.5m wide.
  - 5) the minimum rear yard setback shall be 6.0m;
  - 6) the minimum interior side yard setback shall be 1.2m;
  - 7) the minimum exterior side yard setback shall be 3.0m;
  - 8) the maximum building height shall be 9.5m; and
  - 9) the maximum lot coverage shall be 50% for a two-storey and 55% for a Bungalow
- 13.4.30 [By-law #15-74 with amended Section #] Notwithstanding their "R1" zoning, lands zoned as "R1-29" on Schedule 'A' to this by-law, may be used in accordance with the R1 zone provisions contained in this by-law, excepting however that the minimum lot frontage shall be 7.62 m (25 ft).
- 13.4.31 [By-law #17-12 with amended Section #] Notwithstanding their "R1" zoning delineation, lands delineated as "R1-30t" on Schedule 'A' to this by-law, may be used in accordance with the R1 zone provisions contained in this by-law, excepting however that:
- 1) A garden suite shall be a permitted temporary use within the westerly interior side yard; and
  - 2) A garden suite shall cease to be a permitted use effective February 7, 2027.
- 13.4.32 [By-law #18-80 (repeals #18-10) with amended Section #] Notwithstanding the R1I zoning, lands zoned as R1I-31 on Schedule "A" to this by-law may be used in compliance with the R1I zone provisions contained in this by-law, except that the following provisions shall apply:
- 1) The maximum lot coverage shall be 48%.
- 13.4.33 [By-law #18-79] Notwithstanding the R1I zoning, lands zoned as R1I-33 on Schedule 'A' to this by-law may be used in compliance with the R1I zone provisions contained in this by-law, except that the following provisions shall apply:
- 1) the minimum front yard setback shall be 3-6.2m;
  - 2) the minimum interior setback shall be 1.2m; and
  - 3) the lot maximum lot coverage shall be 50%, but if a bungalow it shall be 55%
- 13.4.34 [By-law #24-17] Notwithstanding the provisions of the R1J zone for lands zoned as R1J-h on Schedule 'A' to this by-law, the holding provision will remain until such time as the Owner has received a Notice of Decision from the County of Lanark for Draft Plan of Subdivision application 09-T-23002.

- 13.4.35 [By-law #24-011] Notwithstanding the R1 zoning, lands zoned R1-32 on Schedule 'A' to this by-law may be used in compliance with the R1 zone provisions contained in this by-law, except that the following provisions shall apply:
- 1) the minimum lot area: 8.0 ha.
  - 2) the minimum front yard setback from Rosebank Street: 95 metres
  - 3) the minimum side yard setback: 40 metres
  - 4) the minimum rear yard setback: 5 metres

## SECTION 14 – RESIDENTIAL SECOND DENSITY (R2) ZONE

### PURPOSE OF THE ZONE

The purpose of the R2 – Residential Second Density Zone is to:

- (1) restrict the building form to low density residential uses in areas designated as **Residential and Rural Settlement Area & Village** in the Community Official Plan;
- (2) allow a number of other residential uses to provide additional housing choices within the second density residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) regulate development in a manner that is compatible with existing land use patterns so that the detached, two and three principal dwellings, residential character of a neighbourhood is maintained or enhanced; and
- (5) permit different development standards, identified by subzones, primarily for developing areas zoned **Residential** in the Almonte Ward, which promote efficient land use and compact form incorporating newer design approaches [*By-law #18-77*].

### 14.1 USES PERMITTED

- (1) The following uses are permitted uses subject to:
  - a. the provisions of subsection 14.2 (1) to (5);
  - b. a maximum of 3 guest bedrooms in a **bed and breakfast**;
  - c. a maximum of 10 residents in a **group home Type A**;
  - d. a maximum of 10 residents is permitted in a **retirement home**, converted.

**accessory apartment**

**bed and breakfast**

**dwelling, detached, in accordance with the R1 zone provisions**

**dwelling, duplex**

**dwelling, triplex**

**dwelling, semi-detached**

**dwelling, converted**

**group home type A**

**home-based business** - domestic and household arts

**home-based business** - professional uses

**park**

### CONDITIONAL PERMITTED USES

- (2) The following conditional use is also permitted in the R2 zone, subject to the following:

- (a) it is located on a lot fronting on and having direct vehicular access to Main Street East or West; and
- (b) a maximum of seven rooming units, or a maximum of one dwelling unit and six rooming units.

**rooming house, converted**

- (3) The following conditional use is also permitted in the R2 zone, subject to the following:
  - (a) the use is located in residential buildings with heritage value and the unique historic characteristics of the buildings are preserved in keeping with the Municipality's heritage and design policies and guidelines.
  - (b) adequate off-street parking is provided per Section 9 – Parking, Queuing, and Loading Spacing Provisions of this Plan;
  - (c) each guest room has a minimum floor area of 25 square meters;
  - (d) signage shall be in keeping with the Municipality's heritage and design policies and guidelines;
  - (e) a minimum of 15% of the site has to be maintained as usable landscaped open space;
  - (f) the site has to be located on or within 50 m of an arterial street;
  - (g) the use is subject to Site Plan Control;

**country inn**

**14.2 ZONE PROVISIONS**

- (1) The zone provisions are set out in Tables 14.2A, 14.3A and 14.3B.
- (2) A park is not subject to the provisions of Tables 14.2A, 14.3A and 14.3B, however any development will be subject to the zone provisions for a detached dwelling.
- (3) Conversions that alter an existing residential use building to create another listed permitted use are subject to the provisions of Section 8.3 – Conversions.
- (4) Minimum lot width, lot area and parking requirements for semi-detached dwellings shall apply to each portion of a lot on which each individual dwelling unit is located, whether or not that parcel is to be severed.
- (5) Minimum interior side yard setback is deemed to be 0 m between individual units that are permitted to be vertically attached.

**TABLE 14.2A – R2 Zone [By-law #18-77]**

<b>Provisions</b>	<b>Dwelling, Semi-detached</b>	<b>Dwelling, Duplex</b>	<b>Dwelling, Triplex</b>
Lot Area, Minimum (m <sup>2</sup> )	320 (a)	460	230(a)
Lot Frontage, Minimum (m)	10 (a)	15	18(a)
Front Yard, Minimum (m)	6	6	6
Side Yard, Minimum (m)	1.2 (b)	1.2 (b)	1.2 (b)
Exterior Side Yard, Minimum (m)	6	6	6

Rear Yard, Minimum (m)	7.5	7.5	7.5
Maximum Height – main building (m)	11	11	11
Lot Coverage, Maximum	40%, 45% (e)	40%	40%, 45% (e)

**Footnotes:**

- (a) The minimum lot area and minimum lot frontage requirements are per dwelling unit.
- (b) The minimum interior side yard width shall be 1.2 m, except where a garage or carport is located in the rear yard and accessed by a driveway, the minimum shall be 4.5 m.
- (c) The minimum dwelling unit area shall be 46 m<sup>2</sup> (495 ft<sup>2</sup>) plus 9.5 m<sup>2</sup> (102 ft<sup>2</sup>) for each bedroom.
- (d) The maximum gross density shall be 15 units per hectare.
- (e) If the dwelling type is a bungalow, maximum lot coverage is 45%.

**14.3 R2 SUBZONES**

In the R2 Zone, the following subzones and provisions apply such that:

- (1)
  - (a) Column I lists the subzone character;
  - (b) Columns II through IX inclusive, establish required zone provisions applying to development in each subzone;
  - (c) Column X lists the reference number of additional provisions applying in each subzone. The additional provisions themselves are provided in Table 14.3B. Where an additional provision applies, the corresponding provision specified in Table 14.3B takes ultimate precedence over any provision provided in Table 14.3A;
- (2) Despite any other provision of this By-law, retirement homes, converted dwellings and rooming houses are prohibited on lands zoned R2 and developed with private services.

**TABLE 14.3A – R2 SUBZONE PROVISIONS**

I Sub-Zone	II Principal Dwelling Type (Permitted)	III Min. Lot Frontage (m)	IV Min. Lot Area (m <sup>2</sup> )	V Max. Building Height (m)	VI Min. Front Yard Setback (m)	VII Min. Exterior Side Yard Setback (m)	VIII Min. Rear Yard Setback (m)	IX Min. Side Yard Setback (m)	X End Notes (see Table 11.3B)
A	Detached, Duplex, Semi-detached	20 21 10.5	600 630 315	11 11 11	5 5 5	4.5 4.5 4.5	9 9 9	1 2 1	1 2, 3 4, 5
B	Detached, Semi-detached	18 10.5	540 315	11 11	5 5	4.5 4.5	6 6	1.2 1.2	
C	Detached, Semi-detached	15 9	450 270	11 11	4.5 4.5	4.5 4.5	7.5 7.5	1 1.2	6 6
D	Detached, Duplex, Semi-detached	15 15 7.5	450 225	11 11	3 3	3 3	7.5 7.5	1.2 1.2	6 6
E	Duplex, Semi-detached	15 9	440 270	11 11	3 3	3 3	6 6	1.2 1	8, 9 8, 9

**TABLE 14.3B – ADDITIONAL ZONING PROVISIONS**

**I**  
**Endnote**  
**Number**

**II**  
**Additional Zoning Provision**

1. Minimum lot area is 600 m<sup>2</sup> when served by public water supply and a public sanitary sewer and 690 m<sup>2</sup> when serviced by public water supply or a sanitary sewer only.
2. Minimum lot frontage is 21 m when served by a public water supply and a public sanitary sewer and 26 m when served by public water supply or a sanitary sewer only.
3. Minimum lot area is 645 m<sup>2</sup> when served by public water supply and a public sanitary sewer and 920 m<sup>2</sup> when serviced by public water supply or a sanitary sewer only.
4. Minimum lot frontage is 10.5 m when served by a public water supply and a public sanitary sewer and 15 m when served by public water supply or a sanitary sewer only.
5. Minimum lot area per dwelling unit is 320 m<sup>2</sup> when served by a public water supply and a public sanitary sewer and 500 m<sup>2</sup> per dwelling unit when serviced by public water supply or a sanitary sewer only.

6. Minimum rear yard setback is 25% of the lot depth which must comprise at least 25% of the area of the lot, however it may not be less than 6.0 m and need not exceed 7.5 m. Despite the foregoing, on lots with depths of 15 m or less, the minimum rear yard setback is 4.0 m.
7. Minimum total interior side yard setback is 3 m, with one minimum yard, no less than 1.2 m. Where there is a corner lot on which is located only one interior side yard, the minimum required interior side yard setback equals the minimum required for at least one yard.
8. The minimum setback between the vehicular entrance to a private garage or carport and an existing or planned sidewalk is 6.2 m. No portion of a private garage or carport shall be located more than 2.5 m closer to a street lot line than the closer of:
  - a. a building front wall or side, or
  - b. a covered porch or veranda that is at least 2.5 m wide.
9. Access to a lot by means of a rear lane is permitted, provided the rear lane is a minimum of 8.5 m wide. Where access is via the rear lane, the minimum rear yard setback may be reduced to 1.0 m, and in no case may the width of the garage, carport or driveway exceed 50% of the width of the rear lot line.

#### 14.4 SPECIAL PROVISIONS

- 14.4.1 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-1' to this By-law, development shall be permitted in accordance with the R2 zone provisions, excepting however that:
  - 1) the minimum front yard shall be 4.5 m (14.7 ft).
- 14.4.2 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-2' to this By-law, development shall be permitted in accordance with the R2 zone provisions, excepting however that:
  - 1) the minimum front yard shall be 3.6 m (11.8 ft); and,
  - 2) the minimum side yard shall be 0.9 m (2.9 ft).
- 14.4.3 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-3' to this By-law, a triplex dwelling within and existing building shall be permitted.
- 14.4.4 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-4' to this By-law, development shall be permitted in accordance with the R2 zone provisions, excepting however that:
  - 1) the minimum front yard shall be 2.3 m (7.5 ft).
- 14.4.5 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-5' to this By-law, development shall be permitted in accordance with the R2 zone provisions, excepting however that the following shall be included as permitted uses:
  - 2) artist or photographic studio;

- 3) office;
- 2) personal service shop; and
- 3) repair service shop.

(a) Notwithstanding their 'R2-5' zoning, on those lands delineated as 'R2-5-1' the minimum side yard setback for an accessory structure may be 0.3 m.

- 14.4.6 [By-law #19-109] Notwithstanding their 'R2' zoning, on the lands delineated as 'R2-6' on Schedule 'A' to this By-law the following commercial uses shall also be permitted:
- 1) Medical Facility;
  - 2) Pharmacy

And one (1) parking space for the residential unit may be permitted in the front yard.

- 14.4.7 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-7' to this By-law, development shall be permitted in accordance with the R2 zone provisions, excepting however that:

- 1) the minimum lot area shall be 310 m<sup>2</sup> (3,336 ft<sup>2</sup>); and
- 2) the minimum lot frontage shall be 8.5 m (27.8 ft).

- 14.4.8 Notwithstanding their 'R2' zoning, lands zoned as 'R2-8' to this By-law, may be used in compliance with the R3 zone provisions contained in this By-law, excepting however, that:

- 1) the minimum lot frontage for a single detached dwelling shall be 15.5 m (51 ft).

- 14.4.9 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-9' a dwelling unit may be permitted in an accessory detached garage and further that a detached garage containing a dwelling unit may have a rear yard or side yard setback of 1 m.

- 14.4.10 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-10' the minimum lot frontage should be 17.6 m (57.8 ft).

- 14.4.11 Notwithstanding their 'R2' zoning, on those lands delineated as 'R2-11' a detached garage existing on the date of the passing of this By-law may be used as an accessory dwelling unit.

- 14.4.12 Notwithstanding their 'R2' zoning, lands zoned as R2-12 to this By-law, may be used in compliance with the R2 zone provisions contained in this By-law, excepting however, that:

- 1) the minimum lot area shall be 283 m<sup>2</sup> (3,046 ft<sup>2</sup>) for a semi-detached dwelling.
- 2) the minimum lot frontage shall be 9.3 m (30.5 ft).

- 14.4.13 Notwithstanding the 'R2' Zoning, those lands delineated as 'R2-13' on Schedule 'A' to this by-law shall be issued in accordance with the 'R2' Zone provisions contained in this by-law excepting however, that:

- 1) A health care clinic including chiropractic, physical therapy, acupuncture and massage services is permitted if such use is contained within the existing

dwelling on the subject property.

- 14.4.14 [By-law #12-32] Notwithstanding their “R2” zoning, on those lands delineated as “R2-14” shall permit a County Inn with a minimum room size of 15.3m<sup>2</sup> (165ft<sup>2</sup>)
- 14.4.15 [By-law #14-45 & #18-78 with amended Section #] Notwithstanding the R2E zoning, lands zoned as R2E-15 on Schedule “A” to this by-law, may be used in compliance with the R2E zone provisions contained in this by-law, the following provisions shall apply:
- 1) the minimum Lot Area shall be 270.0m<sup>2</sup>
  - 2) the minimum lot frontage shall be 9.0m
  - 3) the minimum front yard setback shall be 3.0m
  - 4) the minimum setback between the vehicular entrance to a private garage or carport and an existing or planned sidewalk is 6.2m. No portion of a private garage or a carport shall be located more than 2.5m closer to a street lot line than the closer of:
    - a) a building front wall or side; or
    - b) a covered porch or veranda that is at least 2.5m wide.
  - 5) the minimum rear yard setback shall be 6.0m
  - 6) the minimum interior side yard setback shall be 1.2m
  - 7) the minimum exterior side yard setback shall be 3.0m.
  - 8) the maximum building height shall be 11.0m
  - 9) the maximum lot coverage shall be 45% for a two-storey and 50% for a Bungalow
- 14.4.16 [By-law #16-49 & #18-77 (repeals #15-89) with amended Section #] Notwithstanding their “R2” zoning, lands zoned as “R2-16” on Schedule ‘A’ to this by-law, may be used in accordance with the R2 zone provisions contained in this by-law, excepting however that:
- 1) The minimum front yard shall be 3 m (9.84 ft);
  - 2) The minimum rear lane width shall be 6 m (19.69 ft);
  - 3) The holding provision shall be lifted upon approval of the following to the satisfaction of the Municipality:
    - a) approval of a site plan control application, including drawing, which demonstrates conformity to the Community Official Plan (COP) and compatibility with the surrounding neighbourhood with respect to urban design; and
    - b) execution of a site plan agreement between the owner and the Municipality.
- 14.4.17 [By-law #18-77 with amended Section #, repeals #16-21] Notwithstanding their “R2” zoning delineation, lands delineated as “R2-17-h” on Schedules 'A' and 'B' to this by-law, may be used in accordance with the R2 zone provisions contained in this by-law, excepting however that the holding provision shall be lifted once municipal water and sewer systems have been extended to the lands.
- 14.4.18 [By-law #18-80 (repeals #18-10) with amended Section #] Notwithstanding the R2E zoning, lands zoned as R2E-18 on Schedule “A” to this by-law may be used in compliance with the R2E zone provisions contained in this by-law, except that

following provisions shall apply:

- 1) the maximum lot coverage shall be 55%; and
- 2) single-detached dwellings shall adhere to R11-31 standards.

14.4.19 [By-law #19-94] Notwithstanding the permitted uses of the "R2" zone, on the lands denoted as "R2-19" on Schedule "A" of this bylaw, the uses shall be limited to "Semi detached dwellings" in accordance with the zone provisions of Table 14.2A.

14.4.20 [By-law # 21-001] Notwithstanding their 'R2D' zoning, lands zoned as 'R2D-20' on Schedule "A" to this by-law, may be used in compliance with the R2D zone provisions contained in this by-law, excepting however, that:

- i) the minimum front yard setback is 6.0m for any attached private garage.

14.4.21 [By-law #23-012] Notwithstanding the R2 zoning, lands zoned R2-20 on Schedule 'A' to this by-law may be used in accordance with the R2 zone provisions contained in this by-law, excepting however that the following provisions for a dwelling, semi-detached:

1. The minimum rear yard: 6.5 metres;
2. The minimum exterior side yard: 5.0 metres;
3. The minimum interior side yard: 1.2 metres;
4. The minimum lot frontage: 9.0 metres
5. The minimum lot area: 270 m<sup>2</sup>

14.4.22 [By-law # 21-072] Notwithstanding the provisions of the 'R2' Zone, on those lands delineated as 'R2-22' on Schedule 'C' to this By-law, shall be used in accordance with the following provisions:

- i) the minimum lot frontage requirement shall be 16.76 metres.

14.4.23 [By-law #26-017] Notwithstanding their 'R2' zoning, on those lands zoned 'R2-23' on Schedule 'A' of this By-law may be used in accordance with the R2 zone provisions contained in this By-law, excepting however that the following provisions for a dwelling, semi-detached shall apply:

- 1) The minimum lot frontage shall be 9.0m per principal dwelling unit; and
- 2) The minimum lot area shall be 250m<sup>2</sup> per principal dwelling unit

14.4.24 [By-law #26-017] Notwithstanding their 'R2' zoning, on those lands zoned 'R2-24' on Schedule 'A' of this By-law may be used in accordance with the R2 zone provisions contained in this By-law, excepting however that the following provisions for a dwelling, semi-detached shall apply:

- 1) The minimum lot frontage shall be 7.5m per principal dwelling unit

## SECTION 15 – RESIDENTIAL THIRD DENSITY (R3) ZONE

### PURPOSE OF THE ZONE

The purpose of the R3 – Residential Third Density Zone is to:

- (1) permit a mix of medium density residential uses, including four-plex and townhouses in areas designated as **Residential and Rural Settlement Area & Village** in the Community Official Plan;
- (2) allow a number of other residential uses to provide additional housing choices within the third density residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) regular development in a manner that is compatible with existing land use patterns so that the medium density residential character of a neighbourhood is maintained or enhanced; and
- (5) permit different development standards, identified by subzones, primarily for developing areas zoned **Residential** in the Almonte Ward, which promote efficient land use and compact form incorporating newer design approaches [*By-law #18-77*].

### 15.1 USES PERMITTED

- (1) The following uses are permitted uses subject to:
  - (a) the provisions of subsection 15.2 (1) to (5);
  - (b) a maximum of 3 guest bedrooms in a **bed and breakfast**;
  - (c) a maximum of 10 residents in a **group home Type A**;
  - (d) a maximum of 10 residents is permitted in a **retirement home**, converted

**accessory apartment**

**bed and breakfast**

**dwelling, converted**

**four-plex**

**townhouse**

**group home, type A**

**home-based business** - domestic and household arts

**home-based business** - professional uses

**park**

### CONDITIONAL PERMITTED USES

- (2) The following conditional use is also permitted in the R3 zone, subject to the following:
  - (a) it is located on a lot fronting on and having direct vehicular access to

- (b) Main Street East or West; and  
a maximum of seven rooming units, or a maximum of one dwelling unit and six rooming units.

**rooming house, converted**

- (3) The following conditional use is also permitted in the R3 zone, subject to the following:
- (a) the use is located in residential buildings with heritage value and the unique historic characteristics of the buildings are preserved in keeping with the Municipality's heritage and design policies and guidelines.
  - (b) adequate off-street parking is provided per Section 9 – Parking, Queuing, and Loading Spacing Provisions of this Plan;
  - (c) each guest room has a minimum floor area of 25 square m;
  - (d) signage shall be in keeping with the Municipality's heritage and design policies and guidelines;
  - (e) a minimum of 15% of the site has to be maintained as usable landscaped open space;
  - (f) the site has to be located on or within 50 m of an arterial street;
  - (g) the use is subject to Site Plan Control;

**country inn**

## 15.2 ZONE PROVISIONS

- (2) The zone provisions are set out in Tables 15.2A, 15.3A and 15.3B.
- (3) A park is not subject to the provisions of Tables 15.2A, 15.3A and 15.3B, however any development will be subject to the zone provisions for a detached dwelling.
- (4) Conversions that alter an existing residential use building to create another listed permitted use are subject to the provisions of Section 8.4 – Conversions.
- (5) Minimum lot width, lot area and parking requirements for townhouses shall apply to each portion of a lot on which each individual dwelling unit is located, whether or not that parcel is to be severed.
- (6) Minimum interior side yard setback is deemed to be 0 m between individual units that are permitted to be vertically attached.

**TABLE 15.2A – R3 Zone**

No person shall within any R3 Zone use any lot or erect or use any building or structure except in accordance with the following provisions:

Provisions	Fourplex, Dwelling	Townhouse, Dwelling Unit [By-law #18-77]
Lot Area, Minimum (m <sup>2</sup> )	920	168
Lot Frontage, Minimum (m)	20(a)	5.5
Front Yard, Minimum (m)	6	6

Rear Yard, Minimum (m)	7.5	7.5
Side Yard, Minimum (m)	3	0 (b)
Exterior Side Yard, Minimum (m)	6	6
Maximum Height (m)	11	11
Lot Coverage, Maximum	40	40, 55(d)

**Footnotes:**

- a. Where fourplex dwelling units are vertically separated, the minimum lot frontage for townhouse dwelling units shall be 5.5m.
- b. The minimum side yard adjoining an end unit shall be 1.2 m.
- c. The minimum dwelling unit area shall be 46 m<sup>2</sup> (495 ft<sup>2</sup>) plus 9.5 m<sup>2</sup> (102 ft<sup>2</sup>) for each bedroom.
- d. Maximum lot coverage for a townhouse is 55%.

**TABLE 15.3A – R3 SUBZONE PROVISIONS**

I	II	III	IV	V	VI	VII	VIII	IX	X
Sub-Zone	Principal Dwelling Type (Permitted)	Min. Lot Frontage (m)	Min. Lot Area (m <sup>2</sup> )	Max. Building Height (m)	Min. Front Yard Setback (m)	Min. Exterior Side Yard Setback (m)	Min. Rear Yard Setback (m)	Min. Side Yard Setback (m)	End Notes (see Table 15.3B)
A	Fourplex	20	920	11	5	6	7.5	3	4
B	Townhouse	6	180	11	5	4.5	varies	1.2	1
C	Townhouse	6	180	11	3	3	varies	1.2	1
D	Townhouse	4.5	110	11	5	4.5	varies	1.2	1
E	Townhouse	5.6	165	11	3	3	6	0.3	
AA	Townhouse	6	150	11	3	3	6	1.2	2, 3

**TABLE 15.3B – ADDITIONAL ZONING PROVISIONS**

I	II
Endnote Number	Additional Zoning Provision
1.	Minimum rear yard setback is 25% of the lot depth which must comprise at least 25% of the area of the lot, however it may not exceed 7.5m. Despite the foregoing, on lots with depths of 15 m or less, the minimum rear yard setback is 4.0 m.
2.	The minimum setback between the vehicular entrance to a private garage or carport and an existing or planned sidewalk is 6.2 m. No portion of a private garage or carport shall be located more than 2.5 m closer to a street lot line than the closer of: <ul style="list-style-type: none"> <li>(a) a building front wall or side; or</li> <li>(b) a covered porch or veranda that is at least 2.5 m wide.</li> </ul>
3.	Access to a lot by means of a rear lane is permitted, provided the rear lane is a

- minimum of 8.5 m wide. Where access is via the rear lane, the minimum rear yard setback may be reduced to 1.0 m, and in no case may the width of the garage, carport or driveway exceed 50% of the width of the rear lot line.
4. Where fourplex dwelling units are vertically separated, the minimum lot frontage for townhouse dwelling units shall be 5.5m.

## 15.4 SPECIAL PROVISIONS

- 15.4.1 Notwithstanding their 'R3' zoning, on those lands delineated as 'R3-1' to this By-Law, development shall be permitted in accordance with the R3 zone provisions, excepting however that:
- 1) the minimum interior side yard shall be 2 m (6.5 ft); and
  - 2) the minimum number of parking spaces shall be 1 per dwelling unit.
- 15.4.2 (reserved)
- 15.4.3 Notwithstanding their 'R3' zoning, on those lands delineated as 'R3-3' to this By-Law, development shall be permitted in accordance with the R3 zone provisions, excepting however that:
- 1) the minimum interior side yard shall be 3.6 m (11.8 ft);
  - 2) the minimum exterior side yard shall be 5 m (16.4 ft); and
  - 3) the minimum rear yard shall be 5.8 m, except where there are 2 side yards, no rear yard is required provided that both side yards have a minimum width of 5 m (16.4 ft).
- 15.4.4 Notwithstanding their 'R3' zoning, on those lands delineated as 'R3-4' to this By-Law, a townhouse shall be permitted in accordance with the following provisions:
- 1) the minimum front yard shall be 3 m (9.8 ft);
  - 2) the minimum exterior side yard shall be 2 m (6.5 ft);
  - 3) the minimum side yard shall be 0, except that the minimum yard width adjoining an end unit shall be 0.9 m (2.9 ft); and
  - 4) the maximum number of dwelling units shall be 4.
- 15.4.5 Notwithstanding their 'R3' zoning, on those lands delineated as 'R3-5' to this By-Law, development shall be permitted in accordance with the R3 zone provisions, excepting however that:
- 1) the minimum lot area shall be 2000 m<sup>2</sup> (21528 ft<sup>2</sup>), plus 270 m<sup>2</sup> (2906 ft<sup>2</sup>) for every dwelling unit in addition to the first 3 dwelling units;
  - 2) minimum lot frontage shall be 6 m (19.6 ft) for each townhouse dwelling unit;
  - 3) the minimum front yard shall be 6 m (19.6 ft);
  - 4) the minimum exterior side yard shall be 9 m (29.5 ft);
  - 5) the minimum interior side yard shall be 1.83 m (6 ft);
  - 6) the minimum rear yard shall be 9 m (29.5 ft); and
  - 7) development may take place on private sewage disposal and private water supply.
- 15.4.6 Notwithstanding their 'R3' zoning, on those lands delineated as 'R3-6' the minimum

exterior side yard setback shall be 3 m (9.8 ft) and the minimum front yard setback shall be 3 m (9.8 ft).

15.4.7 Notwithstanding their 'R3 – Residential Type 3' zoning, lands zoned as 'R3-7 – Residential Type 3 Exemption 7' to this By-law, may be used in compliance with the R3 zone provisions contained in this by-law, excepting however, that:

- 1) the minimum lot area shall be 165 m<sup>2</sup>;
- 2) the minimum front yard setback for the main residential dwelling shall be 3.0 m with a garage, detached or attached, being no closer than 6.0 m from the front lot line;
- 3) the minimum interior side yard setback shall be 1.2 m on end unit and 0.0 m for interior walls;
- 4) the minimum exterior side yard setback shall be 3.0 m;
- 5) the maximum lot coverage shall be 45%.

15.4.8 Notwithstanding the 'R3 – Residential Type 3' zoning, lands zoned as 'R3-8 – Residential Type 3 Exemption 8' to this By-law may be used in compliance with the R3 zone provisions contained in this By-law, excepting however, that:

- 1) the minimum lot area shall be 165 m<sup>2</sup>;
- 2) the minimum front yard setback for the main residential dwelling shall be 3.0 m with a garage, detached or attached, no closer than 6.0 m from the front lot line;
- 3) the minimum interior side yard setback shall be 1.2 m on end unit and 0.0 m for interior walls;
- 4) the minimum exterior side yard setback shall be 3.0 m;
- 5) the maximum lot coverage shall be 55%.

15.4.9 Notwithstanding their 'R3 – Residential Type 3' zoning, lands zoned as 'R3-h – Residential Type 3 Holding' to this By-law, may be used in compliance with the R3 zone provisions contained in this by-law, excepting however, that:

- 1) that the owner provides a pre-servicing report by a qualified professional engineer licensed to practice in the Province of Ontario
- 2) that a development plan for the remaining lands in Henderson Section on Plan 6262 is completed.

15.4.10 [By-law #18-77, repeals #14-32] Notwithstanding the 'R3' zoning, those lands zoned as R3-10 on Schedule 'C' to this By-law, shall be used in compliance with the R3 zone provisions contained in this By-Law, excepting however, that:

- 1) the principal dwelling type permitted shall be a Townhouse;
- 2) the minimum lot frontage shall be 8.8m;
- 3) the minimum lot area shall be 150m<sup>2</sup>;
- 4) the maximum building height shall be 9m;
- 5) the minimum front yard setback shall be 3m;
- 6) the minimum exterior side yard setback shall be 3m;
- 7) the minimum rear yard setback shall be 7.5m;
- 8) the minimum side yard adjoining an end unit shall be 1.2m;
- 9) the maximum lot coverage shall be 55%;
- 10) the minimum dwelling unit area shall be 46m<sup>2</sup> plus 9.5m<sup>2</sup> for each bedroom;

- 11) the maximum net density shall be 35 units per net hectare;
  - 12) the minimum setback between the vehicular entrance to a private garage or carport and an existing or planned sidewalk is 6.2m. No portion of a private garage or carport shall be located more than 2.5m closer to a street lot line than the closer of:
    - (a) a building front wall or side; or
    - (b) a covered porch or veranda that is at least 2.5 m wide.
- 15.4.11 [By-law #14-45] Notwithstanding the R3 zoning, lands zoned as R3-11 on Schedule "A" to this by-law, may be used in compliance with the R3 zone provisions contained in this by-law, the following provisions shall apply:
- 1) the minimum Lot Area shall be 165.0m<sup>2</sup>
  - 2) the minimum lot frontage shall be 5.5m
  - 3) the minimum front yard setback shall be 3.0m with a garage being no closer than 6m
  - 4) the minimum rear yard setback shall be 7.5m
  - 5) the minimum interior side yard setback shall be 1.2m
  - 6) the minimum exterior side yard setback shall be 3.0m.
  - 7) the maximum building height shall be 11.0m
  - 8) the maximum lot coverage shall be 55%
- 15.4.12 [By-law #18-80 (repeals #18-10) with amended Section #] Notwithstanding the R3 zoning, lands zoned as R3-12 on Schedule "A" to this by-law, may be used in compliance with the R3-8 zone provisions contained in this by-law, except that the following provisions shall apply:
- 1) the maximum lot coverage shall be 62%; and
  - 2) the minimum rear yard setback shall be 6m.
- 15.4.13 [By-law #18-77 with amended Section #, repeals #16-28] Notwithstanding the 'R3– Residential Third Density zoning, lands zoned as 'R3-13– Residential Third density Exception 13 on Schedule 'A' to this By-law, may be used in compliance with the R1E, R2E and R3E subzone provisions contained in this by-law, excepting however, that:
- 1) all zoning provisions associated with the R1E sub zone shall apply except for the minimum lot frontage and minimum front yard setback. The minimum lot frontage shall be 11m (36.08ft) and the minimum front yard setback shall be 6m (19.7ft).
  - 2) all zoning provisions associated with the R2D sub zone shall apply.
  - 3) all zoning provisions associated with the R3E sub zone shall apply.
  - 4) townhouse dwellings may also include any building that is divided vertically into four or more dwelling units, each of which has an independent entrance to a front yard and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 15.4.14 [By-law #18-73] Notwithstanding their "R3" zoning, lands delineated as "R3-14" on Schedule "A" to this by-law may be used in accordance with the following provisions contained in this by-law:
- i) "Planned Unit Developments" may be a permitted use in accordance with the R3 provisions.

- 15.4.15 [By-law #20-067] Notwithstanding their “R3” zoning, lands delineated as “R3-15” on Schedule ‘A’ to this by-law may be used in accordance with the provisions of this bylaw, excepting however that:
- (1) the minimum lot area is 160m<sup>2</sup>;
  - (2) the minimum exterior side yard setback is 3m;
  - (3) the minimum rear yard setback is 6m;
  - (4) the maximum lot coverage of 65%; and
  - (5) the maximum net density is 55 units per ha.

The holding provision (h) shall prohibit development on the subject lands until such time as the applicant has demonstrated the following:

- (1) The completion of a Stormwater Management Plan to the satisfaction of the Municipality of Mississippi Mills and the Mississippi Valley Conservation Authority.”

15. 4. 16 [By-law #23-013] Notwithstanding the R3 zoning, lands zoned R3-16 on Schedule ‘A’ to this by-law may be used in accordance with the R3 zone provisions contained in this by-law, excepting however that:

1. Fourplex, Dwelling is subject to the provisions of Townhouse, Dwelling Unit.
2. The minimum front yard setback between the vehicular entrance to a private garage or carport is 6.0 m. No portion of a private garage or carport shall be located more than 3.0 m closer to the front lot line than a covered porch or veranda

- 15.4.17 [By-law #24-018] Notwithstanding the provisions of the ‘R3’ zone for those lands zoned as ‘R3-17-h Residential Third Density Exception 16’ on Schedule ‘A’ to this By-law, may be used in compliance with R3 zone provisions contained in this By-law, excepting however, that:

- i. The minimum lot area: 160m<sup>2</sup>
- ii. The minimum front yard setback: 3 metres  
Notwithstanding the minimum front yard setback, the minimum setback between the front face of a garage and sidewalk or road edge, whichever is closer: 6.2 metres
- iii. The minimum exterior side yard setback: 3 metres. Notwithstanding the minimum exterior side yard setback, the minimum setback between the front face of a garage and sidewalk or road edge, whichever is closer: 6 metres.
- iv. The minimum rear yard setback: 6 metres.
- v. The maximum lot coverage: 62%
- vi. Section 9.3.6(a) does not apply.
- vii. Notwithstanding Section 9.3.9:
  - a. The minimum distance from a driveway to an interior lot line: same as the minimum interior side yard setback of the R3-16 zone.
  - b. The maximum width of a driveway: 60% of the width of the lot.
- viii. Notwithstanding Section 6.19(6) porches located in the front or exterior side yards with foundations are considered permitted projections.
- ix. Notwithstanding the provisions of the R3-16 zone for lands zoned as R3-16-h on Schedule ‘A’ to this by-law, the holding provision will remain until such time as the Owner has received a Notice of Decision from the County of Lanark for Draft Plan of Subdivision application 09-T-23002.

15.4.18 [By-law #25-058] Notwithstanding the provisions of the 'R3' zone for those lands zoned as 'R3-h' for the lands identified on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:

1. The holding provision shall be lifted once municipal water and sewer systems are available along the frontage of the property.

15.4.19 [By-law #25-059] Notwithstanding the provisions of the 'R3' zone for those lands zoned as 'R3-h' for the lands identified on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:

1. The holding provision shall be lifted once municipal water and sewer systems are available along the frontage of the property.

## SECTION 16 – RESIDENTIAL FOURTH DENSITY (R4) ZONE

### PURPOSE OF THE ZONE

The purpose of the R4 – Residential Fourth Density Zone is to:

- (1) permit a mix of medium density residential uses including townhouses and 3 storey apartments in areas designated as **Residential and Rural Settlement Area & Village** in the Community Official Plan;
- (2) allow a number of other residential uses to provide additional housing choices within the third density residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) regulate development in a manner that is compatible with existing land use patterns so that the medium density residential character of a neighbourhood is maintained or enhanced; and
- (5) permit different development standards, identified by subzones, primarily for developing areas zoned **Residential** in the Almonte Ward, which promote efficient land use and compact form incorporating newer design approaches [*By-law #18-77*].

### 16.1 USES PERMITTED

- (1) The following uses are permitted uses subject to:
  - (a) the provisions of subsection 16.2 (1) to (4);
  - (b) a maximum of 3 guest bedrooms in a **bed and breakfast**;
  - (c) a maximum of 10 residents in a **group home Type A**;
  - (d) a maximum of 10 residents is permitted in a **retirement home**, converted.

**accessory apartment**

**bed and breakfast**

**dwelling, apartment (low-rise)**

**dwelling, converted**

**group home, type A**

**home-based business** - domestic and household arts

**home-based business** - professional uses

**park**

**residential care facility**, in accordance with the I zone provisions

**retirement home**, in accordance with the I zone provisions

**retirement home, converted**

**townhouse**, in accordance with the R3 zone provisions

**townhouse, back-to-back**

**townhouse, stacked**

**CONDITIONAL PERMITTED USES**

- (2) The following conditional use is also permitted in the R4 zone, subject to the following:
- (a) it is located on a lot fronting on and having direct vehicular access to Main Street East or West; and
  - (b) a maximum of seven rooming units, or a maximum of one dwelling unit and six rooming units.

**rooming house, converted**

- (3) The following conditional use is also permitted in the R4 zone, subject to the following:
- (a) the use is located in residential buildings with heritage value and the unique historic characteristics of the buildings are preserved in keeping with the Municipality's heritage and design policies and guidelines.
  - (b) adequate off-street parking is provided per Section 9 – Parking, Queuing, and Loading Spacing Provisions of this Plan;
  - (c) each guest room has a minimum floor area of 25 square meters;
  - (d) signage shall be in keeping with the Municipality's heritage and design policies and guidelines;
  - (e) a minimum of 15% of the site has to be maintained as usable landscaped open space;
  - (f) the site has to be located on or within 50 m of an arterial street;
  - (g) the use is subject to Site Plan Control;

**country inn****16.2 ZONE PROVISIONS**

- (1) The zone provisions are set out in Table 16.2A
- (2) A park is not subject to the provisions of Table 16.2A, however any development will be subject to the zone provisions for a detached dwelling.
- (3) Conversions that alter an existing residential use building to create another listed permitted use are subject to the provisions of Section 8.3 – Conversions.
- (4) Minimum interior side yard setback is deemed to be 0 m between individual units that are permitted to be vertically attached.

**TABLE 16.2A – R4 Zone**

No person shall within any R4 Zone use any lot or erect or use any building or structure except in accordance with the following provisions:

<b>Provisions</b>	<b>Dwelling, Apartment (low-rise)</b>
Lot Area, Minimum (m <sup>2</sup> )	600
Lot Frontage, Minimum (m)	30
Front Yard, Minimum (m)	5

Rear Yard, Minimum (m)	7.5
Side Yard, Minimum (m)	6
Exterior Side Yard, Minimum (m)	6
Maximum Height (m)	11
Lot Coverage, Maximum (%)	45
Courts	(c)
Privacy Yards	(d)
Equipped Children's Play Area	(e)

**TABLE 16.2A – R4 SUBZONE PROVISIONS**

I	II	III	IV	V	VI	VII	VIII	IV	X
Sub-Zone	Min. Lot Frontage (m)	Min. Lot Area (m <sup>2</sup> )	Maximum Building Height (m)	Min. Front Yard Setback (m)	Min. Exterior Side Yard Setback (m)	Min. Rear Yard Setback (m)	Min. Total Side Yard Setback (m)	Maximum number of dwelling units in a block	End Notes (see Table 13.4B)
<b>A</b>	5.5	75	11	3	3	0	1.2	16	f, g, h, i, j, k, l

**Footnotes:**

- (a) The maximum density shall be one dwelling unit per 137 m<sup>2</sup> (1474 ft<sup>2</sup>) of lot area.
- (b) Where a building is in a court, the distance between opposing sidewalls of the building forming the court shall be not less than 12 m (39 ft).
- (c) Privacy yards with a minimum depth of 6 m (19.6 ft) which are clear and unobstructed by any parking area or driveway, other than a private driveway for the exclusive use of a dwelling unit, shall be provided adjoining any ground floor habitable room window, except for a dwelling containing less than 10 dwelling units, in which case a driveway shall be permitted to be within 3 m of an end wall in an interior side yard.

Within a privacy yard, an area with a minimum depth of 3 m (9.8 ft) unobstructed by any public or joint pedestrian access shall be provided adjoining any ground floor habitable room window.

For the purpose this provision a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent finished grade.

- (d) For dwelling houses which do not have a separate privacy yard for the exclusive use of each dwelling unit, a children's play area shall be provided.

The children's play area shall be a minimum of 4% of the lot area which may be included in the area calculated as required landscaped open space.

The children's play area shall be located not less than 6 m (19 6 ft) from a ground floor habitable room window and not in the front or exterior side yards.

For the purpose of this provision, a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent finish grade

- e) Notwithstanding the minimum front yard setback, the minimum setback between the front face of a garage and sidewalk or road edge, whichever is closer: 6.2 metres.
- f) Notwithstanding the minimum exterior side yard setback, the minimum setback between the front face of a garage and sidewalk or road edge, whichever is closer: 6.2 metres.
- g) The minimum side yard setback for interior walls: 0 metres and for end units: 1.2 metres.
- h) Notwithstanding Section 6.19(6) porches located in the front or exterior side yards with foundations are considered permitted projections.
- i) Notwithstanding Table 6.19 – Permitted Projections into Required Yards, an air conditioning unit may be permitted to project into the front yard if the unit is located on a balcony or the corner or exterior side yard but not closer than 1.0 metre to an exterior lot line.
- j) Section 9.3.6(a) does not apply.
- k) Notwithstanding Section 9.3.9:
  - i. The minimum distance from a driveway to an interior lot line: same as the minimum interior side yard setback of the R4A zone; and
  - ii. The maximum width of a driveway: 55% of the width of the lot.
- l) Notwithstanding the provisions of the R4A zone for lands zoned as R4A-h on Schedule 'A' to this by-law, the holding provision will remain until such time as the Owner has received a Notice of Decision from the County of Lanark for Draft Plan of Subdivision application 09-T-23002

### **16.3 SPECIAL PROVISIONS**

- 16.3.1 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-1' to this By-law, development shall be permitted in accordance with the R4 zone provisions, excepting however that:
  - 1) one parking space shall be required for every 4 persons capacity in the seniors housing project.
- 16.3.2 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-2' to this By-law, the permitted uses shall be restricted to an apartment dwelling with a maximum of

30 dwelling units.

- 16.3.3 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-3' to this By-law, the following uses are permitted in addition to the uses of the R4 zone:
- 1) office, containing a maximum gross leasable floor area of 195 m<sup>2</sup> (2099 ft<sup>2</sup>); and
  - 2) group home in both halves of a semi-detached dwelling house provided that the total number of residents in both units does not exceed 10.
- 16.3.4 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-4' to this By-law, development shall be permitted in accordance with the R4 zone provisions, excepting however that:
- 1) a single detached dwelling is a permitted use in accordance with the provisions of the R1 zone, provided that the permitted R4 uses which may be located in the same zone meet all of the provision of the R4 zone.
- 16.3.5 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-5' to this By-law, development shall be permitted in accordance with the R4 zone provisions, excepting however that:
- 1) single detached dwelling house and semi-detached dwelling house shall be permitted uses;
  - 2) zone provisions for single detached dwelling house shall be as stated in the R1 zone;
  - 3) zone provisions for semi-detached dwelling house shall be as stated in the R2 zone;
  - 4) notwithstanding the R2 zone provisions, the minimum lot frontage for a semi-detached dwelling house shall be 10.05 m (33 ft); and
  - 5) an accessory attached or detached garage shall not extend more than 1.5 m (4.9 ft) into the front yard beyond the front face of the principal dwelling.
- 16.3.6 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-6' to this By-Law, development shall be permitted in accordance with the R4 zone provisions, excepting however that:
- 1) the minimum lot area shall be 1.5 ha (3.7 ac);
  - 2) the minimum rear yard shall be 10.5 m (34.4 ft);
  - 3) the maximum number of units shall be 40; and,
  - 4) development may take place on private sewage disposal and private water supply.
- 16.3.7 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-7' to this By-law, a nursing home shall be permitted in accordance with the R4 zone provisions, excepting however that:
- 1) the minimum lot area shall be 2 ha (4.9 ac);
  - 2) the minimum lot frontage shall be 165 m (541 ft);
  - 3) the minimum front yard shall be 7.5 m (24.6 ft);
  - 4) the minimum interior side yard shall be 15 m (49.2 ft);
  - 5) the minimum rear yard shall be 30 m (98.4 ft); and
  - 6) the minimum landscaped open space shall be 50%.

- 16.3.8 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-8' to this By-law, development shall be permitted in accordance with the R4 zone provisions, excepting however that following non-residential uses shall be permitted and zoning provisions apply:
- 1) permitted non-residential uses shall include an artist or photographic studio, assembly hall, bakeshop, community centre, dry cleaning distribution centre, fraternal lodge, laundromat, museum, office, personal service shop, place of entertainment, retail store, restaurant, takeout restaurant;
  - 2) the minimum lot area shall be 1.6 ha (3.9 ac);
  - 3) the minimum lot frontage shall be 79 m (259 ft);
  - 4) the minimum front yard shall be 2 m (6.5 ft)
  - 5) the minimum interior side yard shall be 1 m (3.2 ft);
  - 6) the minimum exterior side yard shall be 0 m;
  - 7) the minimum rear yard shall be 9 m (29.5 ft);
  - 8) the maximum number of dwelling units shall be 72; and
  - 9) the maximum non-residential gross leasable floor area shall be 1,320 m<sup>2</sup> (14,208 ft<sup>2</sup>).
- 16.3.9 Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-9' to this By-law, development shall be permitted in accordance with the R4 zone provisions, excepting however, that:
- 1) single detached dwelling house and semi-detached dwelling house shall be permitted uses;
  - 2) zone provisions for single detached dwelling house shall be as per Section 14.2 of this By-law;
  - 3) zone provisions for semi-detached dwelling house shall be as per Section 14.2 of this By-law;
  - 4) notwithstanding Section 14.2, the minimum lot frontage for a semi-detached dwelling house shall be 10.05 m (33 ft); and
  - 5) the following non-residential uses shall only be permitted in a structure existing at the date of the passing of the By-law
    - beer and wine brewing establishment
    - water bottling establishment
    - public use
    - office
    - contractor's or tradesman's establishment
    - warehousing
  - 6) No open storage of goods or materials shall be permitted as part of the establishment and operation of a non-residential use.
- 16.3.10 Notwithstanding their 'R4 – Residential Type 4 zoning, lands zoned as 'R4-10 – Residential Type 4 Exception 10 on Schedule 'A' to this By-law, may be used in compliance with the R4 zone provisions contained in this by-law, excepting however, that:
- 1) the maximum lot density shall be one dwelling unit per 114m<sup>2</sup> (1,227ft<sup>2</sup>) of lot area.
- 16.3.11 Notwithstanding the R4 zoning, lands zoned as R4-11 on schedule "A" to this by-law, may be used in compliance with the R4 zone provisions contained in this by-law, excepting however, that:

- 1) the minimum front yard setback shall be 4.5m (8.4ft).
  - 2) the minimum privacy yard depth shall be 2.55m (8.4ft).
- 16.3.12 Notwithstanding the 'R4' zoning, lands zoned as R4-12 on Schedule "A" to this by-law, may be used in compliance with the R4 zone provisions contained in this by-law, excepting however, that:
- 1) that the permitted uses shall be restricted to an apartment dwelling with a maximum of 31 dwelling units.
- 16.3.13 (repealed by *By-law #18-77*)
- 16.3.14 [*By-law #14-85 with amended Section #*] Notwithstanding the R4 zoning, lands zoned as R4 on Schedule "A" to this by-law, may be used in accordance with the R4-13 zone provisions contained in this by-law, excepting however that:
- 1) the minimum lot frontage shall be 22 m (72.2ft)
- 16.3.15 [*By-law #17-73 with amended Section #*] Notwithstanding their "R4" zoning delineation, lands delineated as "R4-14" on Schedule 'A' to this by-law, may be used in accordance with the R4 zone provisions contained in this by-law, except however, that:
- 1) the permitted uses shall be restricted to a low-rise apartment dwelling containing a maximum of 9 dwelling units;
  - 2) the minimum dwelling unit size shall be 22.7m<sup>2</sup> (244ft<sup>2</sup>).
- 16.3.16 [*By-law #18-77 with amended Section #, repeals #16-36*] Notwithstanding their "R4" zoning delineation, lands delineated as "R4-15" on Schedule 'A' to this by-law, may be used in accordance with the R4 zone provisions contained in this by-law, excepting however, that:
- 1) the permitted uses shall be restricted to a low-rise apartment dwelling containing a maximum of 7 dwelling units, home-based business – domestic and household arts, and home-based business – professional uses;
  - 2) the northerly minimum interior side yard shall be 1.81 m (5.94 ft); and
  - 3) the minimum rear yard shall be 0.75 m (2.46 ft).
- 16.3.17 [*By-law #20-025*] *Notwithstanding their "R4" zoning, lands delineated as "R4-16" on Schedule 'A' to this by-law may be used in accordance with the provisions of this bylaw, excepting however that:*
- 1) *the maximum density shall be no more than 1 unit per 111m<sup>2</sup> of lot area;*
  - 2) *the minimum setback between a habitable room window and a parking space shall be 4.80m;*
  - 3) *minimum 1.0m fence and no berm shall be required on the south property line of the site;*
  - 4) *the minimum privacy yard depth shall be 4.30m;*
  - 5) *the maximum combined width of driveways on the site shall be 13.4m."*
- 16.3.18 [*By-law #21-081*] *Notwithstanding the provisions of the 'R4' Zone, on those lands delineated as 'R4-17' on Schedule 'D' to this By-law, shall be used in accordance*

*with the following provisions:*

- i) Privacy Yard: Nil*
- ii) Equipped Children's Play Area: Nil*

- 16.3.19 [By-law 25-036] Notwithstanding the provisions of the R4A zone for the lands zoned as R4A-1 on Schedule 'A' to this by-law:
- i. The following additional uses are permitted:
    - Townhouse, stacked**
    - Planned unit development**
    - Daycare**
    - Day nursery**
    - Place of assembly**
    - School**
    - Community centre**
  - ii. Uses within a Planned Unit Development shall satisfy the provisions for each use as if said use was a separate lot except for the minimum lot area and minimum lot frontage
  - iii. Footnotes (a) to (e) do not apply;
  - iv. Front, rear, and interior side yard setbacks as per Schedule "B" Section 42.2 to By-law No. 11-83;
  - v. The minimum lot area: 600 m<sup>2</sup>;
  - vi. The minimum lot frontage: 35 metres
- 16.3.20 [Reserved for future use]
- 16.3.21 [By-law 25-060] Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-21-h' on Schedule 'A' to this By-law, may be used in compliance with the R4 zone provisions contained in this by-law excepting however that:
- 1. Semi-detached dwellings shall be a permitted use, subject to the holding provision (h) being lifted by the Municipality; and,
  - 2. The holding provision shall be lifted once the municipal water and sewer systems are available along the frontage of the property and the property front onto an opened, municipal road
- 16.3.22 [By-law 25-061] Notwithstanding their 'R4' zoning, on those lands delineated as 'R4-22' on Schedule 'A' to this By-law, may be used in compliance with the R4 zone provisions contained in this by-law excepting however that:
- 1. Semi-detached dwellings shall be a permitted use, in compliance with the R2 zone provisions contained in this by-law
- 16.3.23 [By-law 25-062] Notwithstanding the provisions of the 'R4' zone, on those lands zoned 'R4-23' on Schedule 'A' of this By-law, may be used in compliance with the R4 zone provisions contained in this By-law, excepting however that:
- 1) The following uses shall be included as additional permitted uses:
    - Daycare
    - Place of assembly

Medical clinic  
School  
Commercial school  
Community centre  
Personal service business  
Nursing home  
Home-based business, professional  
Home-based business, domestic/household arts  
Medical facility  
Wellness centre  
Office

## SECTION 17 – RURAL RESIDENTIAL (RR) ZONE

### PURPOSE OF THE ZONE

The purpose of the RR –Rural Residential Zone is to:

- (1) recognize and permit limited residential development in areas designated as **Rural and Rural Settlement Area & Village** in the Community Official Plan [*By-law #18-77*];
- (2) permit residential-only uses as well as related and accessory uses;
- (3) regulate development in a manner that respects the rural character of the area.

### 17.1 USES PERMITTED

- (1) The following uses are permitted subject to the following:
  1. the provisions of subsection 17.2 (1) to (3);
  2. a maximum of three guest bedrooms is permitted in a **bed and breakfast**
  3. a maximum of 10 persons are permitted in a **group home**

**bed and breakfast  
dwelling, detached  
garden suite  
group home, Type A  
home-based business - domestic and household arts  
home-based business - professional uses**

### 17.2 ZONE PROVISIONS

- (1) The zone provisions are set out in Table 17.2A
- (2) A park is not subject to the provisions of Table 17.2A
- (3) Conversions that alter an existing residential use building to create another listed permitted use are subject to the provisions of Section 8.3 – Conversions.

**TABLE 17.2A – RR ZONE**

No person shall within any RR Zone use any lot or erect or use any building or structure except in accordance with the following provisions:

<b>Provisions</b>	<b>Permitted</b>
Lot Area, Minimum (m <sup>2</sup> )	4,000
Lot Frontage, Minimum (m)	45
Front Yard, Minimum (m)	15
Rear Yard, Minimum (m)	25
Side Yard, Minimum (m)	6
Exterior Side Yard, Minimum (m)	15

Maximum Height (m)	11
Lot Coverage, Maximum (%)	15

**17.3 SPECIAL PROVISIONS**

17.3.1 Notwithstanding their 'RR' zoning, on those lands delineated as 'RR-1' to this By-Law, the minimum lot frontage shall be in accordance with the registered plan of subdivision.

17.3.2 (Reserved)

17.3.3 Notwithstanding their 'RR' zoning, on those lands delineated as 'RR-3' to this By-Law, development shall be permitted in accordance with the RR zone provisions, excepting however that:

- 1) all buildings, structures and sewage disposal systems shall be set back a minimum of 15 m (49.2 ft) from the edge of the drainage course.

17.3.4 Notwithstanding their 'RR' zoning, lands zoned as 'RR-4', may be used in compliance with the RR zone provisions contained in this By-law, excepting however, that:

- 1) no person shall within the RR-4 Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the 'RR-Rural Residential' permitted uses and provided it is serviced by municipal sewer and municipal water supply systems. No more than a total of 175 residential units shall be permitted within the RR-4 zone.

2) Provisions	<u>Single Detached Dwelling</u>	<u>Semi-Detached Dwelling</u>
minimum lot area	1,500 m <sup>2</sup>	1,000 m <sup>2</sup> (i)
minimum lot frontage	20 m (65 ft)	15 m (49 ft) (ii)
minimum front yard	6 m (19 ft) (iii)	6 m (19 ft) (iii)
maximum front yard	25 m (82 ft) (iii)	25 m (82 ft) (iii)
minimum exterior front yard	6 m (19 ft)	6 m (19 ft)
minimum side yard	5 m (16 ft) (iv)	5 m (16 ft) (iv)
minimum rear yard	20 m (65 ft)	20 m (65 ft)
maximum lot coverage	30%	30%

- (i) minimum lot area is per dwelling unit
- (ii) minimum lot frontage is per dwelling unit
- (iii) in order to achieve a staggered front yard setback, there shall be a minimum of 4 m (6 ft) difference between the front yard setback for abutting dwellings located on the same side of a street (for the purpose of this section a semi-detached dwelling shall be considered one dwelling)
- (iv) where a garage or carport is attached to the main building the minimum side yard may be reduced to 3 m (9.8 ft) on one side.

(a) Notwithstanding their 'RR-4' zoning, lands zoned as 'RR-4a' to this By-law may be used in compliance with the RR-4 zone provisions contained in this By-law, excepting however, that:

- i) minimum front yard shall be 25 m (82 ft)

- (b) Notwithstanding their 'RR-4' zoning, lands zoned as 'RR-4b' to this By-law, may be used in compliance with the RR-4 zone provisions contained in this By-law, excepting however, that:
  - i) despite Section 6.38 of this By-law to the contrary, the minimum setback from the centreline of a County street for a permanent residential building shall be 25 m (82 ft).

## SECTION 18 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

### PURPOSE OF THE ZONE

The purpose of the LSR –Limited Service Residential Zone is to:

- (1) recognize and permit limited service residential development in areas designated as **Rural** in the Community Official Plan;
- (2) permit residential-only used as well as related and accessory uses;
- (3) regulate development in a manner that respects the rural character of the area.

In this By-law, limited service means municipal services which may normally be provided on an opened public street will not be guaranteed including, but not limited to, snow ploughing, Street grading, school busing, garbage pickup, access by emergency vehicles, sanitary sewers, or piped water supply.

### 18.1 USES PERMITTED

No person shall within the “LSR” zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a single detached dwelling
- a seasonal detached dwelling
- buildings, structures and uses accessory to a permitted use
- sewage disposal system

### 18.2 ZONE PROVISIONS

No person shall within any LSR Zone use any lot or erect or use any building or structure except in accordance with the following provisions:

#### PROVISIONS

Minimum lot area	4000 m <sup>2</sup>	(43,055.6 ft <sup>2</sup> )
Minimum lot frontage	60 m	(98.4 ft)
Minimum front yard	7.5 m	(24.6 ft)
Minimum exterior side yard	7.5 m	(24.6 ft)
Minimum side yard	3 m	(9.8 ft)
Minimum rear yard	7.5 m	(24.6 ft)
Maximum building height	11 m	(36.1 ft)
Maximum lot coverage	15 %	

### 18.3 SPECIAL PROVISIONS

18.3.1 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-1' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:

- 1) the minimum lot area shall be 0.8 ha (1.9 ac); and

- 2) the minimum lot frontage shall be 120 m (393 ft).
- 18.3.2 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-2' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:
- 1) the minimum lot area shall be 1.0 ha (2.4 a);
  - 2) the minimum lot frontage shall be 120 m (393 ft); and
  - 3) the minimum setback from the Madawaska River shall be 30 m (98 ft).
- 18.3.3 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-3' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:
- 1) the minimum lot area shall be 9.0 ha (22 ac); and
  - 2) the minimum lot frontage shall be 300 m (984 ft).
- 18.3.4 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-4' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:
- 1) the minimum lot area shall be 0.6 ha (1.4 ac); and
  - 2) the minimum setback from Lake Madawaska shall be 30 m (98 ft), measured horizontally from the crest of the lake.
- 18.3.5 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-5' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:
- 1) the minimum lot area shall be 9.5 ha (23.4 ac).
- 18.3.6 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-6' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:
- 1) the minimum lot area shall be 0.1 ha (0.24 ac);
  - 2) the minimum rear yard shall be 6 m (19.6 ft); and
  - 3) the minimum setback from the flood plain shall be 7 m (22.9 ft).
- 18.3.7 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-7' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:
- 1) the minimum lot area shall be 50 ha (123 ac).
- 18.3.8 (reserved)
- 18.3.9 (reserved)
- 18.3.10 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-10' to this By-law, the minimum lot area shall be 82 ha (202 ac) and the minimum lot frontage shall

- be 640 m (2,099 ft). In addition, no development shall be permitted within 120 m (393 ft) of the unclassified wetland without the completion of an Environmental Impact Study to the satisfaction of the Corporation.
- 18.3.11 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-11' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 80.9 ha (199 ac). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.
- 18.3.12 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-12' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 80.9 ha (199 ac). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.
- 18.3.13 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-13' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 161.9 ha (400 ac). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.
- 18.3.14 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-14' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 70.8 ha (174 ac). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.
- 18.3.15 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-15' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 40.5 ha (100 ac).
- 18.3.16 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-16' to this By-law, the permitted uses of the 'RU – Rural' zone shall be permitted in addition to the LSR uses. The minimum lot area shall be 71.2 ha (175 ac). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.
- 18.3.17 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-17' to this By-law, the minimum lot area shall be 10.5 ha (25 ac). No building or structure shall be located on land which is part of the Pakenham Wetland Complex unless approved by the Corporation.
- 18.3.18 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-18' to this By-law, no buildings or structures, including septic systems shall be located closer than 30 m (98 ft) to the top-of-bank of Glen Creek.
- 18.3.19 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-19' to this By-law, the minimum lot frontage shall be 27 m (88 ft), the minimum rear yard shall be 10.5 m (34 ft) and the floor area shall be 37 m<sup>2</sup> (398 ft<sup>2</sup>).

- 18.3.20 Notwithstanding their 'LSR' zoning, on those lands delineated as 'LSR-20' to this By-law, the minimum lot area and frontage shall be as shown on Plan 26R1995, Part 11.
- 18.3.21 [By-law #16-98] Notwithstanding their "LSR" zoning delineation, lands delineated as "LSR-21" on Schedule 'A' to this By-law may be used in accordance with the LSR zone provisions, excepting however, that:
- 1) the maximum lot coverage for the principal building shall be 18.7%;
  - 2) the minimum development setback to the flood line associated with the Mississippi River shall be 1.2 m (3.94ft); and,
  - 3) the minimum septic tank setback to the flood line associated with the Mississippi River shall be 5 m (16.40ft).
- 18.3.22 [By-law #18-101] Notwithstanding their "LSR" zoning, on those lands delineated as "LSR-22" on Schedule 'B' to this By-law may be used in accordance with the LSR zone provisions, excepting however, that:
- 1) the setback from the erosion hazard lands associated with the Mississippi River shall be 21.5m measured from the crest of the slope on the western boundary of the property.
- 18.3.23 (reserved)
- 18.3.24 [By-law #21-091] Notwithstanding the provisions of the 'LSR' Zone, on those lands delineated as 'LSR-25' on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:
- i) the minimum lot frontage shall be 0 metres.
  - ii) the minimum lot area shall be 4,047 m<sup>2</sup>
- 18.3.25 [By-law #21-096] Notwithstanding the provisions of the 'LSR' Zone, on those lands delineated as 'LSR-h' on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:
- The holding provision (-h) shall prohibit further construction of new buildings on the site. The holding provision shall be lifted upon approval of the following to the satisfaction of the Municipality:
- a) The registration of a Site Plan Control agreement on the title of the property. The site plan agreement will include conditions that address the elements of the proposed development including, but not limited to, the following:
    - i. the design, use and maintenance of the adjacent portion of Municipal unopened Street
    - ii. applicable securities to be held by the municipality
    - iii. any notifications to be registered on title regarding the limited municipal services such as garbage pick up, snowploughing and emergency access.
- 18.3.26 [By-law #22-022] Notwithstanding their 'LSR' Zoning, on those lands delineated as 'LSR-26-h' on Schedule 'A' to this By-law, may be used in compliance with the

LSR zone provisions contained in this by-law, excepting however that the performance standards shall be set out by Schedule 'B' of this by-law.

The Holding Provision (-h) shall prohibit further construction of new buildings on the site. The Holding Provision shall be lifted upon approval of the following to the satisfaction of the Municipality:

- a) The holding provision will require that the Owners enter into a Site Plan Agreement with the Municipality in order to register an agreement on title regarding use, maintenance and liability agreement regarding the private Street and limited services provided by the Municipality.

## SECTION 19 – AGRICULTURAL COMMERCIAL (C1) ZONE

### PURPOSE OF THE ZONE

- (1) permit agriculturally related businesses and services in areas designated as **Agriculture** in the Community Official Plan but with lower priority agricultural lands; and
- (2) regulate development in a manner that has a minimal impact on the surrounding agricultural area or villages.

### 19.1 USES PERMITTED

- (1) No person shall within the C1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:

**accessory dwelling unit**  
**animal clinic**  
**bulk sales outlet dealing primarily in farm-related goods and supplies**  
**butcher shop**  
**dairy**  
**equestrian establishment**  
**farm implement establishment**  
**garden centre**  
**greenhouse**  
**retail store engaged in the sale of farm produce or landscaping and garden supplies**

### 19.2 ZONE PROVISIONS

- (1) No person shall within any C1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 19.2 - C1 ZONE PROVISIONS**

<b>Provisions</b>	<b>Permitted</b>
Lot Area, Minimum (m <sup>2</sup> )	2,000
Lot Frontage, Minimum (m)	30
Front Yard, Minimum (m)	12
Rear Yard, Minimum (m)	7.5
Side Yard, Minimum (m)	
if adjacent to a non-residential use	6
if adjacent to a residential use	12
Exterior Side Yard, Minimum (m)	12
Maximum Height (m)	11
Landscaped Open Space (%)	20
Lot Coverage, Maximum (%)	35

- (2) A lot used for a permitted commercial use may contain one accessory residential dwelling unit (either attached or detached) for the owner or operator of said commercial use, subject to the following regulations:
  - (a) that a dwelling unit which forms part of the main building shall be located on the ground floor to the rear of the commercial use or on the second or higher floors of the main building;
  - (b) that only one accessory dwelling unit is permitted per lot and shall not be permitted as a separate lot; and
  - (c) an accessory dwelling unit detached shall be subject to the yard requirements of the C1 Zone.

### **19.3 SPECIAL PROVISIONS**

19.3.1 Notwithstanding their 'C1' zoning, on those lands delineated as 'C1-1' a commercial storage structure shall be limited to 3,716 m<sup>2</sup> (40000 ft<sup>2</sup>) and shall be located to the north of the existing residential dwelling which fronts on County Street #20.

19.3.2 Notwithstanding the C1 zoning, the lands zoned as C1-3 on Schedule "A" to this by-law, may be used in compliance with the C1 zone provisions contained in this by-law, excepting however, that:

- 1) The loading space shall be at least 5.7m (18.7ft) long, at least 3.0 m (9.8ft) wide and shall have a vertical clearance of at least 3m (13.1ft).

## SECTION 20 – DOWNTOWN COMMERCIAL (C2) ZONE

### PURPOSE OF THE ZONE

The purpose of the Downtown Commercial (C2) Zone is to:

- (1) accommodate a broad range of uses including commercial, residential and institutional uses, including mixed-use buildings but excluding auto-related uses, in areas designated **Downtown Commercial** in the Community Official Plan;
- (2) foster and promote compact, mixed-use pedestrian-oriented development;
- (3) recognize the area's rich architectural heritage, visual landmarks, mix of land uses and importance to the community's social fabric;
- (4) impose development standards that will promote intensification while ensuring that the street continuity, scale and character is maintained, and that the uses are compatible and complement the surrounding land uses.

### 20.1 USES PERMITTED

No person shall within the C2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses and provided it is serviced by municipal water supply and sanitary sewers.

(a) Residential Uses

- A dwelling unit or units in the form of apartments in the upper storeys of a non-residential building or to the rear of a non-residential store front use.

(b) Non-Residential Uses

**amusement centre  
animal care  
animal clinic  
artist studio  
assembly hall  
bakery  
bank  
bank machine  
bar  
bed and breakfast  
catering establishment  
cinema  
club, commercial  
commercial use  
community centre  
convenience store  
day nursery  
drive-through facility**

**dry cleaner's distribution station**  
**home-based business – Professional Use**  
**home-based business – Domestic and household arts**  
**hotel**  
**institution**  
**medical facility**  
**museum**  
**nightclub**  
**office**  
**outdoor commercial patio**  
**parking lot**  
**personal service business**  
**place of assembly**  
**place of worship**  
**post office**  
**public and private parks**  
**recreational and athletic facility**  
**restaurant**  
**retail food store**  
**retail store**  
**service and repair shop**  
**theatre**

## 20.2 ZONE PROVISIONS

- (1) No person shall within any C2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

**TABLE 20.2 C2 ZONE PROVISIONS**

<b>Provisions</b>	<b>Permitted</b>
Lot Area, Minimum (m <sup>2</sup> )	Nil
Lot Frontage, Minimum (m)	Nil
Front Yard, Minimum (m)	Nil
Rear Yard, Minimum (m)	Nil
where the yard abuts a lot line in residential zone	3
Side Yard, Minimum (m)	Nil
where the yard abuts a lot in a residential zone	3
Exterior Side Yard, Minimum (m)	Nil
Maximum Height (m)	12 (a)

- (2) Accessory detached dwellings in accordance with Section 7.3.3.

### Footnote:

- a) Maximum building height of 12 metres, not to exceed 3-storeys

## 20.3 SPECIAL PROVISIONS

- 20.3.1 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-1' the following provisions shall apply:

- 1) the minimum side yard width for a building existing at the date of the passage of the By-law shall be 0.17 m (0.55 ft);
  - 2) the minimum number of parking spaces shall be 10;
  - 3) the maximum number of 5 parking spaces may be located off site; and
  - 4) a parking area shall be located no closer than 0.8 m (26 ft) to a lot line or street.
- 20.3.2 Notwithstanding their 'C2' zoning, lands zoned as 'C2-2' to this By-law may be used in compliance with the C2 zone provisions contained in this By-law, excepting however, that:
- 1) two accessory residential dwelling units may be permitted;
  - 2) one non-residential local commercial unit not to exceed 185 m<sup>2</sup> may be permitted;
  - 3) the total number of on-site parking spaces required for the permitted residential and non-residential units shall be six (6);
  - 4) the front yard, side yard, exterior side yard and rear yard setbacks and the maximum building height shall be as they exist with the existing structure on the date of the passing of the By-law; and
  - 5) the minimum landscaped open space shall be as it existed on the date of the passing of the By-law.
- 20.3.3 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-3' the permitted uses shall be restricted to an automobile washing establishment.
- 20.3.4 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-4' the permitted uses shall include residential uses in accordance with the R2 zone provisions.
- 20.3.5 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-5' the permitted uses shall include five residential dwelling units without the existence of non-residential uses.
- 20.3.6 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-6' the following additional provisions apply:
- 1) a triplex shall be included as a permitted residential use.
- 20.3.7 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-7' the permitted uses shall include a duplex dwelling in accordance with the R2 zone provisions.
- 20.3.8 Notwithstanding their 'C2' zoning, lands zoned as 'C2-8' to this By-law may be used in compliance with the C2 zone provisions contained in this By-law, excepting however, that:
- 1) Cash-in-lieu of Parking provisions shall be extended to two accessory residential apartment units.
- 20.3.9 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-9' the permitted uses shall include a maximum of 5 dwelling units, one of which may be permitted in the basement.
- 20.3.10 Notwithstanding their 'C2' zoning, on those lands delineated as 'C2-10' to this By-law, development shall be permitted in accordance with the R3 zone provisions, excepting

however that:

- 1) the minimum front yard shall be 7 m (22.9 ft); and
- 2) the minimum rear yard shall be 7 m (22.9 ft).

20.3.11 Notwithstanding their 'C2' zoning, lands zoned as 'C2-11' to this By-law, may be used in compliance with the C2 zone provisions contained in this By-law, excepting however, that:

- 1) the maximum building height is 18 m (59 ft).

20.3.12 Notwithstanding their "C2" zoning, on those lands delineated as "C2-12" permits an apartment as a permitted use without the existence of non-residential uses

20.3.13 [*By-law 20-068*] Notwithstanding their "C2" zoning, lands delineated as "C2-13" on Schedule 'A' to this by-law may also be used for "triplex" and "fourplex" uses, and up to 50% of the gross floor area of the rear of the ground floor may be used for residential uses. The following specific provisions also apply:

1. Minimum setback between a parking space and a habitable room window of 1.37m; and
2. Minimum setback between a driveway aisle and a habitable room window of 0m."

## SECTION 21 – HIGHWAY COMMERCIAL (C3) ZONE

### PURPOSE OF THE ZONE

The purpose of the Highway Commercial (C3) Zone is to:

- (1) accommodate a broad range of automobile-oriented commercial uses; and
- (2) impose development standards that will improve the visual image of highway commercial areas and develop them as gateways to the urban communities.

### 21.1 USES PERMITTED

No person shall within a C3 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses.

- amusement centre
- amusement park
- animal care establishment
- animal clinic
- automobile body shop
- automobile car wash
- automobile care
- automobile gas bar
- automobile sales establishment
- automobile service station
- bakery
- bank
- bank machine
- building supply outlet
- club, commercial
- commercial storage
- commercial use
- contractor's or trade establishment
- convenience store
- custom workshop
- drive-in theatre
- drive-through facility
- dry cleaner's distribution station
- farm implement establishment
- farm supplies dealership
- funeral establishment
- garden centre
- highway commercial mall
- hotel
- laundromat
- laundry facility
- motel
- office
- parking lot

- personal service business
- place of assembly
- place of worship
- post office
- recreational and athletic facility
- recreational vehicle sales
- restaurant
- retail food store
- retail propane/compressed natural gas transfer facility
- retail store
- service and repair shop
- sample and showroom
- taxi station
- tourist establishment
- transportation terminal
- warehouse
- wholesale outlet
- buildings or uses accessory to foregoing

**21.2 ZONE PROVISIONS**

- (1) No person shall within any C3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 21.2 C3 ZONE PROVISIONS**

<b>Provisions</b>	<b>No Municipal Water or Sewer</b>	<b>Either Municipal Water or Sewer</b>	<b>Municipal Water and Sewer</b>
Lot Area, minimum	2,000 m <sup>2</sup> (21,527 ft <sup>2</sup> )	1,500 m <sup>2</sup> (16,146 ft <sup>2</sup> )	Nil
Lot Frontage, minimum	30 m (98.4 ft)	25 m (82.0 ft)	30 m (98.4 ft)
Front Yard, minimum	12 m (39 ft)	12 m (39 ft)	6 m (19.7 ft)
Rear Yard, minimum	7.5 m (24.6 ft)	7.5 m (24.6 ft)	6 m (19.7 ft)
Side Yard, minimum	6 m (19.7 ft)	6 m (19.7 ft)	3 m (2) (9.9 ft)
Exterior Side Yard, minimum	12 m (39 ft)	12 m (39 ft)	6 m (19.7 ft)
Landscaped Open Space, minimum	20% (3)	20% (3)	10% (3)
Building Height (main building), maximum	14 m (45.9 ft)	14 m (45.9 ft)	14 m (45.9 ft)
Outdoor Storage	(4)(5)	(4)(5)	(4)(5)

- (a) Where the interior side yard abuts a lot in a Residential Zone, the minimum side yard setback shall be 6 m (19.6 ft).
- (b) The minimum required Landscaped Open Space shall include a solid fence a minimum of 1.5 m (4.9 ft) in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone.
- (c) Outdoor storage is permitted subject to:
  - (a) being located in an interior side yard or rear yard;
  - (b) being completely enclosed and screened from a public street, and from residential or institutional zone; and
- (d) Garbage shall be stored within metal containers in an area designed expressly for that purpose which is surrounded by opaque screening that is minimum 2m tall [*By-law #18-77*].

### 21.3 SPECIAL PROVISIONS

21.3.1 Notwithstanding their 'C3' zoning, on those lands delineated as C3-1' to this By-law, development shall proceed in accordance with the C3 zone provisions, excepting however, that:

- 1) the following uses shall not be permitted:
  - automobile body shop
  - commercial storage
  - contractor's or tradesman's establishment
  - custom workshop
  - dry cleaning plant
  - residential uses
- 2) the following shall be included as permitted uses, in addition to those normal C3 permitted uses
  - medical facility
  - equipment rental outlet
  - garden centre
  - education and training facility
  - parking lot
  - public use
  - research and development centre
  - computer, electronic or data processing establishments
  - scientific or technological establishment
  - communication and information establishment
  - business and government services

21.3.2 Notwithstanding their 'C3' zoning, on those lands delineated as 'C3-2' apartment units are permitted in a non-residential building, provided that the non-residential uses in the building at the time do not include the following uses:

- automobile body shop
- automobile gas bar
- automobile service station
- retail propane/compressed natural gas transfer facility gas cylinder handling facility

21.3.3 [By-law # 23-050] Notwithstanding their 'C3' zoning, on those lands delineated as 'C3-3', to this By-law, development shall proceed in accordance with the 'C3' zone provisions, excepting however that:

1) Only the following uses are permitted:

- animal care establishment
- animal clinic
- automobile car wash
- automobile care
- automobile gas bar
- automobile sales establishment
- automobile service station
- bakery
- bank
- bank machine
- club, commercial
- commercial use
- convenience store
- drive-through facility
- funeral establishment
- highway commercial mall
- hotel
- motel
- office
- personal service business
- post office
- recreational and athletic facility
- restaurant
- retail food store
- retail store
- service and repair shop
- sample and showroom
- taxi station
- tourist establishment
- buildings or uses accessory to foregoing

21.3.4 (reserved)

21.3.5 (reserved)

21.3.6 Notwithstanding their 'C3' zoning, on those lands delineated as 'C3-6 the only permitted uses will be commercial storage and an accessory dwelling. The commercial storage will only be permitted within the existing buildings on the property. Open storage shall not be permitted.

21.3.7 (reserved)

21.3.8 (reserved)

21.3.9 Notwithstanding their 'C3' zoning, on those lands delineated as 'C3-9-h' to this By-law, development shall proceed in accordance with the 'C3' zone provisions, excepting however that:

2) the following uses shall not be permitted:

- automobile body shop
- automobile care
- automobile gas bar
- automobile rental
- automobile sales
- automobile service station
- automobile washing establishment
- commercial storage
- contractor's or tradesman's establishment
- dry cleaning distribution station
- dry cleaning plant
- farm custom work
- farm implement sales
- farm supplies dealership
- gas cylinder handling facility
- parking lot
- recreational vehicle sales
- retail propane/compressed natural gas transfer facility
- taxi station
- transportation terminal

3) the following shall be included as permitted uses, in addition to the remaining permitted C3 uses:

- medical facility
- education and training facility
- research and development facilities
- computer, electronic or data processing establishment
- scientific or technological establishment
- communication and information establishment
- business and government services

4) the holding provision shall be lifted upon approval of the following to the satisfaction of the Municipality:

- Approval of a site plan application, including drawing, that demonstrates

conformity to the Community Official Plan (COP) including but not limited to highway commercial gateway policies, the impact of the highway commercial lands on adjacent residential development (i.e., buffering, screening, setbacks), integration with other surrounding commercial development, parking, loading, outside storage, signage, building locations, access points and traffic flow, environmental impacts, tree retention, landscaping and lighting, and pedestrian linkages;

- Approved site access to be shown on the site plan, supported by a Traffic Impact Study, if required, to be to the satisfaction of Municipality and the County of Lanark;
- Site stormwater management plan for the site;
- Hydrogeological Assessment to be undertaken by a qualified professional as per Wellhead protection policies of the COP

## SECTION 22 – SHOPPING CENTRE COMMERCIAL (C4) ZONE

### PURPOSE OF THE ZONE

The purpose of the Shopping Centre Commercial (C4) Zone is to:

- (1) allow Shopping Centre Commercial development in the **Highway Commercial** designation of the Community Official Plan; and
- (2) impose development standards that will ensure that the uses are compatible and complement surrounding land uses.

### 22.1 USES PERMITTED

No person shall within the C4 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses and provided it is serviced by municipal water supply and sanitary sewers.

(a) Residential Uses

None

(b) Non-Residential Uses

- shopping centre
- buildings or uses accessory to foregoing

### 22.2 ZONE PROVISIONS

- (1) No person shall within any C4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

**TABLE 22.2 – C4 ZONE PROVISIONS**

<b>Provisions</b>	<b>Permitted</b>
Lot Area, minimum (m <sup>2</sup> )	1,000
Lot Frontage, minimum (m)	30
Front Yard, minimum (m)	15
Exterior Side Yard, minimum (m)	6
Side Yard, minimum (m)	3
Rear Yard, minimum (m)	3
Building Height, maximum (m)	14
Landscaped Open Space, minimum (%)	10
Gross Floor Area, maximum (m <sup>2</sup> )	3,500
Floor Space Index, maximum	0.45
Outdoor Storage	Prohibited (5)

- (a) Where the interior side yard abuts a lot in a Residential Zone, the minimum side yard setback shall be 6 m (19.6 ft).

- (b) Where the rear yard abuts a lot in a Residential Zone, the minimum rear yard setback shall be 6 m (19.6 ft).
- (c) The minimum required Landscaped Open Space shall include a solid fence a minimum of 1.5 m (4.9 ft) in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone.
- (d) Garbage shall be stored within metal containers in an area designed expressly for that purpose which is surrounded by opaque screening that is minimum 2 m tall [By-law #18-77].

## 22.3 SPECIAL PROVISIONS

22.3.1 Notwithstanding their 'C4' zoning, on those lands delineated as 'C4-1' the maximum gross leasable floor area shall be 6,500 m<sup>2</sup>.

22.3.2 (reserved)

22.3.3 Notwithstanding their 'C4' zoning, lands zoned as 'C4-3' to this By-law, may be used in compliance with the C4 zone provisions contained in this by-law, excepting however, that:

- 1) the minimum front yards setback shall be 7.52 m (24.67ft);
- 2) that the shopping centre shall have a maximum gross floor area of 4,890 m<sup>2</sup> (51,768 ft<sup>2</sup>);
- 3) in addition to the permitted 4,890 m<sup>2</sup> (51,768 ft<sup>2</sup>) of gross floor area, a retail pad of 232 m<sup>2</sup> (2,500 ft<sup>2</sup>) shall be permitted;
- 4) that the individual commercial units within the shopping centre shall have a minimum gross floor area of 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) shall be permitted;
- 5) notwithstanding sub section iii) a maximum of three commercial units with a minimum gross floor area of 139.4 m<sup>2</sup> (1,500 ft<sup>2</sup>) shall be permitted;
- 6) that the shopping centre may include a covered/enclosed walkway not to exceed 1,114 m<sup>2</sup> (11,991 ft<sup>2</sup>) in size;
- 7) a total of 139m<sup>2</sup> (1,500ft<sup>2</sup>) of space within the covered/enclosed walkway may be used for kiosk type commercial uses;
- 8) in addition to the permitted 4,890 m<sup>2</sup> (51,768 ft<sup>2</sup>) of gross floor area, 279 m<sup>2</sup> (3,000 ft<sup>2</sup>) of accessory storage and accessory office space may be permitted in a second storey of the mall structure; and
- 9) a reduction in the required minimum parking from 303 spaces to 281 spaces to be provided on site.

22.3.4 [By-law #20-113 to further amend By-law #12-48] "Notwithstanding the 'C4' zoning, on lands delineated as 'C4-4' the following additional provisions shall apply:

- 1) The following residential uses are permitted as additional uses:
  - apartment dwelling, low rise, in accordance with the R4 zone
  - apartment dwelling, mid rise, in accordance with the apartment dwelling, low rise provisions of the R4 zone
  - dwelling unit or units in the form of apartments in the upper storeys of a non-residential building

- 2) For the purpose of this exception zone, an “apartment dwelling, mid rise” means a residential use building of four or fewer storeys in height containing four or more principal dwelling units, other than a multiple attached dwelling or stacked dwelling.
- 3) Notwithstanding the applicable zone provisions, the following provisions shall apply to residential uses:
  - a) Maximum Height (m) 15m or 4 storeys
  - b) Maximum Density 50 units per net hectare
  - c) Minimum Setback from Ottawa Street (m) 60m

Notwithstanding the provisions of subsection 3(c) above, the minimum required setback from Ottawa Street shall not apply to a dwelling unit located in the upper storeys of a non-residential building.

Notwithstanding the provisions of subsection 16.2, the minimum required rear yard associated with an apartment dwelling low rise or mid rise shall be 26m.

The holding provision (h) shall prohibit development on the subject lands until such time as the applicant has obtained Site Plan Control approval from Council.

## SECTION 23 – RURAL COMMERCIAL (C5) ZONE

### PURPOSE OF THE ZONE

The purpose of the Rural Commercial (C5) Zone is to:

- (a) permit the development of resource-based and recreational commercial uses which serve the rural community and visiting public in areas mainly designated as **Rural** in the Community Official Plan;
- (b) accommodate a range of commercial uses including services for the travelling public as well as agriculture-related, vehicle-oriented and resource-based products and services; and
- (c) regulate development in a manner that has a minimal impact on the surrounding rural area or villages.

### 23.1 USES PERMITTED

- (1) No person shall within a C5 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses.
  - (a) Residential Uses
    - an accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use except automobile uses
    - A detached dwelling
  - (b) Non-Residential Uses
    - animal care establishment
    - animal clinic
    - artist studio
    - automobile care
    - automobile gas bar
    - butcher
    - contractor's or trade establishment
    - dairy
    - drive-through facility
    - equestrian establishment
    - fairground
    - farm implement establishment
    - garden centre
    - heavy equipment and vehicle sales, rental and servicing
    - greenhouse
    - lodge
    - marina
    - marine facility
    - motel

recreational vehicle sales  
 buildings, structures and uses accessory to a permitted use

**CONDITIONAL PERMITTED USES**

- (2) The following conditional uses are permitted subject to the following:
  - (a) The provisions of subsections 23.2(1) and 23.2(2);
  - (b) Provided that they are located in the same building or on the same lot as a permitted use:

accessory dwelling  
 bank machine  
 convenience store

**23.2 ZONE PROVISIONS**

- (1) No person shall within any C5 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 23.2 – C5 ZONE PROVISIONS**

<b>Provisions</b>	<b>Permitted</b>
Lot Area, minimum (m <sup>2</sup> )	4,000
Lot Frontage, minimum (m)	30
Front Yard, minimum (m)	12
Side Yard, minimum (m)	6
Exterior Side Yard, minimum (m)	12
Rear Yard, minimum (m)	7.5
Building Height, maximum (m)	11
Lot Coverage, maximum (%)	25
Landscaping of Yards	Required front and exterior side yards to be landscaped except for driveways crossing the front or corner side yard leading to a parking area.
Outdoor Storage	Outdoor storage permitted in interior side and rear yards only; must be screened and concealed from view from abutting streets and from abutting non-commercial or non-industrial zones.

- (2) Accessory detached dwellings in accordance with Section 7.3.3.

**23.3 SPECIAL PROVISIONS**

23.3.1 Notwithstanding their 'C5' zoning, on those lands delineated as 'C5-1' an abattoir is permitted.

23.3.2 (reserved)

23.3.3 Notwithstanding their 'C5' zoning, on those lands delineated as 'C5-3' a single use building and/or structure shall be permitted, not to exceed the following gross leasable floor area per lot:

Category I

<u>Use</u>	<u>Area</u>
an antique shop	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
an automobile service station	
a bank	
a craft shop	
an entertainment lounge	
a farm machinery sales and service	
a farm produce outlet	
a nursery or garden supply centre	
a personal service shop	
a restaurant	
a retail store	
a service outlet	
a veterinary clinic or hospital	
an accessory dwelling	

Category II

<u>Use</u>	<u>Area</u>
a commercial garage	1,400 m <sup>2</sup> (15,069 ft <sup>2</sup> )
an equipment storage establishment	
a motel	
a vehicle sales and service	

23.3.4 Notwithstanding their 'C5' zoning, those lands zoned as 'C5-4' to this By-law, may be used in compliance with the C5 zone provisions contained in this By-law, excepting however that the minimum lot frontage shall be 10 m.

23.3.5 Notwithstanding their 'C5' zoning, on those lands delineated as 'C5-5' no building or structure may be located or erected below the one-hundred-year flood elevation of 91.1 m (298.8 ft) above sea level, without the written approval of Council and the Mississippi Valley Conservation Authority.

23.3.6 [By-law #12-22] Notwithstanding their "C5" zoning, on those lands delineated as "C5-6" permitted uses shall be limited to the following:

- An accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use except automobile uses
- A detached dwelling
- Industrial uses including only machine and welding shops
- Veterinarian clinics and offices
- Commercial school
- Farm Custom Work
- Feed mills

- Grain elevators and /or drying establishments
- Contractor's or tradesman's establishment
- Transportation terminal
- Dairy
- Riding stables and equestrian centres
- A sewage disposal system
- Buildings, structures and uses accessory to a permitted use
- Storage yard accessory to the contractor's or tradesman's establishment.

23.3.7 [By-law #12-83] Notwithstanding their "C5" zoning, on those lands delineated as "C5-7" limits the uses permitted on the property to include the following:

- An accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use except automobile uses
- A detached dwelling
- Industrial uses including only welding shops
- Recreational Vehicle Sales and Service
- Veterinarian clinics and offices
- Commercial school
- Farm Custom Work
- Feed mills
- Grain elevators and /or drying establishments
- Contractor's or tradesman's establishment
- Transportation terminal
- Dairy
- Riding stables and equestrian centres
- A sewage disposal system
- Buildings, structures and uses accessory to a permitted use
- Storage yard accessory to the contractor's or tradesman's establishment.

23.3.8 [By-law #16-44 with amended Section #] Notwithstanding their "C5" zoning delineation, lands delineated as "C5-8" on Schedule 'A' to this by-law, may be used in accordance with the C5 zone provisions contained in this by-law, excepting however that a contractor's or trade establishment as defined herein shall be the only permitted use. A contractor's or trade establishment shall be defined as a building or part of building where mechanical, electrical, structural, plumbing, landscaping or like contractors conduct their businesses, whether in conjunction with a retail store or not, and may include offices and indoor and outdoor storage and display areas.

23.3.9 [By-law #16-44 with amended Section #] Notwithstanding their "C5" zoning delineation, lands delineated as "C5-9" on Schedule 'A' to this by-law, may be used in accordance with the C5 zone provisions contained in this by-law, excepting however that outdoor storage shall be the only permitted use.

23.3.10 [By-law #18-77 with amended Section #, repeals #15-08] Notwithstanding their C5 zoning, lands zoned as "C5-10" on Schedule 'A' to this by-law, may be used in compliance with the C5 zone provisions contained in this by-law, excepting however, that a MICRO-BREWERY shall be an additional permitted use.

23.3.11 [By-law #18-77, repeals #12-76] Notwithstanding their "C5" zoning, on those lands delineated as "C5-11" permitted uses shall be limited to the following:

- An accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use except automobile uses

- A detached dwelling
- Industrial uses including only machine and welding shops
- Veterinarian clinics and offices
- Commercial school
- Farm Custom Work
- Feed mills
- Grain elevators and /or drying establishments
- Contractor's or tradesman's establishment
- Transportation terminal
- Dairy
- Riding stables and equestrian centres
- A sewage disposal system
- Buildings, structures and uses accessory to a permitted use
- Storage yard accessory to the contractor's or tradesman's establishment.
- Commercial Storage Facility

23.3.12 [By-law #15-30 with amended Section #] Notwithstanding their 'C5' zoning, on those lands delineated as 'C5-12' a shopping plaza including any C3 permitted use shall be permitted. The maximum floor area for a shopping plaza shall be 750 m<sup>2</sup> (8,073 ft<sup>2</sup>). A flea market shall be a permitted use. The sales area for the flea market use shall be a maximum of 700 m<sup>2</sup> (7,534 ft<sup>2</sup>) and shall be located in accordance with the yard requirements of the C5 zone.

- a) ~~23.3.13~~ [By law #24-035] Notwithstanding the 'C5' zoning, on those lands delineated as 'C5-13-h' on Schedule 'A' to this By law, the following provisions shall apply: ~~The Holding Provision (h) shall prohibit the construction of any new land uses or buildings for any land uses other than those listed in 23.3.13(b). The Holding Provision shall be lifted upon approval of the following, to the satisfaction of the Municipality:~~
- ~~i. A Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for a proposed land use not listed in 23.3.13(b);~~
  - ~~ii. All supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to the Municipality to review;~~
  - ~~iii. All environmental reports and Record of Site Condition must extend third party reliance to the Municipality of Mississippi Mills;~~
- b) ~~Notwithstanding subsection (a) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize the following uses:~~
- ~~i. Animal clinic~~
  - ~~ii. Artist studio~~
  - ~~iii. Automobile care~~
  - ~~iv. Automobile gas bar~~
  - ~~v. Contractor's or trade establishment~~
  - ~~vi. Farm implement establishment~~
  - ~~vii. Heavy equipment and vehicle sales, rental and servicing~~
  - ~~viii. Recreational vehicle sales~~
  - ~~ix. Autobody~~
  - ~~x. Auto sales~~
  - ~~xi. Commercial storage~~
  - ~~xii. Convenience store~~
  - ~~xiii. Custom workshop~~

- ~~xiv. Farm supplies dealership~~
- ~~xv. Service and repair shop~~
- ~~xvi. Wholesale outlet~~
- ~~xvii. Equipment rental outlet~~
- ~~xviii. Self-storage~~
- ~~xix. Retail store~~
- ~~xx. Bulk sales establishment – agricultural~~
- ~~xxi. Building and structures accessory to a permitted use listed in this subsection.~~

23.3.13 [By-law 25-004] Notwithstanding the 'C5' zoning, on those lands delineated as 'C5-13-h' on Schedule 'A' to this By-law, the following provisions shall apply:

- a) The Holding Provision (-h) shall prohibit the construction of any new land uses or buildings for any land uses other than those listed in 23.3.13 (b). The Holding Provision shall be lifted upon approval of the following to the satisfaction of the Municipality:
  - i. A Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for a proposed land use not listed in 23.3.13 (b);
  - ii. All supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to the Municipality for review;
  - iii. All environmental reports and Record of Site Condition must extend third party reliance to the Municipality of Mississippi Mills.
- b. Notwithstanding subsection (a) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize the following uses:
  - i. Animal clinic
  - ii. Artist studio
  - iii. Automobile care
  - iv. Automobile gas bar
  - v. Contractor's or trade establishment
  - vi. Farm implement establishment
  - vii. Heavy equipment and vehicle sales, rental and servicing
  - viii. Recreational vehicle sales
  - ix. Autobody
  - x. Auto sales
  - xi. Commercial storage
  - xii. Convenience store
  - xiii. Custom workshop
  - xiv. Farm supplies dealership
  - xv. Service and repair shop
  - xvi. Wholesale outlet
  - xvii. Equipment rental outlet
  - xviii. Self-storage
  - xix. Retail store
  - xx. Bulk sales establishment – agricultural
  - xxi. Buildings and structures accessory to a permitted use listed in this subsection

23.3.14 [By-law 25-004] Notwithstanding their 'C5' zoning, the lands zoned 'C5-14' on Schedule 'A' of this By-law, development shall proceed in accordance with the C5 zone provisions, excepting however, that:

- i. The following uses shall be included as permitted uses, in addition to those normal C5 permitted uses:
  - Automobile Sales Establishment
  - Restaurant
- ii. In the case of a Restaurant as the primary uses on the lands municipally known as 7317 County Road 29, the lands municipally known as 7307 County Road 29 shall only be permitted to supply parking for a Restaurant use on the lands municipally known as 7317 County Road 29.
- iii. A Restaurant as the primary use is not permitted on the lands municipally known as 7307 County Road 29.

## SECTION 24 – TOURIST COMMERCIAL (C6) ZONE

### PURPOSE OF THE ZONE

The purpose of the Tourist Commercial (C6) Zone is to:

- (1) permit the development of recreational commercial uses which serve the community and visiting public in areas mainly designated as **Rural** in the Community Official Plan;
- (2) accommodate a range of tourist commercial uses including services for the travelling public as well as agriculture-related, vehicle-oriented and resource-based products and services; and
- (3) regulate development in a manner that has a minimal impact on the surrounding rural area or villages.

### 24.1 USES PERMITTED

No person shall within a C6 Zone use any lot or erect, alter or use any building or structure for any commercial purpose except one or more of the following uses:

(a) Residential Uses

- an accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use
- an accessory detached dwelling

(b) Non-Residential Uses

- amusement park
- assembly hall
- bed and breakfast
- bar
- drive-in theatre
- drive-through facility
- hotel
- hunt or fishing camp
- lodge
- marina
- marine facility
- motel
- museum
- private park
- propane, consumer outlet
- propane, retail
- public park
- place of entertainment
- restaurant
- tourist establishment

- tourist guest house
- buildings, structures and uses accessory to a permitted use.

**24.2 ZONE PROVISIONS**

- (1) No person shall within any C6 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 24.2 – C6 ZONE PROVISIONS**

<b>Provisions</b>	<b>Permitted</b>
Lot Area, minimum (m <sup>2</sup> )	4,000
Lot Frontage, minimum (m)	30
Front Yard, minimum (m)	10
Side Yard, minimum (m)	4.5
Exterior Side Yard, minimum (m)	6
Rear Yard, minimum (m)	10
Building Height, maximum (m)	11
Lot Coverage, maximum (%)	25
Landscaped Open Space, minimum (%)	20
Landscaping of Yards	Required front and exterior side yards to be landscaped except for driveways crossing the front or corner side yard leading to a parking area.
Outdoor Storage	Outdoor storage permitted in interior side and rear yards only; must be screened and concealed from view from abutting streets and from abutting non-commercial or non-industrial zones.

- (2) Accessory detached dwellings in accordance with Section 7.3.3.

**24.3 SPECIAL PROVISIONS**

24.3.1 (reserved)

24.3.2 (reserved)

24.3.3 Notwithstanding their ‘C6’ zoning, on those lands delineated as ‘C6-3’ the only permitted use shall be a golf driving range.

24.3.4 Notwithstanding their ‘C6’ zoning, on those lands delineated as ‘C6-4’ a conference centre shall be an additional permitted use.

24.3.5 *[By-law #16-69 – as amended by LPAT Decision PL160874]* Notwithstanding the ‘C6’ zoning delineation, lands delineated as ‘C6-5(h)’ on Schedule “A” to this by-law may be used in accordance with the C6 zone provisions contained in this by-law, the following provisions shall apply:

1. A “Tourist Campground” shall be an additional permitted use;

2. The minimum lot frontage for the "Tourist Campground" shall be 10m;
3. The minimum size of new "Campground Plots" shall be 350m<sup>2</sup>;
4. The minimum frontage of new Campground Plots shall be 16.5m;
5. Notwithstanding Section 6.24, setbacks from Watercourses and Waterbodies, the minimum setback from the high-water mark shall be 15m;
6. Notwithstanding Section 6.26, setbacks from Environmental Protection (EP) zone, no new buildings or structures shall be permitted within 30m of the Provincially Significant Wetland.
7. The total maximum number of Campground Plots permitted on the lands shall be One Hundred (100).
8. Notwithstanding Section 6.20(9) no water access area of any width will be permitted within the required vegetative buffer of retained and additionally established mature tree cover and native shrubs and vegetation within 15 metres of the high-water mark of White Lake save and except as may be established as communal access, marina and docking facilities at the single identified location.

Notwithstanding the C6 zoning, on those lands delineated as C6-5 and Open Space (OS) Exception and Environmental Protection (EP) to this By-Law future development shall proceed in accordance with the following:

- (a) There shall be maintenance, protection and non-disturbance of the identified sandy shore area which is utilized by nesting turtles;
- (b) Measures shall be implemented to the satisfaction of the Municipality for the maintenance, protection and non-disturbance of the shoreline vegetation within 15 m of the high water mark and within the 30 m buffer established for the PSW/ANSI and woodland, as well as the inland wooded swamp and surrounding forested area;
- (c) Notwithstanding the above, development of a marina, boat launch or any flood control measures are permitted subject to the recommendations of the EIA, the MNRF and the Department of Fisheries.
- (d) The Sewage disposal system shall include phosphorus abatement technology;
- (e) The owner/Applicant shall proceed to implement steps for the continued and eventual relocation of all buildings, trailers and structures outside the 15 m shoreline setback, and the 30 m PSW/ANSI setback, and provisions are to be contained within the site plan control agreement to effect this relocation as soon as is possible. No new buildings, trailers or structures shall be located within these setbacks.

The holding provision (h) shall remain in place until the following provisions have been satisfied:

- (1) The completion of a Stage 1 Archaeological Assessment, and, if directed, in a Stage 1 Assessment, an additional Stage 2 Archaeological Field Investigation and Assessment and other assessments as may be directed;
- (2) The issuance of all environmental approvals of the tertiary sewage treatment system with phosphorus reduction technology by the Ministry of Environment, Conservation and Parks and any other required regulatory body;
- (3) The completion and approval of a final Stormwater Management Plan for the Site;
- (4) The issuance of all necessary permits for Works impacting fish habitat by

- the Department of Fisheries and Oceans;
- (5) The issuance of all necessary permits for shore Works by the Ministry of Natural Resources and Forestry; and
  - (6) The execution and registration of a Site Plan Control Agreement.

## SECTION 25 – LOCAL COMMERCIAL (C7) ZONE

### PURPOSE OF THE ZONE

The purpose of the Local Commercial (C7) Zone is to:

- (4) allow a variety of small, locally-oriented convenience and service uses as well as residential uses in the **Rural Settlement Area & Villages** designation of the Community Official Plan;
- (5) restrict the non-residential uses to individual occupancies or in groupings as part of a small plaza that would meet the needs of the surrounding residential areas;
- (6) provide an opportunity to accommodate residential or mixed use development; and
- (7) impose development standards that will ensure that the size and scale of the development are consistent with that of the surrounding area.

### 25.1 USES PERMITTED

No person shall within the C7 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses.

(a) Residential Uses

- A dwelling unit or units in the upper storeys of a non-residential building or to the rear of a non-residential storefront use
- Accessory dwelling unit
- Bed and Breakfast
- Home-based business - Professional Uses
- Home-based business- Domestic and household arts

(b) Non-Residential Uses

- animal care establishment
- animal clinic
- artist studio
- automobile gas bar
- bakery
- bank
- convenience store
- day nursery
- drive-through facility
- dry cleaner's distribution station
- funeral establishment
- laundromat
- medical facility
- office
- personal service business
- place of assembly

- place of worship
- post office
- restaurant
- retail food store
- retail store
- service and repair shop

## 25.2 ZONE PROVISIONS

- (1) No person shall within any C7 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

**TABLE 25.2 - C7 ZONE PROVISIONS**

<b>Provisions</b>	<b>No Municipal Water or Sewer</b>	<b>Either Municipal Water or Sewer</b>	<b>Municipal Water and Sewer</b>
Lot Area, minimum	2,000 m <sup>2</sup> (21,527 ft <sup>2</sup> )	1,500 m <sup>2</sup> (16,146 ft <sup>2</sup> )	Nil
Lot Frontage, minimum	30 m (98.4 ft)	25 m (82.0 ft)	10 m (49.2 ft)
Front Yard, minimum	6 m (19.7 ft)	6 m (19.7 ft)	6 m (19.7 ft)
Rear Yard, minimum	7.5 m (24.6 ft)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
Side Yard, minimum	3 m (9.9 ft)	3 m (9.9 ft)	1 m (a) (3.3 ft)
Exterior Side Yard, minimum	6 m (19.7 ft)	6 m (19.7 ft)	3.5 m (11.5 ft)
Landscaped Open Space, minimum	40% (b)	30% (b)	20% (b)
Gross Leasable Floor Area, maximum	300 m <sup>2</sup> (3,229 ft <sup>2</sup> )	300 m <sup>2</sup> (3,229 ft <sup>2</sup> )	1,000 m <sup>2</sup> (c) (10,764 ft <sup>2</sup> )
Building Height (main building), maximum	11 m (36.1 ft)	11 m (36.1 ft)	11 m (36.1 ft)
Outdoor Storage	Prohibited (d)	Prohibited (d)	Prohibited (d)

### **Footnotes:**

- (a) Where the interior side yard abuts a lot in a Residential Zone, the minimum side yard setback shall be 3 m (9.8 ft).
- (b) The minimum required Landscaped Open Space shall include a solid fence a minimum of 1.5 m (4.9 ft) in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or

Institutional Zone.

- (c) No single non-residential use shall exceed 300 m<sup>2</sup> (3229 ft<sup>2</sup>).
  - (d) Garbage shall be stored within metal containers in a fenced area designed expressly for that purpose. All other storage must be completely enclosed within a building.
- (2) Accessory detached dwellings in accordance with Section 7.3.3.

### **25.3 SPECIAL PROVISIONS**

25.3.1 (reserved)

25.3.2 (reserved)

25.3.3 Notwithstanding their 'C7' zoning, lands zoned as 'C7-3' to this By-law, may be used in compliance with the C7 zone provisions contained in this By-law, excepting however, that:

- 1) the permitted local commercial uses shall be one or more of the following: an artist or photographic studio, convenience store, financial office, office, personal service shop, retail store, restaurant, takeout restaurant, general store, post office, home occupation-professional uses, home occupation-domestic and household arts, and bed and breakfast;
- 2) the permitted residential use shall be a single detached dwelling with an attached commercial unit.

## SECTION 26 – VILLAGE CORE (V) ZONE (Replaces Hamlet Core)

### PURPOSE OF THE ZONE

The purpose of the Village (V) Zone is to:

- (1) allow a variety of small, locally-oriented convenience and service uses as well as residential uses in the **Rural Settlement Area & Villages** designation of the Community Official Plan;
- (2) restrict the non-residential uses to individual occupancies or in groupings as part of a small plaza that would meet the needs of the surrounding residential areas;
- (3) provide an opportunity to accommodate residential or mixed-use development; and
- (4) impose development standards that will ensure that the size and scale of the development are consistent with that of the surrounding area.

The Village Core (V) zone only applies to identified lands within the Hamlet of Pakenham.

### 26.1 USES PERMITTED

- (1) No person shall within the V Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:
  - (a) Residential Uses
    - home-based business – day care (domestic & household arts)
    - home-based business – professional
    - uses permitted under the R1 zone
    - a dwelling unit or units in the upper storeys of a non-residential building or to the rear of a non-residential store front use.
    - bed and breakfast
    - converted dwelling
  - (b) Non-Residential Uses
    - amusement centre
    - animal care establishment
    - animal clinic
    - artist studio
    - assembly hall
    - automobile gas bar
    - automobile service station
    - bakery
    - bank
    - bank machine
    - bar
    - catering establishment

- cinema
- community centre
- convenience store
- day nursery
- drive-through facility
- dry cleaner's distribution station
- funeral establishment
- hotel
- institution
- laundromat
- library
- marine facility
- medical facility
- museum
- office
- parking lot
- personal service business
- place of assembly
- post office
- public park
- recreational and athletic facility
- residential care facility
- restaurant
- retail food store
- retail store
- taxi station
- tourist establishment
- tourist guest house

## 26.2 ZONE PROVISIONS

- (1) No person shall within any V Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

**TABLE 26.2 – V ZONE PROVISIONS**

<b>Provisions</b>	<b>Permitted</b>
Lot Area, minimum (m <sup>2</sup> )	Nil
Lot Frontage, minimum (m)	Nil (a)
Front Yard, minimum (m)	Nil (a)
Exterior Side Yard, minimum (m)	Nil (a)
Side Yard, minimum (m)	Nil (b)
Rear Yard, minimum (m)	Nil (c)
Building Height, maximum (m)	11
Minimum width of Landscaped Area:	
abutting a street	3
abutting a residential or institutional zone	3
other cases	No Minimum

- (a) Where the front yard or exterior side yard abuts a street across from a Residential zone, the minimum front yard setback shall be 7.5 m (24.6 ft).

- (b) Where the interior side yard abuts a lot in a Residential zone, the minimum yard shall be 3 m (9.8 ft).
  - (c) Where the rear yard abuts a lot in a Residential zone, the minimum rear yard shall be 7.5 m (24.6 ft)
- (2) Accessory detached dwellings in accordance with Section 7.3.3.

### 26.3 SPECIAL PROVISIONS

26.3.1 Notwithstanding their 'V' zoning, on those lands delineated as 'V-1' a licensed day nursery shall be permitted in accordance with the following additional provisions:

- 1) lands zoned V-1 shall be considered a single lot;
- 2) the minimum exterior side yard shall be 3 m (9.8 ft); and
- 3) the minimum number of required parking spaces shall be 16.

26.3.2 Notwithstanding their 'V' zoning, on those lands delineated as 'V-2' the following additional uses shall be permitted:

- automobile care
- automobile sales and/or rental
- automobile service station
- automobile washing establishment
- consumer outlet propane/compressed natural gas transfer facility
- dry cleaning plant
- retail propane/compressed natural gas transfer facility
- buildings or uses accessory to foregoing

26.3.3 Notwithstanding their 'V' zoning, lands zoned as 'V-3' to this By-law, may be used in compliance with the V zone provisions contained in this By-law, excepting however, that:

- 1) the minimum lot frontage shall be 18.5 m (61 ft); and
- 2) the minimum lot area shall be 970 m<sup>2</sup> (0.24 ac).

26.3.4 Notwithstanding their 'V' zoning, on those lands delineated as 'V-4' metal fabrication in 2,000 ft<sup>2</sup> of an existing building may be permitted.

## SECTION 27 – BUSINESS PARK (E1) ZONE

### PURPOSE OF THE ZONE

The purpose of the **Employment Park (E1) Zone** is to:

- (1) permit a wide range of commercial and industrial uses in accordance with the **Business Park** designation of the Community Official Plan;
- (2) promote high quality and consistent development standards for the Mississippi Mills Business Park;
- (3) develop in accordance with business park design guidelines which set out a unified master plan approach.

### 27.1 USES PERMITTED

(1) The following uses are permitted subject to the provisions of 27.2 (1) to 27.2 (3) and provided that the uses comply with Section 6.32 and do not store/handle quantities of more than threshold of 25 Litres (L) of dense non aqueous phase liquids (DNAPLs), or are otherwise exempted from this requirement by the applicable source water protection policies:

- business office
- business and government services
- communication and information establishment
- computer, electronic or data processing establishment
- drive-through facility
- education and training facility
- equipment rental outlet
- factory outlet
- garden centre
- home furnishing retail
- hotel
- light industrial uses
- lodging facility
- medical facility
- motel
- public use
- repair and service establishment
- research and development centre
- restaurant
- retail store
- scientific or technological establishment
- showroom
- training centre
- warehousing

- wholesale outlet
- wholesaling and distribution centre
- uses permitted in Sections 21 and 28

## 27.2 ZONE PROVISIONS

(1) No person shall within any E1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

TABLE 27.2 – E1 ZONE PROVISIONS

I ZONING MECHANISMS	II PROVISIONS
(a) Lot Area, minimum (m <sup>2</sup> )	No minimum
(b) Lot Width, minimum (m)	No minimum
(c) Lot Coverage, maximum	65%
(d) Front Yard Setback, minimum (m)	6 m
(e) Exterior Side Yard Setback, minimum (m)	3 m
(f) Side Yard Setback, minimum (m)	(i) Abutting a Residential Zone: 15 m (ii) In all other cases: 3 m
(g) Rear Yard Setback, minimum (m)	(i) Abutting a Residential Zone: 15 m (ii) In all other cases: 3 m
(h) Width of Landscaped Area, minimum (m)	(i) Abutting a Residential Zone: 3 m (ii) Abutting a street: 3 m (iii) In all other cases: no minimum
(i) Building Height, maximum (m)	(i) Within 20 m of a residential zone: 11 m (ii) In all other cases: 14 m

### (2) Open Storage

Notwithstanding any other provisions in this By-law, open storage shall only be permitted in the provided rear yard and subject to the following:

- (i) open storage is an accessory use;
- (ii) open storage complies with the exterior side yard and side yard provisions of Table 27.2;
- (iii) any portion of the area used for open storage is concealed from view by an opaque fence; and
- (iv) open storage shall be located a minimum of 20 m from a Residential Zone.

### (3) Building and Site Design

(a) The primary entrance of the main building shall face the street and have direct pedestrian connection via a sidewalk to the street.

## 27.3 SPECIAL PROVISIONS

27.3.1 [By-law 24-045] Notwithstanding the 'Business Park (E1)' zoning designation, lands designated as 'Business Park Exemption 1 (E1-1)' on Schedule 'A' to this By-law, may be used in compliance with E1 zone provisions contained in this By-law excepting however that:

- 1) Minimum setback of a Class I Industrial uses or accessory uses to a Class I Industrial

use from a Residential zone, Parkland and Open Space zone and Community Facility zone: 20 metres.

~~27.3.1 as replaced by By-law #21-075~~

~~Notwithstanding the 'E1' zoning, on those lands delineated as 'E1-1':~~

~~1) The following uses are prohibited:~~

- ~~○ Residential uses~~

~~2) The following uses shall also be permitted:~~

- ~~○ Medical facility~~
- ~~○ Showroom~~
- ~~○ Equipment rental outlet~~
- ~~○ Garden centre~~
- ~~○ Education or training facilities~~
- ~~○ Research and development facilities~~
- ~~○ Computer, electronic or data processing establishments~~
- ~~○ Scientific or technological establishment~~
- ~~○ Communication and information establishment~~
- ~~○ Business and government services~~
- ~~○ Public use~~
- ~~○ Parking lot~~

~~3) The following uses shall also be permitted provided that they do not store/handle quantities of more than threshold of 25 Litres (L) of dense non-aqueous phase liquids (DNAPLs), or are otherwise exempted from this requirement by the applicable source water protection policies:~~

- ~~○ automobile body shop~~
- ~~○ automobile car wash~~
- ~~○ automobile care~~
- ~~○ automobile dealership~~
- ~~○ automobile rental establishment~~
- ~~○ building supply outlet~~
- ~~○ bulk sales establishment~~
- ~~○ Commercial storage~~
- ~~○ contractor's or trade establishment~~
- ~~○ custom workshop~~
- ~~○ dry cleaning establishment~~
- ~~○ office~~
- ~~○ post office~~
- ~~○ printing establishment~~
- ~~○ recreational vehicle sales~~
- ~~○ service and repair shop~~
- ~~○ taxi station~~
- ~~○ technology industry.~~

~~4) Required parking shall be permitted in all yards for all permitted uses subject to all other provisions of this By-law.~~

~~5) An Open Storage Area is permitted as an accessory use to all permitted uses subject to all other provisions of this By-law."~~

27.3.2 Notwithstanding their 'E1' zoning, on those lands delineated as 'E1-1':

- 1) ~~the following uses shall not be permitted~~
  - ~~open storage area~~
  - ~~residential uses~~
  - ~~commercial storage~~
- 2) ~~the following shall be additional permitted uses~~
  - ~~medical facility~~
  - ~~showroom~~
  - ~~equipment rental outlet~~
  - ~~garden centre~~
  - ~~education or training facilities~~
  - ~~research and development facilities~~
  - ~~computer, electronic or data processing establishments~~
  - ~~scientific or technological establishment~~
  - ~~communication and information establishment~~
  - ~~business and government services~~
  - ~~public use~~
  - ~~parking lot~~

27.3.3 ~~[By law #14-84]~~ Notwithstanding the 'E1-1' zoning, lands zoned as 'E1-2' on Schedule 'C' to this by-law may be used in accordance with the 'E1-1' zone provisions contained in this by-law, excepting however that:

- 1) ~~the minimum rear yard setback shall be 7.5 m (24.6ft); and~~
- 2) ~~the minimum side yard setback shall be 7.5 m (24.6ft).~~

27.3.4 ~~[By law #18-89 with amended Section #]~~ Notwithstanding their 'E1' zoning, on those lands delineated as 'E1-3':

- 1) ~~the following uses shall not be permitted:~~
  - ~~residential uses~~
  - ~~commercial storage~~
  - ~~\_\_\_\_\_~~
- 2) ~~the following shall be additional permitted uses:~~
  - ~~medical facility~~
  - ~~showroom~~
  - ~~equipment rental outlet~~
  - ~~garden centre~~
  - ~~education or training facilities~~
  - ~~computer, electronic or data processing establishment~~
  - ~~scientific or technological establishment~~
  - ~~communication and information establishment~~
  - ~~business and government services~~
  - ~~public use~~
  - ~~parking lot~~

## SECTION 28 – LIGHT INDUSTRIAL (M1) ZONE

### PURPOSE OF THE ZONE

The purpose of the Light Industrial (M1) Zone is to:

- 1) permit a wide range of low impact light industrial uses in accordance with the **Industrial** designation of the Community Official Plan;
- 2) allow a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites on individual pads or in groupings as part of a small plaza, to serve the employees of the **Industrial** area, the general public in the immediate vicinity, and passing traffic;
- 3) prohibit retail uses in areas zoned as **Industrial** but allow limited sample and showroom space that is secondary and subordinate to the primary use of buildings for the manufacturing and warehousing of the product;
- 4) prohibit uses which are likely to generate noise, odour, dust and vibrations; and
- 5) provide development standards that would ensure compatibility between uses and would minimize the negative impact of the uses on adjacent non-industrial uses.

### 28.1 USES PERMITTED

- (1) The following uses are permitted subject to the following:
  - (a) the provisions of subsections 28.2 (1) to 28.2 (3)
    - animal care establishment
    - animal clinic
    - automobile body shop
    - automobile car wash
    - automobile care
    - automobile dealership
    - automobile rental establishment
    - building supply outlet
    - bulk sales establishment
    - catering establishment
    - commercial storage
    - consumer outlet propane/compressed natural gas transfer facility
    - contractor's or trade establishment
    - crematorium
    - custom workshop
    - dry cleaning establishment
    - fairgrounds
    - funeral establishment
    - gas cylinder handling facility
    - industrial mall

- light industrial uses
- office
- parking lot
- place of assembly
- post office
- printing establishment
- production studio
- recreational and athletic facility
- recreational vehicle sales
- research and development centre
- service and repair shop
- taxi station
- technology industry
- training centre
- buildings or uses accessory to foregoing

(2) The following uses are also permitted subject to:

- (a) the provisions of subsections 28.2 (1) to 28.2 (3);
- (b) the cumulative total gross floor area for these uses not exceeding 2,999 m<sup>2</sup>;
- (c) each use not exceeding 300 m<sup>2</sup> of gross floor area; and
- (d) the provisions of subsection 28.1(2)(c) above does not apply to **amusement centre, amusement park and recreational and athletic facility.**

- animal care establishment
- amusement centre
- amusement park
- automobile gas bar
- automobile service station
- automobile washing establishment
- bank
- convenience store
- drive-through facility
- instructional facility
- personal service business
- recreational and athletic facility
- restaurant

## 28.2 ZONE PROVISIONS

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

**TABLE 28.2 – M1 ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>		<b>II PROVISIONS</b>
(a) Minimum lot area		2,000 m <sup>2</sup>
(b) Minimum lot width		No minimum
(c) Maximum lot coverage		65%
(d) Minimum front yard and exterior side yard setback		7.5 m
(e) Minimum side yard setback	(i) for uses listed in section 23.1 abutting a residential or institutional zone	15 m
	(ii) all other cases	7.5 m
(f) Minimum rear yard setback	(i) for uses listed in section 23.1 abutting a residential or institutional zone	15 m
	(ii) all other cases	7.5 m
(g) Maximum floor space index		2
(h) Maximum building height	(i) within 20 m of a residential zone	11 m
	(ii) all others cases	14 m
Minimum width of landscaped area	(i) abutting a residential or institutional zone	3 m; may be reduced to 1 m if a 1.4 m high opaque screen is provided
	(ii) abutting a street	3 m
	(iii) in all other cases	No minimum

- (2) Accessory **display and sales area** must be within the same building as the use to which it is accessory and must not exceed 25% of the gross floor area.

### 28.3 SPECIAL PROVISIONS

28.3.1 Notwithstanding their 'M1' zoning, on those lands delineated as 'M1-1' the only permitted use shall be a woodworking establishment, consisting of the planning and cutting of rough lumber and the fabrication of wood products.

## SECTION 29 – MEDIUM INDUSTRIAL (M2) ZONE

### PURPOSE OF THE ZONE

The purpose of the Medium Industrial (M2) Zone is to:

- (1) permit a wide range of industrial uses, including those which, by their nature, generate periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration, in accordance with the **Industrial** designation of the Community Official Plan;
- (2) allow a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites on individual pads or in groupings as part of a small plaza, to serve the employees of the **Industrial** area, the general public in the immediate vicinity, and passing traffic;
- (3) prohibit retail uses in areas zoned as **Industrial** but allow limited sample and showroom space that is secondary and subordinate to the primary use of buildings for the manufacturing and warehousing of the product;
- (4) provide development standards that would ensure that the industrial uses would not impact on adjacent non-industrial areas.

### 29.1 USES PERMITTED

- (1) The following uses are permitted subject to the following:
  - (a) the provisions of subsections 29.2 (1) to 29.2 (2)
    - animal clinic
    - automobile body shop
    - automobile car wash
    - automobile care
    - automobile service station
    - catering establishment
    - commercial storage
    - contractor's or trade establishment
    - crematorium
    - custom workshop
    - dry cleaning establishment
    - fairgrounds
    - fuel storage
    - garden nursery
    - heavy equipment and vehicle sales, rental and servicing
    - leaf and yard waste composting facility
    - light industrial uses
    - medium industrial uses
    - office
    - parking lot

- printing plant
- production studio
- research and development centre
- service and repair shop
- storage yard
- technology industry
- training centre
- truck transport terminal
- warehouse

(2) The following uses are also permitted subject to:

- (a) the provisions of subsections 29.2 (1) to 29.2 (2);
- (b) the cumulative total gross floor area for these uses not exceeding 2,999 m<sup>2</sup>;
- (c) each use not exceeding 300 m<sup>2</sup> of gross floor area; and
- (d) the provisions of subsection 29.1(2)(c) above does not apply to **amusement centre, amusement park and recreation and athletic facility.**

- amusement centre
- amusement park
- animal care establishment
- automobile gas bar
- automobile washing establishment
- bank
- convenience store
- drive-through facility
- instructional facility
- personal service business
- place of assembly
- recreational and athletic facility
- restaurant

**29.2 ZONE PROVISIONS**

(1) No person shall within any M2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 29.2 – M2 ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>		<b>II PROVISIONS</b>
(a) Minimum lot area		4,000 m <sup>2</sup>
(b) Minimum lot width		No minimum
(c) Minimum front yard and exterior side yard setback		7.5 m
(d) Minimum side and rear yard setback	(i) for uses listed in section 24.1 abutting a residential or institutional zone	15 m
	(ii) all other cases	7.5 m

(e) Maximum floor space index		2
(f) Maximum building height	(i) within 20 m of a residential zone	11 m
	(ii) all others cases	14 m
Minimum width of landscaped area	(i) abutting a residential or institutional zone	7.5 m
	(ii) in all other cases	3 m

- (2) Accessory **display and sales area** must be within the same building as the use to which it is accessory and must not exceed 25% of the gross floor area.

### 29.3 SPECIAL PROVISIONS

## SECTION 30 – AGRICULTURAL INDUSTRIAL (M3) ZONE

### PURPOSE OF THE ZONE

The purpose of the Agricultural Industrial (M3) Zone is to:

- (1) permit agricultural industrial development in areas designated as **Agriculture** in the Community Official Plan but with lower priority agricultural lands; and
- (2) regulate development in a manner that has a minimal impact on the surrounding agricultural area or villages.

### 30.1 USES PERMITTED

- (1) The following uses are permitted subject to the following:
  - (a) the provisions of subsections 30.2 (1) to 30.2 (2)
    - abattoirs
    - accessory dwelling unit
    - animal husbandry services
    - bulk sales outlet dealing primarily in farm-related goods and supplies
    - butcher shop
    - custom machinery operators
    - dairy
    - farm implement establishment
    - farm supplies dealership
    - feed mill
    - grain drying
    - greenhouse
    - livestock assembly points
    - retail store engaged in the sale of farm produce or landscaping and garden supplies
    - seed cleaning plants
    - storage for farm produce

### 30.2 ZONE PROVISIONS

- (1) No person shall within any M3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 30.2 – M3 ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>		<b>II PROVISIONS</b>
(a) Minimum lot area		4,000 m <sup>2</sup>
(b) Minimum lot width		30 m
(c) Minimum front yard and exterior side yard setback		15 m
(d) Minimum side and rear yard setback	(i) for uses listed in section 25.1 abutting a residential or institutional zone	15 m
	(ii) all other cases	7.5 m
(e) Maximum lot coverage		50%
(f) Maximum building height	(i) within 20 m of a residential zone	11 m
	(ii) all others cases	14 m
Minimum width of landscaped area	(i) abutting a residential or institutional zone	7.5 m
	(ii) in all other cases	3 m

- (2) A lot used for a permitted industrial use may contain one accessory residential dwelling unit (either attached or detached) for the owner or operator of said industrial use, subject to the following regulations:
- (a) that a dwelling unit which forms part of the main building shall be located on the ground floor to the rear of the industrial use or on the second or higher floors of the main building;
  - (b) that only one accessory dwelling unit is permitted per lot and shall not be permitted as a separate lot; and
  - (c) that an accessory dwelling unit detached shall be subject to the yard requirements of the A Zone.

### **30.3 SPECIAL PROVISIONS**

30.3.1 Notwithstanding their “M3” zoning, on those lands delineated as “M3-1” to this By-law, the permitted uses of the ‘Rural Commercial’ (C5) Zone are also permitted.

30.3.2 [By-law 24-040] Notwithstanding their ‘M3’ zoning, the lands zoned ‘M3-2’ on Schedule ‘A’ to this By-law, development shall proceed in accordance with the M3 zone provisions, excepting however, that:

- i) The permitted uses shall be limited to:
  - Agricultural industrial use
  - All uses permitted in Section 11.1(b)
- ii) The following uses shall be included as permitted uses that are ancillary to an agricultural industrial use:

- Office
- Restaurant
- Retail store
- Accessory dwelling

iii) The maximum building height shall be 18 metres.

## SECTION 31 – RURAL INDUSTRIAL (M4) ZONE

### PURPOSE OF THE ZONE

The purpose of the Rural Industrial (M4) Zone is to:

- (1) permit rural industrial development in areas designated as **Rural** in the Community Official Plan which demonstrate compatibility with surrounding uses, environmental features, and natural resources;
- (2) impose development standards that will ensure that the size and scale of the development are consistent with the rural character they are located in.

### 31.1 USES PERMITTED

- (1) The following uses are permitted subject to:
  - (a) the provisions of subsections 31.2 (1) to 31.2 (2)
    - abattoirs
    - accessory dwelling unit
    - animal husbandry services
    - bulk sales outlet dealing primarily in farm-related goods and supplies
    - [By-law #13-73] commercial storage facility
    - custom machinery operators
    - farm implement dealer
    - feed mill
    - grain drying
    - greenhouse
    - livestock assembly points
    - retail store engaged in the sale of farm produce or landscaping and garden supplies
    - seed cleaning plants
    - storage for farm produce

### 31.2 ZONE PROVISIONS

- (1) No person shall within any M4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

**TABLE 31.2 – M4 ZONE PROVISIONS**

I ZONING MECHANISMS		II PROVISIONS
(a) Minimum lot area		4,000 m <sup>2</sup>
(b) Minimum lot width		30 m
(c) Minimum front yard and exterior side yard setback		15 m
(d) Minimum side and rear yard setback	(i) for uses listed in section 25.1 abutting a residential or	15 m

	institutional zone (ii) all other cases	7.5 m
(e) Maximum lot coverage		50%
(f) Maximum building height	(i) within 20 m of a residential zone	11 m
	(ii) all others cases	14 m
Minimum width of landscaped area	(i) abutting a residential or institutional zone	7.5 m
	(ii) in all other cases	3 m

- (2) A lot used for a permitted industrial use may contain one accessory residential dwelling unit (either attached or detached) for the owner or operator of said industrial use, subject to the following regulations:
- (a) that a dwelling unit which forms part of the main building shall be located on the ground floor to the rear of the industrial use or on the second or higher floors of the main building;
  - (b) that only one accessory dwelling unit is permitted per lot and shall not be permitted as a separate lot; and
  - (c) an accessory dwelling unit detached shall be subject to the yard requirements of the A Zone.

### 31.3 SPECIAL PROVISIONS

- 31.3.1 Notwithstanding their 'M4' zoning, on those lands delineated as 'M4-1 a building contractor, including a landscape supply depot and retail outlet shall be the only permitted use.
- 31.3.2 Notwithstanding their 'M4' zoning, lands zoned as 'M4-2' to this By-law, may be used in compliance with the M4 zone provisions contained in this By-law, excepting however, that:
- the permitted uses shall be limited to a parking lot, recreation sport fields and accessory buildings, structures and uses.
- 31.3.3 Notwithstanding their 'M4' zoning, on those lands delineated as 'M4-3' an accessory dwelling shall not be permitted.
- 31.3.4 [By-law #15-108] Notwithstanding their "M4-4" zoning, lands zoned as "M4-4-h" on Schedule 'A' to this by-law, may be used in accordance with the M4 zone provisions contained in this by-law, excepting however that:
- 1) Automobile body shop, contractor's or trade establishment, building supply outlet, commercial storage, custom workshop, light industrial use, service and repair shop, and warehouse shall be additional permitted uses, subject to the holding provision being lifted by the Municipality; and,
  - 2) The holding provision shall be lifted once the following has been completed to the satisfaction of the Municipality:

- a) Approval of a site plan control application, including an updated Environmental Impact Assessment, which demonstrates that the additional permitted uses and expanded development of the property shall not negatively impact the Burnt Lands Alvar Area of Natural and Scientific Interest; and,
- b) Execution of a site plan agreement between the owner and the Municipality.

31.3.5 [By-law #16-04] Notwithstanding their "M4" zoning, lands zoned as "M4-5" on Schedule 'A' to this by-law, may be used in accordance with the M4 zone provisions contained in this by-law, excepting however that commercial storage shall be a permitted use.

## SECTION 32 – COMMUNITY FACILITY (I) ZONE

### PURPOSE OF THE ZONE

The purpose of the Community Facility (I) Zone is to:

- (1) permit a range of community uses, institutional accommodation and emergency service uses to locate in areas designated as **Residential, Commercial** and **Industrial** in the Community Official Plan;
- (2) community facilities should be located in the Town of Almonte, the Village of Pakenham and the Villages of Clayton, Appleton and Blakeney; and
- (3) minimize the impact of these institutional uses located in close proximity to residential uses by ensuring that such uses are of a scale and intensity that is compatible with neighbourhood character.

### 32.1 USES PERMITTED

- (1) The following uses are permitted subject to the following:
  - (a) the provisions of subsection 32.2 (1)
  - (b) a maximum of 10 residents is permitted in a group home; and
  - (c) a maximum of 3 ancillary rooming units are permitted within a place of worship.
    - community centre
    - day nursery
    - emergency service
    - funeral establishment
    - group home
    - hospital
    - library
    - municipal service centre
    - museum
    - one dwelling unit ancillary to a permitted use
    - park
    - place of assembly
    - place of worship and ancillary rooming units
    - post office
    - recreational and athletic facility
    - residential care facility
    - retirement home
    - retirement home, converted
    - rooming house
    - rooming house, converted
    - school
    - sports arena
    - training centre limited to job instruction / training with a school

## 32.2 ZONE PROVISIONS

- (1) The zone provisions are set out in Table 32.2.

**TABLE 32.2 – I ZONE PROVISIONS**

Provisions	No Municipal Water or Sewer	Either Municipal Water or Sewer	Municipal Water and Sewer
Lot Area, minimum	2,000 m <sup>2</sup> (21,527 ft <sup>2</sup> )	1,500 m <sup>2</sup> (16,146 ft <sup>2</sup> )	Nil
Lot Frontage, minimum	30 m (98.4 ft)	30 m (98.4 ft)	Nil
Front Yard, minimum	9 m (29.5 ft)	9 m (29.5 ft)	6 m (19.7 ft)
Rear Yard, minimum	7.5 m (24.6 ft)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
Side Yard, minimum	5 m (16.4 ft)	5 m (16.4 ft)	5 m (16.4 ft)
Exterior Side Yard, minimum	9 m (29.5 ft)	9 m (29.5 ft)	6 m (19.7 ft)
Landscaped Open Space, minimum	20% (a)	20% (a)	10% (a)
Building Height (main building), maximum	14 m (45.9 ft)	14 m (45.9 ft)	14 m (45.9 ft)

### **Footnote:**

- (a) The minimum required Landscaped Open Space shall include a solid fence a minimum of 1.5 m (4.9 ft) in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential or Open Space Zone.

## 32.3 SPECIAL PROVISIONS

32.3.1 Notwithstanding their 'I' Zoning, on those lands delineated as 'I-1' a hydroelectric power generating facility and an existing semi-detached dwelling shall be the only permitted uses subject to the I provisions, excepting however, that:

- 1) Section 28.2 shall not apply;
- 2) Section 6.1 shall not apply;
- 3) Section 6.24 shall not apply;
- 4) access may be provided from a registered right-of-way; and
- 5) any buildings or structures relating to the power generating facility shall be in accordance with the requirements of the Ministry of Natural Resources and the Mississippi Valley Conservation Authority.

32.3.2 Notwithstanding their 'I' zoning, on those lands delineated as 'I-2' the permitted uses shall be restricted to a funeral establishment and three apartment units.

32.3.3 [By-law #14-35] Notwithstanding the I zoning, lands zoned as I-3 on Schedule "A" to this by-law, may be used in compliance with the I zone provisions contained in this by-law, the following provisions shall apply:

- 1) the maximum building height shall be 14.5m (47.6ft); and
- 2) that the roof top lantern may project an additional 3.16m (10.4ft) beyond the maximum building height.

32.3.4 [By-law #18-07] Notwithstanding their "I" zoning, lands delineated as "I-4" on Schedule 'A' to this by-law may be used in accordance with the I-3 zone provisions contained in this by-law, excepting however that:

- 1) "semi-detached" and "townhouse" dwellings are also permitted;
- 2) Section 8.13 shall not apply
- 3) a maximum of 32 dwelling units shall be permitted;
- 4) the Minimum Interior Side Yard Setback shall be 4.5m; and
- 5) the Minimum Rear Yard Setback shall be 4.5m.

32.3.5 [By-law #21-020] Notwithstanding the provisions of the "I" zone, for lands delineated as "I-6h" on Schedule 'A' to this by-law, the following provisions shall apply:

- 1) Pursuant to subsection 32.1, a retirement home includes an apartment, townhouse and semi-detached dwelling units providing residences mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home.
- 2) Notwithstanding Table 6.19 paragraph 6, the encroachment of enclosed sunrooms of up to 10 sq. metres in area are permitted to encroach no more than 3 m into a required yard while maintaining a front lot line and exterior side yard lot line setback of not less than 3 m and 1 m from other lot lines. However, where the lot line abuts existing and/or future industrial zones enclosed sunrooms must maintain a 10.0 m setback to the abutting lot line.
- 3) Notwithstanding subsection 8.1, a communal amenity area for a townhouse or semi-detached retirement home dwelling may be provided off-site.
- 4) Section 8.13 does not apply for this development.
- 5) Notwithstanding subsection 9.3.7 clause c), required visitor parking spaces for a townhouse or semi-detached retirement home dwelling may be provided off-site.
- 6) Notwithstanding subsection 9.3.7 clause d) subclause iv), required parking may be provided in a front yard.
- 7) Notwithstanding subsection 9.3.9, there shall be no limitation on the number or location of driveways for a townhouse or semi-detached retirement home dwelling. These will be approved through Site Plan.
- 8) Notwithstanding subsection 9.3.9 clause f), required parking for a townhouse or semi-detached retirement home dwelling may be designed in such a manner that requires vehicles to travel in a backwards motion.
- 9) A minimum 10.0 metre (m) yard setback abutting the employment and future industrial zones is required which area will include a private buffer strip consisting of a 1.5 m (min.) berm or 1.5 m privacy fence and plantings providing a minimum 70% screen.
- 10) A minimum separation of 3.0 metres (m) between dwellings;
- 11) That provisions requiring a setback or 'no-build' zone abutting agricultural land do

not apply

- 12) The holding 'h' provision will remain until such time as the property has frontage on an open municipal Street.

## SECTION 33 – PARKLAND AND OPEN SPACE (OS) ZONE

### PURPOSE OF THE ZONE

The purpose of the Parkland and Open Space (OS) Zone is to:

- (1) permit parks, open space and related compatible uses to locate in areas designated as **Parkland and Open Space** in the Community Official Plan; and
- (2) ensure that the range of permitted uses and applicable regulations is in keeping with the low scale, low intensity open space nature of these lands.

### 33.1 USES PERMITTED

- (1) The following uses are permitted subject to the following:
  - (a) the provisions of Section 33.2 (1)
    - amusement park
    - community centre
    - environmental preserve and educational area
    - fairground
    - museum
    - municipal boat launching and docking
    - park
    - place of assembly
    - recreational and athletic facility
    - sports arena
- (2) The following conditional use is permitted subject to:
  - (a) the provisions of Section 33.2(1),
  - (b) the use being ancillary to a community centre or museum, and
  - (c) the use occupying a maximum of 30% of the gross floor area of a community centre, museum or recreational and athletic facility, sports arena
    - convenience store**
    - drive-through facility**
    - restaurant**

### 33.2 ZONE PROVISIONS

- (1) The zone provisions are set out in Table 32.2 below.

**TABLE 33.2 – OS ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>	<b>II PROVISIONS</b>
Lot Area, minimum	No minimum
Lot Width, minimum	6 m
Front Yard, minimum	7.5 m
Exterior Side Yard, minimum	7.5 m
Side Yard, minimum	7.5 m
Rear Yard, minimum	7.5 m
Lot Coverage, maximum	50%
Building Height, maximum	11 m

**33.3 OS SUBZONES**

In the OS Zone, the following subzones and provisions apply such that:

- (1) (a) Column I lists the subzone character;
- (b) Columns II through IX inclusive, establish required zone provisions applying to development in each subzone;
- (c) Column X lists the reference number of additional provisions applying in each subzone. The additional provisions themselves are provided in Table 33.4B. Where an additional provision applies, the corresponding provision specified in Table 33.3B takes ultimate precedence over any provision provided in Table 33.3A;

**TABLE 33.3A – OS SUBZONE PROVISIONS**

<b>I Sub-Zone</b>	<b>II Permitted Uses</b>	<b>III Min. Lot Frontage (m)</b>	<b>IV Min. Lot Area (m<sup>2</sup>)</b>	<b>V Max. Building Height (m)</b>	<b>VI Min. Front Yard Setback (m)</b>	<b>VII Min. Exterior Side Yard Setback (m)</b>	<b>VIII Min. Rear Yard Setback (m)</b>	<b>IX Min. Side Yard Setback (m)</b>	<b>X End Notes (see Table 29.4B)</b>
A	Golf Courses	30	2,000	14	12	12	7.5	6	1
B	Ski Resort	N/A	N/A	14	12	12	12	12	2, 3
C	Tent and Trailer Camp- grounds	100	20,000	14	12	12	12	12	1, 4, 5, 6, 7, 8
D	Cemetery	30	1,000	14	6	7.5	7.5	7.5	9

**TABLE 33.3B – ADDITIONAL ZONING PROVISIONS**

<b>I Endnote Number</b>	<b>II Additional Zoning Provision</b>
1.	Minimum landscaped open space is 20% which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone.
2.	Frontage on a Public Street shall not apply.
3.	Maximum density is 10 campsites per 0.4 ha.
4.	Minimum lot area for a tent and trailer campground is 235 m <sup>2</sup> .
5.	Minimum campsite frontage is 15 m.
6.	Density of tent and trailer campground sites is 30 campsites per hectare and a maximum of 100 sites.
7.	Garbage shall be stored within metal containers in a fenced area designed expressly for that purpose.
8.	Maximum lot coverage is 40%.

**33.4 SPECIAL PROVISIONS**

- 33.4.1 Notwithstanding their “OSA” Zoning, on those lands delineated as ‘OSA-1’ the only permitted uses shall be a golf driving range, a miniature golf course, retail uses accessory to a permitted use.
- 33.4.2 Notwithstanding their ‘OS’ zoning, lands zoned as ‘OS-1’ to this By-law, may be used in compliance with the OS1 zone provisions contained in this By-law, excepting however, that:
- 1) The permitted open space uses shall include a public use, and a stormwater management system, provided that no less than 60% of lands within the OS-1 zone are designed and dedicated as functional public open space.
- 33.4.3 [reserved for future use]
- 33.4.4 Notwithstanding Section 33.1, the following additional uses are permitted:
- Stormwater management facility
  - Pump station
- 1) Notwithstanding the provisions of the OS-4 zone for lands zoned as OS-4-h on Schedule ‘A’ to this by-law, the holding provision will remain until such time as the Owner has received a Notice of Decision from the County of Lanark for Draft Plan of Subdivision application 09-T-23002

## SECTION 34 – MINERAL AGGREGATE PIT (MP) ZONE

### PURPOSE OF THE ZONE

The purpose of the Mineral Aggregate Pit (MP) Zone is to:

- (1) permit licensed or permitted mineral extraction operations in areas designated as **Mineral Aggregate Pit** in the Community Official Plan;
- (2) allow a limited range of permitted uses which are related to or compatible with the mineral extraction operations, as well as interim uses that would not sterilize the potential of future mineral extraction operation on the lands within the MP zones; and
- (3) impose regulations to minimize the impact of mineral extraction on the surrounding area.

### 34.1 USES PERMITTED

- (1) The following uses are permitted subject to:
  - (a) the provisions of Section 34.2 (1)
    - agricultural use
    - asphalt plants, ready-mix concrete plants and aggregate transfer stations within Class A pit operations
    - forestry operation
    - pit
    - process of natural materials extracted from the site including screening, sorting washing, crushing, storing, portable ready mix/concrete, asphalt plant, and other similar operations accessory to an extractive industrial operation
- (2) The following conditional uses are permitted subject to the following:
  - (a) the provisions of Section 34.2 (1)
  - (b) the use is located on the same lot s an operating pit;
  - (c) the use mobile home is for a security guard or caretaker;
  - (d) the waste processing and transfer facility is limited to inert construction materials such as concrete and asphalt;

**one mobile home**

**waste processing and transfer facility (non-putrescible)**

### 34.2 ZONE PROVISIONS

- (1) Zone provisions are set out in Table 34.2 below.

**TABLE 34.2 – MP ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>	<b>II PROVISIONS</b>
Lot Area, minimum	10 ha
Lot Width, minimum	30 m
Front Yard, minimum	30 m
Exterior Side yard, minimum	30 m
Side Yard, minimum	15 m
Rear Yard, minimum	15 m
Width of Landscaped Area (all lot lines), minimum	15 m
Building Height, maximum	11 m

**34.3 SPECIAL PROVISIONS**

## SECTION 35 – MINERAL AGGREGATE QUARRY (MQ) ZONE

### PURPOSE OF THE ZONE

The purpose of the Mineral Aggregate Quarry (MQ) Zone is to:

- (1) permit licensed or permitted mineral extraction operations in areas designated as **Mineral Aggregate Quarry** in the Community Official Plan;
- (2) allow a limited range of permitted uses which are related to or compatible with the mineral extraction operations, as well as interim uses that would not sterilize the potential of future mineral extraction operation on the lands within the MQ zones; and
- (3) impose regulations to minimize the impact of mineral extraction on the surrounding area.

### 35.1 USES PERMITTED

- (1) The following uses are permitted subject to:
  - (a) the provisions of Section 35.2
    - agricultural use, see Section 11
    - asphalt plant, ready-mix concrete plants and aggregate transfer stations
    - forestry operation
    - pit
    - quarry
    - process of natural materials extracted from the site including screening, sorting washing, crushing, storing, portable ready mix/concrete, asphalt plant, and other similar operations accessory to an extractive industrial operation
- (2) The following conditional uses are permitted subject to the following:
  - (a) the provisions of Section 35.2
  - (b) the use is located on the same lot s an operating pit;
  - (c) the use mobile home is for a security guard or caretaker;
  - (d) the waste processing and transfer facility is limited to inert construction materials such as concrete and asphalt;

**one mobile home**

**waste processing and transfer facility (non-putrescible)**

**35.2 ZONE PROVISIONS**

- (1) Zone provisions are set out in Table 35.2 below.

**TABLE 35.2 – MQ ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>	<b>II PROVISIONS</b>
Lot Area, minimum	10 ha
Lot Width, minimum	30 m
Front Yard, minimum	30 m
Exterior Side yard, minimum	30 m
Side Yard, minimum	15 m
Rear Yard, minimum	15 m
Width of Landscaped Area (all lot lines), minimum	15 m
Building Height, maximum	10 m

**35.3 SPECIAL PROVISIONS**

## SECTION 36 – MINERAL AGGREGATE RESERVE (MR) ZONE

### PURPOSE OF THE ZONE

The purpose of the Mineral Aggregate Reserve (MR) Zone is to:

- (1) identify those areas that are designated as **Mineral Aggregate Reserve** in the Community Official Plan for which at present there is no licensed mineral extraction operations;
- (2) identify those lands where as yet unexploited mineral aggregate resources exist, until a request is made for a rezoning to a Mineral Aggregate Pit – MP zone or Mineral Aggregate Quarry – MQ zone to permit a mineral extraction operation;
- (3) allow for an interim period a limited range of permitted uses of a nature that would not sterilize the potential of future mineral extraction operation on the lands or neighbouring lands; and
- (4) impose regulations reflective of the MP or MQ zone as lands in the MR zone may potentially be rezoned to MP or MQ to permit mineral extraction operations.

### 36.1 USES PERMITTED

- (1) The following uses are permitted subject to:
  - (a) the provisions of Section 36.2
    - agricultural use
    - environmental preserve and education area
    - equestrian establishment
    - forestry operation

### 36.2 ZONE PROVISIONS

- (1) The use provisions are set out in Table 36.2 below:

**TABLE 36.2 – MR ZONE PROVISIONS**

<b>I ZONING MECHANISMS</b>	<b>II PROVISIONS</b>
Lot Area, minimum	10 ha
Lot Width, minimum	30 m
Front Yard, minimum	30 m
Exterior Side yard, minimum	30 m
Side Yard, minimum	15 m
Rear Yard, minimum	15 m
Width of Landscaped Area (all lot lines), minimum	15 m
Building Height, maximum	11 m

### 36.3 SPECIAL PROVISIONS

## SECTION 37 – ENVIRONMENTAL HAZARD (EH) ZONE

### PURPOSE OF THE ZONE

The purpose of the Environmental Hazard (EH) Zone is to:

- (1) recognize lands which are designated in the Community Official Plan as Flood Plain;
- (2) permit only those uses which are safe and assist in the protection of the environmental attributes of these lands in keeping with applicable Community Official Plan policies; and
- (3) regulate development to protect humans from hazards and constraints and minimize impacts to the natural environment.

### 37.1 USES PERMITTED

No person shall within any Environmental Hazard Zone use any lot for any purpose except for one or more of the following uses:

- public park, conservation areas, picnic areas, historic sites excluding buildings
- forestry use excluding buildings
- agricultural uses excluding buildings
- marina
- marina facility
- Conservation
- place of recreation excluding buildings

### 37.2 STRUCTURES PERMITTED

- (1) No person shall within any Environmental Hazard Zone erect, alter or use any building or structure for any purpose except for one or more of the following:
  - (a) non-habitable buildings or structures designed for the purposes of flood and/or erosion control
  - (b) non-habitable, non-enclosed buildings and/or structures accessory to parks, conservation and picnic areas, such as picnic shelters
  - (c) non-habitable Marina facility building and structures
- (2) Any permitted building or structure must receive the written approval of the Mississippi Valley Conservation Authority and the Corporation.
- (3) The placement of fill within the EH zone is prohibited unless under permit from the Mississippi Valley Conversation Authority

### 37.3 ZONE PROVISIONS

No person shall within any Environmental Protection Zone use any land or erect, alter or

use any building or structure, except in accordance with the following provisions:

**Provisions**

building setback  
maximum building height

**Flood Control Buildings**

9 m (29.5 ft) from any Lot line  
11 m (36.1 ft)

**37.4 SPECIAL PROVISIONS**

37.4.1 Notwithstanding their 'EH' zoning, on those lands delineated as 'EH-a' the following provisions shall apply:

- 1) a detached dwelling shall be permitted in accordance with the R2 zone provisions;
- 2) the minimum first floor elevation for a dwelling shall be 136.1 m (446 ft) geodetic;
- 3) no openings, electrical service, or living space shall be permitted below 136.1 m (446 ft) geodetic;
- 4) the final surface elevation of a crawlspace for a dwelling shall be no lower than 135.0 m (442 ft) geodetic;
- 5) Section 6.24 shall not apply; and
- 6) in addition to the normal permit process, the location of dwellings, wells and septic systems shall require the approval of the Mississippi Valley Conservation Authority through their approval process.

37.4.2 Notwithstanding their 'EH' zoning, on those lands delineated as 'EH-b' the following provisions shall apply:

- 2) a detached dwelling shall be permitted in accordance with the R2 zone provisions;
- 3) the minimum first floor elevation for a dwelling shall be 127.2 m (417.3 ft) geodetic;
- 4) no openings, electrical service, or living space shall be permitted below the 127.2 m (417.3 ft) geodetic;
- 5) the final surface elevation of a crawl space for a dwelling shall be no lower than 135.0 m (442.9 ft) geodetic;
- 6) Section 6.24 shall not apply; and
- 7) in addition to the normal permit process, the location of dwellings, wells and septic systems shall require the approval of the Mississippi Valley Conservation Authority through their approval process.

37.4.3 Notwithstanding their 'EH' zoning, on those lands delineated as 'EH-1' a hydro-electric generating station and the permitted uses of the C5 zone shall be permitted, provided:

- 1) no extensions, enlargements or additions shall be permitted to the existing building
- 2) no openings, services or utilities shall be permitted below the 116.5 m (382.2 ft) flood elevations
- 3) no new buildings or structures shall be permitted

37.4.4 Notwithstanding their 'EH' zoning, on those lands delineated as 'EH-2' the only permitted use shall be open space.

- 1) the only permitted use shall be an existing seasonal dwelling
- 2) the minimum lot frontage shall be 20.7 m (67.9 ft)
- 3) the minimum lot area shall be 418.04 m<sup>2</sup> (4,499.8 ft<sup>2</sup>)

- 4) no person shall erect any building or structure below the 135.6 m (444.8 ft) contour line, unless it is flood proofed and no openings shall be permitted below this elevation
- 37.4.5 Notwithstanding their 'EH' Zoning, on those land delineated as 'EH-3' a hydro-electric power generating facility shall be a permitted use subject to the following provisions:
- 1) Section 32.2 shall not apply
  - 2) Section 6.1 shall not apply
  - 3) Section 6.24 shall not apply
  - 4) access may be provided from a registered right-of-way
  - 5) any buildings or structures relating to the power generating facility shall be in accordance with the requirements of the Ministry of Natural Resources and the Mississippi Valley Conservation Authority
- 37.4.6 [By-law # 22-062] Notwithstanding their 'EH' zoning, on those lands delineated as 'EH-4' on Schedule 'A' to this By-law, may be used in compliance with the EH-a zone provisions contained in this by-law, excepting however, that:
- i. The minimum front yard setback is 6.9 metres
- 37.4.7 [By-law #22-069] Notwithstanding their 'EH' zoning, on those lands delineated as 'EH-5' on Schedule 'A' to this By-law, may be used in compliance with the EH-a zone provisions contained in this by-law, excepting however, that:
- i. The minimum rear yard setback is 6.94 metres;
  - ii. The minimum front yard setback is 5.20 metres;
  - iii. The minimum side yard setback is 1.07 metres;
  - iv. The maximum lot coverage is 31%; and,
  - v. The maximum permitted projection into a required yard is 3.03 metres for a deck in the rear yard.
- 37.4.8 [By-law #24-055] Notwithstanding the 'EH' Zoning, those lands delineated as 'EH-6' on Schedule 'A' to this By-law shall be used in accordance with the 'EH-a' Zone provisions contained in this By-law, excepting however, that:
- 1) The minimum front yard setback shall be 6.6 metres;
  - 2) The minimum side yard setback for an accessory building shall be 2 metres;
  - 3) The maximum lot coverage shall be 30% of the area within the Flood Fringe, as determined by the Mississippi Valley Conservation Authority.

## SECTION 38 – ENVIRONMENTAL PROTECTION (EP) ZONE

### PURPOSE OF THE ZONE

The purpose of the Environmental Protection (EP) Zone is to:

- (1) recognize lands which are designated in the Community Official Plan as Wetlands;
- (2) permit only those uses which are compatible with and assist in the protection of the environmental attributes of these lands, or are in keeping with applicable Community Official Plan policies; and
- (3) regulate development to minimize the impact of any buildings or structures within these environmental areas.

### 38.1 USES PERMITTED

No person shall within any EP Zone use any lot for any purpose except for one or more of the following uses:

- Conservation
- Existing uses
- Forestry excluding related buildings or structures
- Agricultural uses excluding related buildings or structures

### 38.2 STRUCTURES PERMITTED

No building or structure shall be erected or enlarged and no change of use shall be permitted.

### 38.3 SPECIAL PROVISIONS

## SECTION 39 – WASTE DISPOSAL (WD) ZONE

### PURPOSE OF THE ZONE

The purpose of the Waste Disposal (WD) Zone is to:

- (1) recognize lands which are used for waste management purposes;
- (2) permit only those uses which are compatible with waste management; and
- (3) regulate development to protect humans from hazards and constraints and minimize impacts to the natural environment.

### 39.1 USES PERMITTED

No person shall within any WD Zone use any lot or erect or use any building or structure for any purpose except for one or more of the following uses:

(a) Residential Uses

- Prohibited

(d) Non-residential Uses

- leaf and yard waste composting facility
- waste disposal site
- waste processing and transfer facility
- waste processing and transfer facility (non-putrescible)
- water and waste water treatment facility

### 39.2 ZONE PROVISIONS

No person shall within any WD Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>Provisions</b>	<b>Non-Residential</b>
Lot Area, minimum	N/A
Lot Frontage, minimum	N/A
Lot Coverage, maximum	N/A
Setback from any lot or street line for structures, minimum	15 m
Setback (dumping / disposal of waste) from lot line, minimum	30 m
Building Height, maximum	10 m

### 39.3 SPECIAL PROVISIONS

## SECTION 40 – DEVELOPMENT (D) ZONE

### PURPOSE OF THE ZONE

The purpose of the Development (D) Zone is to:

- (1) recognize lands intended for future urban development in the Town of Almonte, and future village development within the Villages of Pakenham, Appleton, Blakeney and Clayton;
- (2) limit the range of permitted uses to those which will not preclude future development options; and
- (3) impose regulations which ensure a low scale and intensity of development to reflect the characteristics of the existing land uses.

### 40.1 USES PERMITTED

No person shall within a D Zone use any lot or erect or use any building or structure, for any purpose except for the following:

- uses, buildings and structures legally existing at the date of passing of this By-Law.
- accessory structures for uses, buildings and structures legally existing at the date of passing of this By-Law.

### 40.2 ZONING PROVISIONS

Zoning Mechanism	Provisions
Lot Area, minimum	existing
Lot Frontage, minimum	existing
Front Yard, minimum	6 m (19.7 ft)
Side Yard, minimum	6 m (19.7 ft)
Exterior Side Yard, minimum	6 m (19.7 ft)
Rear Yard, minimum	8 m (26.2 ft)
Height, maximum	11 m (36.1 ft)

### 40.3 SPECIAL PROVISIONS

- 40.3.1 Notwithstanding their 'D' zoning, on those lands delineated as 'D-1' a detached dwelling shall be permitted in accordance with the R1 zone provisions.
- 40.3.2 Notwithstanding their 'D' zoning, on those lands delineated as 'D-2' a detached dwelling shall be permitted in accordance with the R1 zone provisions.
- 40.3.3 Notwithstanding their 'D' zoning, on those lands delineated as 'D-3' two detached dwellings shall be permitted in accordance with the R1 zone provisions.
- 40.3.4 Notwithstanding their 'D' zoning, on those lands delineated as 'D-4' existing outbuildings

may be used for office, training and meeting uses, provided that there is no increase in the gross leasable floor area.

- 40.3.5 Notwithstanding their 'D' zoning, on those lands delineated as 'D-5' development may proceed on private services; Section 4.9, Frontage on an open street shall not apply; and, the minimum setback from a railway right-of-way for a single detached dwelling shall be 30 m.
- 40.3.6 Notwithstanding their D' Zoning, on those lands delineated as 'D-6' on Schedule 'A' to this By-law a hobby farm shall be permitted in accordance with the following provisions:
- 1) the hobby farm shall be restricted to one barn with a maximum gross floor area of 100 m<sup>2</sup> (1076 ft<sup>2</sup>); and
  - 2) the barn shall comply with the provisions of Section 6.2, Accessory Structures.
- 40.3.7 Notwithstanding their 'D' zoning, those lands zoned as 'D-7' on Schedule 'A' to this By-law, a mail order arts and crafts supply business shall be permitted in a 2,160 ft<sup>2</sup> accessory building containing warehousing, packaging and office space.
- 40.3.8 [By-law #18-77, repeals #11-13] Notwithstanding their "D" zoning, on those lands delineated as "D-8" to permit the construction of accessory structures.
- 40.3.9 [By-law #15-39] Notwithstanding their "D" zoning, lands zoned as "D-9" on Schedule 'A' to this by-law, may be used in accordance with the D zone provisions contained in this by-law, excepting however that the minimum lot area shall be 20,803 m<sup>2</sup> (223,922 ft<sup>2</sup>).
- 40.3.10 [By-law #15-74, #19-114] Notwithstanding their "D" zoning, lands zoned as "D-10" on Schedule 'A' to this by-law, may be used in accordance with the D zone provisions contained in this by-law, excepting however that:
- 1) the minimum lot frontage shall be 25.62 m (84 ft); and
  - 2) the minimum lot area shall be 8.55 ha (21.13 ac).
- 40.3.11 [By-law #16-65] Notwithstanding their "D" zoning delineation, lands delineated as "D-11" on Schedule 'A' to this by-law, may be used in accordance with the D zone provisions contained in this by-law, excepting however that:
- 1) the minimum lot frontage shall be 483.55 m (1,586.45 ft); and
  - 2) the minimum lot area shall be 14.76 ha (36.47 ac).
- 40.3.12 [By-law 19-53] Notwithstanding their 'D' zoning, on those lands delineated as 'D-12' a single detached dwelling shall be permitted in accordance with the R1 zone provisions and applicable general provisions of Section 5 and 8.

## SECTION 41 – ENACTMENT

### 41.1 CONFLICT WITH OTHER BY-LAWS

In the event of any conflict or inconsistency between this By-law and any other general or special By-law of the Corporation, the provisions of this By-law shall prevail.

### 41.2 REPEAL OF EXISTING BY-LAWS

That By-law No. 01-70 shall be and is hereby repealed and all previous by-laws passed under Section 34 of the *Planning Act, R.S.O. 1990* or a predecessor thereof, shall be deemed to have been repealed, except to the extent that any of the said By-laws prohibited the use of any land, building or structure for a purpose that is also prohibited by this By-law.

### 41.3 EFFECTIVE DATE

This By-law shall come into force on the date it is passed by Council subject to the provisions of the *Planning Act, R.S.O. 1990* and amendments thereto.

**BY-LAW READ** a first and second time this 5<sup>th</sup> day of December, 2011

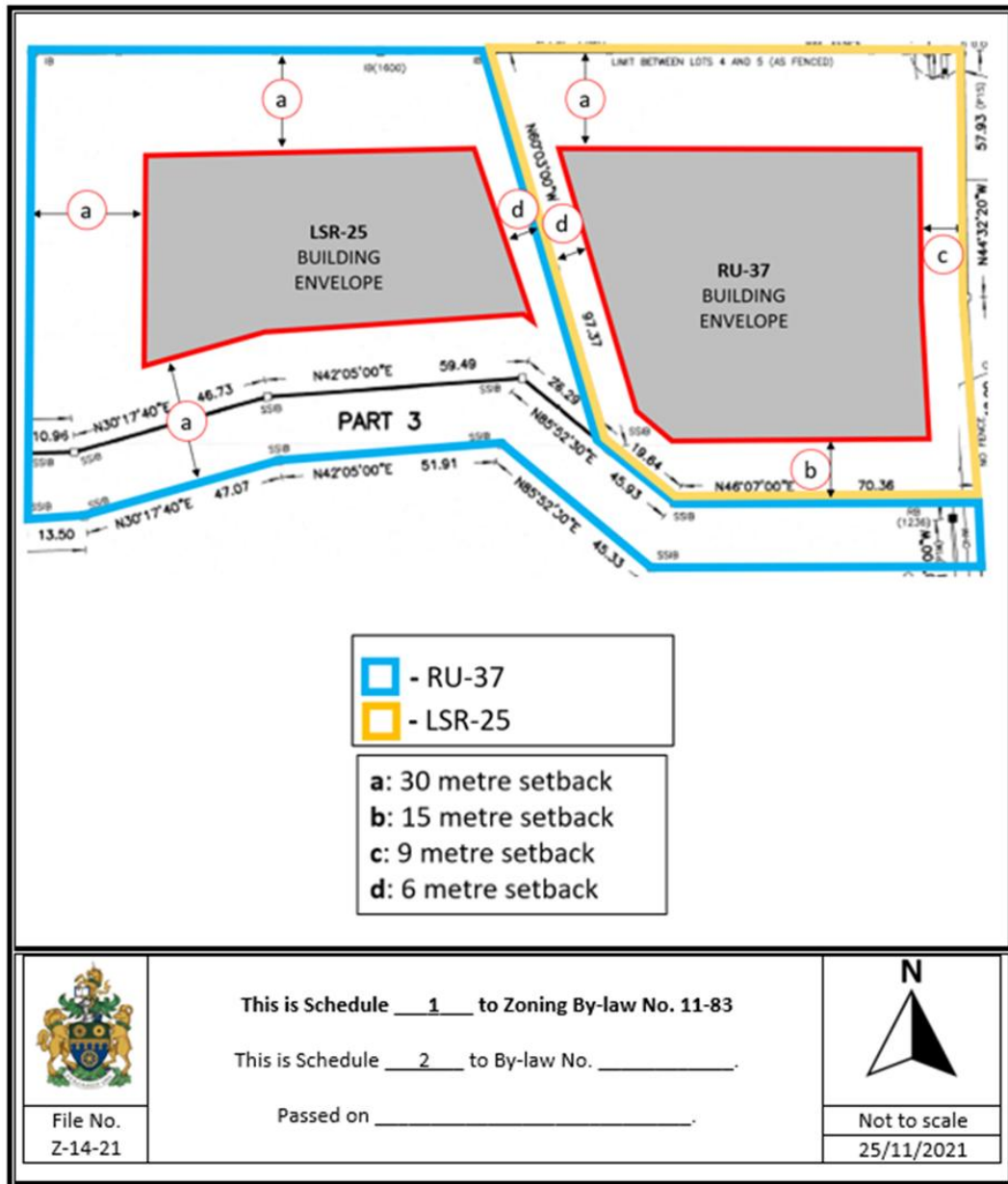
**BY-LAW READ** a third time, passed, signed and sealed in open Council this 5<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
, Mayor

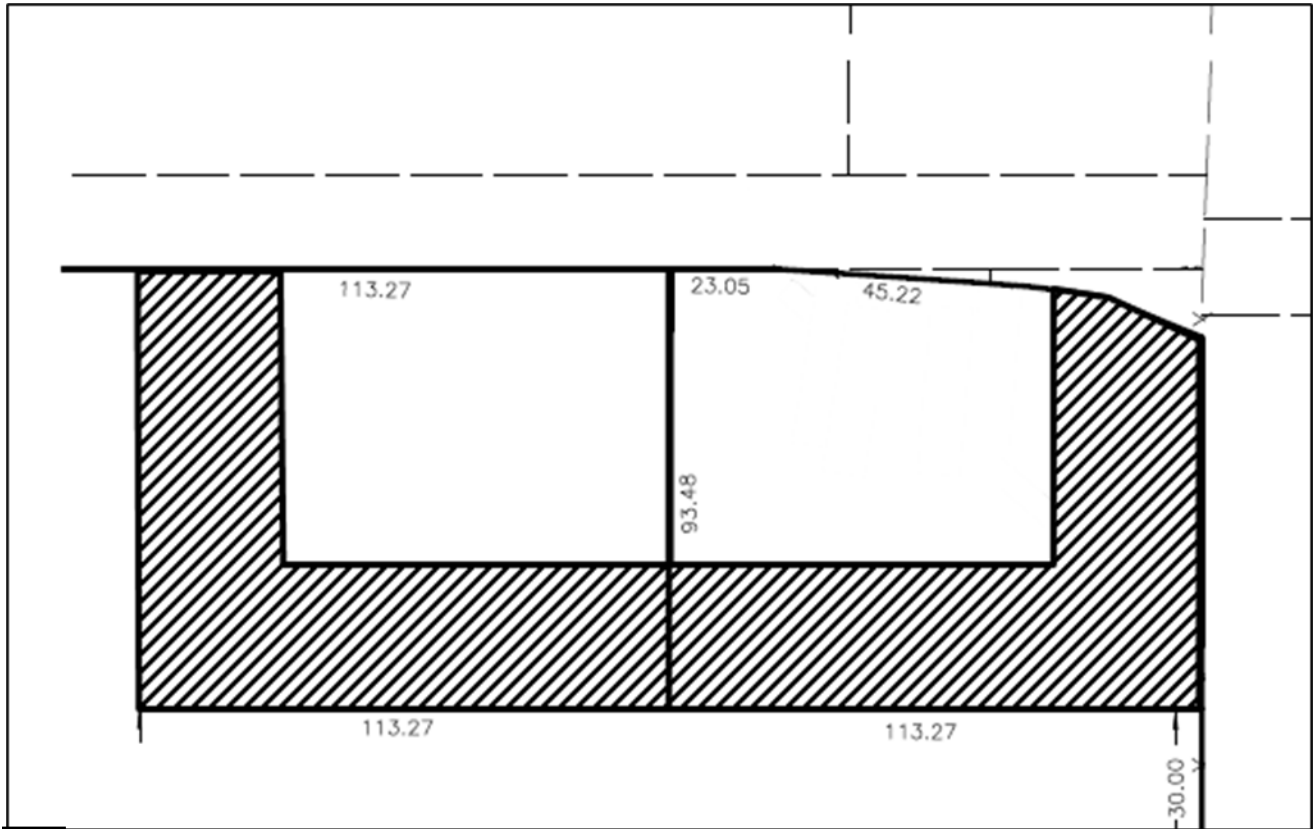
\_\_\_\_\_  
, Town Clerk


SECTION 42 – ZONING SCHEDULES

42.1 Schedule B of By-law #22-022




42.2 Schedule B of By-law #22-061



 30 Metre Setback.

**42.3 – Schedule B of By-law #25-007**



 Area to be rezoned from Rural, Special Exception 45-h (RU-42-h) to Rural, Special Exception 45 (RU-45)

42.4 – Schedule B of By-law #25-036

