OFFICE CONSOLIDATION

BY-LAW NO. 83-301

AS AMENDED
COMPREHENSIVE ZONING BY-LAW
FOR THE TOWN OF CAPREOL

DATE OF ADOPTION: July 13, 1983

DATE OF APPROVAL: May 23, 1984

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NOTE: This volume is prepared for convenience only, and for accurate reference, recourse should be had to the official by-laws.

EXPLANATORY NOTE ON BY-LAW REFERENCE NOTATIONS

Reference notations in this By-law are identified as follows:

PART - capital Roman numerals without any parenthesis or punctuation.
Example - I

SECTION - a number without any parenthesis or punctuation.
Example - 1

SUBSECTION - a number enclosed in brackets or parenthesis.
Example - (1)

PARAGRAPH - a small alphabetical letter enclosed in brackets or parenthesis.
Example - (a)

CLAUSE - small Roman numerals enclosed in brackets or parenthesis.
Example - (i)

SUB-CLAUSE - a number followed by a period.
Example - 1.

ZONING BY-LAW NO. 83-301

TABLE OF CONTENTS

		PAGE
LIST OF AMENDMENTS		- 1 -
PART I:	INTRODUCTION AND INTERPRETATION	I-1
SECTION 1	INTRODUCTION	I-1
SECTION 2	DEFINITIONS	I-5
PART II:	GENERAL PROVISIONS	II-1
SECTION 1	ACCESSORY USES	II-1
SECTION 2	ACCESS REQUIREMENTS	II-3
SECTION 3	DESIGNATED AREAS	II-4
SECTION 4	EXISTING USES AND LOTS	II-6
SECTION 5	HEIGHT RESTRICTIONS	II-9
SECTION 6	LANDSCAPING	II-10
SECTION 7	LOADING SPACE REGULATIONS	II-12
SECTION 8	MORE THAN ONE LOT OR ZONE	II-14
SECTION 9	OPEN STORAGE REGULATIONS	II-15
SECTION 10	PARKING REGULATIONS	II-17

SECTION 11 REDUCTION OF REQUIREMENTS II-22

SECTION 12 RESIDENTIAL PROVISIONS II-23

SECTION 13 SIGHT TRIANGLES II-27

SECTION 14 SIGNS II-28

SECTION 15 SOLAR ZONES II-30

SECTION 16 SWIMMING POOLS II-31

SECTION 17 USES PERMITTED IN ALL ZONES II-32

SECTION 18 USES RESTRICTED IN ALL ZONES II-35

SECTION 19 YARD ENCROACHMENTS, OBSTRUCTIONS AND BARRIERS II-37

SECTION 20 ZONES AND ZONE SYMBOLS II-39

PART III: RESIDENTIAL ZONES III-1

SECTION 1 R1 ZONE - SINGLE RESIDENTIAL III-1

SECTION 2 R2 ZONE - DOUBLE RESIDENTIAL III-4

SECTION 3 R3 ZONE - MEDIUM DENSITY RESIDENTIAL III-7

SECTION 4 R4 ZONE III-11

SECTION 5 R5 ZONE III-11

SECTION 6 R6 ZONE III-11

SECTION 7 R7 ZONE- SEASONAL RESIDENTIAL III-12

SECTION 8 R8 ZONE - MOBILE HOME RESIDENTIAL III-14

PART IV: COMMERCIAL ZONES IV-1

SECTION 1 C1 ZONE - LOCAL COMMERCIAL IV-1

SECTION 2 C2 ZONE - GENERAL COMMERCIAL IV-4

SECTION 3 C3 ZONE IV-10

SECTION 4 C4 ZONE IV-10

SECTION 5 C5 ZONE - SHOPPING CENTRE COMMERCIAL IV-11

SECTION 6 C6 - HIGHWAY COMMERCIAL IV-14

SECTION 7 C7 ZONE - RESORT COMMERCIAL IV-18

PART V: INDUSTRIAL ZONES V-1

SECTION 1 M1 ZONE - MIXED LIGHT INDUSTRIAL/SERVICE COMMERCIAL V-1

SECTION 2 M2 ZONE - LIGHT INDUSTRIAL V-5

SECTION 3 M3 ZONE- HEAVY INDUSTRIAL V-9

SECTION 4 M4 ZONE - MINING INDUSTRIAL V-14

SECTION 5 M5 ZONE - EXTRACTIVE INDUSTRIAL V-17

SECTION 6 M6 ZONE - SALVAGE AND WASTE INDUSTRIAL V-20

PART VI: INSTITUTIONAL AND OPEN SPACE ZONES VI-1

SECTION 1 I ZONE - INSTITUTIONAL VI-1

SECTION 2 P ZONE - PUBLIC PARK VI-4

SECTION 3 OR ZONE - OUTDOOR RECREATION VI-6

SECTION 4 RU ZONE - RURAL VI-8

SECTION 5 A ZONE - AGRICULTURAL RESERVE VI-12

PART VII: SPECIAL ZONES VII-1

SECTION 2 SPECIAL RESIDENTIAL ZONES VII-2

SECTION 3 COMMERCIAL ZONES VII-5

SECTION 4 SPECIAL INDUSTRIAL ZONES VII-9

SECTION 5 SPECIAL INSTITUTIONAL AND OPEN SPACE ZONES VII-15

LIST OF SPECIAL ZONES -1-

PART VIII: ADMINISTRATION AND APPROVAL VIII-1

SECTION 1 ADMINISTRATION VIII-1

SECTION 2 APPROVAL VIII-3

REGIONAL MUNICIPALITY OF SUDBURY

THE ZONING BY-LAW

BY-LAW NO. 83-301

BEING A BY-LAW OF THE REGIONAL MUNICIPALITY OF SUDBURY TO REGULATE THE USE OF LAND AND BUILDINGS WITHIN PART OF THE REGIONAL MUNICIPALITY OF SUDBURY, PURSUANT TO SECTION 34 OF THE PLANNING ACT, S.O. 1983.

WHEREAS by Section 34 of the Planning Act, being Statutes of Ontario, 1983, the council of a municipality may pass by-laws regulating the use of lands and buildings and the type of construction, height, bulk, location, spacing and character of buildings to be erected or altered, and prohibiting and regulating the making or establishment of pits and quarries, within the municipality or any defined area thereof;

AND WHEREAS the Council of the Regional Municipality of Sudbury deems it necessary and expedient to pass such a by-law with respect to certain lands lying within the Regional Municipality of Sudbury;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF SUDBURY ENACTS AS FOLLOWS:

BY-LAW 83-301
LIST OF AMENDMENTS

BY-LAW NO.	ADOPTION DATE	EXPLANATION	LOCATION
85-50	April 10/85	5 unit building	Lot 332, M-69 in Lot 10, Conc. VI, Twp. of Capreol
87-181	July 15/87	Bowling facility & 3 apartments	Pcl. 32727, Lot 10, Conc. VI, Township of Capreol
91-241	July 10/91	Light Industrial & Service Commercial	Pt. Pcl. 22660'A', Pts. 1-5, 53R-13316, Lots 10 & 11, Conc. VI, Capreol Township
91-327	Oct. 9/91	Retail store, hair-dresser, laundromat, 2 apts.	Pcl. 30728, Lot 10, Conc. 6, Twp. of Capreol (62-66 Dennie St)
92-312	Aug. 12/92	Private Club	Pts. 11, 12 & 13, 53R-12270, Lot 10, Conc. 6, Capreol Twp.
93-210	Aug. 11/93	U-Brew Microbrewery	Block D, M-633, Lot 10, Conc. VI, Twp. of Capreol
94-24	Jan. 26/94	Seasonal Residential with large lots	Pt. Pcl. 4066, Lot 11, Conc. 3, Twp.of Hutton
96-134Z	July 10/96	Public Electricity Utility	Pcls. 6583 & 21605, Lot 432 & Pt. 431, M69, Lot 10, Conc 6 Capreol Township
96-188Z	Oct. 9/96	17 single detached dwellings & one mobile home	Pt. 1, 53R-15755, Lot 11, Conc. 6, Capreol Twp.
99-190Z (99-234Z)	Aug. 11/99	Additional uses	Pcl. 16552, Lot 10, Conc. 6, Capreol Twp. (24 Meehan Ave.)
99-191Z (2000-147Z)	Aug. 11/99	Public Park & Additional Uses	Pt. Pcl.22660A, Lot 10, Conc. 6, Capreol Twp.
99-234Z	Oct. 13/99	Additional Uses	Corrects type in 99-190Z
2000-147Z	Aug. 9/00	Amends 99-191Z	Pt. Pcl. 22660A, Lot 10, Conc. 6, Capreol Twp. (Meehan Ave.)

2007-62Z	Mar 28/07	2 dwelling unit	PINS 73507-0716, 73507-0009, 73507-1157, Parcels 3924, 3674 & 31843 SES, Plan M-65, Lots 104, 105 & Part of Lot 103 (Part 1 on SR-923) Lot 11, Con 6, Township of Capreol

PART I: INTRODUCTION AND INTERPRETATION

SECTION 1 INTRODUCTION

(1) TITLE OF BY-LAW

This By-law may be cited as "The Zoning By-Law".

(2) SCOPE OF BY-LAW

(a) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Regional Municipality of Sudbury which are identified as constituting the "zoned area" on Schedule "A" hereto and which are described more particularly as:

(i) all those lands lying within the corporate limits of the Town of Capreol;

(b) CONFORMITY WITH BY-LAW

(i) No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be altered, in whole or in part, except in conformity with the provisions of this By-law.

(ii) Nothing contained in any site plan control by-law or site plan agreement shall be construed as relieving any owner of lands within the zoned area from the obligation of complying fully with the provisions of this By-law.

(c) COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Region, an area municipality or any other governmental authority having jurisdiction to make such restrictions or regulations.

(3) INTERPRETATION OF BY-LAW

(a) GENERAL

In this By-law, the definitions and interpretations set out in Section 2 of this Part shall apply, unless the context clearly requires otherwise, and any words not specifically defined herein shall carry their customary meaning.

(b) SINGULAR AND PLURAL WORDS AND GENDERS

In this By-law, unless otherwise specifically indicated:

(i) words used in the singular number include the plural and vice versa; and
(ii) words used in the masculine gender include the feminine and vice versa.

(c) "SHALL" IS MANDATORY

In this By-law, the word "shall" is mandatory and not directory.

(d) "USE" AND "OCCUPY"

In this By-law, unless the context clearly requires otherwise:

(i) the verb "use" shall include "design for use", "arrange for use", "intend for use", "permit to be used" and "erect for use"; and

(ii) the verb "occupy" shall include "design for occupation", "arrange for occupation", "intend for occupation, "permit to be occupied" and "erect for occupation".

(e) RESERVES

(i) Where the lot line of a lot abuts a reserve established by a public agency to restrict or control access to an abutting public road from such lot, the said lot shall be deemed to abut the said road and such reserve shall be deemed to constitute part of the said lot for the purpose of determining compliance with this By-law, except that this provision shall not be construed as permitting access from such lot to the said road across such reserve.

(ii) Where the lot line of a lot abuts a Crown Reserve adjacent to a waterbody, such reserve shall be deemed to constitute part of the said lot for the purpose of determining compliance with this By-law except that no building permit shall be issued for any part of such

reserve where the Ministry of Natural Resources has not approved such construction.

(f) REFERENCES TO OTHER LEGISLATION AND AGENCIES

(i) Where this By-law makes reference to legislation of the Government of Ontario or the Government of Canada, such reference shall be deemed to include any and all amendments or successors thereto or regulations thereunder.

(ii) Where this By-law makes reference to the jurisdiction of a public agency, and where the name or responsibilities of such public agency are changed hereafter, the said reference shall be deemed to include any and all successors to such public agency having jurisdiction over the matters to which the said reference applies.

(4) SCHEDULES TO BY-LAW

(a) PART OF BY-LAW

The schedules attached hereto and described in this Subsection are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

(b) SCHEDULE "A" - ZONE MAPS

The extent and boundaries of all zones and designated areas are set out on the Zone Maps comprising Schedule "A" hereto and shall be interpreted in accordance with the following provisions:

(i) Boundaries of zones shall be construed, wherever possible, to be concurrent with lot lines, property boundaries, street lines, high water marks, top of bank, boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, boundaries of registered plans or municipal boundaries existing on the date of passing hereof.

(ii) Boundaries of designated flood plain areas are shown in general only. The actual boundaries shall be as determined from time to time by the Nickel District Conservation Authority. Boundaries of designated conservation areas shall be concurrent with lot lines or property boundaries.

(iii) Where the location of a boundary of a zone or designated area on Schedule "A" hereto or on a schedule to any amendment to this By-law is not clearly shown on such schedule or cannot be determined in accordance with Clause (i) of this Paragraph, the location of such

zone boundary shall be measured on such schedule at the scale of such schedule and shall be deemed to be the centre point of the line on such schedule which denotes the said boundary.

(1) **"ABATTOIR"** means a building or structure, or part thereof, used for the slaughtering of animals and related activities.

(2) **"ABUT"** or **"ABUTTING"** mean "directly and immediately contiguous, physically touching, or sharing a common wall or lot line".

(3) **"ACCESS"** See **"WATER ACCESS"**.

(4) **"ACCESSORY"**, when used to describe a use, building, structure or activity, means a use, building, structure or activity which is incidental, secondary, subordinate and exclusively devoted to a main use, building, structure or activity and located on the same lot therewith.

(5) **"AGRICULTURAL USE"** means an area of land used for:

(i) the cultivation or tillage of soil;

(ii) the growing and harvesting of vegetables, fruits, grains, seed crops, mushrooms, berries, trees, sod, flowers or landscaping materials;

(iii) the erection and use of greenhouses;

(iv) the grazing, breeding, raising, boarding or training of livestock of all kinds, including, without limiting the generality of the foregoing, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules and fur-bearing animals;

(v) dairying;

(vii) syrup collecting;

(vii) beekeeping; or

(viii) any other operation normally associated with farming, with or without accessory buildings, structures or uses including, without limiting the generality of the foregoing, a farm sales outlet or an accessory air strip used for the take-off and landing of private aircraft in conjunction with the operation of a farm.

(6) **"AGRICULTURAL USE, INTENSIVE"** means an agricultural use or part thereof where a primary activity consists of one or more of the following:

(i) hatching or raising chickens, turkeys, ducks, geese or other poultry or fowl;

(ii) breeding or raising fur-bearing animals, swine, sheep, cattle, rabbits or goats;

(iii) breeding, raising, boarding or training dogs, cats, horses or ponies for gain or profit; or

(iv) growing mushrooms.

(7) **"AIRPORT"** means an area of land used primarily for the takeoff and landing of aircraft, with or without terminal facilities, flight control structures, fuel storage facilities, offices and aircraft storage, supply, maintenance and repair facilities as uses accessory thereto.

(8) (a) **"ALTER"** or **"CHANGE"** mean:

(i) when used in reference to a building or structure, or part thereof,

1. to change any one or more of the external dimensions thereof,

2. to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof, or

3. to alter the use thereof;

(ii) when used in reference to a lot,

1. to change the lot area, lot depth, lot frontage, water frontage or lot coverage thereof,

2. to change the width, depth or area of any yard, court, setback, landscaped open space or parking area thereon,

3. to change the location of any boundary of such lot, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise, or

4. to alter the use thereof; or

(iii) when used in reference to a use,

1. to discontinue and replace, in whole or in part, a use specifically defined herein with any other use specifically defined herein or with any use not specifically defined herein;

2. in the case of an industrial use, to change the mode of

operation thereof or the type of commodity being produced or processed,

3. in the case of a residential use, to change the number of dwelling units or guest rooms in a dwelling or rooming house, or to change the number of mobile home dwellings in a mobile home park, or

4. in the case of a use not specifically defined herein, to change in any way the type or scale thereof.

(b) **"ALTERED"** and **"ALTERATION"** have corresponding meanings.

(9) **"AMUSEMENT CENTRE"** means a commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limiting the generality of the foregoing, a bowling alley, pool hall, billiards parlour, pinball arcade and wax museum.

(10) **"AMUSEMENT PARK"** means an area of land used primarily for the commercial operation of a recreation, entertainment and amusement complex wherein rides, exhibits and displays, games of skill or chance and the sale of food, beverages, toys and souvenirs constitute the main uses.

(11) **"ANIMAL HOSPITAL OR SHELTER"** means a building or part thereof wherein small domestic animals or household pets are given temporary indoor shelter and accommodation or are treated or kept indoors for treatment by a registered veterinarian, and includes, without limiting the generality of the foregoing, a public pound, but does not include any establishment engaged primarily in the retail sale of animals or in breeding or training animals for gain or profit.

"APARTMENT DWELLING" See **"DWELLING, MULTIPLE"**.

(12) **"AREA MUNICIPALITY"** means an "area municipality" as defined and constituted by The Regional Municipality of Sudbury Act, R.S.O. 1980, Chapter 441.

(13) **"ARENA"** means a building or structure, or part thereof, owned or operated by a private club, a non-profit or charitable institution or a public agency, where facilities are provided primarily for athletic or recreational activities or events.

"ARTERIAL ROAD" See **"ROAD"**.

(14) **"ATTACHED"** means:

(i) when referring to an accessory building, "attached horizontally to a main building on the same lot"; or

(ii) when referring to a main building, "attached horizontally to another main building either on the same lot or on an adjacent lot".

"ATTIC" See **"STOREY"**.

(15) **"AUCTIONEERING ESTABLISHMENT"** means the business premises of a licensed auctioneer.

(16) **"AUDIO/VISUAL STUDIO"** means a commercial establishment engaged in recording, producing or broadcasting audio or visual materials, or both, with or without a business office, auditorium or antenna as accessory uses, and includes, without limiting the generality of the foregoing, radio or television broadcasting stations, cable television studios, sound recording studios, video recording studios and motion picture studios.

(17) **"AUDITORIUM"** means a building or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, including, without limiting the generality of the foregoing, an assembly hall, arena, cinema, theatre, playhouse, opera house, concert hall, public museum, exhibition hall, convention centre and community social centre, but does not include any amusement centre, commercial recreation centre, stadium or drive-in theatre as defined herein, or any retail store or restaurant except as an accessory use.

(18) **"AUTOMOBILE REPAIR SHOP"** means a vehicle repair shop engaged primarily in the repair and maintenance of non-commercial vehicles, other than repairing or painting vehicle bodies.

(19) **"AUTOMOBILE SERVICE STATION"** means an automotive use where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the minor repair, maintenance or cleaning of vehicles indoors, other than the repairing or painting of vehicle bodies, but does not include any other automotive use defined herein.

(20) **"AUTOMOTIVE ACCESSORIES STORE"** means a retail store where vehicle parts, accessories and tools are offered for sale with or without an accessory automobile repair shop.

(21) **"AUTOMOTIVE USE"** means a building, structure or lot, or part thereof, where vehicles are sold, rented, serviced, fuelled, maintained, repaired or cleaned for compensation and/or remuneration and includes, without limiting the generality of the foregoing, any use defined herein as a form of "automotive use" but does not include any other use defined herein. (98-77Z)

(22) **"AUTOMOTIVE DEALERSHIP"** means a vehicle sales or rental establishment engaged in the sale or rental primarily of non-commercial vehicles other than

recreation vehicles.

(23) **"BAKERY"** means a food processing plant where food products of which flour, grains, meal or sugar are the principal ingredients are produced, mixed, compounded, baked or otherwise prepared.

(24) **"BAKE SHOP"** means a retail store operated in conjunction with and on the same premises as a bakery, where all prepared food products of such bakery are sold on the premises.

(25) **"BALCONY"** means a stage or platform, other than a stoop or porch, projecting from the wall of a building and accessible from inside such building by means of a door.

(26) **"BANK"** means a financial institution where money is deposited, kept, lent and exchanged, and includes, without limiting the generality of the foregoing, the business premises of a trust company, caisse populaire or credit union, but does not include the premises of a loan company or credit agency.

"BASEMENT" See **"STOREY"**.

(27) **"BEDROOM"** means a habitable room located within a dwelling unit and used primarily for sleeping.

(28) **"BERM"** means a landscaped mound of earth.

(29) **"BLANK WALL"** means an exterior wall of a building where such wall does not contain any windows.

"BOARDING HOUSE DWELLING" See **"DWELLING, SINGLE"**.

(30) **"BODY SHOP"** means a vehicle repair shop engaged primarily in the repairing or painting of vehicle bodies.

(31) **"BUILDING"** means an enclosed structure, consisting of walls and roof, used for the shelter, accommodation or enclosure of persons, animals or goods and chattels, but does not include any vehicle.

(32) **"BUILDING BY-LAW"** means any by-law of the Corporation passed pursuant to The Building Code Act, R.S.O. 1980, Chapter 51.

"BUILDING HEIGHT" See **"HEIGHT"**.

(33) **"BUILDING OFFICIAL, CHIEF"** means the person duly appointed by Council as the Chief Building Official and charged with the duty of enforcing the provisions of

The Building Code Act, R.S.O. 1980, Chapter 51, together with any regulations thereunder, and of the Building By-law.

(34) **"BUILDING PERMIT"** means a permit required by the Building By-law.

(35) **"BUILDING SEPARATION"** means the shortest horizontal dimension between the closest parts of any two detached buildings on the same lot.

(36) **"BUILDING SUPPLY YARD"** means an establishment engaged in the wholesale or retail sale of building or construction supplies, or accessories including, without limiting the generality of foregoing, lumber, millwork, cement, siding, roofing, plumbing or electrical supplies and heating, cooling or ventilating systems, and includes the premises of a construction contractor but does not include any retail store engaged primarily in the indoor retail sale of furnishings, appliances, stoves, fireplaces, windows, paints, wall coverings, floor coverings, plumbing supplies or items normally associated with a hardware store;

(37) **"BULK RETAIL OUTLET"** means a retail store where primarily large, bulky or unwieldy items including, but not necessarily restricted to, furniture, appliances, machinery, floor coverings and landscaping and garden supplies or implements, are offered for sale or rental, but does not include a retail lumber yard, garden nursery, automotive use, industrial use or agricultural use.

(38) **"BUS TERMINAL"** means an establishment where commercial passenger vehicles pick up and discharge fare-paying passengers, with or without accessory business offices, retail stores, restaurants or refreshment rooms.

"BUSINESS IDENTIFICATION SIGN" See **"SIGN"**.

(39) (a) **"BUSINESS OFFICE"** means a building or part thereof in which one or more persons is employed in administering, managing, directing or conducting a public or private agency, a business, a brokerage or a labour or fraternal organization, and includes, without limiting the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank or other financial institution, a data processing establishment or the premises of a courier service, a newspaper publisher, or a real estate or insurance agent, but does not include a retail store, professional office or veterinarian's clinic.

(b) **"BUSINESS OFFICE, PUBLIC"** means a business office of a public agency.

(40) **"BY-LAW ENFORCEMENT OFFICER"** means a person duly appointed by Council as a By-law Enforcement Officer and charged with the duty of enforcing the by-laws of the Region.

(41) **"CAMPING GROUND"** means an area of land in which space and facilities are provided specifically for the temporary accommodation of persons in tents or recreation vehicles for vacation or recreational purposes.

(42) **"CARNIVAL"** means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes, without limiting the generality of the foregoing, an itinerant circus or midway, but does not include an amusement park or other use where such facilities are located or made available for use by the general public on a permanent basis.

(43) **"CAR PORT"** means a partially enclosed private garage, having a roof but open at each end and on at least one side except for any necessary structural roof supports.

(44) **"CAR WASH"** means an automotive use containing manual or automated facilities for washing or cleaning vehicles, but does not include any other automotive use defined herein.

"CELLAR" See **"STOREY"**.

(45) **"CEMETERY"** means an area of land reserved or used for interring the dead or placing or burying the remains or ashes of human corpses, and includes a "cemetery", "crematorium", "mausoleum" or "columbarium" within the meaning of The Cemeteries Act, R.S.O. 1980, Chapter 59, but does not include an undertaker's establishment.

"CHANGE" See **"ALTER"**.

(46) **"CHARITABLE INSTITUTION"** See **"NON-PROFIT OR CHARITABLE INSTITUTION"**.

"CHILDREN'S HOME" means:

(i) a "children's aid society" or a "receiving home" as defined in The Child Welfare Act, R.S.O. 1980, Chapter 66;

(ii) a "children's boarding home" as defined in The Children's Residential Services Act, R.S.O. 1980, Chapter 71; or

(iii) a "children's institution" as defined in The Children's Institution Act, R.S.O. 1980, Chapter 67.

(47) **"CHURCH"** means a building owned or occupied by a bona fide religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall,

auditorium, convent, monastery, cemetery, Sunday school, religious bookstore, vestry, vicarage or parsonage as accessory uses.

(48) (a) **"COMMERCIAL"**, when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, gain or profit, but does not include activities associated primarily with an industrial use or with any construction work.

(b) **"NON-COMMERCIAL"** means "not commercial".

(49) **"COMMERCIAL OR PUBLIC GARAGE"** means an automotive use engaged in the storage, repair and maintenance primarily of commercial or public vehicles.

(50) **"COMMERCIAL KENNEL"** means an establishment where dogs, cats or other small domestic animals or household pets are bred or raised primarily for the purpose of sale, or are trained or boarded for gain or profit.

(51) **"COMMERCIAL RECREATION CENTRE"** means a commercial establishment where participatory athletic, recreational or physical fitness facilities are provided for gain or profit, and includes, without limiting the generality of the foregoing, a commercial health, fitness and exercise spa or club, a commercial ice or roller skating rink, a commercial squash, tennis or golfing facility and a commercial outdoor recreation area, but does not include a riding stable, amusement centre or amusement park.

"COMMERCIAL SCHOOL" See **"SCHOOL".**

(52) **"COMMITTEE OF ADJUSTMENT"** means the Committee of Adjustment of The Regional Municipality of Sudbury, as constituted by Council under The Planning Act.

(53) (a) **"CONFORMING"** means "conforming to all applicable provisions or requirements of this By-law".

(b) **"CONFORMITY"** has a corresponding meaning.

(54) **"CONVENIENCE STORE"** means a retail store wherein various convenience goods and items of day-to-day personal or household use or necessity including, without limiting the generality of the foregoing, food, beverages, pharmaceutical drugs, light hardware products, tobacco products and periodicals, are offered for sale.

(55) **"CONSERVATION AUTHORITY"** means the Nickel District Conservation Authority.

"CORNER LOT" See **"LOT"**.

"CORNER SIDE YARD" See **"YARD"**.

(56) **"COUNCIL"** means the municipal council of The Regional Municipality of Sudbury as constituted by the Regional Municipality of Sudbury Act, R.S.O. 1980, Chapter 441.

(57) **"COURT"** means a yard bounded on two or more sides by one or more main buildings on the same lot.

"COVERAGE, LOT" See **"LOT COVERAGE"**.

(58) **"CROWN LAND"** means land held under the ownership of the Crown in right of the Province of Ontario, but does not include land in the actual use or occupation of the Crown, or of a public department of the Government of Canada or of the Province of Ontario, or of an officer or servant thereof, or under lease or licence of occupation from the Crown, or set apart or appropriated by lawful authority for a public purpose or vested in the Ontario Northland Transportation Commission.

(59) **"DAY NURSERY"** means a building or part thereof duly licensed by the Province of Ontario as a "day nursery" under The Day Nurseries Act, R.S.O. 1980, Chapter 111.

"DENSITY, RESIDENTIAL" See **"RESIDENTIAL DENSITY".**

(60) **"DETACHED"** means "not attached".

(61) **"DEVELOPMENT"** means the erection of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or a mobile home park.

(62) **"DINING ROOM"** means that part of a restaurant, refreshment room, hotel or other non-residential use which is used specifically for the consumption of food or beverages by persons seated at booths, counters or tables, or a combination thereof.

"DRIVE-IN RESTAURANT" See **"RESTAURANT"**.

(63) **"DRIVE-IN THEATRE"** means an area of land, together with accessory buildings and structures, designed and used specifically for the showing of motion pictures on an outdoor screen for viewing by patrons from within their vehicles.

(64) **"DRIVEWAY"** means a passageway which provides vehicular access to parking

areas or loading spaces on a lot.

(65) **"DRUG DISPENSARY"** means a retail store engaged solely in the sale of pharmaceutical drugs and medical supplies.

(66) **"DRY CLEANING DEPOT"** means a building or part thereof used for receiving, and subsequently returning, articles, goods or fabrics for dry cleaning, dyeing, cleaning, laundering or pressing off the premises.

(67) **"DRY CLEANING OR LAUNDERING ESTABLISHMENT"** means a building or part thereof used for the purpose of dry cleaning, dyeing, cleaning, laundering or pressing articles, goods or fabrics, with or without a dry cleaning depot as an accessory use.

(68) **"DWELLING"** means a building containing one or more dwelling units as a main use thereof.

(69) (a) **"DWELLING, MULTIPLE"** means a dwelling which contains two or more dwelling units as main uses thereof, with or without permitted non-residential uses.

(b) **"APARTMENT DWELLING"** means a multiple dwelling containing three or more dwelling units, other than a group dwelling, and includes any such dwelling wherein furnished dwelling unit accommodation is provided on a weekly or monthly basis.

(c) **"DUPLEX DWELLING"** means a multiple dwelling containing two dwelling units, but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings.

(d) **"GROUP DWELLING"** means a multiple dwelling containing two or more dwelling units having private independent entrances directly from a yard and being attached together horizontally in whole or in part above grade and divided vertically from each other by common walls.

(70) (a) **"DWELLING, SINGLE"** means a dwelling containing not more than one dwelling unit. **(By-law 95-43Z)**

(b) **"SINGLE DETACHED DWELLING"** means a freestanding single dwelling, but does not include a mobile home dwelling.

(c) **"SEMI-DETACHED DWELLING"** means one of a freestanding pair of single dwellings attached together horizontally in whole or in part above grade and divided vertically from each other by a common wall extending at least one storey above finished grade.

(d) **"ROW DWELLING"** means one of a group of not less than three single dwellings which are located on distinct and separate registered lots but which are attached together horizontally in whole or in part above grade and divided vertically from each other by common walls extending at least one storey above finished grade.

(e) **"BOARDING HOUSE DWELLING"** means a single detached dwelling containing three or more accessory guest rooms.

(f) **"MOBILE HOME DWELLING"** means a freestanding single dwelling designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons.

(g) **"SEASONAL DWELLING"** means a single detached dwelling or mobile home dwelling erected 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.

(71) (a) **"DWELLING UNIT"** means a suite of one or more inter-connected habitable rooms which:

(i) is occupied and used in common by one or more persons as a single, distinct and self-contained housekeeping establishment; and

(ii) contains cooking and toilet facilities for the exclusive common use of the occupants thereof.

(b) **"ACCESSORY DWELLING UNIT"** means a dwelling unit accessory to a permitted non-residential use on the same lot and occupied either by the owner of such lot or by a person employed thereon.

(c) **"BACHELOR DWELLING UNIT"** means a dwelling unit containing toilet facilities and not more than two habitable rooms used for living, dining, sleeping and cooking.

(d) **"SENIOR CITIZENS' DWELLING UNIT"** means a dwelling unit:

(i) which has a dwelling unit area not exceeding 51 m^2;

(ii) which is erected on land which is the subject of a mortgage or charge made pursuant to The National Housing Act, R.S.C. 1970, Chapter N-10; and

(iii) the maintenance, operation and other costs of the development of which are the subject of an agreement made pursuant to The Housing Development Act, R.S.O. 1980, Chapter 209, or The

Ontario Housing Corporation Act, R.S.O. 1980, Chapter 339, under which grants in aid are to be paid and under which such dwelling unit is to be leased to persons whose age is not below the minimum age specified in such agreement.

"DWELLING UNIT AREA" See **"FLOOR AREA"**.

(72) **"EMISSION"** means any corrosive or toxic gases, dust, fly ash, soot, vapours, noise, vibrations, electro-magnetic fields, heat, glare, odours, smoke or radiation issuing from a building, structure or lot.

(73) **"ERECT"** means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such work including, but not so as to limit the generality of the foregoing, excavating, filling or draining.

(74) **"ESTABLISHED BUILDING LINE"**, when used in reference to a lot, means the road setback of a main building existing thereon, exclusive of any stoops, sun decks, porches, balconies, exterior steps, architectural adornments or other projections of the type described in Section 19 of Part II hereof.

(75) (a) **"EXISTING"** means "existing as of the date of passing of this By-law.

(b) **"EXIST"** has a corresponding meaning.

"EXISTING, LEGAL" See **"LEGAL EXISTING"**.

(76) **"EXTRACTIVE USE"** means a mine, a pit, a quarry or a wayside pit or quarry as defined herein.

(77) **"FACTORY OUTLET"** means a building or part thereof which is accessory and clearly secondary to an industrial use, service trade or trade school and wherein products manufactured, produced or processed on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products.

(78) **"FARM PRODUCE STORE"** means a retail food store engaged in the sale primarily of unprocessed farm produce.

(79) **"FARM SALES OUTLET"** means a building or structure, accessory to an agricultural use, where farm produce originating primarily on the same lot therewith is offered for retail sale in season.

(80) **"FENCE"** means a structure which forms a barrier for enclosing, bounding, delineating or protecting land.

(81) **"FINISHED GRADE"** means:

(i) when used in reference to a wall of a building, the average elevation of the finished surface of the ground adjoining the base of such wall;

(ii) when used in reference to a building, the finished grade of the main wall of such building or, where the building has two or more main walls of equal length, the average of the finished grades of all such walls; or

(iii) when used in reference to any structure other than a building, the average elevation of the finished surface of the ground at the base of such structure, exclusive of any wells providing light or ventilation to basement areas.

(82) **"FLOOD PLAIN"** means an area of land susceptible to flooding due to an overflow of a waterbody in the event of a Regional Design Storm as defined by the Conservation Authority and approved by the Province of Ontario.

(83) (a) **"FLOOR AREA"** means the area of the floor surface of a storey or part thereof within a building.

(b) **"DWELLING UNIT AREA"** means the aggregate of the floor surface of all habitable rooms within a dwelling unit.

(c) **"GROSS FLOOR AREA"** means the aggregate of the floor areas of all storeys of a building, other than an unfinished attic or unfinished basement measured from the face of the exterior walls.

(d) **"NET FLOOR AREA"** means that portion of the gross floor area of a building which is used exclusively for a specific non-residential use, but does not include:

(i) any part of such building used as a dwelling unit or as a public concourse or common hallway not used exclusively by the said non-residential use;

(ii) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool or otherwise control the environment of such building or a portion thereof;

(iii) any vertical service spaces that pierce a storey or any stairways, shafts or ramps used exclusively for vertical travel between storeys;

(iv) any part of such building used as a lavatory, a washroom, a locker room or a cloak room; and

(v) the thickness of any exterior walls of such building.

(84) **"FOOD PROCESSING PLANT"** means an industrial use where agricultural products are prepared, processed, preserved, graded or stored, and includes, without limiting the generality of the foregoing, a flour mill, dairy, soft drink manufacturing or bottling plant, brewery, bakery, catering establishment, grain elevator or egg grading station, but does not include a restaurant, refreshment room or abattoir except where such uses are specifically permitted hereby.

(85) **"FORESTRY USE"** means an area of land used for cultivating or harvesting trees, with or without the sawing, splitting or sale of timber originating solely on the same lot therewith as uses accessory thereto.

"FRONT LOT LINE" See **"LOT LINE"**.

"FRONT YARD" See **"YARD"**.

"FRONTAGE" See **"LOT FRONTAGE"** and **"WATER FRONTAGE"**.

(86) **"FUEL DEPOT"** means an establishment engaged in the bulk storage, bulk sale or bulk delivery of combustible or inflammable solids, liquids or gases, with or without one or more tanks used for the bulk storage of such substances.

"GARAGE, COMMERCIAL" See **"COMMERCIAL OR PUBLIC GARAGE".**

(87) (a) **"GARAGE, PRIVATE"** means a building or structure, or part thereof, which accommodates an accessory parking area.

(b) **"GARAGE, MUTUAL"** means a detached private garage which accommodates at least two parking spaces and which is erected astride a common side lot line between two adjacent lots containing single detached dwellings to which such private garage is accessory.

(88) **"GARDEN NURSERY"** means an establishment engaged in both the propagation and retail sale of garden and landscaping supplies including, without limiting the generality of the foregoing, trees, shrubs, flowers, plants, seeds and bulbs, and the retail sale of garden and landscaping accessories including, without limiting the generality of the foregoing, fertilizers, weed-killers, pesticides, garden tools and lawn furnishings.

(89) **"GAS BAR"** means a main or accessory automotive use where vehicle fuels and lubricants are offered for retail sale, but does not include any automotive use engaged in the sale, rental, storage or repair of vehicles, except where such use is specifically permitted hereby.

"GROUND FLOOR" See **"STOREY"**.

"GROUND SIGN" See **"SIGN"**.

"GROUP DWELLING" See **"DWELLING, MULTIPLE"**.

(90) (a) **"GUEST ROOM"** means a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, but which contains no facilities for cooking except where specifically permitted hereby.

(b) **"ACCESSORY GUEST ROOM"** means a guest room accessory to, and located within, a dwelling.

(91) **"HABITABLE ROOM"** means an indoor area designed or used for human living, sleeping, cooking or eating.

(92) **"HARDWARE STORE"** means a retail store engaged primarily in the indoor sale of hardware and home maintenance and improvement supplies.

(93) **"HEALTH UNIT"** means the Sudbury and District Health Unit as constituted under The Public Health Act, R.S.O. 1980, Chapter 409. -19

(94) (a) **"HEIGHT"** or **"BUILDING HEIGHT"**, when used in reference to a building or structure, mean the vertical dimension or, where applicable, the total number of storeys between the finished grade of such building or structure and:

(i) in the case of a flat roof or a one-slope roof having a slope less that 20 degrees from the horizontal, the highest point of the roof surfaces;

(ii) in the case of a mansard roof, the deck line;

(iii) in the case of a gabled, hip or gambrel roof, or a one-sloped roof having a slope of not less than 20 degrees from the horizontal, the average level between eaves and ridge;

(iv) in the case of a structure not having a roof, the topmost part of such structure; or

(v) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.

(b) **"HIGHER"** or **"HIGHEST"**, when used in comparing two or more buildings or structures, mean the building or structure having the greater or greatest height.

(95) (a) **"HEREAFTER"** means "after the date of the passing of this by-law."

(b) **"HEREIN"** means "anywhere in this By-law or in any schedules hereto."

(c) **"HEREOF"** means "of this By-law".

(d) **"HERETO"** means "to this By-law" or "attached to this By-law," as the context requires.

(96) **"HOME OCCUPATION"** means an occupation, business, trade or craft conducted for gain or profit as an accessory use to a dwelling unit by one or more persons residing therein.

(97) **"HOSPITAL"** means

(i) a "hospital", "children's mental health centre" as defined in The Children's Mental Health Services Act, R.S.O. 1980, Chapter 69;

(ii) a "hospital" as defined in The Community Psychiatric Hospitals Act, R.S.O. 1980, Chapter 79;

(iii) an "institution" or "sanitarium" as established by the provisions of The Ontario Mental Health Foundation Act, R.S.O. 1980, Chapter 27;

(iv) a "private hospital" or "house" as defined in The Private Hospitals Act, R.S.O. 1980, Chapter 389;

(v) a "sanitarium" as defined in the Private Sanitaria Act, R.S.O. 1980, Chapter 391;

(vi) a premises for "full time public health services" as defined in The Public Health Act, R.S.O. 1980, Chapter 409;

(vii) a "hospital" or "medical department" as defined in The Public Hospitals Act, R.S.O. 1980, Chapter 410; or

(viii) a "sanatorium" as defined in The Sanatoria for Consumptives Act, R.S.O. 1980, Chapter 463.

(98) **"HOSTEL"** means a building or part thereof wherein overnight guest room accommodation, with or without meals, is provided to the travelling public under the auspices of the Canadian Hostel Association or a non-profit or charitable institution affiliated thereto.

(99) **"HOTEL"** means a building, a part of a building or a group of buildings used primarily for the purpose of providing overnight guest room accommodation to the

travelling public, with or without accessory restaurants, dining rooms or refreshment rooms, and includes any establishment containing guest rooms which is defined as a "hotel" in The Hotel Registration of Guests Act, R.S.O. 1980, Chapter 208, but does not include any residential use.

(l00) **"INDOOR"** or **"INDOORS"** means fully enclosed within a building.

(l01) **"INDUSTRIAL USE"** means a building, structure, use or activity pertaining to:

(i) the manufacturing, assembling, making, producing, blending, roasting, smelting, forging, preparing, milling, refining, inspecting, grading, sorting, classifying, screening, ornamenting, finishing, treating, tanning, cleaning, washing, drying, altering, repairing, restoring, processing, polishing, refinishing, packing, adapting, sawing, warehousing, stockpiling, storing, distributing, shipping, breaking up, crushing, demolishing, reprocessing or recycling of goods, substances, articles or things, including ores, minerals, aggregates and agricultural produce, or any part or parts thereof; or

(ii) the production or storage of building or construction equipment or materials,

but does not include an extractive use, a salvage yard or any activity primarily associated with either a commercial use or an automotive use or with the supplying of personal services.

(l02) **"INDUSTRIAL USE, LIGHT"** means an industrial use engaged in, or used for:

(i) producing apparel and finished textile products, other than the production of synthetic fibres;

(ii) warehousing or storing goods or materials indoors;

(iii) printing, duplicating or bookbinding;

(iv) manufacturing finished paper and allied products other than processing wood pulp;

(v) producing cosmetics, drugs and other pharmaceutical supplies; or

(vi) manufacturing finished lumber products, light metal products, light machinery, electronic products, finished plasticware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monuments, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components,

but does not include a tannery or any industrial use accessory to an extractive use.

"INFORMATION SIGN" See **"SIGN"**.

(I03) **"INSTITUTIONAL USE"** means a children's home, a church, a day nursery, a hospital, a hostel, a private club, a non-profit or charitable institution, a special care home, an arena, a public museum, a public library, a public business office, a public fire hall, a public or private school other than a trade school, or any public use other than a public utility.

"INTERIOR LOT" See **"LOT"**.

"INTERIOR SIDE LOT LINE" See **"LOT LINE"**.

"INTERIOR SIDE YARD" See **"YARD"**.

(I04) **"LANDSCAPED OPEN SPACE"** means an area of open land used and maintained for:

(i) the growth and cultivation of grass, flowers, shrubs, trees and other vegetation;

(ii) the conservation of natural features, including rock formations, waterbodies and woodlots; or

(iii) the provision of landscaping features including, but not necessarily restricted to, planting strips, retaining walls, outdoor recreation facilities, play areas, permitted outdoor swimming pools, surfaced walks and patios.

(I05) **"LAUNDROMAT"** means a self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment.

(106) **"LEGAL EXISTING"** or **"LEGALLY EXISTING"**.

(i) when used in reference to a use, lot, building or structure, mean:

1. a use, lot, building or structure existing lawfully as of the date of passing of this By-law; or

2. a building or structure the plans for which were approved prior to the passing of this By-law in the manner described in Subsection 4(3) of Part II hereof.

(ii) when used in reference to a registered lot, mean a registered lot which:

1. is or has been held under distinct and separate ownership from abutting registered lots continuously from the date of passing of this By-law;

2. was subject to a consent approved by the Committee of Adjustment prior to the date of passing of this By-law, and was subsequently severed; or

3. is located in a plan of subdivision registered prior to the date of passing hereof.

(l07) **"LIBRARY, PUBLIC"** means a library, branch library, or distributing station under the jurisdiction of The Public Libraries Act, R.S.O. 1980, Chapter 414.

"LIGHT INDUSTRIAL USE" See **"INDUSTRIAL USE, LIGHT"**.

(l08) **"LOADING SPACE"** means an off-street space or berth located on the same lot as a permitted use and used for the parking of a vehicle loading or unloading merchandise or materials pertinent to such use.

(l09) (a) **"LOT"** means an area of land under one ownership, other than a road, which is used as the site of, and pertains to, one or more main buildings, structures or uses, together with any buildings, structures or uses accessory thereto, regardless of whether or not such area of land constitutes a registered lot.

(b) **"CORNER LOT"** means a lot located directly adjacent either at an intersection of two or more roads, an intersection of a road and an unopened road allowance of the municipality, or to a bend in a road, where the said intersection or bend has an interior angle, measured along the street lines of such lot, of not more than 135 degrees, but does not include any lot having three or more distinct interior lot lines where such lot is so shaped that, if it were deemed to be an interior lot, the lot frontage of such lot would be less than the lot depth thereof.

(c) **"REVERSE CORNER LOT"** means a corner lot the rear lot line of which abuts a key lot.

(d) **"INTERIOR LOT"** means any lot which abuts a road but which is not a corner lot.

(e) **"KEY LOT"** means an interior lot having an interior side lot line which coincides with the rear lot line of a corner lot.

(f) **"THROUGH LOT"** means an interior lot abutting two or more roads.

(g) **"LANDLOCKED LOT"** means a lot which does not abut a road, other than a waterfront lot.

(h) **"WATERFRONT LOT"** means a lot having a shoreline but no street line.

(i) **"THROUGH WATERFRONT LOT"** means a waterfront lot having two or more separate shorelines.

(110) **"LOT AREA"** means the total horizontal area within the lot lines of a lot, excluding any part of a navigable waterbody.

(111) **"LOT COVERAGE"** means that part of a lot, or that percentage of the lot area of a lot, covered by the perpendicular projections onto a horizontal plane of all buildings on the lot.

(112) **"LOT DEPTH"** means the shortest horizontal distance between the mid-point of the front lot line of a lot and the mid-point of the rear lot line of the said lot.

(113) **"LOT FRONTAGE"** means the horizontal distance between the side lot lines of a lot, such distance being measured:

(i) along a line perpendicular to the side lot lines, in the case either of a lot having parallel side lot lines or of a corner lot having a bent corner but where the side lot lines are parallel except for such bend; or

(ii) along a line which is parallel to, and 6 m distant from, the front lot line, in any other case.

(114) (a) **"LOT LINE"** means any boundary of a lot or the vertical projection thereof.

(b) **"FRONT LOT LINE"** means:

(i) in the case of an interior lot other than a through lot, the street line of such lot;

(ii) in the case of a corner lot where:

1. the street lines are not of equal length, the shorter street line

2. where the street lines are of equal length, either street line shall be deemed a front lot line provided that the resulting lot frontage of the said lot does not exceed the resulting lot depth thereof;

where the street lines meet in a curve or in a series of straight lines which together form a bend, the street line shall

be deemed to include the projection of a straight street line, or in the case of a curve, the projection of the tangent of the curve to their point of intersection;

(iii) in the case of a through lot, any one street line of such lot, other than a street line abutting a reserve established by a public agency to restrict or control access to an abutting road from such lot.

(iv) in the case of a waterfront lot, the shoreline of the lot or, in the case of a through waterfront lot, the longest shoreline of such lot.

(c) **"REAR LOT LINE"** means the lot line farthest from, and opposite to and lying within 45 degrees of parallel to a line joining the two end points of the front lot line; except that,

(i) where no lot line lies within 45 degrees of parallel to a line joining the two end points of the front lot line, the meeting point of such lines farthest from the front lot line shall be deemed the rear lot line.

(d) **"SIDE LOT LINE"** means a lot line which is not a front lot line or rear lot line.

(e) **"FLANKAGE LOT LINE"** means the side lot line of a corner lot which is also a street line.

(f) **"INTERIOR LOT LINE"** means a lot line which is not a street line.

(g) **"INTERIOR SIDE LOT LINE"** means a side lot line which is not a street line.

(115) **"LOT, REGISTERED"** means a parcel of land under one ownership which:

(i) is shown as a lot or block on a registered plan of subdivision.

(ii) comprises all the land described in a document legally capable of conveying an interest in land by way of deed, transfer, mortgage, charge, agreement of sale and purchase or otherwise,

but does not include a parcel of land created as a reserve or a road, or for the express purpose of realigning or adjusting a common property boundary between abutting land holdings.

(116) (a) **"LOT, SERVICED"** means a lot which is serviced by both a public water system and a public sanitary sewer system.

(b) **"LOT, UNSERVICED"** means a lot which is not a serviced lot.

(117) **"MAIN"**, when used to describe a use, building or structure, means:

(i) a use or structure which constitutes, or a building in which is conducted, a principal use of the lot where such use, building or structure is located.

(ii) when preceded by the word "the", the use or structure which constitutes, or the building in which is conducted, the foremost use of the lot where such use, building or structure is located.

(118) **"MARINA"** means a commercial establishment, located adjacent to a navigable waterbody, which provides services or supplies primarily to boaters and which consists of boat docking, launching or storage facilities or mooring slips together with one or more boat-related commercial uses including, but not necessarily restricted to, a boat sales or rental establishment, a boat house or boat storage shed, a boat service station, a boat repair shop or a boat fuel gas bar.

(119) **"MERCHANDISE SERVICE SHOP"** means a building or part thereof wherein articles or goods, other than vehicles or industrial equipment, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.

(120) **"MEDICAL OFFICE"** means a professional office used by medical doctors, dentists, optometrists or drugless practitioners for the purposes of consultation, diagnosis or treatment.

(121) **"MINE"** means a "mine" within the meaning of The Mining Act, R.S.O. 1980, Chapter 268.

"MOBILE HOME DWELLING" See **"DWELLING, SINGLE"**.

(122) **"MOBILE HOME DEALERSHIP"** means an establishment where mobile home dwellings are offered or displayed for sale to the general public.

(123) **"MOBILE HOME PARK"** means a lot containing two or more mobile home dwellings on separate mobile home sites, with or without buildings, structures or uses accessory thereto including, without limiting the generality of the foregoing, a mobile home dealership.

(124) **"MOBILE HOME SITE"** means an area of land within a mobile home park which is used as the site of, and pertains to, not more than 1 mobile home dwelling.

"MULTIPLE DWELLING" See **"DWELLING, MULTIPLE"**.

"NAVIGABLE WATERBODY" See **"WATERBODY"**.

"NET FLOOR AREA" See **"FLOOR AREA"**.

(125) (a) **"NON-CONFORMING"**, when used in reference to a use, lot, building or structure, means a use, lot, building or structure which does not conform to, or comply with, one or more of the provisions of this By-law, or which is not permitted hereby.

(b) **"NON-CONFORMITY"** has a corresponding meaning.

(126) **"NON-PROFIT OR CHARITABLE INSTITUTION"** means an institution or organization which is incorporated as a "non-profit institution" under The Corporations Act, R.S.O. 1980, Chapter 95, or to which The Charitable Institutions Act, R.S.O. 1980, Chapter 64 applies, or the premises of any such institution.

"**NURSERY, DAY" or "NURSERY, GARDEN"** See **"DAY NURSERY"**.

"**NURSERY, GARDEN" See "GARDEN NURSERY"**.

(127) **"OFFICE"** means a business office or professional office.

(128) **"OPEN SPACE USE"** means a public park, outdoor recreation area, agricultural use or forestry use.

(129) (a) **"OPEN STORAGE"** means the storage of goods and materials, or the display and sale of goods and materials including vehicles for hire or sale, outside a building.

(b) **"OPEN STORAGE AREA"** means an area of land used for open storage .

(130) **"OUTDOOR", "OUTDOORS"** or **"OPEN"** mean "outside a building" or "not underground".

(131) **"OUTDOOR RECREATION AREA"** means an area of private land consisting mostly of landscaped open space or other open areas and used primarily for commercial or non-commercial outdoor recreational purposes.

(132) **"PARKING AREA"** means an outdoor, indoor or underground area which is provided on a lot for the parking of one or more vehicles.

(133) **"PARKING LOT"** means a parking area which constitutes a main use on a lot and where vehicles are parked for remuneration.

(134) **"PARKING SPACE"** means that portion of a parking area, exclusive of any driveway, which is used for the parking of not more than one vehicle.

(135) **"PARKING STRUCTURE"** means a building or structure which contains a parking area as the main use thereof.

(136) **"PERSONAL SERVICE SHOP"** means a building or part thereof wherein a personal service is performed, including, but not necessarily restricted to, a barber shop, a beauty salon, a shoe repair shop, a tailor or dressmaking shop, a dry cleaning depot, a laundromat, a photographic studio or the premises of an optician, but does not include any other use defined herein or any "body-rub parlour" or "adult entertainment parlour" as defined in The Municipal Act, R.S.O. 1980, Chapter 302.

(137) **"PINBALL ARCADE"** means a building or part thereof containing four or more pinball or other mechanical or electronic game machines, operated for gain or profit.

(138) (a) **"PIT"** means a "pit" as defined in The Pits and Quarries Control Act, R.S.O. 1980, Chapter 378, but does not include a wayside pit.

(b) **"QUARRY"** means a "quarry" as defined in The Pits and Quarries Control Act, R.S.O. 1980, Chapter 378, but does not include a wayside quarry.

(c) **"WAYSIDE PIT OR QUARRY"** means a "wayside pit" or "wayside quarry" as defined in The Pits and Quarries Control Act, R.S.O. 1980, Chapter 378.

(139) **"PLANTING STRIP"** means an area of landscaped open space.

(140) **"PORCH"** means a partially enclosed stoop having a roof but without any enclosing walls greater than 1.2 m in height from the top of the platform thereof.

(141) **"PRIMARILY"** means "mainly but not necessarily exclusively".

(142) **"PRIVACY YARD"** means a yard directly adjoining an exterior wall of a dwelling unit for use solely by the occupants thereof, but does not include any part of a parking area.

(143) **"PRIVATE"** means "not public".

(144) **"PRIVATE CABIN"** means an accessory building used for temporary human habitation but containing no cooking facilities.

(145) **"PRIVATE CLUB"** means

(i) a private athletic, recreational or social club which is not operated for gain or profit, including a fraternal organization; or

(ii) the premises of any such club or organization.

"PRIVATE GARAGE" or **"PRIVATE ROAD"** See **"GARAGE"** and **"ROAD, PRIVATE"**, respectively.

(146) **"PROFESSIONAL OFFICE"** means the business premises of one or more persons duly qualified, licensed or registered under the laws of the Province of Ontario to be members of a self-regulating profession or to perform a medical or therapeutic service, including, without limiting the generality of the foregoing, medical doctors, dentists, optometrists, drugless practitioners, architects, lawyers, chartered accountants, surveyors and engineers, but does not include a veterinarian's clinic.

(147) **"PUBLIC"**, when used in reference to a building, structure, use or lot, means a building, structure, use or lot which is owned, occupied, used or administered by a public agency.

(148) **"PUBLIC AGENCY"** means:

(i) the Government of Canada, the Government of Ontario, the Region, an area municipality or any municipal corporation;

(ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Ontario, the Region, an area municipality or any municipal corporation; or

(iii) any public utility.

"PUBLIC BUSINESS OFFICE" See **"BUSINESS OFFICE"**.

"PUBLIC GARAGE" See **"COMMERCIAL OR PUBLIC GARAGE".**

(149) **"PUBLIC LIBRARY"** means a library, branch library, or distributing station under the jurisdiction of The Public Libraries Act, R.S.O. 1980, Chapter 414.

(150) **"PUBLIC MUSEUM"** means a building, structure or lot, or part thereof, used for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated or to be dedicated to the recreation of the general public, together with any libraries, reading rooms, laboratories and other offices and premises accessory thereto, but does not include an amusement park.

(151) **"PUBLIC PARK"** means an area of public land used primarily for active or passive recreational purposes of any kind or as a conservation area.

"**PUBLIC SCHOOL"** See **"SCHOOL"**.

(152) **"PUBLIC UTILITY"** means:

(i) any agency, corporation, board or commission, or any department of the Region or an area municipality, providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage or refuse collection and disposal services to the general public, and includes, without limiting the generality of the foregoing, any "public utility" as defined in The Public Utilities Corporations Act, R.S.O. 1980, Chapter 424, and any railway company subject to The Railway Act, R.S.C. 1970, Chapter R-2; or

(ii) any use, other than an office, pertaining directly to the provision of such services by any such agency, corporation, board, commission or department, and includes, without limiting the generality of the foregoing, any public works yard or automotive use associated therewith.

(153) **"QUARRY"** See **"PIT"**.

(154) **"RACE TRACK"** means an area of land, other than a road, used primarily for the sports of racing horses or dogs or racing vehicles including, without limiting the generality of the foregoing, racing cars, stock cars, go-carts and motorcycles, with or without related bleachers, spectator stands, refreshment booths, restaurants, refreshment rooms, stables or other structures or uses accessory thereto.

"REAR LOT LINE" See **"LOT LINE"**.

"REAR YARD" See **"YARD"**

(155) **"RECREATION OR ENTERTAINMENT CENTRE"** means an amusement centre, commercial recreation centre, amusement park, carnival, drive-in theatre, auditorium, arena, private club, race track or stadium.

(156) **"REFRESHMENT ROOM"** means a building or part thereof where beverages, with or without related snacks or refreshments other than full meals, are offered or kept for retail sale to the public for immediate consumption therein, and includes, without limiting the generality of the foregoing, a "public house" as defined in The Liquor Licence Act, R.S.O. 1980, Chapter 244.

(157) **"REGION"** means the Regional Municipality of Sudbury as constituted by The Regional Municipality of Sudbury Act, R.S.O. 1980, Chapter 411.

"REGISTERED LOT" See **"LOT, REGISTERED"**.

(158) (a) **"REQUIRED"** means "required by this By-law".

(b) **"REQUIREMENT"** has a corresponding meaning.

(159) (a) **"RESIDENTIAL BUILDING"** means:

(i) a building containing one or more dwelling units as the main use thereof;

(ii) a private cabin accessory to a dwelling; or

(iii) a rooming house,

but does not include any building which is located in a Commercial Zone and contains a non-residential use as a main use on the ground floor.

(b) **"NON-RESIDENTIAL BUILDING"** means a building which is not a residential building.

(160) **"RESIDENTIAL DENSITY"** means the number of dwelling units per hectare of lot area on a lot containing a dwelling.

(161) (a) **"RESIDENTIAL LOT"** means a lot containing a permitted residential building as the main use thereof and located in a Residential Zone or an Open Space Zone.

(b) **"NON-RESIDENTIAL LOT"** means a lot which is not a residential lot.

(162) (a) **"RESIDENTIAL USE"** means a dwelling, dwelling unit or rooming house, or any use accessory thereto.

(b) **"NON-RESIDENTIAL USE"** means a use which is not a residential use.

(163) (a) **"RESTAURANT"** means a building or part thereof where food is prepared and offered for retail sale to the general public for consumption either on or off the premises, but does not include a refreshment room.

(b) **"EAT-IN RESTAURANT"** means a restaurant which contains a dining room.

(c) **"TAKE-OUT RESTAURANT"** means a restaurant which neither contains a dining room nor constitutes a drive-in restaurant.

(d) **"DRIVE-IN RESTAURANT"** means a restaurant which does not contain a dining room but where it is intended that patrons consume food within their vehicles while parked on the same lot.

(164) (a) **"RETAIL STORE"** means a building, structure or lot, or part thereof, where

goods, wares, merchandise, commodities, substances, foodstuffs, articles or things of any kind are stored, kept, offered or displayed for retail sale or rental to the general public, and includes, without limiting the generality of the foregoing, any use defined herein as a form of "retail store", but does not include any other use defined herein.

(b) **"RETAIL FOOD STORE"** means a retail store where primarily foodstuffs and household items are offered for sale.

(165) (a) **"ROAD"** means a public road and/or seasonal road.

(b) **"PRIVATE ROAD"** means a private thoroughfare for vehicular and pedestrian traffic held under private ownership legally registered as a right-of-way or located on Crown land and which is not maintained by an area municipality, the Region or the Province of Ontario.

(c) **"PUBLIC ROAD"** means a public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained year round by/and under the jurisdiction of an area municipality, the Region or the Province of Ontario.

(d) **"SEASONAL ROAD"** means a public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained, but not year round by/and under the jurisdiction of an area municipality, the Region or the Province of Ontario.

(e) **"ARTERIAL ROAD"** means a public road which is classified as a primary arterial road, secondary arterial road or tertiary arterial road from time to time by the Region.

(166) **"ROAD SETBACK"** See **"SETBACK, ROAD"**.

(167) **"ROOMING HOUSE"** means a building or part thereof which contains one or more guest rooms as the main use thereof and where accommodation, with or without meals, is provided for gain or profit, but does not include a hotel or any dwelling or institutional use.

(168) (a) **"SALVAGE YARD"** means a lot used for collecting, wrecking, dismantling, reclaiming, storing or selling waste or obsolete goods, wares or materials.

(b) **"VEHICLE SALVAGE YARD"** means a salvage yard dealing primarily in vehicles and vehicle parts.

(169) **"SANITARY LANDFILL SITE"** means a "sanitary landfill site" as defined in The Environmental Protection Act, R.S.O. 1980, Chapter 141.

(170) **"SANITARY SEWER SYSTEM, PUBLIC"** means a system of underground

conduits and related appurtenances, operated by the Region or other public agency, which carries sanitary sewage or industrial waste to a sewage treatment facility.

(171) (a) **"SCHOOL"**, means a school under the jurisdiction of The Education Act, R.S.O. 1980, Chapter 129, or a college, university, vocational school, technical school or any other educational establishment or institution where students are trained, instructed or educated, and includes, without limiting the generality of the foregoing, a nursery school or boarding school having accessory dormitory facilities.

(b) **"PUBLIC SCHOOL"** means a school under the jurisdiction of a public agency.

(c) **"PRIVATE SCHOOL"** means a school, other than a public school or a commercial school, under the jurisdiction of a private non-profit board of trustees or governors, a bona fide religious organization or a non-profit or charitable institution.

(d) **"COMMERCIAL SCHOOL"** means a school operated by one or more persons for gain or profit.

(e) **"TRADE SCHOOL"** means a public school, private school or commercial school where the courses of instruction relate primarily to industrial arts and vocational and technical subjects, with or without the accessory wholesale or retail sale of articles manufactured on the premises or the supplying or non-personal services or crafts to the public in the manner of a service trade or a repair shop, provided that such articles, services or crafts are directly related to a course of instruction conducted by the said school.

(172) **"SCIENTIFIC OR MEDICAL LABORATORY"** means a building or part thereof wherein scientific or medical experiments, tests, researches or investigations are systematically conducted and where drugs, chemicals, glassware or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises.

"SEASONAL DWELLING" See **"DWELLING, SINGLE"**.

"SENIOR CITIZENS' DWELLING" See **"DWELLING, MULTIPLE"**.

"SENIOR CITIZENS' DWELLING UNIT" See **"DWELLING UNIT"**.

"SERVICE SHOP" See **"MERCHANDISE SERVICE SHOP"** and **"PERSONAL SERVICE SHOP"**.

(173) **"SERVICE TRADE"** means an establishment which provides a non-personal service or craft to the general public, including, but not necessarily restricted to, a merchandise service shop, a custom print or copy shop, a dry cleaning or laundering establishment, a dog grooming business, a monument engraving shop or the business premises of a printer, plumber, tinsmith, craftsman, painter, carpenter, cabinet maker, electrician, taxidermist, pest exterminator, roofer, insulation installer, furrier, weaver, upholsterer, interior decorator, caterer, engraver, cleaner or locksmith, but does not include a building supply yard, automotive use, transport terminal or undertaker's establishment.

"SERVICED LOT" See **"LOT, SERVICED"**.

(174) **"SETBACK, ROAD"** means the shortest horizontal dimension between a street line and the nearest part of any main building or structure on a lot, and includes the width or depth of any exterior yard as defined herein.

(175) **"SETBACK, WATERBODY"** means the shortest horizontal dimension between a waterbody and the nearest part of a building or structure on a lot.

(176) **"SEWAGE TREATMENT FACILITY"** means a building or structure, approved by the Ontario Ministry of the Environment for the treatment of sanitary sewage or industrial waste.

(177) **"SHOPPING CENTRE"** means one or more buildings, or part thereof, containing a group of not less than four separate permitted commercial establishments, comprehensively planned and maintained as a single, cohesive and integrated unit on a single lot held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, R.S.O. 1980, Chapter 84.

(178) **"SHORELINE"** means any lot line or part thereof which abuts:

(i) the high water mark of a navigable waterbody; or

(ii) a Crown land shoreline reserve.

"SIDE LOT LINE" See **"LOT LINE"**.

"SIDE YARD" See **"YARD"**.

(179) **"SIGHT TRIANGLE"** means that triangular portion of a lot which:

(i) is situated adjacent to an intersection at grade either of two or more roads or of a road and a railway right-of-way; and

(ii) is delineated by:

1. the two intersecting lot lines abutting such roads or such road and such railway right-of-way, and

2. a straight line drawn to connect a pair of points located on the said lot lines at a distance specified herein from their point of intersection,

provided that where the said lot lines do not intersect a point, their point of intersection shall be deemed, for the purposes of this definition, to be the point of intersection of the projected tangents to the said lot lines, drawn through their extremities.

(180) (a) **"SIGN"** means a name, identification, symbol, description, device, display, illustration or group of letters which is affixed to, or is painted or otherwise represented directly or indirectly upon, a building or structure for identification, information or advertising purposes.

(b) **"NAME PLATE SIGN"** means a sign identifying the name, address or occupation of an occupant or owner of a dwelling or dwelling unit.

(c) **"BUSINESS IDENTIFICATION SIGN"** means a sign identifying or advertising a business or other non-residential use located, operated or conducted on the same lot, with or without reference to a product sold, distributed or manufactured on the premises or to an activity occurring in conjunction with such use.

(d) **"BUILDING IDENTIFICATION SIGN"** means a sign identifying a building located on the same lot.

(e) **"ADVERTISING SIGN"** means a sign directing attention to a business, commodity, service, entertainment or use which is not conducted, sold, offered or located on the same lot.

(f) **"INFORMATION SIGN"** means a sign which is provided for the purpose of:

(i) stating the address of the building or lot to which such sign pertains;

(ii) identifying a road or lane;

(iii) directing, regulating or warning pedestrian or vehicular traffic on a road or lane;

(iv) informing, educating, enlightening or warning the general public with respect to the nature of their surroundings;

(v) giving a legal notification; or

(vi) disseminating information or instructions regarding public order or public safety,

but does not include any sign advertising, identifying or otherwise referring directly to a specific business or product or to any specific industrial or commercial use except where such sign is erected by the Region or by the Ontario Ministry of Transportation and Communications in accordance with its Guide Signing Policy.

(g) **"WALL SIGN"** or **"FACIA SIGN"** mean a sign which is painted or otherwise represented on, or is affixed and generally parallel to, a wall of a building or a window therein, and which does not project more than 0.3 m therefrom.

(h) **"PROJECTING SIGN"** means a sign which is affixed to, and projects from, a wall of a building.

(i) **"OVERHANGING SIGN"** means a projecting sign or ground sign which overhangs a road by more than 0.3 m.

(j) **"GROUND SIGN"** means a sign supported by a pole, pylon or other structure imbedded directly in the ground.

(k) **"ROOF SIGN"** means a sign supported by a structure erected upon the roof-top of a building.

(l) **"PORTABLE SIGN"** means a sign mounted on a trailer or other portable base.

(m) **"TEMPORARY SIGN"** means an unlit sign which:

(i) is not permanently mounted;

(ii) is intended for temporary use for a specific occasion or purpose over a limited period of time; and

(iii) constitutes:

1. a legal election poster or placard;

2. a special event announcement relating to a non-commercial, non-profit or public use or activity;

3. a real estate sale or rental sign; or

4. a construction sign denoting the name of an architect,

engineer or contractor in conjunction with construction work in progress, with or without a description of such work.

(n) **"ILLUMINATED SIGN"** means a sign designed to emit or reflect artificial light.

(o) **"UNLIT SIGN"** means a sign which is not an illuminated sign.

(p) **"ANIMATED SIGN"** means a sign which, whether by mechanical or electrical means, or both, is set in motion or appears to be set in motion, and includes any illuminated sign which projects a moving or changing image, but does not include a sign which revolves or appears to revolve, in whole or in part, at a rate not exceeding 8 revolutions per minute or which changes its image not more than 8 times in a minute, provided such sign is not animated in any other way.

(181) **"SIGN AREA"** means the total area of all sign faces of a sign and of any surface of any support for such sign where the smallest dimension of such surface exceeds 0.5 m and where such surface does not constitute part of a building.

(182) **"SIGN FACE"** means that portion of a sign in which, against which, or through which, the message of the sign is displayed, and includes all those areas within a continuous perimeter enclosing the extreme limits of all the writing, display or presentation constituting such sign face, together with any other display material forming an integral part of such sign or used to differentiate the background against which such sign is placed, but does not include any structural element used solely for supporting the said sign.

"SINGLE DWELLING" See **"DWELLING, SINGLE"**.

(183) (a) **"SITE PLAN CONTROL BY-LAW"** means any by-law of the Region passed pursuant to Section 40 of The Planning Act.

(b) **"SITE PLAN AGREEMENT"** means any agreement entered into by an owner of land and the Region pursuant to a site plan control by-law.

(184) **"SOLAR COLLECTOR"** means any device or combination of devices employed in the collection of direct solar radiation for the purposes of heating or cooling a building, heating water, generating electricity or otherwise converting solar rays into usable forms of energy.

(185) **"SPECIAL CARE HOME"** means:

(i) a "home for retarded persons" as defined in The Homes for Retarded Persons Act, R.S.O. 1980, Chapter 201;

(ii) a "home for special care" as defined in The Homes for Special Care Act, R.S.O. 1980, Chapter 202;

(iii) a "home" or a "joint home" as defined in The Homes for the Aged and Rest Homes Act, R.S.O. 1980, Chapter 203; or

(iv) a "nursing home" as defined in The Nursing Homes Act, R.S.O. 1980, Chapter 320.

(186) **"STADIUM"** means an area of land used primarily for spectator sports events, together with related grandstands, refreshment booths, restaurants, refreshment rooms or other structures or uses accessory thereto.

(187) **"STOOP"** means a roofless, unenclosed outdoor structure, with or without steps, consisting of a platform or deck and connecting to an exterior door on the ground floor of a dwelling, regardless of whether or not a cellar or part thereof is located beneath such structure.

(188) (a) **"STOREY"** means a horizontal division of a building from a floor to the ceiling directly above such floor, regardless of whether or not such floor constitutes an overhanging mezzanine, a gallery or a balcony, and includes an attic, basement or cellar but does not include any crawl space or other area that is, for all intents and purposes, unusable by virtue of its inaccessibility.

(b) **"FIRST STOREY"** or **"GROUND FLOOR"** mean the storey whose:

(i) finished ceiling is located at least 1.8 m above finished grade; and

(ii) finished floor level is situated closer to finished grade than that of any other such storey in the same building.

(c) **"SECOND STOREY"** or **"SECOND FLOOR"** mean the storey directly above the first storey of a building.

(d) **"ATTIC"** means the topmost storey of a building, situated within a roof, where 50% or more of the horizontal space within such roof has less than 2 m vertical clearance from the base of such storey.

(e) **"BASEMENT"** means any storey below the first storey of a building.

(f) **"CELLAR"** means a basement which has more than 50% of its height, from finished floor to finished ceiling, below the lowest of the finished grades of the exterior walls thereof.

(g) **"FULL STOREY"** means a first storey or any storey located above a first

storey, other than an attic.

(189) **"STORM SEWER SYSTEM, PUBLIC"** means a system of conduits, ditches and related appurtenances, under the jurisdiction of the Region or other public agency, which carries storm surface water and storm drainage but not sanitary sewage or industrial waste.

(190) **"STREET LINE"** means a lot line dividing a lot from a road and is the limit of the road allowance.

(191) **"STRUCTURE"** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.

(192) **"SUN DECK"** means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.

(193) **"SWIMMING POOL"** means a structure which is located on or in or above the ground, or within a building, and which is capable of containing an artificial body of water for swimming, wading, diving or recreational bathing with a water depth of 0.6 m or more at its deepest point.

(194) **"TAILOR OR DRESSMAKING SHOP"** means a building or part thereof which is used primarily for the custom manufacture, alteration or repair of articles of clothing for individual clients, but does not include any establishment primarily engaged in the retail sale of clothing manufactured elsewhere or the manufacture of clothing for distribution to retail stores, or where clothes are altered primarily by dyeing or the addition of appliques.

(195) **"TANNERY"** means an industrial use engaged in the conversion of hides or skins into leather, but does not include the premises of a taxidermist.

(196) **"TAXI STAND"** means a building, structure or lot where chauffeured passenger automobiles are kept for hire.

"THROUGH LOT" see **"LOT"**.

"TRADE SCHOOL" See **"SCHOOL"**.

(197) **"TRANSPORT TERMINAL"** means any premises where commercial vehicles are kept for hire, rental or lease, or are stored or parked for remuneration, or from which commercial vehicles are dispatched for hire as common carriers.

(198) **"UNDERGROUND"** means "below the finished surface of the ground, excluding artificial embankments or terraces".

(199) **"UNDERTAKER'S ESTABLISHMENT"** means a building or part thereof wherein human corpses are preserved or otherwise prepared for interment or cremation.

(200) **"USE"** means:

(i) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or

(ii) when used as a verb, to put to such purpose.

(201) (a) **"VEHICLE"** means any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger automobile, trailer, truck, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile or motorcycle, but does not include a pedal bicycle, canoe or other device powered solely by means of human effort, or a mobile home dwelling.

(b) **"COMMERCIAL VEHICLE"** means a vehicle licensed by the Province of Ontario:

(i) as a public vehicle pursuant to the provisions of The Public Vehicles Act, R.S.O. 1980, Chapter 425; or

(ii) as a public commercial vehicle, pursuant to the provisions of The Public Commercial Vehicles Act, R.S.O. 1980, Chapter 407,

(c) **"NON-COMMERCIAL VEHICLE"** means a vehicle having a specified capacity of not more than 1 tonne or, in the case of a passenger vehicle, 12 persons, but does not include a commercial vehicle or farm vehicle.

(d) **"RECREATION VEHICLE"** means a non-commercial vehicle used primarily for recreational or vacation purposes, including, but not necessarily restricted to, a trailer, a boat, a snowmobile, a motorcycle or any trailer or other vehicle capable of being used for the temporary vacation living accommodation of one or more persons.

(e) **"SMALL RECREATION VEHICLE"** means a recreation vehicle having not more than three independent wheels or sets of wheels, or having a track and skis, and which is not capable of being used for human living accommodation.

(f) **"FARM VEHICLE"** means a vehicle, self-propelled or drawn, which directly and specifically relates to the operation of an agricultural use.

(g) **"PUBLIC VEHICLE"** means a vehicle owned and operated by a public agency.

(202) **"VEHICLE REPAIR SHOP"** means an automotive use which contains facilities for the repair and maintenance of vehicles on the premises and where vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include any establishment where the repairing or painting of vehicle bodies constitutes a main use, except where otherwise specifically provided hereby, or any other automotive use defined herein.

(203) **"VEHICLE SALES OR RENTAL ESTABLISHMENT"** means an automotive use engaged in the sale, rental or leasing of vehicles and vehicle accessories, with or without an accessory vehicle repair shop, but does not include any other automotive use defined herein.

(204) **"VETERINARIAN'S CLINIC"** means a building or part thereof, with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

"WALL SIGN" See **"SIGN"**.

(205) **"WAREHOUSE"** means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles or things, other than livestock, but does not include a fuel depot, transport terminal or stockyard.

(206) **"WATER ACCESS"**, when used in reference to a lot, means a lot located adjacent to, and accessible directly from, a navigable waterbody which has boat docking facilities which are permanently provided and which are accessible from a road or a private road.

(207) (a) **"WATERBODY"** means the natural or man-made channel of an open stream of water or any area below the high water mark of an open body of water.

(b) **"NAVIGABLE WATERBODY"** means a waterbody sufficiently deep and wide to give passage to a boat.

"WATERBODY SETBACK" See **"SETBACK, WATERBODY"**.

"WATERFRONT LOT" See **"LOT"**.

(208) **"WATER FRONTAGE"** means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.

(209) **"WATER SYSTEM, PUBLIC"** means a distribution system for potable water consisting of pipes and related pumping stations, treatment and purification facilities, reservoirs, stand pipes, water towers, hydrants and other appurtenances, owned and operated by the Region or other public agency.

(210) (a) **"YARD"** means an area of land which:

(i) is appurtenant to, and located on the same lot as, a main building or structure; and

(ii) is open, uncovered and unoccupied from the ground to the sky, except for those uses specifically permitted thereon elsewhere in this By-law.

(b) **"FRONT YARD"** means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any main building or structure on such lot.

(c) **"FRONT YARD DEPTH"** means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any main building or structure on such lot.

(d) **"REAR YARD"** means a yard extending across the full width of a lot between the rear lot line of such lot and the nearest part of any main building or structure on such lot, but excluding any part of a corner side yard as defined herein.

(e) **"REAR YARD DEPTH"** means the shortest horizontal dimension of a rear yard between the rear lot line of a lot and the nearest part of any main building or structure on such lot.

(f) **"INTERIOR SIDE YARD"** means a yard extending from the front yard to the rear yard of a lot and from an interior side lot line of such lot to the nearest part of any main building or structure on such lot.

(g) **"INTERIOR SIDE YARD WIDTH"** means the shortest horizontal dimension of an interior side yard between an interior side lot line of a lot and the nearest part of any main building or structure on such lot.

(h) **"CORNER SIDE YARD"** means a yard extending from the front yard to the rear lot line of a corner lot and from the flankage lot line of such lot to the nearest part of any main building or structure on such lot.

(i) **"CORNER SIDE YARD WIDTH"** means the shortest horizontal dimension of a corner side yard between the flankage lot line of a corner lot and the nearest part of any main building or structure on such lot.

(j) **"SIDE YARD"** means an interior side yard or corner side yard.

(k) **"EXTERIOR YARD"** means a yard abutting a street line, and includes a front yard and a corner side yard as defined herein.

(l) **"INTERIOR YARD"** means a yard which is not an exterior yard.

(m) **"REQUIRED YARD"** means that part of a yard which:

(i) is located adjacent to a lot line;

(ii) has the minimum front yard depth, rear yard depth or side yard width required hereby.

(iii) does not contain or include any buildings, structures or outdoor parking areas except where such uses are specifically permitted thereon elsewhere herein.

(211) **"ZONED AREA"** means all those lands lying within the corporate limits of the Regional Municipality of Sudbury which are identified as constituting the "zoned area" on Schedule "A" hereto and which are subject to this By-law.

(212) **"ZONE MAPS"** means the set of maps attached hereto as Schedule "A".

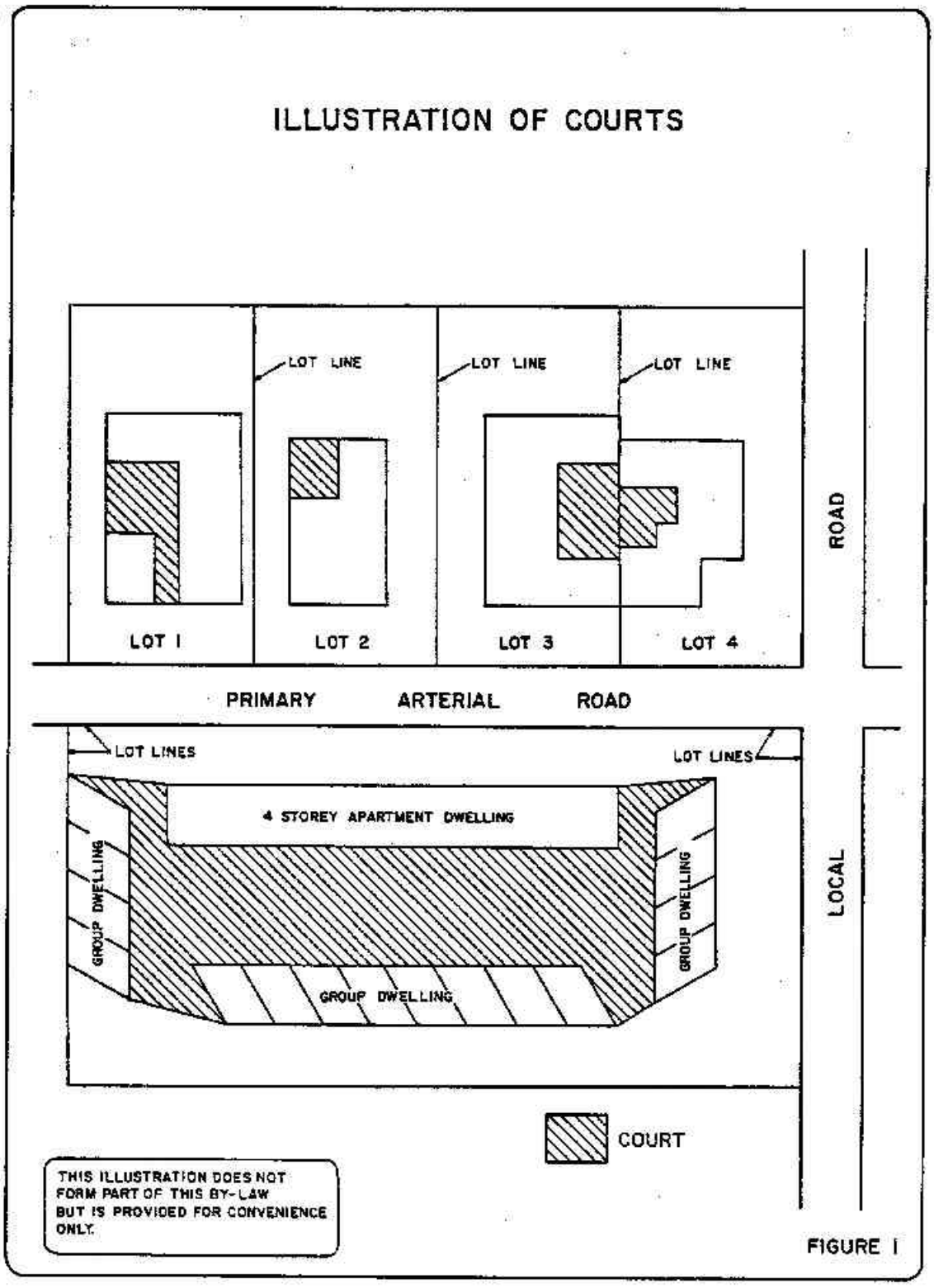
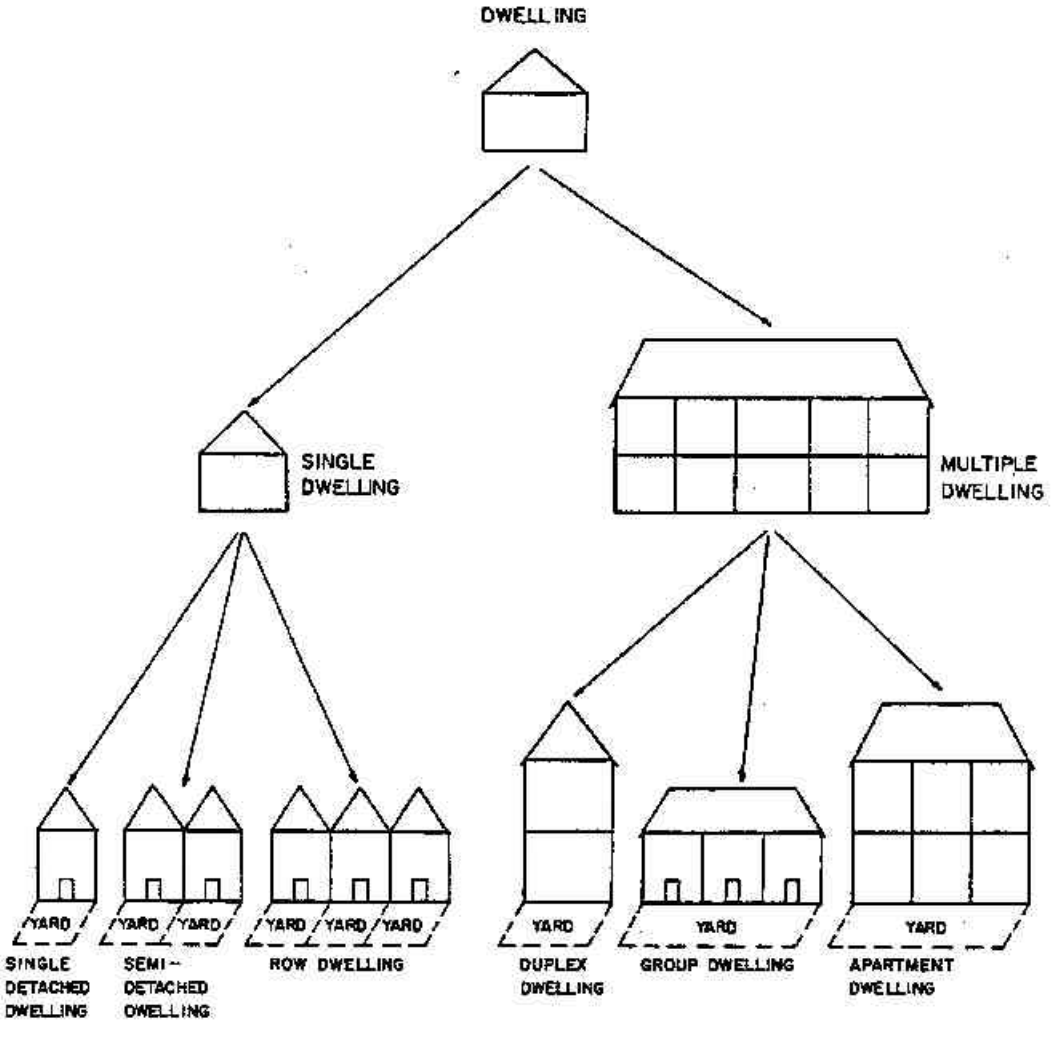


ILLUSTRATION OF COURTS
LOT LINE
LOT LINE
LOT LINE
ROAD
LOT 1
LOT 2
LOT 3
LOT 4
PRIMARY ARTERIAL ROAD
LOT LINES
LOT LINES
4 STOREY APARTMENT DWELLING
GROUP DWELLING
GROUP DWELLING
GROUP DWELLING
LOCAL
COURT
THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.
FIGURE 1

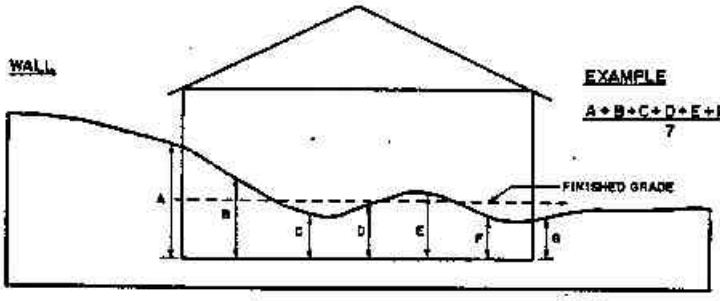
ILLUSTRATION OF DWELLINGS



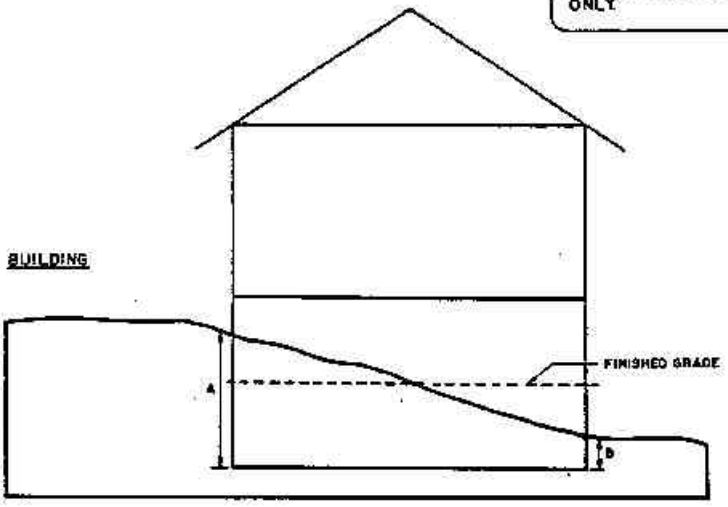
THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 2

ILLUSTRATION OF FINISHED GRADE



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY



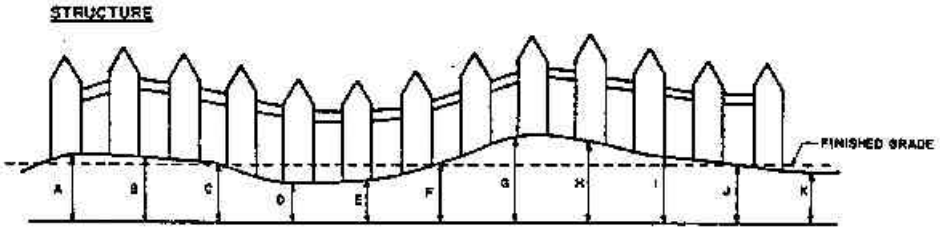
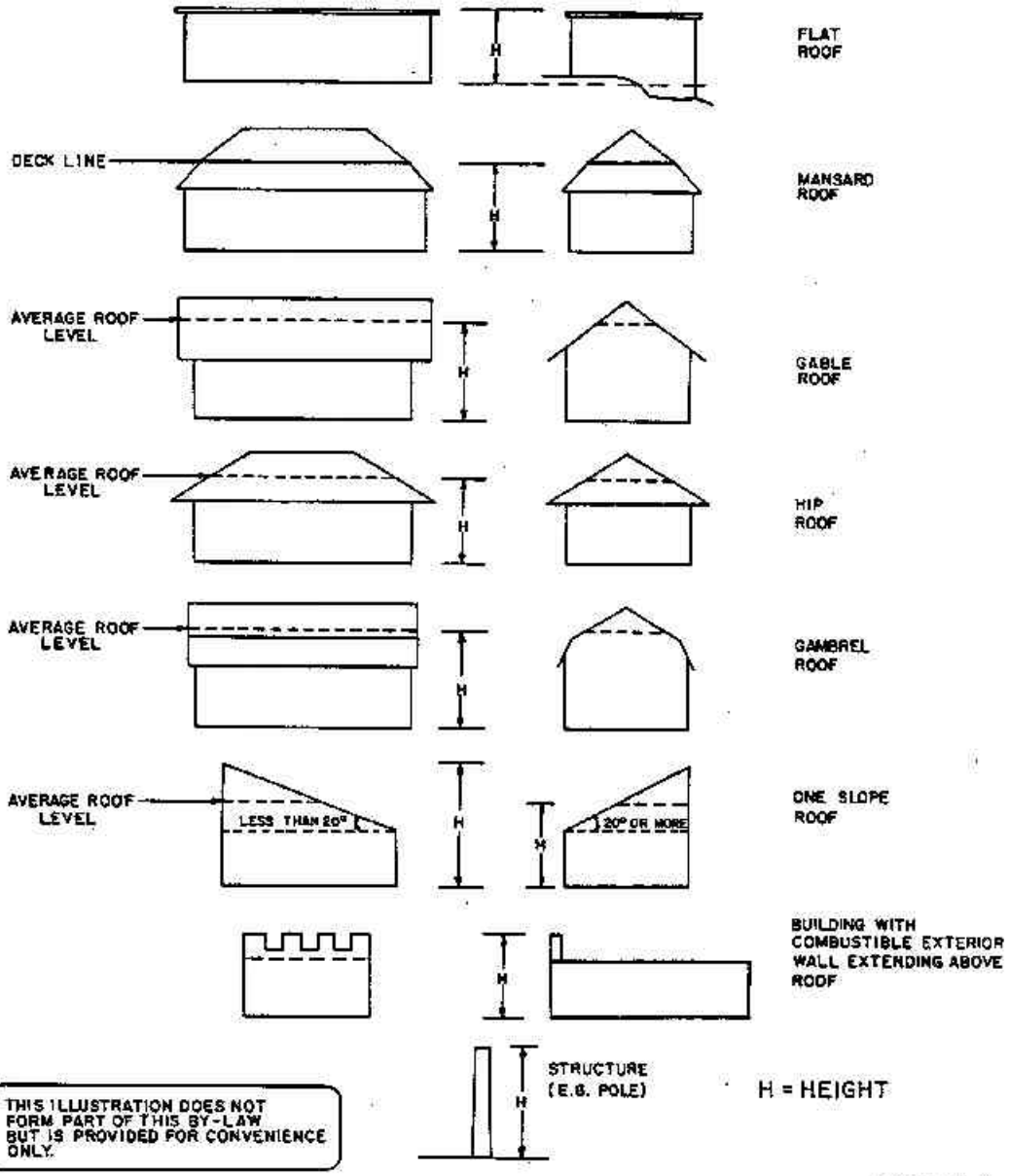


FIGURE 3

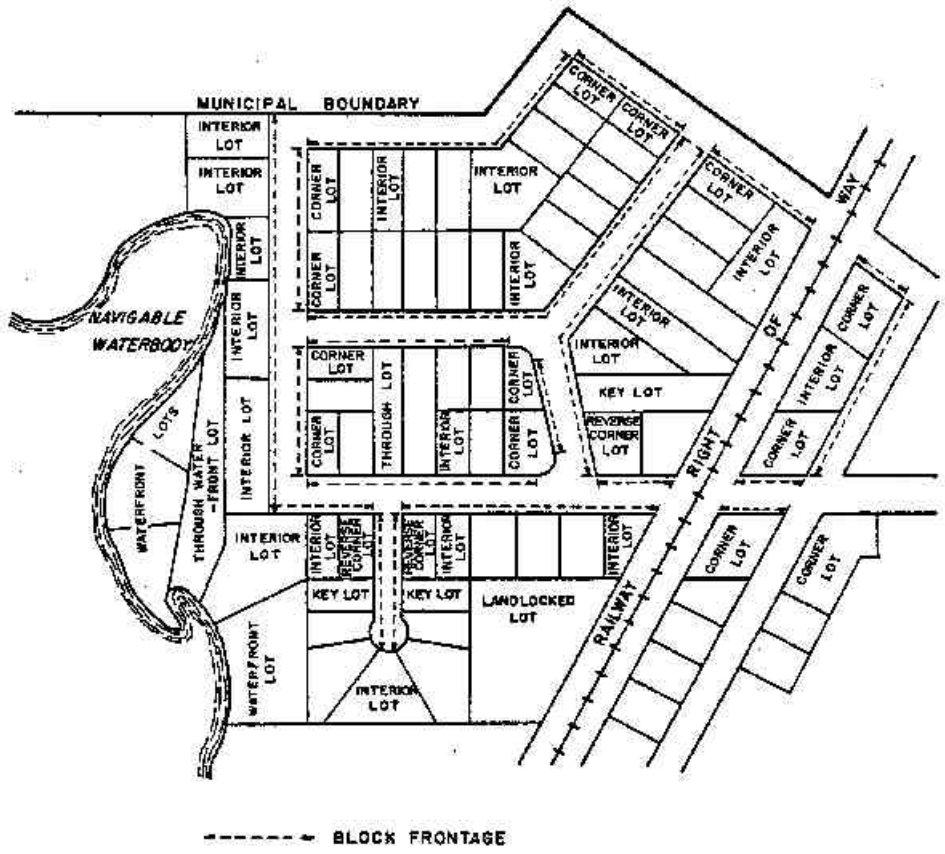
ILLUSTRATION OF BUILDING AND STRUCTURE HEIGHT DEFINITIONS



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 4

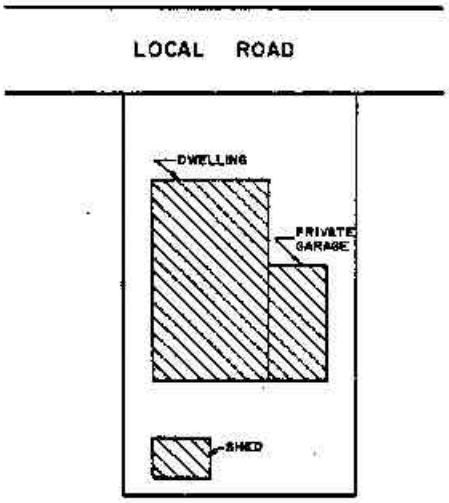
ILLUSTRATION OF LOTS AND BLOCK FRONTAGE



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDE FOR CONVENIENCE ONLY.

FIGURE 5

ILLUSTRATION OF LOT COVERAGE



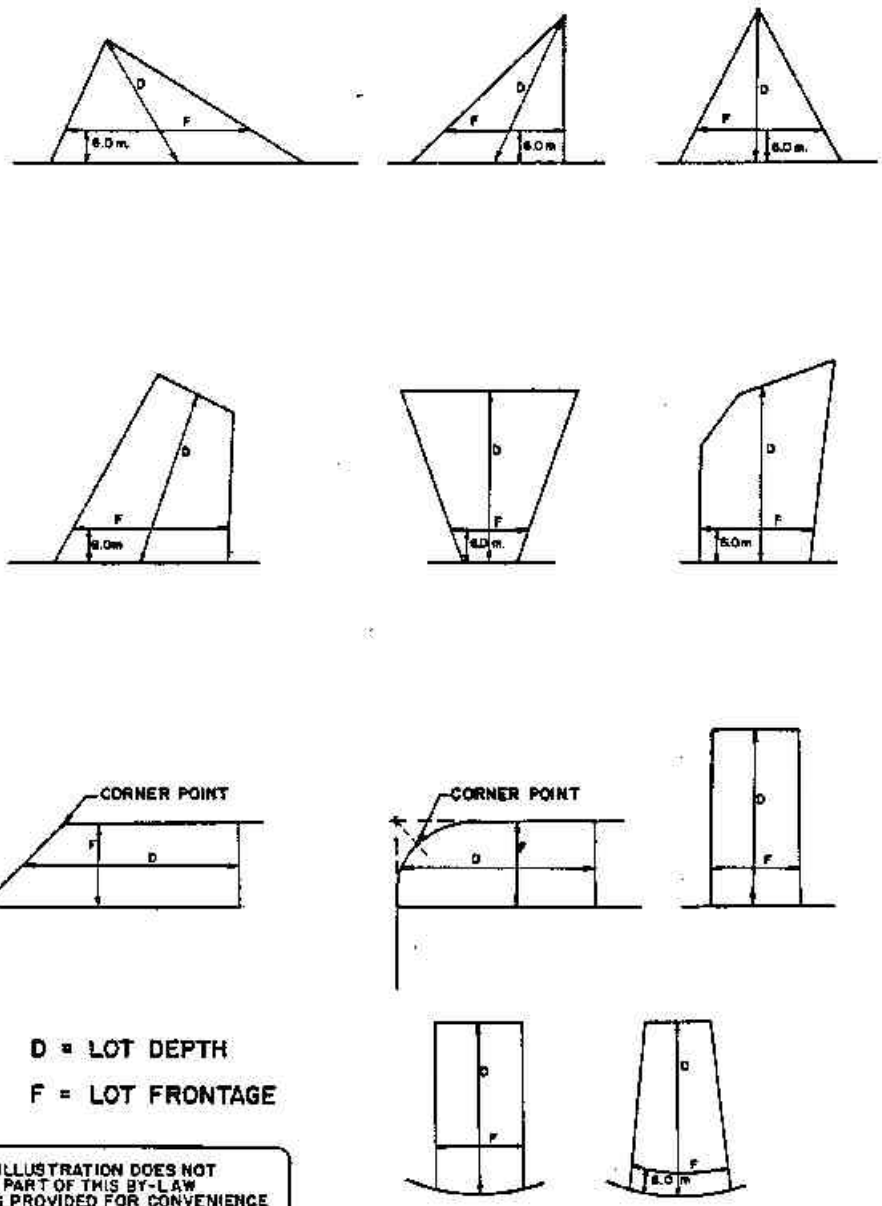
EXAMPLE

LOT AREA	20.0 m x 35.0 m = 700.0 m2
DWELLING	10.0 m x 17.5 m = 175.0 m2
PRIVATE GARAGE	5.0 m x 10.0 m = 50.0 m2
SHED	5.0 m x 3.5 m = 17.5 m2
	TOTAL 242.5 m2
LOT COVERAGE	$\frac{242.5\,m2}{700.0\,m2} \times 100\%$
	= 34.6 %

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 6

ILLUSTRATION OF
LOT FRONTAGE AND LOT DEPTH



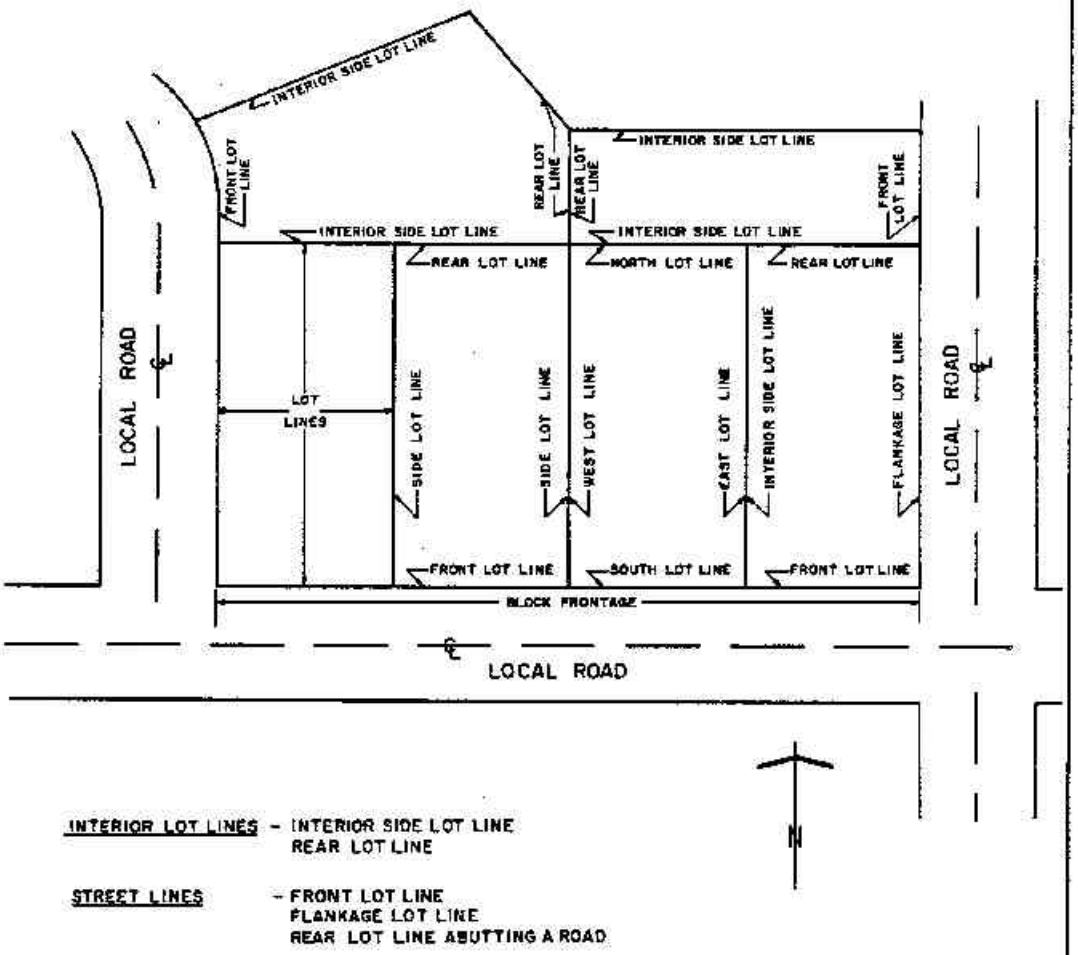
D = LOT DEPTH

F = LOT FRONTAGE

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 7

ILLUSTRATION OF LOT LINES



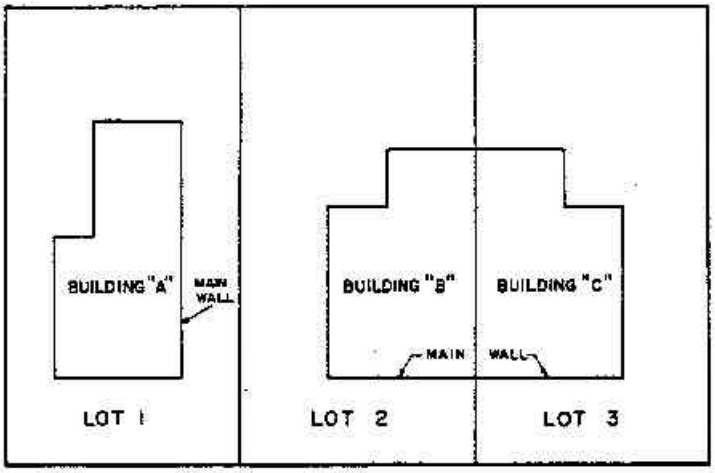
INTERIOR LOT LINES – INTERIOR SIDE LOT LINE
REAR LOT LINE

STREET LINES – FRONT LOT LINE
FLANKAGE LOT LINE
REAR LOT LINE ABUTTING A ROAD

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 8

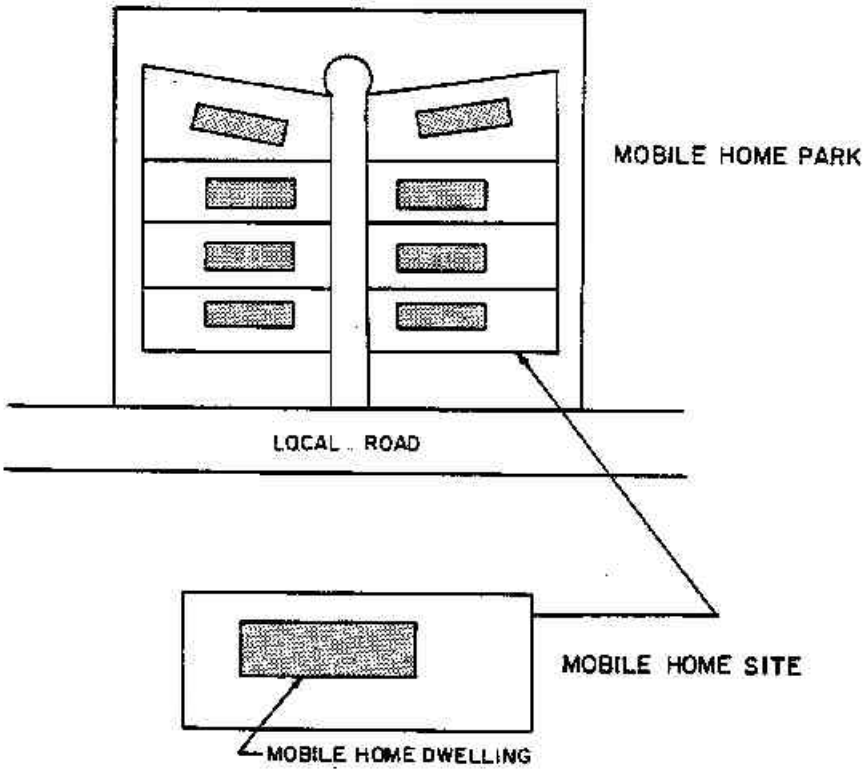
ILLUSTRATION OF MAIN WALL



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 9

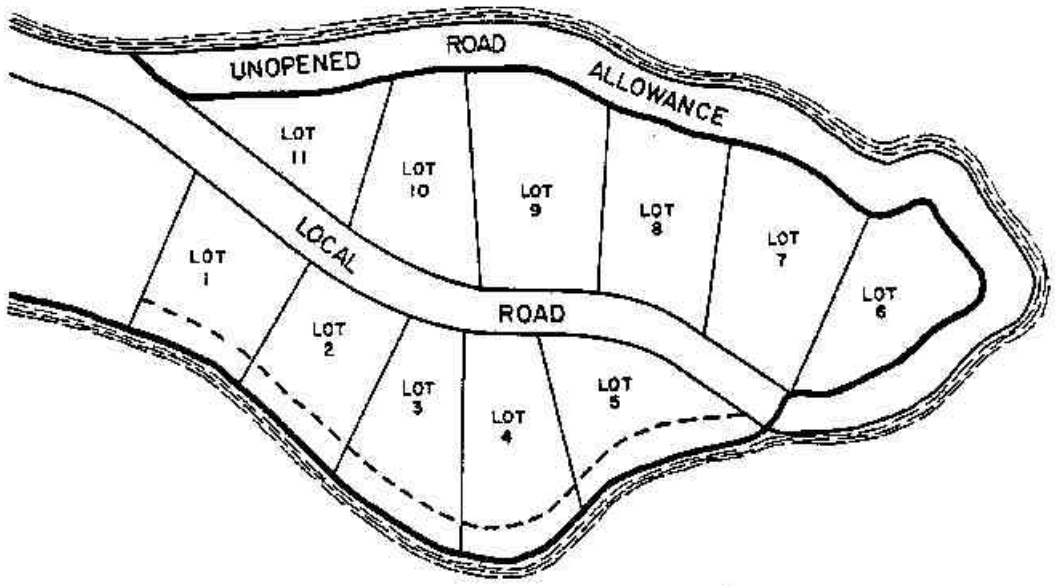
ILLUSTRATION OF
MOBILE HOME PARK AND SITE



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 10

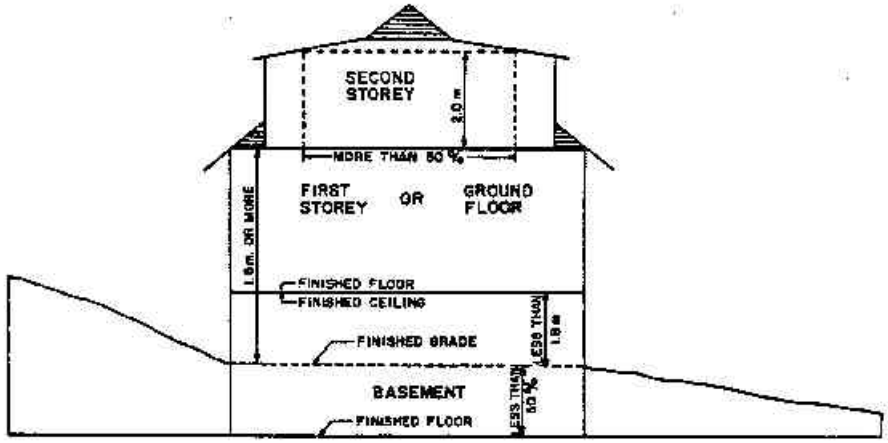
ILLUSTRATION OF SHORELINE, WATERBODY ROAD ALLOWANCE AND WATERBODY SETBACKS FOR RESIDENTIAL USES

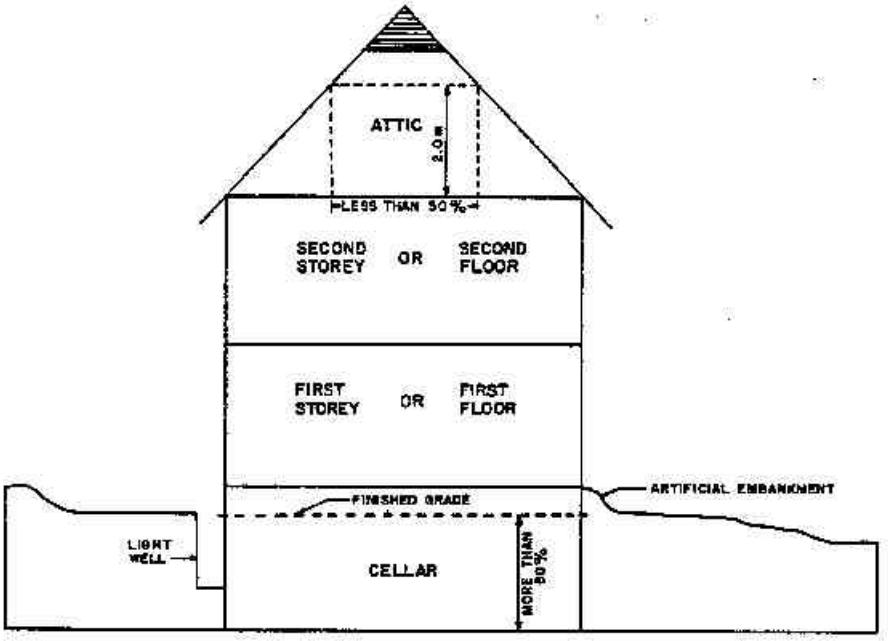


THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 11

ILLUSTRATION OF STOREY DEFINITIONS

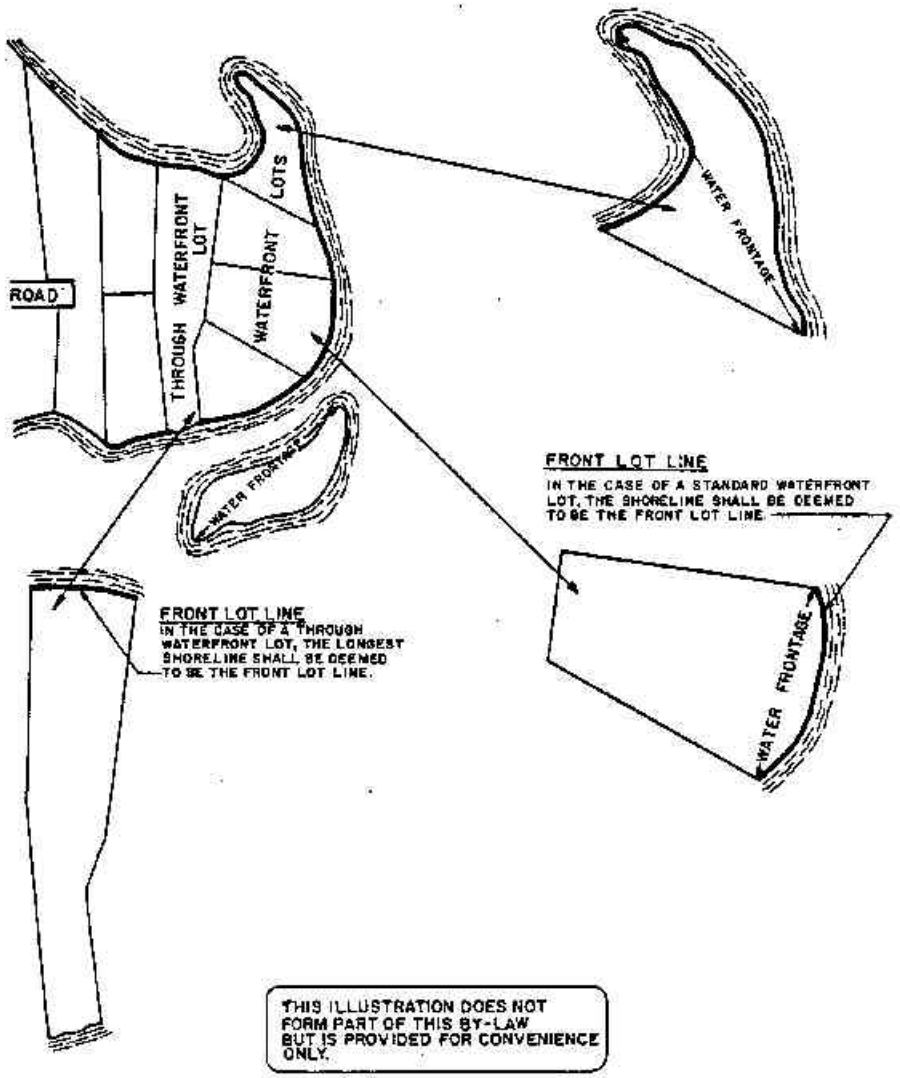




THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 12

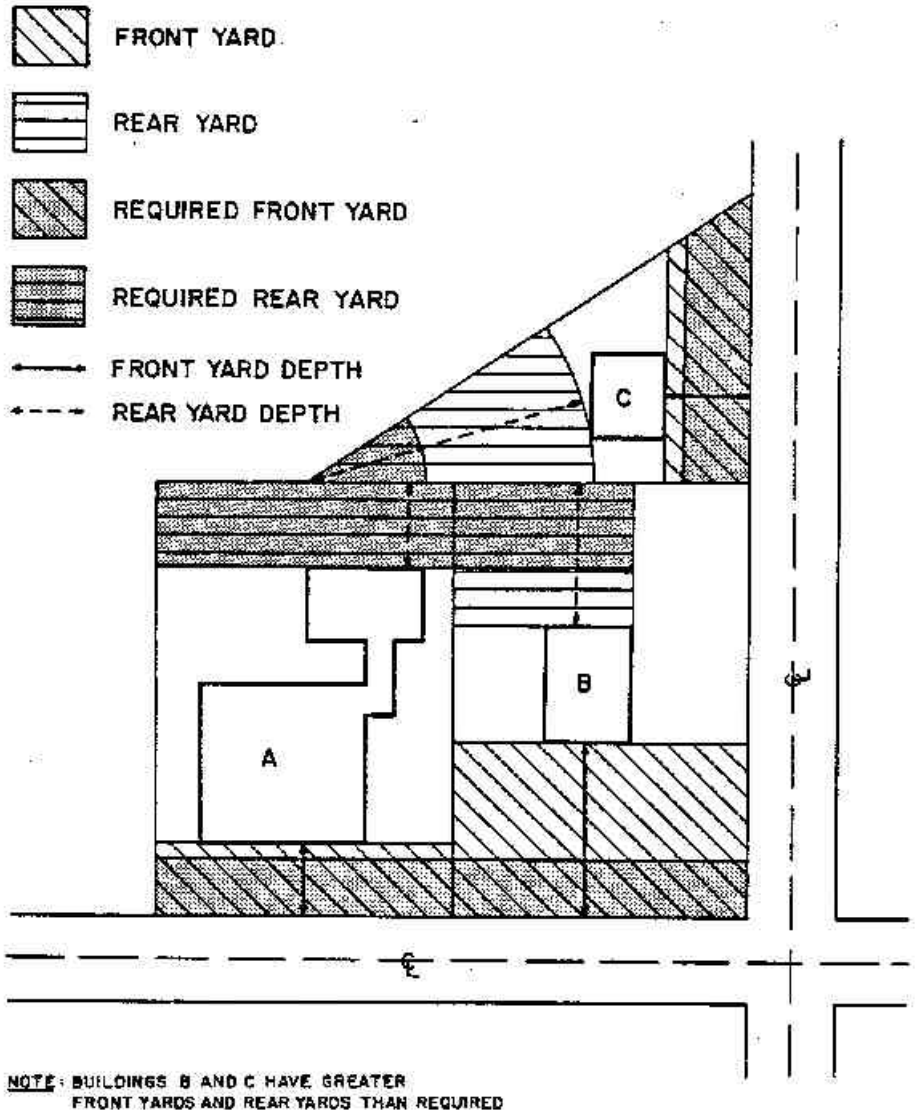
ILLUSTRATION OF WATERFRONT LOTS AND WATER FRONTAGE



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 13

ILLUSTRATION OF FRONT YARD AND REAR YARD

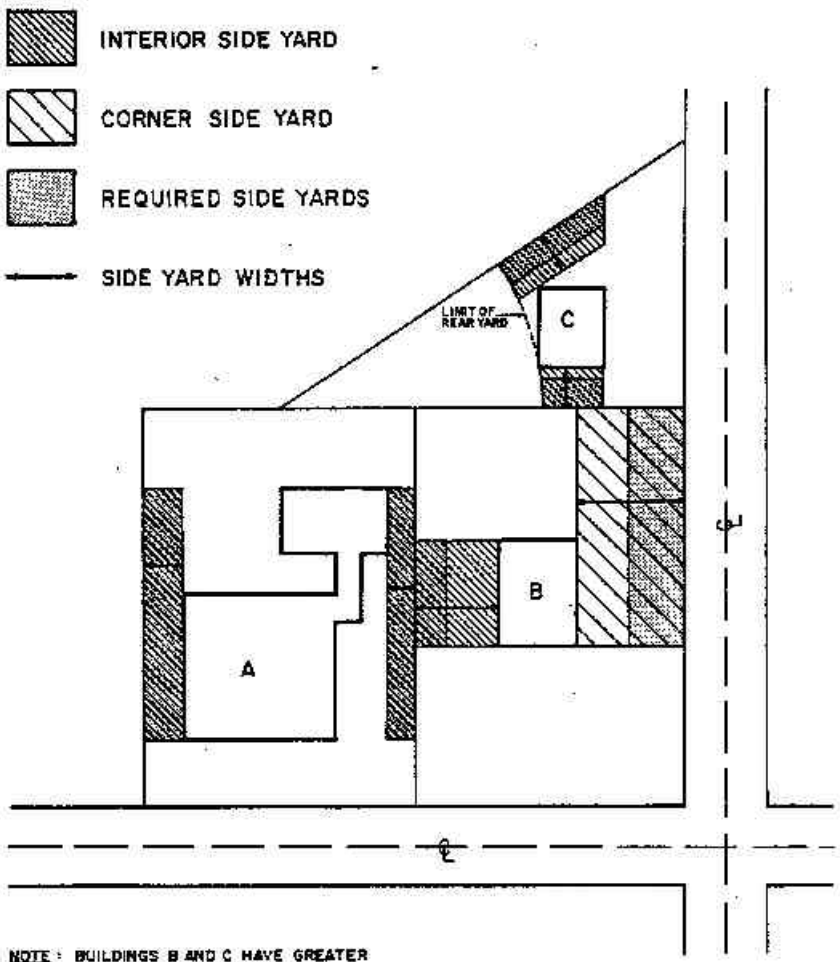


NOTE: BUILDINGS B AND C HAVE GREATER FRONT YARDS AND REAR YARDS THAN REQUIRED

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 14

ILLUSTRATION OF SIDE YARDS

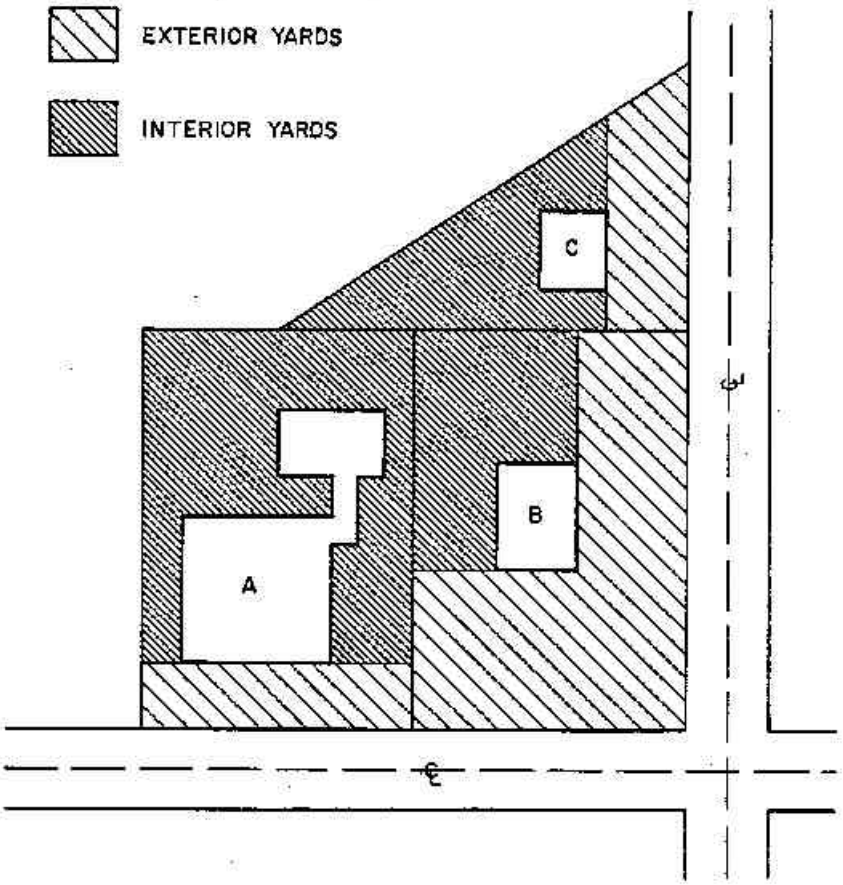


NOTE : BUILDINGS B AND C HAVE GREATER SIDE YARDS THAN REQUIRED

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY

FIGURE 15

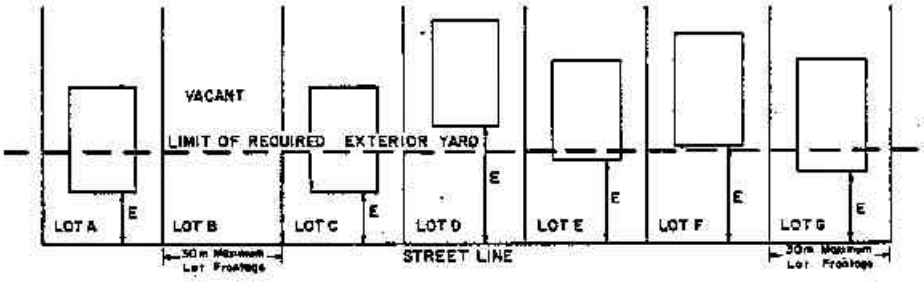
ILLUSTRATION OF INTERIOR AND EXTERIOR YARDS



THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 16

ILLUSTRATION OF
ROAD SETBACKS IN ESTABLISHED AREAS



ESTABLISHED BUILDING LINE (E)
The distance from the Street Line to the nearest part of a legal existing main building on a lot, excluding such projections as porches or exterior steps.

REQUIRED ROAD SETBACK (RRS)

SAMPLE CALCULATIONS

RRS for LOT B = $\frac{E(LOT\ A) + E(LOT\ C)}{2}$ (LOT B has no established building line.)

RRS for LOT C = Same as required exterior yard. (LOT B does not contain an existing building)

RRS for LOT D = $\frac{E(LOT\ C) + E(LOT\ D) + E(LOT\ E)}{3}$

RRS for LOT E = Same as required exterior yard.
(average of established building lines exceeds the exterior yard requirement for LOT E)

RRS for LOT F = $\frac{E(LOT\ E) + E(LOT\ F) + E(LOT\ G)}{3}$

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE ONLY.

FIGURE 17

ILLUSTRATION OF SIGHT TRIANGLES

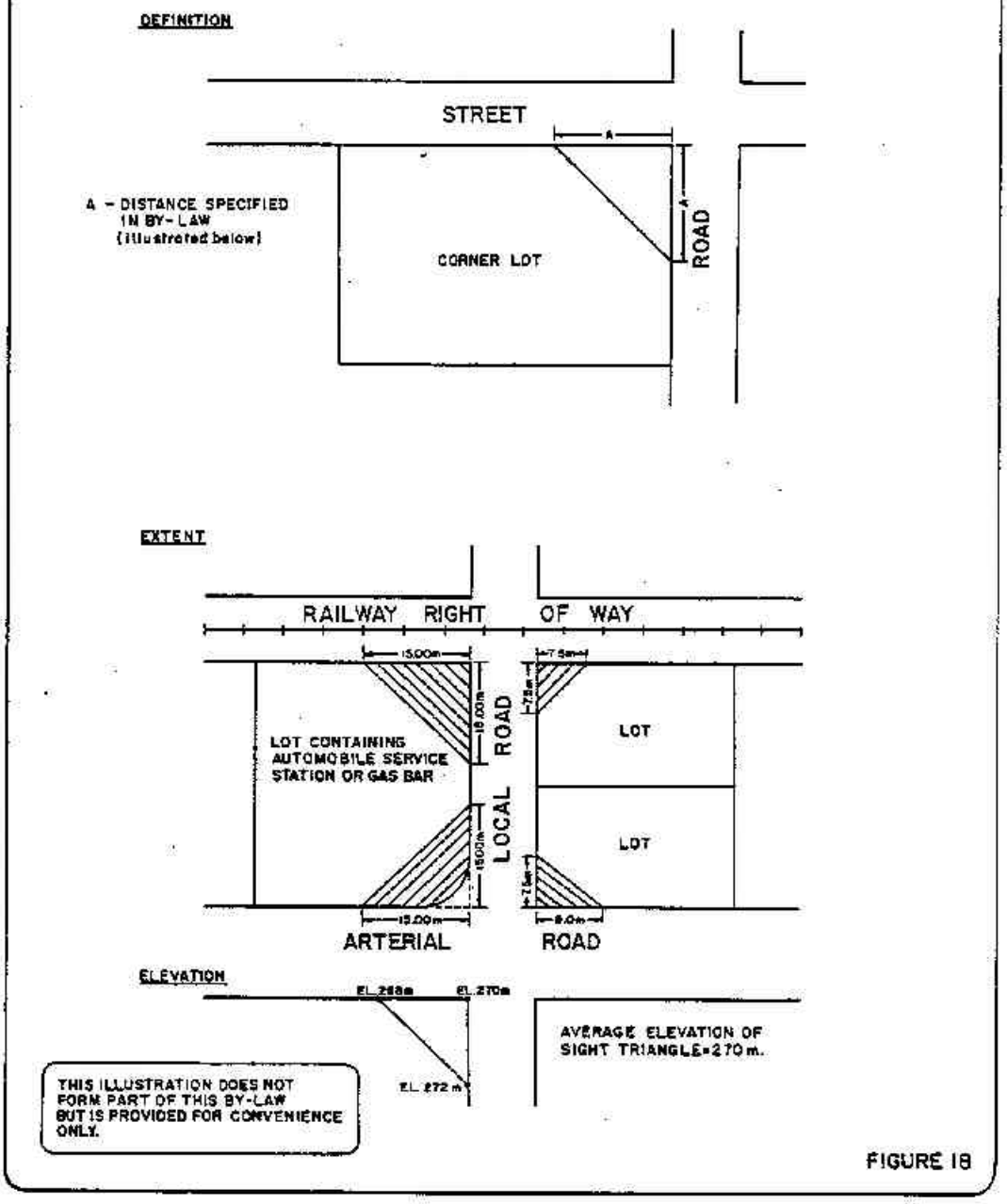


FIGURE 18

PART II: GENERAL PROVISIONS

SECTION 1 ACCESSORY USES

(1) GENERAL REQUIREMENTS

Accessory buildings and structures shall be located and erected in accordance with all applicable yard and setback requirements and other provisions hereof, except as otherwise provided in this Section.

(2) EXCEPTION FOR RESIDENTIAL LOTS

Nothing in this By-law shall apply to prevent the erection or use of 1 or more detached accessory buildings or structures in a required rear yard on a residential lot, provided that:

(i) not more than 30% of the total area of the said required rear yard is occupied by such accessory buildings or structures; and

(ii) no parts of such accessory buildings or structures are located closer than 1.2 m to the rear lot line of a reverse corner lot, 3 m to a street line or 0.6 m to any other lot line.

(3) EXCEPTION FOR MUTUAL GARAGES

Nothing in this By-law shall apply to prevent the erection or use, in a Residential Zone, of a mutual garage astride a common side lot line between 2 residential lots, provided that such mutual garage complies in all other respects herewith.

(4) EXCEPTION FOR CAR PORTS

Notwithstanding any other provision hereof to the contrary, a car port attached to a single dwelling shall be permitted in a required interior side yard, provided that no part of such car port is located closer than 0.6 m to a side lot line, except that nothing in this By-law shall apply to prevent the enclosure of any part of a car port not located in a required yard.

(5) EXCEPTION FOR GATE HOUSES

Notwithstanding any other provision hereof to the contrary, gatehouses not exceeding 10 m² in floor area shall be permitted in any part of an exterior yard in an Industrial Zone.

(6) EXCEPTION FOR WATER-ORIENTED USES

Notwithstanding Section 3 of this Part or any other provision hereof to the

contrary, boat houses and docks, saunas and water pumps shall be permitted at the edge of navigable waterbodies, subject to any Conservation Authority, Health Unit or other approvals required by law.

SECTION 2 ACCESS REQUIREMENTS

(1) GENERAL RESTRICTION

Notwithstanding any other provision hereof to the contrary, no person shall hereafter erect any building on any lot which does not have frontage on a public road except as provided in Subsection (2) of this Section.

(2) EXCEPTIONS

(a) SEASONAL DWELLINGS

Subsection (1) of this Section shall not apply to prevent the use of a permitted seasonal dwelling on a lot having water access, frontage on a seasonal road or having access to a public road via a private road.

(b) LOTS IN NEW PLANS OF SUBDIVISION

Subsection (1) of this Section shall not apply to prevent the erection or use of a building on a registered lot located in a plan of subdivision registered hereafter, provided that:

(i) such registered lot abuts, and is directly legally accessible to vehicular traffic from, a road designated on the said plan of subdivision and vested in the name of the area municipality having jurisdiction, notwithstanding that the said road may or may not yet have been assumed by the said area municipality; and

(ii) such registered lot is subject to a subdivision agreement requiring that the said road be constructed to the satisfaction of the said area municipality.

SECTION 3 DESIGNATED AREAS

(1) APPLICATION

Within each of the designated areas listed in Subsection (2) of this Section and shown on the Zone Maps, the provisions of this Section applicable to such designated area shall apply in addition to, and where applicable supersede, all other applicable provisions or requirements of this By-law.

(2) LIST OF DESIGNATED AREAS

The following designations and symbols represent designated areas established by this Section:

(i) Designated Flood Plain Restricted Areas - DA1
(ii) Designated Flood Plain Regulated Areas - DA2
(iii) Designated Conservation Areas - DA3

(3) DESIGNATED FLOOD PLAIN RESTRICTED AREAS - DA1

Within any area shown as a Designated Flood Plain Restricted Area (DA1) on the Zone Maps no building or structure requiring a building permit shall hereafter be erected for any purpose except:

(i) for flood or erosion control or for providing access to a navigable waterbody; and

(ii) in accordance with any regulations, and subject to the approval, of the Conservation Authority and, where applicable pursuant to The Lakes and Rivers Improvement Act, R.S.O. 1980, Chapter 229, The Fisheries Act, R.S.C. 1970, Chapter F-14, or The Public Lands Act, R.S.O. 1980, Chapter 413, of the Ontario Ministry of Natural Resources.

(4) DESIGNATED FLOOD PLAIN REGULATED AREAS - DA2

Within any area shown as a Designated Flood Plain Regulated Area (DA2) on the Zone Maps:

(i) no building or structure requiring a building permit shall hereafter be erected except in accordance with any regulations, and subject to the approval, of the Conservation Authority and, where applicable pursuant to The Lakes and Rivers Improvement Act, R.S.O. 1980, Chapter 229, The Fisheries Act, R.S.C. 1970, Chapter F-14, or The Public Lands Act, R.S.O. 1980, Chapter 413, of the Ontario Ministry of Natural Resources;

(ii) no external opening to any dwelling shall be permitted lower than an

elevation of 0.3 m above the flood elevation established from time to time by the Conservation Authority; and

(iii) no part of any basement shall contain a bedroom.

(5) DESIGNATED CONSERVATION AREAS - DA3

Within any area shown as a Designated Conservation Area (DA3) on the Zone Maps:

(i) no use shall be permitted other than an open space use; and

(ii) no building or structure requiring a building permit shall hereafter be erected, except:

1. for the purposes of flood or erosion control or of fire detection or prevention; or

2. for outdoor recreational purposes in conjunction with a public park.

SECTION 4 EXISTING USES AND LOTS

(1) PREVIOUS VIOLATIONS CONTINUED

No building or structure illegally erected, no use illegally established nor any lot illegally created prior to the date of passing of this By-law shall become or be made legal solely by reason of the passing hereof, and where any such building, structure, use or lot is in conflict with one or more provisions hereof, such building, structure, use or lot shall remain illegal and shall not be deemed legal existing as defined herein except where otherwise specifically provided hereby.

(2) USES EXISTING PRIOR TO BY-LAW

Nothing in this By-law shall apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully being used for such purpose on the date of passing of this By-law, so long as such lot, building or structure continues to be used for that purpose and is not altered in any way except in conformity herewith.

(3) PLANS APPROVED PRIOR TO BY-LAW

Nothing in this By-law shall apply to prevent the erection or use of any building or structure that does not comply with one or more provisions hereof if a building permit was issued by the Region or a site plan agreement was entered into with the Region prior to the date of passing hereof, provided that:

(i) when such building or structure is erected, it is used and continues to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such site plan agreement was entered into, and is not altered in any way except in conformity herewith; and

(ii) the erection of such building or structure is commenced prior to the expiration of any such building permit or site plan agreement, and further provided that any such building permit has not been revoked under Section 6 of The Building Code Act, R.S.O. 1980, Chapter 51.

(4) EXISTING BUILDINGS AND STRUCTURES

(a) REBUILDING OR REPAIR

Nothing in this By-law shall apply to prevent the repair or strengthening to a safe condition of a legal existing building or structure or the rebuilding of such building or structure if it has been destroyed by means beyond the control of the owner, provided that the dimensions or use of the original building or structure, or of any yards appurtenant thereto, are not altered in

any way except in conformity herewith.

(b) EXTENSIONS

Nothing in this By-law shall apply to prevent a vertical or horizontal extension or addition from being made to any legal existing building or structure the use whereof is permitted hereby, provided that such extension or addition is designed, located, used and otherwise in conformity herewith.

(5) EXISTING LOTS (98-77Z)

Notwithstanding any other provision hereof to the contrary, but subject to Subsection (1) of Section 2 of this Part, any legal existing registered lot, as well as any legal existing registered lot which has been enlarged, which do not conform to the lot area, lot depth, lot frontage or water frontage requirements hereof for the zone where they are located, shall be deemed permitted lots and shall be used as if they conformed to all such requirements, provided that:

(i) such lots comply with any applicable residential density restrictions set out herein, except where otherwise specifically provided in Section 12 of this Part; and

(ii) no other applicable provisions or requirements hereof, nor any applicable Health Unit or other regulations pursuant to The Environmental Protection Act, R.S.O. 1990, Chapter E.19, are contravened.

(6) PERMITTED EXISTING USES

Where this By-law specifically permits a use solely because such use constitutes a legal existing use on a lot, then any type or form of such use as defined herein shall be permitted on the lot where it exists, provided that:

(i) the dimensions of such lot are not increased hereafter in any way; and

(ii) no other applicable provisions or requirements hereof are contravened.

(7) REQUIRED FRONT YARDS IN ESTABLISHED AREAS

Notwithstanding any other provision hereof to the contrary, where

(i) an interior lot abuts on both sides lots containing legal existing main buildings; and

(ii) none of the said 3 lots exceed 30 m in lot frontage,

the minimum front yard depth required on the said interior lot when vacant shall

not exceed the average of the established building lines on the said 2 abutting lots and, where the said interior lot contains an existing main building, the average established building lines of all three lots.

SECTION 5 HEIGHT RESTRICTIONS

(1) GENERAL

Except as otherwise provided in Subsection (2) of this Section, and Subsection 4 of Section 12 of this Part, no building or structure shall exceed in height the building heights set out herein for the zone where such building or structure is located.

(2) EXCEPTIONS

Nothing in this By-law shall apply to restrict the height of any structure or part thereof functioning solely as:

(i) an antenna, aerial, mast or communications tower;
(ii) a barn;
(iii) a belfry;
(iv) a chimney or smokestack;
(v) a church spire or steeple;
(vi) a clock tower, bell tower or church tower;
(vii) a cupola or other ornamental structure or device;
(viii) an electric power transmission tower or line;
(ix) an elevator or stairway penthouse;
(x) a firehall drying tower;
(xi) a flag pole;
(xii) a flight control tower, forest fire lookout tower or civil defense installation;
(xiii) a lightning rod;
(xiv) a roof-top structure containing heating, cooling, ventilating or other mechanized equipment pertaining to the maintenance of a building;
(xv) a silo or grain or feed storage elevator;
(xvi) a solar collector;
(xvii) a water tower or tank;
(xviii) a windmill; or
(xix) a weathervane or other weather monitoring device.

SECTION 6 LANDSCAPING

(1) PLANTING STRIP REQUIREMENTS FOR NON-RESIDENTIAL USES

Where the lot line of a non-residential lot, other than a lot containing an open space use, abuts a residential lot or Residential Zone, a planting strip shall be provided adjacent to the full length of the said lot line for a width of not less than:

(i) 1.5 m, wherever such planting strip contains an opaque wall or fence; or
(ii) 3 m, in any other case.

(2) DESIGN OF REQUIRED PLANTING STRIPS

(a) COMPOSITION

Required planting strips shall contain 1 or more of the following screening devices:

(i) a continuous row of trees;
(ii) a continuous hedgerow of evergreens, bushes or shrubs;
(iii) a berm
(iv) a wall; or
(v) a fence

(b) LAYOUT

Screening devices comprising a required planting strip shall:

(i) be arranged so as to form a dense or opaque screen or barrier;

(ii) be designed to have an ultimate height of not less than 1.5 m above the elevation of the ground at the nearest lot line, provided that they do not obstruct a sight triangle; and

(iii) be uninterrupted except where traversed by pedestrian walkways or permitted driveways, in which case no such screening devices shall be required within 1 m thereof.

(3) LANDSCAPED OPEN SPACE REQUIREMENTS

(a) Where this By-law specifically requires a minimum area of landscaped open space on a lot, no part of any driveway, parking area, loading space, stoop, balcony or roof-top terrace, other than an open landscaped area located directly above an underground parking area, shall be deemed part of any such required landscaped open space.

(b) The percentage of Landscaped Open Space required under the Zone Requirements of this By-law shall be calculated as a percentage of lot area.

SECTION 7 LOADING SPACE REGULATIONS

(1) LOADING SPACES REQUIRED

The owner or occupant of any building used for a multiple dwelling, an industrial use, a public use, a commercial use or a warehouse shall provide and maintain, on the same lot, unobstructed indoor or outdoor loading spaces in accordance with the provisions of this Section.

(2) CALCULATION OF LOADING SPACE REQUIREMENTS

The number of loading spaces required on a lot shall be based on the floor area of all buildings on the said lot for which loading spaces are required by Subsection (1) of this Section, in accordance with the following:

(i) Multiple Dwellings

1. buildings with less than 5 000 m² of gross floor area
   - 0 loading spaces

2. buildings with 5 000 m^2 or more of gross floor area
   - 1 loading space

(ii) Other Uses

1. less than 1 000 m^2 of total net floor area
   - 0 loading spaces

2. over 1 000 m^2 up to and including 4 500 m^2 of total net floor area
   - 1 loading space

3. over 4 500 m^2 of total net floor area
   - 1 loading space plus 1 additional loading space for each 9 000 m^2 or part thereof of total net floor area in excess of 9 000 m^2, except that not more than 1 loading space shall be required for all office net floor area on a lot.

(3) DIMENSIONS OF LOADING SPACES

Required loading spaces shall have minimum horizontal dimensions of 3.6 m by 9 m and a minimum vertical clearance of 4.2 m.

4) LOCATION OF REQUIRED LOADING SPACES

All required loading spaces shall be located in their entirety on the same lot as the

building for which they are required, and shall not overlap any required parking spaces.

(5) YARDS WHERE LOADING SPACES PERMITTED

Outdoor loading spaces shall be permitted:

(i) in a Residential Zone, in any part of any yard, other than a required exterior yard;

(ii) in a Commercial or Institutional Zone, in any part of an interior yard but not in any part of an exterior yard or closer than 3 m to a Residential Zone; and

(iii) in an Industrial Zone, in any part of any yard but not closer than 3 m to a street line or Residential Zone.

(6) ACCESS TO LOADING SPACES

Access to loading spaces shall be provided by means of 1 or more driveways which:

(i) have a minimum unobstructed width of 3.6 m and a minimum vertical clearance of 4.2 m, and are designed to permit the maneuvering of vehicles on the lot so as not to obstruct, or otherwise cause a traffic hazard on, adjacent roads;

(ii) lead to a public road; and

(iii) comply in all other respects with the access requirements for parking areas set out in Subsection (7) of Section 10 of this Part.

(7) SURFACING OF LOADING SPACES AND DRIVEWAYS

All loading spaces and driveways providing access thereto shall be established and maintained in accordance with the surfacing requirements for parking areas set out in Subsection (8) of Section 10 of this Part.

SECTION 8 MORE THAN ONE LOT OR ZONE

(1) MORE THAN ONE REGISTERED LOT

Notwithstanding any provisions or definitions hereof to the contrary, no person shall use 2 or more abutting registered lots as a single lot in order to comply with the requirements of this By-law unless:

(i) such lots are held under the same ownership and are located in the same zone; and

(ii) an agreement has been registered against the title of both or all such registered lots to the effect that such registered lots thereafter shall be deemed to constitute a single, inseparable parcel of land and shall not be sold, conveyed or alienated in any way or for any purpose except together in one group as a single lot.

(2) MORE THAN ONE ZONE

(a) DEEMED SEPARATE LOTS

Except as otherwise provided in Paragraph (b) of this Subsection, where a lot is divided into 2 or more zones, each such portion of the said lot shall be deemed a distinct and separate lot for the purposes of determining compliance with this By-law.

(b) EXCEPTION

(i) Notwithstanding Paragraph (a) of this Subsection, but subject to Clause (ii) of this Paragraph, where a use of a lot divided into 2 or more zones is permitted in both or all the said zones, such lot may, at the discretion of the owner thereof, be deemed a single lot for the purposes of determining the compliance of such use herewith, provided that the highest or most restrictive zone requirements pertaining to such use in both or all the said zones shall apply throughout any lot so deemed.

(ii) Clause (i) of this Paragraph shall not apply to any holding zone established under Subsection (6) of Section 20 of this Part.

SECTION 9 OPEN STORAGE REGULATIONS

(1) GENERAL

No open storage, including the outdoor display or sale of goods and materials or of vehicles for hire or sale, shall be permitted on any lot in any zone except:

(i) in a zone where such open storage is specifically permitted hereby and in accordance with any applicable provisions of such zone; and

(ii) in accordance with the landscaped buffer requirements set out in Section 6 of this Part and with the provisions of this Section.

(2) NOT CONSIDERED PART OF REQUIRED LANDSCAPED OPEN SPACE

No open storage area shall be deemed part of any required landscaped open space.

(3) REQUIRED PARKING OR LOADING SPACES NOT TO BE USED

No required parking spaces or required loading spaces shall be used for open storage purposes.

(4) GENERAL EXEMPTIONS

The open storage provisions of this By-law shall not apply with respect to:

(i) the outdoor storage of incidental garden supplies or equipment accessory to a dwelling;

(ii) the outdoor storage of refuse in accordance with any applicable regulations and requirements established from time to time by the area municipality having jurisdiction; and

(iii) the temporary parking or storage outdoors of vehicles, other than for purposes of display, hire or sale, in accordance with all applicable provisions hereof.

(5) SPECIAL EXCEPTIONS

Nothing in this By-law shall apply to prevent or otherwise restrict the use as an open storage area for the outdoor display or sale of goods and materials of:

(i) any part of the front yard on a lot containing a permitted agricultural use, for a temporary seasonal roadside farm sales outlet;

(ii) any part of a lot containing a single dwelling or duplex dwelling, for a special temporary sale, by auction or otherwise, of personal possessions belonging to the occupants thereof; or

(iii) a public park or road, for a special temporary sale duly authorized by the Region or an area municipality.

SECTION 10 PARKING REGULATIONS

(1) PARKING SPACES REQUIRED

The owner or occupant of any lot shall provide and maintain unobstructed parking spaces in accordance with the parking space requirements set out herein for the zone where such lot is located and in accordance with the provisions of this Section.

(2) CALCULATION OF PARKING SPACE REQUIREMENTS

(a) ROUNDING OF REQUIREMENTS

Where the calculation of parking space requirements in accordance with this By-law results in a fraction of a parking space being required for a lot, any fraction of 0.5 or less shall be disregarded while any fraction in excess of 0.5 shall be counted as 1 parking space.

(b) MORE THAN ONE USE

Where more than 1 type of use is located on a lot, the total number of parking spaces required for such lot shall be the sum of the parking space requirements for such separate uses, prior to rounding in accordance with Paragraph (a) of this Subsection, except that parking space requirements applicable to main uses shall apply also to all uses accessory thereto except where otherwise specifically provided herein.

(c) GREATEST APPLICABLE REQUIREMENT TO PREVAIL

Where 2 or more different parking space requirements hereof apply to the same use, such as where a use is included in 2 or more general categories of uses, the greater parking space requirement shall prevail except where otherwise specifically provided herein.

(d) REQUIREMENTS BASED ON CAPACITY

Where the number of parking spaces required in accordance with this By-law is based upon the "capacity" of a use, such capacity shall be equal to the maximum capacity of any building or structure pertaining to such use, as determined by the Ontario Building Code, relevant fire safety regulations or, where applicable, the Liquor Licensing Board of Ontario or other public agency having jurisdiction, whichever capacity is the lesser.

(e) AREAS EXCLUDED

Required parking spaces shall not include:

(i) any areas used primarily as a parking lot or for storing vehicles for display, sale or rent;

(ii) any areas used primarily for repairing, maintaining or servicing vehicles in conjunction with a commercial use or an automotive use; and

(iii) any required loading spaces.

(3) DIMENSIONS OF PARKING SPACES

(a) GENERAL REQUIREMENTS

Required parking spaces shall have minimum rectangular dimensions of 2.7 m by 6 m except as provided for under Subsection (b) and (c).

(b) PARALLEL PARKING

Where the principal access to a required parking space is located on its longest side, such parking space shall have minimum rectangular dimensions of 2.5 m by 6.5 m.

(c) SMALL CAR PARKING

Notwithstanding any other provision of this Subsection to the contrary, where 10 or more parking spaces are required on a lot, the minimum rectangular dimensions required for not more than 10% of such parking spaces shall be 2.5 m by 5.5 m, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.

(d) PARKING FOR THE DISABLED

Where a lot contains a building regulated by Part 5 of Ontario Regulation No. 925/75 pursuant to The Building Code Act, R.S.O. 1980, Chapter 51, at least 1% of the parking spaces required on such lot, but not less than 1 parking space, shall:

(i) have minimum rectangular dimensions of 3.5 m by 6 m;

(ii) be located on level ground readily accessible to an entrance to such building; and

(iii) be clearly identified and reserved for the exclusive use of physically disabled persons.

(4) LOCATION OF REQUIRED PARKING SPACES

(a) GENERAL REQUIREMENTS

Except as otherwise provided in Paragraph (b) of this Subsection, all required parking spaces shall be located in their entirety on the same lot as the building structure or use for which they are required, and shall not overlap any required loading spaces.

(b) EXCEPTIONS

Notwithstanding Paragraph (a) of this Subsection, the location of required parking spaces shall be permitted on a distinct and separate lot from the lot occupied by the building, structure or use for which they are required, provided that:

(i) both such lots are registered lots located not more than 50 m apart in a Commercial, Industrial or Institutional Zone and held under the same ownership; and

(ii) an agreement with the Region is registered against the title of both such registered lots binding and requiring the owner thereof to maintain such parking spaces for the duration of the building, structure or use for which they are required.

(5) YARDS WHERE PARKING AREAS PERMITTED

Outdoor parking areas shall be permitted in any part of any yard, other than within a sight triangle, except that no required parking spaces shall be located:

(i) in any required exterior yard in a Residential or Open Space Zone; or

(ii) closer to any road or Residential Zone than 4.5 m in an Industrial Zone and 3 m in a Commercial or Institutional Zone.

(6) ENCLOSED PARKING AREAS

(a) MAIN USE ON LOT

Where a parking structure constitutes a main use on a lot, such structure shall conform to the zone requirements for the zone where it is located.

(b) ACCESSORY USE ON LOT

Where a parking structure constitutes an accessory use on a lot, such structure shall conform to the provisions for accessory uses set out in Section 1 of this Part.

(c) UNDERGROUND PARKING AREAS

Nothing in this By-law shall apply to prevent the location of an underground parking area in any part of any yard on a lot.

(7) ACCESS TO PARKING AREAS AND PARKING SPACES

(a) DRIVEWAYS AND PARKING AISLES

Access to required parking areas and required parking spaces shall be provided from a public road by means of 1 or more driveways which:

(i) have a minimum width of 2.7 m;

(ii) are not located within a sight triangle; and

(iii) comply with any applicable regulations of the Region, an area municipality or the Ontario Ministry of Transportation and Communications pertaining to entrances onto public roads.

(b) DOUBLE PARKING

Each required parking space shall be accessible at all times for parking a vehicle without the necessity of moving any other vehicle, except that nothing in this By-law shall apply to prevent the parking of a vehicle in any part of a driveway accessory to a single dwelling.

(8) SURFACING OF PARKING AREAS AND DRIVEWAYS

Except in Open Space Zones, all parking areas and driveways providing access thereto shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of 1 or more of the following surfacing materials:

(i) crushed stone, crushed brick or tile, gravel, cinders, or, except within a flood plain, slag or dry pack; or

(ii) asphalt, concrete, Portland cement, paving stones or any other hard-surfaced material.

(9) SHELTERS FOR PARKING ATTENDANTS

Nothing in this By-law shall apply to prevent the erection of a shelter, for use solely by parking attendants or security personnel, in any part of a parking area except within a sight triangle, provided that such shelter does not exceed 4.5 m in height and 5 m² in gross floor area.

SECTION 11 REDUCTION OF REQUIREMENTS

(1) PROHIBITION

No person shall:

(i) change the use of any building, structure or lot, or part thereof;

(ii) erect any building or structure, or addition thereto; or

(iii) reduce the lot area of a lot or make any changes in the dimensions or boundaries of a lot, whether by the conveyance or alienation of any portion thereof or otherwise, except by an acquisition for public purposes in accordance with Subsection (2) of this Section,

if the effect of such action is to cause a building, structure, use or lot to be in contravention of one or more provisions or requirements hereof or to prevent in any way the use of a lot in conformity herewith.

(2) LOTS REDUCED BY PUBLIC ACQUISITION

Where the lot area of a lot is reduced by means of an acquisition, by expropriation or otherwise, of part of the lot by a public agency for the purpose of providing a public service, nothing in this By-law shall apply to prevent the continued use of such lot as reduced, or the erection, alteration or use of a building or structure thereon, as if no such acquisition had taken place, provided that:

(i) no Health Unit or other regulations pursuant to The Environmental Protection Act, R.S.O. 1980, Chapter 141, are contravened;

(ii) such lot as reduced is accessible to vehicular traffic from a public road either directly or via private road.

(iii) no change is made to such lot or to any building or structure thereon, subsequent to the date of the said acquisition, that would increase the degree of any non-conformity resulting from such acquisition or that would contravene any other provision hereof; and

(iv) this provision is not construed as mitigating or legalizing any non-conformity or contravention pertaining to such lot prior to the date of such acquisition.

SECTION 12 RESIDENTIAL PROVISIONS

(1) RESIDENTIAL DENSITY AND LOT AREA RESTRICTIONS

(a) GENERAL

The maximum residential density and minimum lot area requirements for any lot located in a zone subject to a residential density designation shall be determine in accordance with the provisions of this Subsection.

(b) RESIDENTIAL DENSITY DESIGNATIONS

Wherever a zone symbol on the Zone Maps is followed by a period, the symbol "D" and a number, such as "R2.D22", the maximum residential density permitted on any lot so designated shall be the residential density represented by such number in dwelling units per hectare of lot area.

(c) MINIMUM LOT AREA REQUIREMENTS

(i) The minimum lot area per dwelling unit required for any lot subject to a residential density designation shall be determined by dividing 1 hectare or 10 000 m² by such residential density designation, except where a greater minimum lot area requirement is specified elsewhere herein.

(ii) Where a rooming house or a day nursery or other non-residential use constitutes the main use on a lot in a Residential Zone, the minimum lot area required for such lot shall be determined by multiplying together the lot frontage and lot depth requirements applicable thereto.

(e) APPLICATION TO EACH LOT

The residential density restrictions set out in this Subsection shall apply separately to each lot so designated, and no part of any adjacent lot or road shall be used in calculating the residential density or lot area of such lot.

(f) EXEMPTION FOR LEGAL EXISTING LOTS

The residential density restrictions and lot area requirements set out in this Subsection shall not apply to prevent the erection, alteration, rebuilding, repair or use, on a legal existing registered lot, of:

(i) a permitted single dwelling or, where the lot area of the said lot is at

least 320 m² , a permitted duplex dwelling, provided that any such dwelling complies with all other applicable provisions or requirements hereof and with any applicable Health Unit or other regulations pursuant to The Environmental Protection Act, R.S.O. 1980, Chapter 141; or

(ii) any legal existing dwelling, provided that no additional dwelling units are created hereafter except in conformity herewith.

(2) HOME OCCUPATIONS

Notwithstanding any other provision hereof to the contrary, home occupations shall be permitted in any zone, subject to the following provisions:

(i) A home occupation shall be conducted as an indoor accessory use within a permitted dwelling without changing the primary residential character thereof.

(ii) No person who does not reside in the dwelling unit to which a home occupation is accessory shall be employed on the premises in conjunction therewith.

(iii) No goods, wares or merchandise shall be displayed for sale or rent on the premises in conjunction with a home occupation.

(iv) Except in Open Space Zones, no open storage shall be permitted in conjunction with a home occupation and no part of any accessory building or structure shall be used for a home occupation.

(v) The total floor area used primarily for a home occupation shall not exceed the equivalent of 25% of the dwelling unit area of the dwelling unit to which such home occupation is accessory.

(vi) No external display or advertising, other than a permitted name plate sign, nor any other external indication that a home occupation is being conducted on the premises, shall be permitted in conjunction with a home occupation.

(vii) No home occupation shall create or become a public nuisance, particularly with regard to noise, odours, traffic, parking, emissions or radio or television interference.

(viii) No automotive use shall be permitted as a home occupation. (98-77Z)

(3) ACCESSORY GUEST ROOMS

Notwithstanding any other provision hereof to the contrary, accessory guest room

accommodation shall be permitted in any dwelling unit, provided that:

(a) guest room accommodation for not more than 2 persons shall be permitted in any dwelling unit;

(b) not more than 10 persons living as a family under responsible supervision of the receiving family or supervisory staff and licensed for such purpose by the Province of Ontario shall be permitted in any dwelling unit.

(4) HEIGHT RESTRICTIONS

Subject to Subsection (2) of Section 5 of this Part, no accessory building or structure located on a residential lot shall exceed in height either 1 storey or 4.2 m except as otherwise provided for herein for the zone in which such building or structure is located.

(5) SETBACK REQUIREMENTS FOR RESIDENTIAL BUILDINGS

Notwithstanding any other provision hereof to the contrary, no person shall hereafter erect a residential building:

(i) closer than 15 m to a primary arterial road;

(ii) closer than 12 m to the high water mark of a navigable waterbody, where such building is located in an Open Space Zone or in a Residential Zone having a residential density designation of D8 or lower; or

(iii) closer than 27 m to a railway right-of-way,

except where Sections 4 and 19 of this Part specifically provide otherwise.

(6) OUTDOOR STORAGE OF VEHICLES IN RESIDENTIAL ZONES

(a) OUTDOOR STORAGE OF RECREATION VEHICLES

No part of any required exterior yard in a Residential Zone shall be used for the parking or storage outdoors of a recreation vehicle, except in a driveway leading to a required parking space.

(b) OUTDOOR STORAGE OF COMMERCIAL VEHICLES

No part of any lot located in a Residential Zone and having a residential density designation higher than D8 shall be used for the parking or storage outdoors of a commercial vehicle, except for:

(i) not more than 1 commercial vehicle in an interior yard on such lot,

provided that such vehicle:

1. is owned or operated by the owner or occupant of such lot; and

2. is designed for transporting passengers or things and has a rated capacity not exceeding 12 persons or 1 tonne, whichever is applicable.

(c) OUTDOOR STORAGE OF UNLICENSED VEHICLES

No part of any lot in a Residential Zone shall be used for the parking or storage outdoors of any vehicle, other than a recreation vehicle, where such vehicle does not bear a valid license plate and currently valid validation tag, except for not more than 1 such vehicle in an interior yard. (98-77Z)

SECTION 13 SIGHT TRIANGLES

(1) APPLICATION

Notwithstanding any other provision hereof to the contrary, the sight triangle requirements set out in this Subsection shall apply to any lot located at an intersection at grade either of 2 or more roads or of a road and a railway right-of-way, except that no sight triangle shall be required where this By-law does not require an exterior yard adjacent to any such road.

(2) PROHIBITION OF OBSTRUCTIONS

Within any part of a sight triangle as defined herein:

(i) no building, structure, sign, wall or fence shall be erected, located or placed, in whole or in part;

(ii) no vehicle shall be parked or stored;

(iii) no land shall be graded; and

(iv) no landscaping materials shall be located or allowed to grow,

in such a manner as to impede or obstruct in any way the field of view across such sight triangle for persons driving vehicles on an abutting road, but in no case greater than 0.9 m in height above the average elevation of the said sight triangle, determined by averaging the elevations of the 3 corner points thereof.

(3) EXTENT OF SIGHT TRIANGLES

For the purpose of calculating the extent of a sight triangle as defined herein, the following distances shall apply:

(i) 15 m, where a lot contains an automobile service station or a gas bar; and

(ii) 9 m adjacent to an arterial road and 7.5 m in any other case, for any other lot.

SECTION 14 SIGNS

(1) GENERAL

No sign shall be erected, established, placed or located anywhere within the zoned area except for a sign specifically permitted hereby, in accordance with:

(i) the specific provisions pertaining to signs set out herein for each zone;

(ii) the general provisions contained in this Section; and

(iii) any applicable regulations of the Ontario Ministry of Transportation and Communications or any other governmental authority having jurisdiction to make such regulations.

(2) HEIGHT RESTRICTIONS

All signs shall comply with the height restrictions set out herein for the zone where such signs are located.

(3) INFORMATION SIGNS AND TEMPORARY SIGNS PERMITTED

Information signs and temporary signs shall be permitted in any zone, subject to the following provisions:

(i) Real estate sale or rental signs shall:

1. have a maximum of 2 sign faces per sign;

2. be restricted to not more than 2 sign faces per 500 m², or part thereof, of lot area;

3. not exceed 1 m² per sign face;

4. be located on the lot to which they directly pertain, but not closer than 1 m to any lot line except where attached to a building;

5. notwithstanding the above, where a sign applies to a subdivision, the provisions of Subsection 3 (ii) of this Section shall apply.

(ii) Construction signs shall:

1. not exceed 2.5 m² in total sign area; and

2. comply with the provisions for construction uses set out in

Subsection (5) of Section 17 of this Part.

(4) OVERHANGING, ANIMATED AND PORTABLE SIGNS RESTRICTED

No overhanging sign, animated sign or portable sign shall be permitted in any zone except where otherwise specifically provided herein.

(5) PROXIMITY TO POWER LINES

All signs situated in proximity to overhead electric power lines shall be located in compliance with all applicable standards of the public utility having jurisdiction.

(6) ILLUMINATED SIGNS AND EXTERIOR LIGHTS

Illuminated signs and all lighting fixtures providing exterior illumination on a lot shall be designed and installed so as:

(i) to direct or deflect glare or spill-over light away from adjacent lots and roads; and

(ii) not to impair the vision of persons driving vehicles on such roads.

SECTION 15 SOLAR ZONES

(This Section is being reserved for the eventual inclusion by amendment of solar zone provisions at such time as they are required to implement energy-efficient subdivision proposals.)

SECTION 16 SWIMMING POOLS

(1) REQUIREMENTS FOR OUTDOOR SWIMMING POOLS

Notwithstanding any other provision hereof to the contrary, the provisions and requirements set out in this Section shall apply with respect to the erection or use of outdoor swimming pools within the zoned area.

(2) PERMITTED LOCATIONS

No outdoor swimming pool shall be erected, placed or located anywhere within the zoned area except for:

(i) an outdoor swimming pool accessory to a permitted dwelling, located in any part of any yard other than a required exterior yard.

(ii) an outdoor swimming pool accessory to a permitted hotel, institutional use or commercial recreation centre, or as part of an outdoor recreation area or public park, located in any yard other than a required yard.

(3) DISTANCE FROM LOT LINES

No interior wall surface of an outdoor swimming pool, nor any related structure or equipment other than either a permitted wall or fence or a patio or deck situated directly at finished grade, shall be located closer than 1.5 m to any lot line.

(4) HEIGHT RESTRICTIONS

No part of any outdoor swimming pool, other than a public swimming pool, shall exceed 2 m in height, exclusive of related structures which shall not exceed 4.2 m in height.

(5) LOT COVERAGE EXEMPTION

No outdoor swimming pool, nor any related structures other than buildings, shall be considered part of the lot coverage of a lot.

(6) COMPLIANCE WITH SWIMMING POOL BY-LAWS

All outdoor swimming pools shall comply with any by-laws of the Region or an area municipality applicable to outdoor swimming pools or to the fencing thereof.

SECTION 17 USES PERMITTED IN ALL ZONES

(1) PUBLIC, SERVICE AND INSTITUTIONAL USES

Nothing in this By-law shall apply to prevent or otherwise restrict in any way any of the following:

(i) the use of any land for, or as the site of:

1. a public railway, with or without any installations or structures appurtenant thereto;
2. a road, with or without any installations or structures appurtenant thereto or erected thereon under the auspices of a public agency for the purpose of providing a service to the general public;
3. a wayside pit or quarry if located in an Open Space or Industrial Zone;
4. a public fire detection device or structure;
5. a civil defence installation;
6. a public lighting fixture; or
7. a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, monument, cenotaph, plaque or fountain;

(ii) the installation or maintenance of any part of:

1. a water system, sanitary sewer system or storm sewer system, and any associated pumping station or other related installation, other than a sewage treatment plant;

2. a radio or television broadcasting, transmitting or receiving antenna, and any associated tower or other related installation, other than an audio/visual studio, provided that a television dish antenna shall not be located in an exterior yard in any residential zone;

3. an above-ground or underground gas main or pipeline, and any associated pumping station or other related installation, other than a fuel depot; or

4. an overhead or underground electrical, cable television, telegraph or telephone line, and any associated tower, transformer or other related installation, including, except in a Residential, Commercial or Institutional Zone, an electric power generating station,

provided that any such facility or installation, or any lot so used, is designed, landscaped and maintained in general harmony with neighbouring uses.

(iii) the use of any lot in any zone as a public park or a cemetery, in accordance with the zone requirements and other provisions hereof pertaining to Public Park Zones set out in Part VI hereof;

(iv) the continued use of any lot in any zone for a specific institutional use legally existing thereon, in accordance with all applicable provisions and requirements hereof, except that in a zone where such use is not specifically listed as a permitted use, the zone requirements pertaining to Institutional Zones, set out in Part VI hereof, shall apply.

(2) ACCESSORY USES

Where a lot is used, an activity is conducted or a building or structure is erected or used for any purpose in conformity with this By-law, that purpose shall include any building, structure, use or activity accessory thereto, other than:

(i) an automotive use;
(ii) a building or part thereof used for human habitation;
(iii) a guest room;
(iv) a retail store; or
(v) any use restricted under Section 18 of this Part,

except where such use is specifically permitted hereby.

(3) RESIDENTIAL USES

(a) DWELLING UNITS

One dwelling unit shall be permitted accessory to permitted non-residential uses in any zone, except where a dwelling unit is a permitted use in that zone, but shall be limited to not more than 1 accessory dwelling unit on a lot.

(b) LEGAL EXISTING DWELLINGS

Notwithstanding any other provision hereof to the contrary, all legal existing dwellings and dwelling units, other than mobile home dwellings, shall be deemed to be permitted uses, and nothing in this By-law shall apply to prevent the rebuilding, repair, alteration or use of any such dwelling or dwelling unit in accordance herewith, provided that no additional dwelling units are created and no other changes of use are made except where specifically permitted hereby and in accordance with the residential density restrictions set out in Section 12 of this Part.

(c) HOME OCCUPATIONS

Home occupations accessory to permitted dwelling units shall be permitted in any zone, subject to the provisions of Subsection (2) of Section 12 of this Part.

(4) OPEN SPACE USES

Nothing in this By-law shall apply to prevent the use of any open area of land in any zone, except in a Residential or Commercial zone, as an outdoor recreation area or for an agricultural use other than an intensive agricultural use, provided that no building or structure requiring a building permit shall be erected in conjunction with any such use except where specifically permitted hereby and in conformity herewith.

(5) CONSTRUCTION USES

Nothing in this By-law shall apply to prevent the use of any part of any lot for:

(i) the open storage of construction supplies or equipment;

(ii) the excavation of rock, soil or earth; or

(iii) the erection or use of any temporary building or structure or temporary sign,

in conjunction with, and directly incidental to, construction work in progress on the same lot therewith or in relation to a road or public utility, but only for so long as such work remains in progress and, where applicable, a valid building permit for such work remains in force.

SECTION 18 USES RESTRICTED IN ALL ZONES

(1) EXTRACTIVE USES

Notwithstanding any other provision hereof to the contrary, the making or establishment of mines, pits and quarries, other than permitted wayside pits and quarries, shall be expressly prohibited throughout the zoned area except:

(i) where licensed by the Province of Ontario under The Pits and Quarries Control Act, R.S.O. 1980, Chapter 378, or The Mining Act, R.S.O. 1980, Chapter 268; and

(ii) where specifically permitted hereby.

(2) DANGEROUS MATERIALS

Notwithstanding any other provision hereof to the contrary, the refining, bulk storage or use in manufacturing of combustible, inflammable, volatile, explosive or otherwise dangerous solids, liquids or gases shall be expressly prohibited throughout the zoned area except:

(i) in conjunction with a permitted industrial use, extractive use, forestry use, agricultural use, explosives depot or fuel depot or, in the case of vehicle fuels only, a permitted automotive use; and

(ii) in accordance with any regulations lawfully imposed governing the safe handling and storage of such materials.

(3) BUILDINGS ON UNSERVICED LOTS

Notwithstanding any other provision hereof to the contrary, no building or structure requiring water or sewage facilities shall be erected, altered or used on an unserviced lot if for any reason approval is not first obtained, wherever applicable, of private water or sewage facilities for such lot from the Health Unit or any other public agency having jurisdiction from time to time under The Environmental Protection Act, R.S.O. 1980, Chapter 141.

(4) OTHER RESTRICTED USES

Notwithstanding any other provision hereof to the contrary, the following uses and activities shall be expressly prohibited throughout the zoned area except where specifically permitted hereby:

(i) any offensive trade or other use or activity subject to Sections 130 and 131 of The Public Health Act, R.S.O. 1980, Chapter 409; and

(ii) a stockyard or livestock exchange.

SECTION 19 YARD ENCROACHMENTS, OBSTRUCTIONS AND BARRIERS

(1) GENERAL REQUIREMENTS

No part of any required yard or required court in any zone shall be obstructed by any building or structure, or part thereof, except for:

(i) accessory buildings and structures specifically permitted in a required yard or required court under Section 1 of this Part or Subsection (2) of this Section;

(ii) open metal fire escapes which project not more than 1.5 m into a required rear yard or required court; and

(iii) functional and ornamental roofless structures including, but not necessarily restricted to, drop awnings, clothes poles, lighting fixtures, mail boxes, fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, lighting fixtures, planters, garden trellises, permitted signs, boundary and retaining walls, guardrails, hedgerows and fences, provided that:

1. no fence located in a required yard in a Residential Zone or Commercial Zone exceeds in height 1.0 m in a required exterior yard or 2 m in any other required yard; and

(iv) water-related ancillary structures, other than buildings, at the edge of a waterbody, subject to any Conservation Authority or other approvals required by law.

(v) the installation onto a legal existing building or structure of siding, brick or insulation whose sole purpose is to improve the exterior of a building or structure, provided that the floor area of the building or structure is not expanded in any way, except in conformity herewith. (98-77Z)

(2) EXCEPTIONS IN RESIDENTIAL ZONES

Nothing in this By-law shall apply to prevent the obstruction of a required yard or required court in a Residential Zone by:

(i) open, roofless and uncovered stoops, sun decks, platforms, landings, terraces and outdoor steps, where such structures provide access between either finished grade or a road and either the basement or the ground floor of a dwelling;

(ii) open porches and balconies which project not more than 1.2 m into any required yard or required court;

(iii) architectural adornments including, but not necessarily restricted to sills, belt courses, chimneys, canopies, awnings, cornices, eaves, eavestroughs, gutters, parapets and pilasters, but excluding any mechanized heating or cooling equipment, provided that no such adornments, other than eavestroughs, project more than 0.6 m into any required yard or required court; and

(iv) air conditioning units and heat pumps which project not more than 0.5 m into a required exterior yard, required rear yard or required court,

provided that no part of any such structure, projection or adornment is located closer than 0.6 m to any lot line or in any way obstructs a required parking space or driveway.

SECTION 20 ZONES AND ZONE SYMBOLS

(1) DIVISION INTO ZONES

For the purposes of this By-law, all lands within the zoned area are divided into zones as shown on the Zone Maps, in accordance with Subsection (2) of this Section.

(2) ZONE CLASSIFICATION

(a) RESIDENTIAL ZONES

All zones described in Part III of this By-law and identified herein by the symbol "R", followed directly by a number, shall be deemed Residential Zones.

(b) COMMERCIAL ZONES

All zones described in Part IV of this By-law and identified herein by the symbol "C", followed directly by a number, shall be deemed Commercial Zones.

(c) INDUSTRIAL ZONES

All zones described in Part V of this By-law and identified herein by the symbol "M", followed directly by a number, shall be deemed Industrial Zones.

(d) INSTITUTIONAL ZONE

The zone described in Part VI of this By-law and identified herein by the symbol "I" shall be deemed an Institutional Zone.

(e) OPEN SPACE ZONES

All zones, other than the I Zone, described in Part VI of this By-law and identified herein by the symbols "P", "OR", "RU" and "A" shall be deemed Open Space Zones.

(3) ZONE SYMBOLS AND DESIGNATIONS

(a) USE OF SYMBOLS AND DESIGNATIONS

The zone symbols and designations listed and described in Parts III, IV, V and VI of this By-law may be used to refer to buildings, structures and uses

permitted in the said zones and to lots located in the said zones.

(b) INTERPRETATION OF SYMBOLS AND DESIGNATIONS

Wherever in this By-law the word "Zone" is used, preceded by any of the said zone symbols or designations, such reference shall mean any part of the zoned area delineated and so designated on the Zone Maps.

(4) ZONE PROVISIONS

For each zone listed and described in Parts II, III, IV and V of this By-law, a separate section hereof sets out the permitted uses and specific requirements pertaining to such zone under the headings "USES PERMITTED" and "ZONE REQUIREMENTS", respectively, and all such provisions shall apply in addition to the General Provisions set out in this Part and shall be interpreted in accordance with the interpretations and definitions set out in Part I hereof, except as otherwise provided in Part VII hereof.

(5) SPECIAL ZONES

Wherever a zone symbol on the Zone Maps is followed directly by a dash and a number, such as "C2-1", the lands so designated shall be subject to, and used in accordance with, all the provisions or requirements of this By-law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in Part VII hereof.

(6) HOLDING ZONES

(a) HOLDING DESIGNATION

Where lands are designated on the Zone Maps by the symbol "H", referred to herein as the "holding designation", in conjunction with a zone symbol described in Subsection (2) of this Section, such lands shall be deemed to be located in a holding zone.

(b) SCOPE OF HOLDING ZONES

In addition to being subject to all other applicable provisions and requirements of this By-law, lands located in a holding zone shall be subject to Paragraph (c) of this Subsection until such time as this By-law is amended to remove the holding designation.

(c) HOLDING ZONE RESTRICTIONS

No person shall, within any holding zone, erect or alter any building or structure requiring a building permit except where such building or structure

is permitted in all zones under Section 17 of this Part.

PART III: RESIDENTIAL ZONES

SECTION 1 R1 ZONE - SINGLE RESIDENTIAL

(1) SCOPE

The provisions of this Section shall apply in all Single Residential (R1) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any R1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

(i) a single detached dwelling;
(ii) a day nursery; or
(iii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any R1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (MINIMUM)

- in accordance with the residential density restrictions set out in Section 12 of Part II hereof.

(b) LOT FRONTAGE (MINIMUM)

The minimum lot frontage required for a lot in an RI Zone shall be based upon the residential density designation pertaining to such lot, as follows:

(i)	lower than D3	- 45 m
(ii)	from D3 to D8, inclusive	- 36 m
(iii)	from D9 to D16, inclusive	- 18 m
(iv)	D17 or higher	- 15 m

(c) WATER FRONTAGE (MINIMUM)

The minimum total water frontage required for all shorelines of a waterfront lot or any other lot adjacent to a navigable waterbody shall be equivalent to the lot frontage required for such lot.

(d) LOT DEPTH (MINIMUM) - 30 m

(e) FRONT YARD DEPTH (MINIMUM) - 6 m

(f) CORNER SIDE YARD WIDTH (MINIMUM) - 4.5 m

(g) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 1.2 m, plus 0.6 m for each full storey above the first storey abutting such yard.

(h) REAR YARD DEPTH (MINIMUM) - 7.5 m

(i) LOT COVERAGE (MAXIMUM)

(i) serviced lots - 40%
(ii) unserviced lots - 25%

(j) BUILDING HEIGHT (MAXIMUM) - 10 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - 1 only

(l) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) day nurseries - 1 parking space per 7 persons capacity.

(iii) other uses - 1 parking space per 35 m² of net floor area.

(m) PERMITTED SIGNS

The following signs shall be permitted on any lot in an R1 Zone:

(i) not more than 1 unlit or illuminated name plate, ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0 .1 m² per sign face or 0.2 m² in total; and

3. the height of any ground sign does not exceed 1.5 m; and

(ii) not more than 1 unlit business identification wall sign, not exceeding 1 m² in sign area, accessory to a permitted main non-residential use.

SECTION 2 R2 ZONE - DOUBLE RESIDENTIAL

(1) SCOPE

The provisions of this Section shall apply in all Double Residential (R2) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any R2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R2 uses, namely:

(i) a single detached dwelling;
(ii) a semi-detached dwelling;
(iii) a duplex dwelling;
(iv) a day nursery; or
(v) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any R2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (MINIMUM)

- in accordance with the residential density restrictions set out in Section 12 of Part II hereof.

(b) LOT FRONTAGE (MINIMUM)

(i)	semi-detached dwellings	- 9 m
(ii)	other uses	- 15 m

(c) WATER FRONTAGE (MINIMUM)

The minimum total water frontage required for all shorelines of a waterfront lot or any other lot adjacent to a navigable waterbody shall be equivalent to the lot frontage required for such lot.

(d) LOT DEPTH (MINIMUM) - 30 m

(e) FRONT YARD DEPTH (MINIMUM) - 6 m

(f) CORNER SIDE YARD WIDTH (MINIMUM) - 4.5 m

(g) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 1.2 m, plus 0.6 m for each full storey above the first storey abutting such yard, except that no interior side yard shall be required where semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be set back not less than 1.2 m from the side lot line separating such lots.

(h) REAR YARD DEPTH (MINIMUM) - 7.5 m

(i) LOT COVERAGE (MAXIMUM) - 40%

(j) BUILDING HEIGHT (MAXIMUM) - 10 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - 1 only

(l) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) day nurseries - 1 parking space per 7 persons capacity.

(iii) other uses - 1 parking space per 35 m² of net floor area.

(m) PERMITTED SIGNS

The following signs shall be permitted on any lot in an R2 Zone:

(i) not more than 1 unlit or illuminated name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0 .1 m² per sign face or 0.2 m² in total; and

3. the height of any ground sign does not exceed 1.5 m; and

(ii) not more than 1 unlit business identification wall sign, not exceeding 1 m² in sign area, accessory to a permitted non-residential use.

SECTION 3 R3 ZONE - MEDIUM DENSITY RESIDENTIAL

(1) SCOPE

The provisions of this Section shall apply in all Medium Density Residential (R3) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any R3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R3 uses, namely:

(i) a semi detached dwelling;
(ii) a duplex dwelling;
(iii) an apartment dwelling;
(iv) a group dwelling:
(v) a day nursery; or
(vi) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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

(a) LOT AREA (MINIMUM)

- in accordance with the residential density restrictions set out in Section 12 of Part II hereof.

(b) LOT FRONTAGE (MINIMUM)

(i) multiple dwellings - 15 m for a duplex dwelling and 18 m for any other multiple dwelling.

(ii) semi detached dwellings - 9 m

(iii) other uses - 15 m

(c) LOT DEPTH (MINIMUM) - 30 m

(d) FRONT YARD DEPTH (MINIMUM)

- 7.5 m abutting an arterial road and 6 m in any other case.

(e) CORNER SIDE YARD WIDTH (MINIMUM)

- 7.5 m abutting an arterial road and 4.5 m in any other case.

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 1.2 m, plus 0.6 m for each full storey above the first storey abutting such yard, except that no interior side yard shall be required where semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be located not less than 1.2 m from the side lot line separating such lots.

(g) REAR YARD DEPTH (MINIMUM) - 7.5 m

(h) LOT COVERAGE (MAXIMUM) - 50%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 30 %

(j) BUILDING HEIGHT (MAXIMUM) - 3 storeys

(k) DWELLING UNITS PER BUILDING (MAXIMUM) - 30

(l) MAIN BUILDINGS PER LOT (MAXIMUM)

(i) multiple dwellings - no maximum
(ii) other main buildings - 1 only

(m) REQUIRED COURTS

The minimum building separation or court required between any 2 opposing walls of 1 or more multiple dwellings on the same lot shall be:

(iii) 15 m, where both such walls contain balconies or habitable room windows;

(ii) 7.5 m, where only 1 of such walls contains balconies or habitable

room windows; or

(iii) 2 m, where neither of such walls contains balconies or habitable room windows, or in the case of opposing building corners.

(n) REQUIRED PRIVACY YARDS

A privacy yard having a minimum depth of 7.5 m shall be provided abutting the full length of at least 1 exterior wall of each dwelling unit within a group dwelling.

(o) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit, except that on a lot containing 3 or more dwelling units:

1. 1.5 parking spaces shall be required for each dwelling unit which is not a senior citizens' dwelling unit; and

2. 0.5 parking spaces shall be required for each of the first 30 senior citizens' dwelling units, plus 0.25 parking spaces for each additional senior citizens' dwelling unit.

(ii) day nurseries - 1 parking space per 7 persons capacity, except that a day nursery located on a lot containing more than 4 dwelling units shall be deemed an additional dwelling unit for the purpose of determining the minimum parking space requirements for such lot.

(iii) other uses - 1 parking space per 35 m² of net floor area.

(p) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an R3 Zone:

(i) not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0.1 m² per sign face or 0.2 m² in total;

3. the height of any ground sign does not exceed 1.5 m;

(ii) not more than 1 building identification wall sign, not exceeding 1 m² in sign area, accessory to a multiple dwelling containing 5 or more dwelling units; or

(iii) not more than 1 business identification wall sign, not exceeding 1 m² in sign area, accessory to a permitted non-residential use.

SECTION 4 R4 ZONE

SECTION 5 R5 ZONE

SECTION 6 R6 ZONE

(These Zones are being reserved for future use)

SECTION 7 R7 ZONE- SEASONAL RESIDENTIAL

(1) SCOPE

The provisions of this Section shall apply in all Seasonal Residential (R7) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any R7 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R7 uses, namely:

(i) a seasonal dwelling;
(ii) a private cabin accessory to a permitted dwelling; or
(iii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any R7 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (MINIMUM)

- in accordance with the residential density restrictions set out in Section 12 of Part II hereof.

(b) LOT FRONTAGE (MINIMUM) - 45 m

(c) WATER FRONTAGE (MINIMUM)

The minimum total water frontage required for all shorelines of a waterfront lot or any other lot adjacent to a navigable waterbody shall be 45 m.

(d) LOT DEPTH (MINIMUM) - 60 m

(e) FRONT YARD DEPTH (MINIMUM) - 10 m

(f) CORNER SIDE YARD WIDTH (MINIMUM) - 10 m

(g) INTERIOR SIDE YARD WIDTH (MINIMUM) - 3 m

(h) REAR YARD DEPTH (MINIMUM) - 10 m

(i) LOT COVERAGE (MAXIMUM) - 10%

(j) BUILDING HEIGHT (MAXIMUM) - 2 storeys

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - 1 only

(l) PRIVATE CABINS

(i) No private cabins shall exceed 30 m² in gross floor area, nor shall more than 1 private cabin be erected on any lot.

(ii) Notwithstanding Subsection 4(5) of Part II hereof, no private cabin shall hereafter be erected on any lot having a lesser lot area than this By-law requires.

(m) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) seasonal dwellings on waterfront lots - no minimum

(ii) other residential uses - 1 parking space per dwelling unit

(n) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an R7 Zone:

(i) Not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0 .1 m² per sign face or 0.2 m² in total; and

3. the height of any ground sign does not exceed 1.5 m.

SECTION 8 R8 ZONE - MOBILE HOME RESIDENTIAL

(1) SCOPE

The provisions of this Section shall apply in all Mobile Home Residential (R8) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any R8 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R8 uses, namely:

(i) a mobile home dwelling;
(ii) a mobile home park;
(iii) a day nursery located in a mobile home park;
(iv) a single detached dwelling; or
(v) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any R8 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (MINIMUM)

- in accordance with the residential density restrictions set out in Section 12 of Part II hereof, except that the minimum lot area of a mobile home park shall be 1 ha.

(b) LOT FRONTAGE (MINIMUM)

The minimum lot frontage required for a lot in an R8 Zone shall be based upon the residential density designation pertaining to such lot, as follows:

(i)	mobile home dwellings	
	1. lower than D17	- 36 m
	2. D17 or higher	- 15 m
(ii)	mobile home site	- 15 m
(iii)	mobile home parks	- 30 m

(c) LOT DEPTH (MINIMUM)

(i) mobile home dwellings - 30 m
(ii) mobile home sites - 25 m
(iii) mobile home parks - 50 m

(d) FRONT YARD DEPTH (MINIMUM)

(i) mobile home dwellings - 6 m
(ii) mobile home sites - 3.5 m
(iii) mobile home parks - 15 m

(e) CORNER SIDE YARD WIDTH (MINIMUM)

(i) mobile home dwellings - 4.5 m
(ii) mobile home sites - 3.5 m
(iii) mobile home parks - 15 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

(i) mobile home dwellings - 1.2 m
(ii) mobile home sites - 1.2 m
(iii) mobile home parks - 7.5 m

(g) REAR YARD DEPTH (MINIMUM)

(i) mobile home dwellings - 7.5 m
(ii) mobile home sites - 3.5 m
(iii) mobile home parks - 15 m, where the rear lot line abuts a road, and 7.5 m in any other case.

(i) LOT COVERAGE (MAXIMUM)

(i) mobile home dwellings - 35%
(ii) mobile home sites - 35%
(iii) mobile home parks - 30%

(j) LANDSCAPED OPEN SPACE (MINIMUM)

(i) mobile home dwellings - no minimum
(ii) mobile home sites - no minimum
(iii) mobile home parks - 5%, for use in common by all persons living in a mobile home park

(k) BUILDING HEIGHT (MAXIMUM) - 1 storey

(l) MAIN BUILDINGS PER LOT (MAXIMUM)

(i)	mobile home dwellings	- 1 only
(ii)	mobile home sites	- 1 only

(m) CLARIFICATION OF REQUIREMENTS FOR MOBILE HOME SITES

Notwithstanding the definitions contained in Part I hereof, the provisions of this By-law pertaining to mobile home dwellings located in mobile home parks shall be interpreted as if such mobile home sites constituted separate lots and as if any driveways providing access thereto were roads.

(n) WIDTH OF MOBILE HOME PARK DRIVEWAYS (MINIMUM)

The minimum width of any driveway providing access to a mobile home park or a mobile home site shall be 6 m.

(o) PARKING SPACE REQUIREMENTS (MINIMUM)

(i)	residential uses	-	1 parking space per dwelling unit, except that an additional 0.25 parking spaces shall be required for each mobile home site within a mobile home park.
(ii)	day nurseries	-	1 parking space per 7 persons capacity.

(p) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an R8 Zone:

(i) not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0.1 m² per sign face or 0.2 m² in total; and

3. the height of any ground sign does not exceed 1.5 m; and

(ii) not more than 1 business identification wall or ground sign, having not more than 2 sign faces and not exceeding 1 m² in sign area per sign face, accessory to a mobile home park.

PART IV: COMMERCIAL ZONES

SECTION 1 C1 ZONE - LOCAL COMMERCIAL

(1) SCOPE

The provisions of this Section shall apply in all Local Commercial (C1) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any 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:

(i) a convenience store;
(ii) a day nursery;
(iii) a medical office;
(iv) a personal service shop;
(v) a public institutional use;
(vi) any dwelling containing not more than 2 dwelling units, with or without permitted non-residential uses;
(vii) any one or more of the following uses, but only where such use constitutes a legal existing use:
    1. a gas bar;
    2. service station;
    3. a restaurant; or
(viii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM)

(i)	serviced lots	- 540 m²
(ii)	unserviced lots	- 1 350 m²

(b) LOT FRONTAGE (MINIMUM) - 18 m

(c) LOT DEPTH (MINIMUM) - 30 m

(d) FRONT YARD DEPTH (MINIMUM)

- 9 m abutting an arterial road and 6 m in any other case.

(e) CORNER SIDE YARD WIDTH (MINIMUM)

- 9 m abutting an arterial road and 6 m in any other case.

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 1.8 m, plus 0.6 m for each full storey above the first storey abutting such yard.

(g) REAR YARD DEPTH (MINIMUM)

- 9 m abutting an arterial road and 7.5 m in any other case.

(h) LOT COVERAGE (MAXIMUM)

(i)	serviced lots	- 40%
(ii)	unserviced lots	- 30%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 30%

(j) BUILDING HEIGHT (MAXIMUM) - 2 storeys

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - 1 only

(l) NET FLOOR AREA OF NON-RESIDENTIAL USES (MAXIMUM)

- 150 m² for each non-residential use and 300 m² per lot.

(m) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in a C1 Zone.

(n) PARKING SPACE REQUIREMENTS

(i)	residential uses	-	1 parking space per dwelling unit
(ii)	other uses	-	1 parking space per 30 m² of net floor

area.

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in a C1 Zone:

(i) not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0.1 m² per sign face or 0.2 m² in total; and

3. the height of any ground sign does not exceed 1.5 m; and

(ii) business identification signs having a total sign area per lot not exceeding 0.5 m² per 1 m of street line and consisting of any combination of the following:

1. not more than 1 wall sign adjacent to each exterior yard; and

2. not more than 1 projecting sign in each exterior yard, each such sign having a sign area not exceeding 2 m² per sign face or 4 m² in total, located not closer than 3 m to any interior lot line.

SECTION 2 C2 ZONE - GENERAL COMMERCIAL

(1) SCOPE

The provisions of this Section shall apply in all General Commercial (C2) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any C2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

(i) an amusement centre, provided that no pinball arcade contains more than 20 game machines or is located closer than 300 m to an established public school;
(ii) an animal hospital or shelter;
(iii) an arena;
(iv) an auctioneering establishment;
(v) an audio/visual studio;
(vi) an auditorium;
(vii) an automobile repair shop;
(viii) an automobile service station;
(ix) an automotive accessories store;
(x) an automotive dealership;
(xi) a bake shop;
(xii) a bank;
(xiii) a bus terminal;
(xiv) a car wash;
(xv) a commercial recreation centre;
(xvi) a commercial school;
(xvii) a dry cleaning or laundering establishment;
(xviii) a gas bar;
(xix) a hotel;
(xx) an institutional use;
(xxi) a merchandise service shop;
(xxii) an office;
(xxiii) a parking lot;
(xxiv) a personal service shop;
(xxv) a refreshment room;
(xxvi) a restaurant;
(xxvii) a retail store;

(xxviii) a scientific or medical laboratory;
(xxix) a service trade;
(xxx) a taxi stand;
(xxxi) a trade school;
(xxxii) an undertaker's establishment;
(xxxiii) a small recreation vehicle sales or rental establishment;
(xxxiv) any dwelling containing not more than 2 dwelling units, together with a permitted non-residential use as a main use on the ground floor;
(xxxv) an apartment dwelling containing:

1. not more than 30 dwelling units; and
2. 1 or more permitted non-residential uses as main uses on the ground floor,

where such dwelling is located on a serviced lot subject to a residential density designation; or
(xxxvi) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 1 350 m²

(b) LOT FRONTAGE (MINIMUM)

- 50 m for a lot having road access from an arterial road, and 30 m for any other lot.

(c) LOT DEPTH (MINIMUM) - 50 m

(d) FRONT YARD DEPTH (MINIMUM)

- 9 m abutting an arterial road and 3 m in any other case.

(e) CORNER SIDE YARD WIDTH (MINIMUM)

- 9 m abutting an arterial road and 3 m in any other case.

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 3 m, where a lot contains a residential use or where the interior side lot line abuts a residential lot or Residential Zone, and no minimum in any other

case.

(g) REAR YARD DEPTH (MINIMUM)

- 9 m abutting an arterial road and 7.5 m in any other case.

(h) LOT COVERAGE (MAXIMUM)

(i)	serviced lots	- 50%
(ii)	unserviced lots	- 30%

(i) LANDSCAPED OPEN SPACE (MINIMUM)

- 30% where a lot contains a residential use and 5% in any other case.

(j) BUILDING HEIGHT (MAXIMUM) - 4 storeys

(k) MAIN BUILDINGS PER LOT (MAXIMUM)

(i)	dwellings	- 1 only
(ii)	other main buildings	- no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) GROSS FLOOR AREA PER LOT (MAXIMUM)

- 2.0 times the lot area of the lot.

(n) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in a C2 Zone except for the accessory outdoor display or sale of goods or materials, including vehicles, in any yard other than a required yard, provided that the said lot does not contain an apartment dwelling.

(o) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit, except that 1.5 parking spaces shall be required for each dwelling unit in an apartment dwelling.

(ii) audio/visual studios - 1 parking space per 30 m² of net floor

			area, plus 1 parking space per 10 persons capacity of any studio or auditorium with a capacity of over 50 persons.
(iii)	churches	-	1 parking space per 4 persons capacity of the room having the greatest capacity.
(iv)	hospitals	-	1 parking space per bed.
(v)	hotels	-	l parking space per guest room, plus 1 parking space per 4 persons capacity of any restaurant, dining room, refreshment room or auditorium.
(vi)	institutional uses not specifically mentioned elsewhere in this Paragraph	-	1 parking space per 4 persons capacity.
(vii)	offices, including banks but excluding accessory offices	-	1 parking space per 30 m² of net floor area.
(viii)	recreation or entertainment centres	-	1 parking space per 8 persons capacity.
(ix)	restaurants and refreshment rooms	-	the greater of either 1 parking space per 7 m² of net floor area or 1 parking space per 3 persons capacity of any dining room.
(x)	schools	-	1 parking space per 30 m² of net floor area of accessory offices, plus the greater of either 1 parking space per 15 students capacity or 1 parking space per 10 persons capacity of any arena or auditorium with a capacity of over 50 persons.
(xi)	special care homes and		

	and children's homes	-	1 parking space per 4 beds
(xii)	undertaker's establishments	-	1 parking space per 5 persons capacity of any chapel, but not less than a total of 10 parking spaces.
(xiii)	other uses	-	1 parking space per 20 m² of net floor area.

(p) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in a C2 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign adjacent to each exterior yard per main use, and not more than 1 wall sign adjacent to each court per main use abutting such court, provided that all such signs are cohesive in design and similar in scale;

2. not more than 1 projecting sign adjacent to each abutting road, each such sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any lot line.;

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 5 m² per sign face or 10 m² in total, located not closer than 3 m to any lot line or 15 m to any Residential Zone; and

(ii) not more than 1 advertising wall or ground sign with not more than 3 sign faces each measuring not more than 5 m vertically and 15 m horizontally, provided that:

1. no sign face contains more than 2 separate and distinct sign displays;

2. no such sign is located closer than 240 m, in any direction, to an advertising sign previously established;

3. no part of such sign is located in a required exterior yard or closer than 60 m to a Residential Zone;

4. no part of any ground sign is located closer than 3 m to any lot line; and

5. each sign face is located in such a way as to be fully visible from an arterial road at a distance of at least 75 m.

SECTION 3 C3 ZONE

SECTION 4 C4 ZONE

(These Zones are being reserved for future use)

SECTION 5 C5 ZONE - SHOPPING CENTRE COMMERCIAL

(1) SCOPE

The provisions of this Section shall apply in all Shopping Centre Commercial (C5) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any C5 Zone, use any lot or erect, alter or use any building or structure for any purpose except one of more of the following C5 uses, namely:

(i) a shopping centre containing:
1. an amusement centre;
2. an auditorium;
3. an automobile repair shop;
4. an automobile service station;
5. an automotive accessories store;
6. a bake shop;
7. a bank;
8. a car wash;
9. a commercial recreation centre;
10. a gas bar;
11. an institutional use;
12. a merchandise service shop;
13. an office;
14. a personal service shop;
15. a refreshment room;
16. an eat-in or take-out restaurant;
17. a retail store; or
18. a vehicle sales or rental establishment dealing solely in the sale of small recreation vehicles or the rental of non-commercial vehicles;

(ii) a carnival accessory to a shopping centre; or

(iii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a)	LOT AREA (MINIMUM)	- 1 ha
(b)	LOT FRONTAGE (MINIMUM)	- 100 m
(c)	LOT DEPTH (MINIMUM)	- 100 m
(d)	FRONT YARD DEPTH (MINIMUM)	- 10 m
(e)	CORNER SIDE YARD WIDTH (MINIMUM)	- 10 m
(f)	INTERIOR SIDE YARD WIDTH (MINIMUM)	- 10 m
(g)	REAR YARD DEPTH (MINIMUM)	- 10 m
(h)	LOT COVERAGE (MAXIMUM)	- 50%
(i)	LANDSCAPED OPEN SPACE (MINIMUM)	- 5%
(j)	BUILDING HEIGHT (MAXIMUM)	- 20 m
(k)	MAIN BUILDINGS PER LOT (MAXIMUM)	- no maximum.
(l)	BUILDING SEPARATION (MINIMUM)	- 2 m

(m) GROSS FLOOR AREA PER LOT (MAXIMUM)

- 1.0 times the lot area of the lot.

(n) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in a C5 Zone except for the accessory outdoor display or sale of goods or materials, including vehicles, in any yard other than a required yard.

(o) PARKING SPACE REQUIREMENTS (MINIMUM)

(i)	residential uses	-	1 parking space per dwelling unit.
(ii)	offices, excluding banks or accessory offices	-	1 parking space per 30 m² of net floor area.

(iii) other uses - 1 parking space per 20 m² of net floor area.

(p) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in a C5 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of street line and consisting of any combination of the following:

1. 1 or more wall signs provided that all such signs are cohesive in design and similar in scale;

2. not more than 1 projecting sign for each 30 m of street line, each such sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any lot line; and

3. for every 100 full metres of exterior lot line not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 10 m² per sign face or a total of 20 m² for a sign having 2 sign faces or 30 m² for a sign having more than 2 sign faces, located not closer than 3 m to any lot line or 15 m to a Residential Zone.

SECTION 6 C6 - HIGHWAY COMMERCIAL

(1) SCOPE

The provisions of this Section shall apply in all Highway Commercial (C6) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any C6 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C6 uses, namely:

(i) an automotive accessories store;
(ii) any automotive use other than a body shop;
(iii) automotive dealership;
(iv) a bus terminal;
(v) a commercial or public garage;
(vi) a convenience store not exceeding 150 m² in net floor area;
(vii) a drive-in theatre;
(viii) a farm produce store;
(ix) a garden nursery;
(x) a hostel;
(xi a hotel;
(xii) a mobile home dealership;
(xiii) a parking lot;
(xiv) a refreshment room;
(xv) a restaurant;
(xvi) a taxi stand;
(xvii) any one or more of the following uses, but only where such use constitutes a legal existing use:
    1. an office;
    2. a personal service shop;
    3. a recreation or entertainment centre;
    4. a retail store; or
(xviii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 1 350 m²

(b) LOT FRONTAGE (MINIMUM) - 50 m

(c) LOT DEPTH (MINIMUM) - 50 m

(d) FRONT YARD DEPTH (MINIMUM) - 15 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 15 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 4.5 m where the interior side lot line abuts a residential lot or Residential Zone, and 3 m in any other case.

(g) REAR YARD DEPTH (MINIMUM)

- 15 m abutting a road and 7.5 m in any other case.

(h) LOT COVERAGE (MAXIMUM) - 30%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 5%

(j) BUILDING HEIGHT (MAXIMUM) - 15 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) GROSS FLOOR AREA PER LOT (MAXIMUM)

- 1.0 times the lot area of the lot.

(n) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in a C6 Zone except for the accessory outdoor display or sale of goods or materials in any yard other than a required yard.

(o) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii)	hostels and other institutional uses not specifically mentioned in this Paragraph	-	l parking space per 4 persons capacity.
(iii)	hotels	-	1 parking space per guest room, plus 1 parking space per 4 persons capacity of any restaurant, dining room, refreshment room or auditorium.
(iv)	restaurants and refreshment rooms	-	the greater of either 1 parking space per 7 m² of net floor area or 1 parking space per 3 persons capacity of any dining room.
(v)	recreation or entertainment centres	-	1 parking space per 4 persons capacity.
(vi)	other uses	-	1 parking space per 20 m² of net floor area.

(p) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in a C6 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign per main use;

2. not more than 1 projecting sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any lot line;

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any lot line or 15 m to any Residential Zone.

SECTION 7 C7 ZONE - RESORT COMMERCIAL

(1) SCOPE

The provisions of this Section shall apply in all Resort Commercial (C7) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any C7 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C7 uses, namely:

(i) an arena;
(ii) an auditorium;
(iii) a camping ground;
(iv) a commercial recreation centre;
(v) a convenience store;
(vi) a hotel;
(vii) a hostel;
(viii) a marina;
(ix) a private club;
(x) a refreshment room;
(xi) an eat-in or take-out restaurant;
(xii) an accessory gas bar;
(xiii) an accessory personal service shop;
(xiv) an accessory retail store;
(xv) an accessory small recreation vehicle sales or rental establishment; or
(xvi) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 1 ha

(b) LOT FRONTAGE (MINIMUM) - 20 m

(c) WATER FRONTAGE (MINIMUM)

The minimum total water frontage required for all shorelines of a waterfront

lot or any other lot abutting a navigable waterbody shall be 60 m.

(d) LOT DEPTH (MINIMUM) - 60 m

(e) FRONT YARD DEPTH (MINIMUM) - 10 m

(f) CORNER SIDE YARD WIDTH (MINIMUM) - 10 m

(g) INTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m

(h) REAR YARD DEPTH (MINIMUM) - 10 m

(i) LOT COVERAGE (MAXIMUM) - 30%

(j) LANDSCAPED OPEN SPACE (MINIMUM) - 40%

(k) BUILDING HEIGHT (MAXIMUM) - 15 m

(l) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(m) BUILDING SEPARATION (MINIMUM) - 2 m

(n) GROSS FLOOR AREA PER LOT (MAXIMUM)

- 0.5 times the lot area of the lot.

(o) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in a C7 Zone.

(p) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) camping grounds - 1 parking space per camp site.

(iii) Hostels and other institutional uses not specifically mentioned in this Paragraph - 1 parking space per 4 persons capacity.

(iv) hotels - 1 parking space per guest room, plus 1 parking space per 4 persons capacity of

			any restaurant, dining room, refreshment room or auditorium.
(v)	marinas	-	1 parking space per boat mooring and 2 parking spaces per boat launching ramp, plus any parking spaces specifically required hereby for associated uses other than boat storage areas or boat storage sheds.
(vi)	recreation or entertainment centres	-	1 parking space per 4 persons capacity.
(vii)	restaurants and refreshment rooms	-	the greater of either 1 parking space per 7 m² of net floor area or 1 parking space per 3 persons capacity of any dining room.
(viii)	other uses	-	1 parking space per 30 m² of net floor area.

(q) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in a C7 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign per main use;

2. not more than 1 projecting sign having a total sign area per lot not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any lot line;

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3

m to any lot line or 15 m to any Residential Zone.

PART V: INDUSTRIAL ZONES

SECTION 1 M1 ZONE - MIXED LIGHT INDUSTRIAL/SERVICE COMMERCIAL

(1) SCOPE

The provisions of this Section shall apply in all Mixed Light Industrial/Service Commercial (M1) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any M1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1 uses, namely:

(i) an animal hospital or shelter;
(ii) an auctioneering establishment;
(iii) an audio/visual studio;
(iv) an automotive accessories store;
(v) any automotive use;
(vi) automotive dealership;
(vii) a building supply yard;
(viii) a bulk retail outlet;
(ix) a commercial or public garage;
(x) a commercial recreation centre;
(xi) a dry cleaning or laundering establishment;
(xii) a factory outlet;
(xiii) a food processing plant;
(xiv) a hardware store;
(xv) a light industrial use;
(xvi) a personal service shop;
(xvii) a private club;
(xviii) a public use;
(xix) a public utility;
(xx) an eat-in or take-out restaurant;
(xxi) a scientific or medical laboratory;
(xxii) a service trade;
(xxiii) a trade school;
(xxiv) a transport terminal;
(xxv) a warehouse;

(xxvi) any one or more of the following uses, but only where such use constitutes a legal existing use:
1. a body shop;
2. a hotel;
3. an office;
4. a retail store; or

(xxvii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 1 500 m²

(b) LOT FRONTAGE (MINIMUM)

- 50 m for a lot having road access from an arterial road and 30 m for any other lot.

(c) LOT DEPTH (MINIMUM) - 50 m

(d) FRONT YARD DEPTH (MINIMUM) - 9 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 9 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 3 m on at least 1 side of the lot, except that:

(i) no interior side yard shall be required adjacent to a railway right-of-way; and

(ii) where an interior side lot line abuts a Residential Zone, the minimum interior side yard width required shall be 9 m.

(g) REAR YARD DEPTH (MINIMUM)

- 6 m, except that:

(i) no rear yard shall be required adjacent to a railway right-of-way; and

(ii) where the rear lot line abuts a road or a Residential Zone, the minimum rear yard depth required shall be 9 m.

(h) LOT COVERAGE (MAXIMUM) - 50%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 5%

(j) BUILDING HEIGHT (MAXIMUM) - 12 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) OPEN STORAGE AREAS

Open storage areas used solely for the accessory storage or outdoor display or sale of goods or materials shall be permitted in any yard, other than a required yard, in an M1 Zone, provided that any such open storage area is separated from all lot lines by a continuous opaque barrier not less than 1.8 m in height, except that no such barrier shall be required where a permitted open storage area:

(i) is used solely for the outdoor display or sale of vehicles; or

(ii) abuts a railway right-of-way

(n) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) auctioneering establishments, bulk retail outlets, building supply yards and factory outlets - 1 parking space per 45 m² of net floor area.

(iii) audio/visual studios - 1 parking space per 30 m² of net floor area, plus 1 parking space per 10 persons capacity of any studio or auditorium with a capacity of over 50 persons.

(iv) food processing plants, warehouses and industrial uses, excluding factory outlets - 1 parking space per 30 m² of accessory office net floor area, plus 1 parking space per 90 m² of other net floor area.

(v) recreation or entertainment centres - 1 parking space per 4 persons capacity.

(vi) restaurants - the greater of either 1 parking space per 7 m² of net floor area or 1 parking space per 3 persons capacity of any dining room.

(vii) other uses - 1 parking space per 30 m² of net floor area.

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an M1 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign per main use;

2. not more than 1 projecting sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone;

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone.

SECTION 2 M2 ZONE - LIGHT INDUSTRIAL

(1) SCOPE

The provisions of this Section shall apply in all Light Industrial (M2) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any M2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2 uses, namely:

(i) an audio/visual studio;
(ii) a body shop;
(iii) a building supply yard;
(iv) a commercial or public garage;
(v) a dry cleaning or laundering establishment;
(vi) a factory outlet;
(vii) a food processing plant;
(viii) a light industrial use;
(ix) a public use;
(x) a public utility;
(xi) a scientific or medical laboratory;
(xii) a service trade;
(xiii) a trade school;
(xiv) a transport terminal;
(xv) a warehouse; or
(xvi) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 1 500 m²

(b) LOT FRONTAGE (MINIMUM)

- 50 m for a lot having road access from an arterial road and 30 m for any

other lot.

(c) LOT DEPTH (MINIMUM) - 50 m

(d) FRONT YARD DEPTH (MINIMUM) - 9 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 9 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 3 m on at least 1 side of the lot, except that:

(i) no interior side yard shall be required adjacent to a railway right-of-way; and

(ii) where an interior side lot line abuts a Residential Zone, the minimum interior side yard width required shall be 9 m.

(g) REAR YARD DEPTH (MINIMUM)

- 6 m, except that:

(i) no rear yard shall be required adjacent to a railway right-of-way; and

(ii) where the rear lot line abuts a road or a Residential Zone, the minimum rear yard depth required shall be 9 m.

(h) LOT COVERAGE (MAXIMUM) - 50%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 5%

(j) BUILDING HEIGHT (MAXIMUM) - 15 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) OPEN STORAGE AREAS

Open storage areas used solely for the accessory storage of goods or materials shall be permitted in any yard, other than a required yard, in an

M2 Zone, provided that any such open storage area is separated from all lot lines by a continuous opaque barrier not less than 1.8 m in height, except that no such barrier shall be required where a permitted open storage area abuts a railway right-of-way.

(n) PARKING SPACE REQUIREMENTS (MINIMUM)

(i)	residential uses	-	1 parking space per dwelling unit.
(ii)	building supply yards and factory outlets	-	1 parking space per 45 m² of net floor area.
(iii)	audio/visual studios	-	1 parking space per 30 m² of net floor area, plus 1 parking space per 10 persons capacity of any studio or auditorium with a capacity of over 50 persons.
(iv)	food processing plants, warehouses and industrial uses, excluding factory outlets	-	1 parking space per 30 m² of accessory office net floor area, plus 1 parking space per 90 m² of other net floor area.
(v)	other uses	-	l parking space per 30 m² of net floor area.

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an M2 Zone.

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign per main use;

2. not more than 1 projecting sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not

closer than 3 m to any street line or to any interior lot line abutting a Residential Zone:

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone.

SECTION 3 M3 ZONE- HEAVY INDUSTRIAL

(1) SCOPE

The provisions of this Section shall apply in all Heavy Industrial (M3) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any M3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M3 uses, namely:

(i) an abattoir;
(ii) a body shop;
(iii) a building supply yard;
(iv) a commercial or public garage;
(v) a dry cleaning or laundering establishment;
(vi) an extractive use;
(vii) a factory outlet;
(viii) a food processing plant;
(ix) a fuel depot;
(x) an industrial use;
(xi) a public use;
(xii) a public utility;
(xiii) a salvage yard;
(xiv) a scientific or medical laboratory;
(xv) a service trade;
(xvi) a stockyard;
(xvii) a trade school;
(xviii) a transport terminal;
(xix) a warehouse; or
(xx) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 1 500 m²

(b) LOT FRONTAGE (MINIMUM)

- 50 m for a lot having road access from an arterial road and 30 m for any other lot.

(c) LOT DEPTH (MINIMUM) - 50 m

(d) FRONT YARD DEPTH (MINIMUM) - 9 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 9 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 6 m on at least 1 side of the lot, except that:

(i) no interior side yard shall be required adjacent to a railway right-of-way; and

(ii) where an interior side lot line abuts a Residential Zone, the minimum interior side yard width required shall be 15 m.

(g) REAR YARD DEPTH (MINIMUM)

- 6 m, except that:

(i) no rear yard shall be required adjacent to a railway right-of-way; and

(ii) where the rear lot line abuts a road or a Residential Zone, the minimum rear yard depth required shall be 15 m.

(h) LOT COVERAGE (MAXIMUM) - 60%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - no minimum

(j) BUILDING HEIGHT (MAXIMUM)

- 30 m, except that no height restrictions shall apply to any building or structure located more than 150 m from a Residential Zone.

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - no minimum

(m) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in an M3 Zone, provided that any open storage area located closer than 150 m to a Residential Zone or arterial road is separated therefrom by a continuous opaque barrier not less than 1.8 m in height, except that no such barrier shall be required abutting a railway right-of-way.

(n) LOCATION AND FENCING OF EXCAVATIONS

Any open excavation associated with, or pertaining to, an extractive use shall:

(i) be located not closer than 30 m to a street line or 15 m to any other lot line; and

(ii) be fully encircled by a continuous fence or other barrier not less than 1.8 m in height, located not closer than 10 m to any part of such excavation.

(o) SPECIAL RESTRICTIONS NEAR RESIDENTIAL ZONES

Notwithstanding any other provision hereof to the contrary, no extractive use, nor any building, structure or open storage area either associated with, or pertaining to, any extractive use, body shop, fuel depot, abattoir, stockyard or industrial use, other than a light industrial use, warehouse, food processing plant or accessory office, shall hereafter be established or erected closer than 150 m to a Residential Zone.

(p) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) building supply yards and factory outlets - 1 parking space per 45 m² of net floor area.

(iii) food processing plants, abattoirs, warehouses and industrial uses,

	excluding factory outlets	-	1 parking space per 30 m² of accessory office net floor area, plus 1 parking space per 90 m² of other net floor area.
(iv)	other uses	-	1 parking space per 30 m² of net floor area.

(q) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an M3 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign per main use;

2. not more than 1 projecting sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone;

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone; and

(ii) not more than 1 advertising wall or ground sign with not more than 3 sign faces each measuring not more than 5 m vertically and 15 m horizontally, provided that:

1. no sign face contains more than 2 separate and distinct sign displays;

2. no such sign is located closer than 240 m, in any direction, to an advertising sign previously established;

3. no part of such sign is located in a required exterior yard or closer than 60 m to a Residential Zone;

4. no part of any ground sign is located closer than 3 m to any interior lot line; and

5. each sign face is located in such a way as to be fully visible from an arterial road at a distance of at least 75 m.

SECTION 4 M4 ZONE - MINING INDUSTRIAL

(1) SCOPE

The provisions of this Section shall apply in all Mining Industrial (M4) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any M4 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M4 uses, namely:

(i) an extractive use;
(ii) an agricultural use;
(iii) a forestry use;
(iv) an industrial use accessory to a permitted extractive use; or
(v) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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:

(a) LOT AREA (MINIMUM) - 4 000 m²

(b) LOT FRONTAGE (MINIMUM) - 50 m

(c) LOT DEPTH (MINIMUM) - 50 m

(d) FRONT YARD DEPTH (MINIMUM) - 15 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 15 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

- 6 m on at least 1 side of the lot, except that:

(i) no interior side yard shall be required adjacent to a railway right-of-way; and

(ii) where an interior side lot line abuts a Residential Zone, the minimum interior side yard width required shall be 15 m.

(g) REAR YARD DEPTH (MINIMUM)

- 6 m, except that:

(i) no rear yard shall be required adjacent to a railway right-of-way; and

(ii) where the rear lot line abuts a road or a Residential Zone, the minimum rear yard depth required shall be 15 m.

(h) LOT COVERAGE (MAXIMUM) - 60%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - no minimum

(j) BUILDING HEIGHT (MAXIMUM)

- 30 m, except that no height restrictions shall apply to any building or structure located more than 150 m from a Residential Zone.

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - no minimum

(m) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in an M4 Zone, provided that any open storage area located closer than 150 m to a Residential Zone or arterial road is separated therefrom by a continuous opaque barrier not less than 1.8 m in height, except that no such barrier shall be required abutting a railway right-of-way.

(n) LOCATION AND FENCING OF EXCAVATIONS

Any open excavation associated with, or pertaining to, an extractive use shall;

(i) be located not closer than 30 m to a street line or 15 m to any other lot line; and

(ii) be fully encircled by a continuous fence or other barrier not less than 1.8 m in height, located not closer than 10 m to any part of such excavation.

(o) SPECIAL RESTRICTIONS NEAR RESIDENTIAL ZONES

Notwithstanding any other provision hereof to the contrary, no extractive use or intensive agricultural use, nor any building, structure, open storage area or air strip either associated therewith or pertaining thereto, other than an accessory office, shall hereafter be established or erected closer than 150 m to a Residential Zone.

(p) PARKING SPACE REQUIREMENTS - No minimum

(q) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an M4 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign;

2. not more than 1 projecting sign having a sign area not exceeding 3 m² per sign face or 6 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone;

3. not more than 1 roof sign on a lot which does not abut a Residential Zone; and

4. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone.

SECTION 5 M5 ZONE - EXTRACTIVE INDUSTRIAL

(1) SCOPE

The provisions of this Section shall apply in all Extractive Industrial (M5) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any M5 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M5 uses, namely:

(i) a pit;
(ii) a quarry;
(iii) an agricultural use;
(iv) a forestry use; or
(v) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any M5 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA (MINIMUM)	- 4 ha
(b)	LOT FRONTAGE (MINIMUM)	- 50 m
(c)	LOT DEPTH (MINIMUM)	- 150 m
(d)	FRONT YARD DEPTH (MINIMUM)	- 15 m
(e)	CORNER SIDE YARD WIDTH (MINIMUM)	- 15 m
(f)	INTERIOR SIDE YARD WIDTH (MINIMUM)	- 15 m
(g)	REAR YARD DEPTH (MINIMUM)	- 15 m
(h)	LOT COVERAGE (MAXIMUM)	- no maximum

(h) LANDSCAPED OPEN SPACE (MINIMUM) - no minimum

(j) BUILDING HEIGHT (MAXIMUM) - 30 m

(k) MAIN BUILDING PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - no minimum

(m) ACCESSORY INDUSTRIAL USES

No industrial use shall be permitted in an M5 Zone except for the washing, screening, sorting, drying, stockpiling, crushing, blending or other such primary processing, excluding roasting or smelting, of ores, minerals or aggregates originating from an extractive use to which the said industrial use is accessory.

(n) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in an M5 Zone, provided that any open storage area located closer than 150 m to a Residential Zone or arterial road is separated therefrom by a continuous opaque barrier not less than 1.8 m in height, except that no such barrier shall be required abutting a railway right-of-way.

(o) LOCATION AND FENCING OF EXCAVATIONS

Any open excavation associated with, or pertaining to an extractive use shall:

(i) be located not closer than 30 m to a street line or 15 m to any other lot line; and

(ii) be fully encircled by a continuous fence or other barrier or less than 1.8 m in height, located not closer than 10 m to any part of such excavation.

(p) SPECIAL RESTRICTIONS NEAR RESIDENTIAL ZONES

Notwithstanding any other provision hereof to the contrary, no extractive use or intensive agricultural use, nor any building, structure, open storage area or air strip either associated therewith or pertaining thereto, other than an accessory office, shall hereafter be established or erected closer

than 150 m to a Residential Zone.

(q) PARKING SPACE REQUIREMENTS - No minimum

(r) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an M5 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign, having a sign area not exceeding 6 m, per main use; and

2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any street line or to any interior lot line abutting a Residential Zone.

SECTION 6 M6 ZONE - SALVAGE AND WASTE INDUSTRIAL

(1) SCOPE

The provisions of this Section shall apply in all Salvage and Waste Industrial (M6) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any M6 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M6 uses, namely:

(i) a salvage yard;
(ii) a sanitary landfill site;
(iii) a sewage treatment facility;
(iv) a public utility; or
(v) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

No person shall, within any M6 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA (MINIMUM)	- 2 ha
(b)	LOT FRONTAGE (MINIMUM)	- no minimum
(c)	LOT DEPTH (MINIMUM)	- no minimum
(d)	FRONT YARD DEPTH (MINIMUM)	- 15 m
(e)	CORNER SIDE YARD WIDTH (MINIMUM)	- 15 m
(f)	INTERIOR SIDE YARD WIDTH (MINIMUM)	- 15 m
(g)	REAR YARD DEPTH (MINIMUM)	- 15 m
(h)	LOT COVERAGE (MAXIMUM)	- 50%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - No minimum

(j) BUILDING HEIGHT (MAXIMUM) - 20 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - no minimum

(m) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in an M6 Zone, provided that any open storage area located closer than 150 m to a Residential Zone or arterial road is separated therefrom by a continuous opaque barrier not less than 1.8 m in height, except that no such barrier shall be required abutting a railway right-of-way.

(n) SPECIAL RESTRICTIONS NEAR RESIDENTIAL ZONES

Notwithstanding any other provision hereof to the contrary, no part of any salvage yard, sanitary landfill site or sewage treatment facility shall hereafter be established or erected closer than 150 m to a Residential Zone.

(o) PARKING SPACE REQUIREMENTS - No minimum

(p) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an M6 Zone:

(i) business identification signs having a total sign area per lot not exceeding 1 m² per 1 m of lot frontage and consisting of any combination of the following:

1. not more than 1 wall sign having a sign area not exceeding 6 m²; and

2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any lot line.

PART VI: INSTITUTIONAL AND OPEN SPACE ZONES

SECTION 1 I ZONE - INSTITUTIONAL

(1) SCOPE

The provisions of this Section shall apply in all Institutional (I) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any I Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:

(i) an institutional use; or

(ii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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

(a) LOT AREA (MINIMUM)

(i)	serviced lots	- 450 m²
(ii)	unserviced lots	- 1 350 m²

(b) LOT FRONTAGE (MINIMUM) - 15 m

(c) LOT DEPTH (MINIMUM) - 30 m

(d) FRONT YARD DEPTH (MINIMUM) - 10 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 10 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m

(g) REAR YARD DEPTH (MINIMUM) - 10 m

(h) LOT COVERAGE (MAXIMUM)

(i)	serviced lots	- 50%
(ii)	unserviced lots	- 30%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 10%

(j) BUILDING HEIGHT (MAXIMUM) - no maximum

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in an I Zone.

(n) PARKING SPACE REQUIREMENTS (MINIMUM)

(i)	residential uses	-	1 parking space per dwelling unit.
(ii)	hospitals	-	1 parking space per bed.
(iii)	institutional uses not specifically mentioned in this Paragraph	-	1 parking space per 4 persons capacity.
(iv)	offices, excluding accessory offices	-	1 parking space per 30 m² of net floor area
(v)	recreation or entertainment centre	-	1 parking space per 8 persons capacity.
(vi)	schools	-	1 parking space per 30 m² of net floor area of accessory offices, plus the greater of either 1 parking space per 15 students capacity or 1 parking space per 10 persons capacity of any arena or auditorium with a capacity of over 50 persons.
(vii)	special care homes	-	1 parking space per 4 beds.
(viii)	other uses	-	1 parking space per 30 m² of net floor area.

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an I

Zone:

(i) 1 or more business identification or building identification wall or ground signs having a total sign area per lot not exceeding 0.5 m² per 1 m of street line and consisting of any combination of the following:

1. 1 or more wall signs, each not exceeding 10 m² in sign area; and

2. 1 or more ground signs, each having a sign area not exceeding 10 m² per sign face or 20 m² in total, located not closer than 3 m to any lot line.

SECTION 2 P ZONE - PUBLIC PARK

(1) SCOPE

The provisions of this Section shall apply in all Public Park (P) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any P Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following P uses, namely:

(i) a public park;
(ii) a non-commercial outdoor recreation area under the common ownership of, and reserved exclusively for use by, persons owning property or residing in the immediate vicinity; or
(iii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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

(a)	LOT AREA (MINIMUM)	
	(i) serviced lots	- no minimum
	(ii) unserviced lots	- 1 350 m²
(b)	LOT FRONTAGE (MINIMUM)	- no minimum
(c)	LOT DEPTH (MINIMUM)	- no minimum
(d)	FRONT YARD DEPTH (MINIMUM)	- l0 m
(e)	CORNER SIDE YARD WIDTH (MINIMUM)	- l0 m
(f)	INTERIOR SIDE YARD WIDTH (MINIMUM)	- l0 m
(g)	REAR YARD DEPTH (MINIMUM)	- l0 m
(h)	LOT COVERAGE (MAXIMUM)	- 20%
(i)	LANDSCAPED OPEN SPACE (MINIMUM)	- 40%

(j) BUILDING HEIGHT (MAXIMUM) - no maximum

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in a P Zone.

(n) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) non-residential uses - 1 parking space per 8 persons capacity of any building.

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in a P Zone:

(i) business identification or building identification signs consisting of any combination of the following:

1. not more than 1 wall sign, not exceeding 10 m² in sign area, adjacent to each exterior yard, and

2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 10 m² per sign face or 20 m² in total, located not closer than 3 m to any lot line.

SECTION 3 OR ZONE - OUTDOOR RECREATION

(1) SCOPE

The provisions of this Section shall apply in all Outdoor Recreation (OR) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

No person shall, within any OR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following OR uses, namely:

(i) an outdoor recreation area where non-residential accessory uses are restricted to 1 or more of the following:

1. a non-commercial camping ground;
2. a group of private cabins under the auspices of an institutional use;
3. the club house of a private club;
4. a dining room;
5. a refreshment room;
6. a refreshment booth;
7. a recreation equipment sales or rental facility; or
8. any building or structure housing, or otherwise directly serving, a recreational activity; or

(ii) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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

(a) LOT AREA (MINIMUM)

(i)	serviced lots	- 1 ha
(ii)	unserviced lots	- 1 ha

(b) LOT FRONTAGE (MINIMUM) - no minimum

(c) LOT DEPTH (MINIMUM) - no minimum

(d) FRONT YARD DEPTH (MINIMUM) - 10 m

(e) CORNER SIDE YARD WIDTH (MINIMUM) - 10 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m

(g) REAR YARD DEPTH (MINIMUM) - 10 m

(h) LOT COVERAGE (MAXIMUM) - 20%

(i) LANDSCAPED OPEN SPACE (MINIMUM) - 40%

(j) BUILDING HEIGHT (MAXIMUM) - 10 m

(k) MAIN BUILDINGS PER LOT (MAXIMUM) - no maximum

(l) BUILDING SEPARATION (MINIMUM) - 2 m

(m) OPEN STORAGE AREAS

No open storage areas shall be permitted on any lot in an OR Zone.

(n) PARKING SPACE REQUIREMENTS (MINIMUM)

(i) residential uses - 1 parking space per dwelling unit.

(ii) non-residential uses - 1 parking space per 8 persons capacity of any building.

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an OR Zone.

(i) business identification or building identification signs consisting of any combination of the following:

1. not more than 1 wall sign, not exceeding 6 m² in sign area, adjacent to each exterior yard; and

2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 6 m² per sign face or 12 m² in total, located not closer than 3 m to any lot line.

SECTION 4 RU ZONE - RURAL

(1) SCOPE

The provisions of this Section shall apply in all Rural (RU) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

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

(i) an agricultural use;
(ii) an animal hospital or shelter;
(iii) a commercial kennel;
(iv) a forestry use;
(v) a garden nursery;
(vi) a public use;
(vii) a public utility;
(viii) a veterinarian's clinic;
(ix) any 1 of the following dwellings:
  1. a single detached dwelling;
  2. a mobile home dwelling mounted on a permanent foundation; or
  3. a seasonal dwelling on a legal existing waterfront lot; or
(x) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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

(a) LOT AREA (MINIMUM) - 2 ha

(b) LOT FRONTAGE (MINIMUM) - 90 m

(c) LOT DEPTH (MINIMUM) - 90 m

(d) FRONT YARD DEPTH (MINIMUM) - 10 m

(e) CORNER SIDE YARD WIDTH (MINIMUM)

  (i) legal existing lots having an area of 0.4 ha or less - 3 m

  (ii) other lots - l0 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

(i) legal existing lots having an area of 0.4 ha or less - 3 m

(ii) other lots - 10 m

(g) REAR YARD DEPTH (MINIMUM) - 10 m

(h) LOT COVERAGE (MAXIMUM) - 10%, except that this provision shall not apply with respect to any greenhouse constructed primarily of translucent materials and used solely for growing plants in conjunction with an agricultural use or a garden nursery.

(i) BUILDING HEIGHT (MAXIMUM)

(i) residential uses - 8 m
(ii) other uses - 21 m

(j) MAIN BUILDINGS PER LOT (MAXIMUM)

(i) residential uses - 1 only
(ii) other uses - no maximum

(k) BUILDING SEPARATION (MINIMUM) - 2 m

(l) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in an RU Zone.

(m) SPECIAL RESTRICTIONS NEAR RESIDENTIAL LOTS AND ZONES

No air strip or feed lot directly associated with an agricultural use, nor any non-residential building or structure directly associated with an intensive agricultural use or commercial kennel or with the cutting or sawing of timber, shall hereafter be established or erected closer than 300 m to a residential building or Residential Zone.

(n) PARKING SPACE REQUIREMENTS - No minimum

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an RU Zone:

(i) not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the sign area of any such sign does not exceed 0.2 m² per sign face or 0.4 m² in total; and

3. the height of any ground sign does not exceed 1.5 m;

(ii) business identification or building identification signs consisting of any combination of the following:

1. not more than 1 wall sign, not exceeding 2 m² in sign area, adjacent to each exterior yard;

2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 4 m² per sign face or 8 m² in total, located not closer than 3 m to any lot line; and

3. not more than 2 unlit wall signs identifying an agricultural use and painted directly on a building; and

(iii) not more than 1 advertising ground sign having not more than 1 sign face and a total sign area not exceeding 60 m², provided that:

1. such sign is located adjacent to a section of arterial road which:

- is either straight or has a maximum curve of 1 degree 30 minutes; and

- has a grade not exceeding 4%,

in such a way that such sign faces oncoming traffic and is fully visible from the said arterial road at a distance of at least 75 m;

2. no part of such sign is located in a required yard or closer to a street line than:

- 80 m, where the sign area of such sign exceeds 30 m²;

- 50 m, where the sign area of such sign does not exceed 30 m²; or

- 23 m, where the sign area of such sign does not exceed 12 m² and the sign face measures not more than 3 m vertically and 4 m horizontally;

3. no such sign is located:

   - closer than 90 m to the corner point of a corner lot;

   - closer than 60 m to a Residential Zone; or

   - closer than 300 m, in any direction, to an advertising sign previously established; and

4. no such sign contains more than 1 separate and distinct sign display.

SECTION 5 A ZONE - AGRICULTURAL RESERVE

(1) SCOPE

The provisions of this Section shall apply in all Agricultural Reserve (A) Zones in addition to the General Provisions set out in Part II hereof, except as otherwise provided in Part VII hereof.

(2) USES PERMITTED

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

(i) an agricultural use;
(ii) an animal hospital or shelter;
(iii) a commercial kennel;
(iv) a forestry use;
(v) a garden nursery;
(vi) a public use;
(vii) a public utility;
(viii) a veterinarian's clinic;
(ix) a single detached dwelling or a mobile home dwelling mounted on a permanent foundation;
(x) any use permitted in all zones under Section 17 of Part II hereof.

(3) ZONE REQUIREMENTS

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

(a) LOT AREA (MINIMUM)

(i)	single dwellings other than accessory dwellings	- 0.4 ha minimum.
(ii)	other uses	- 30 ha minimum.

(b) LOT FRONTAGE (MINIMUM) - 60 m

(c) LOT DEPTH (MINIMUM) - 60 m

(d) FRONT YARD DEPTH (MINIMUM) - 10 m

(e) CORNER SIDE YARD WIDTH (MINIMUM)

(i) legal existing lots having an area of 0.4 ha or less - 3 m
(ii) other lots - 10 m

(f) INTERIOR SIDE YARD WIDTH (MINIMUM)

(i) legal existing lots having an area of 0.4 ha or less - 3 m
(ii) other lots - l0 m

(g) REAR YARD DEPTH (MINIMUM) - 10 m

(h) LOT COVERAGE (MAXIMUM)

- 10%, except that this provision shall not apply with respect to any greenhouse constructed primarily of translucent materials and used solely for growing plants in conjunction with an agricultural use or a garden nursery.

(i) BUILDING HEIGHT (MAXIMUM)

(i) residential uses - 8 m
(ii) other uses - 21 m

(j) MAIN BUILDINGS PER LOT (MAXIMUM)

(i) residential uses - 1 only
(ii) other uses - no maximum

(k) BUILDING SEPARATION (MINIMUM) - 2 m

(l) OPEN STORAGE AREAS

Open storage areas shall be permitted in any yard, other than a required yard, in an A zone.

(m) SPECIAL RESTRICTIONS NEAR RESIDENTIAL LOTS AND ZONES

No air strip or feed lot directly associated with an agricultural use nor any non-residential building or structure directly associated with an intensive agricultural use or commercial kennel or with the cutting or sawing of timber, shall hereafter be established or erected closer than 300 metres to a residential building or Residential Zone, nor shall any residential building hereafter be established as a main use in an A Zone within 300 metres of any such building, structure, air strip or feed lot previously established in an Open Space Zone.

(n) PARKING SPACE REQUIREMENTS - No minimum

(o) PERMITTED SIGNS

The following unlit or illuminated signs shall be permitted on any lot in an A Zone:

(i) not more than 1 name plate ground or wall sign accessory to a dwelling, provided that:

1. no such sign has more than 2 sign faces;

2. the total sign area of any such sign does not exceed 0.2 m² per sign face; and

3. the height of any ground sign does not exceed 1.5 m;

(ii) business identification or building identification signs consisting of any combination of the following:

1. not more than 1 wall sign, not exceeding 2 m² in sign area, adjacent to each exterior yard;

2. not more than 1 ground sign in each exterior yard, each such sign having a sign area not exceeding 4 m² per sign face or 8 m² in total, located not closer than 3 m to any lot line; and

3. not more than 2 unlit wall signs identifying an agricultural use and painted directly on a building; and

(iii) not more than 1 advertising ground sign having not more than 1 sign face and a total sign area not exceeding 60 m², provided that:

1. such sign is located adjacent to a section of arterial road which:

- is either straight or has a maximum curve of 1 degree 30 minutes; and
- has a grade not exceeding 4%,

in such a way that such sign faces oncoming traffic and is fully visible from the said arterial road at a distance of not less than 75 m;

2. no part of such sign is located in a required yard or closer to

a street line than:

- 80 m, where the sign area of such sign exceeds 30 m²;

- 50 m, where the sign area of such sign does not exceed 30 m²; or

- 23 m, where the sign area of such sign does not exceed 12 m² and the sign face measures not more than 3 m vertically and 4 m horizontally;

3. no such sign is located:

   - closer than 90 m to the corner point of a corner lot;

   - closer than 60 m to a Residential Zone; or

   - closer than 300 m, in any direction, to an advertising sign previously established;

4. no such sign contains more than 1 separate and distinct sign display.

PART VII: SPECIAL ZONES

SECTION 1 INTRODUCTION

(1) SCOPE OF SPECIAL ZONE PROVISIONS

Wherever a zone symbol on the Zone Maps is followed by a dash and a number, the lands so designated shall be subject to, and used in accordance with, all the provisions of this By-law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in this Part.

SECTION 2 SPECIAL RESIDENTIAL ZONES

(1) SPECIAL SINGLE RESIDENTIAL ZONES - RI

(2) SPECIAL DOUBLE RESIDENTIAL ZONES - R2

(3) SPECIAL MEDIUM DENSITY RESIDENTIAL ZONES - R3

(a) R3.D90-1 (FIVE UNIT BUILDING)
Capreol Map 18

Notwithstanding any other provision of this by-law to the contrary, within any area designated R3.D90-1 on the Zone Maps the following special provisions shall apply:

(i) Uses Permitted

1. a five unit apartment building
2. any use permitted in all zones under Section 17 of Part II

(ii) Special Requirements

1. Notwithstanding Subsection (3) of Section 3 of Part III, the existing building, lot size and building location are permitted and a minimum of five parking spaces shall be provided.

(4) (reserved for future use)

(5) (reserved for future use)

(6) (reserved for future use)

(7) SPECIAL SEASONAL RESIDENTIAL ZONES - R7

(a) R7.D0.9-1 (SEASONAL RESIDENTIAL WITH LARGE LOTS)
Hutton Township Map 9

Within any area designated R7.D0.9-1 on the Zone Maps, all provisions of this by-law applicable to R7 Zones shall apply subject to the following modification:

(1) Notwithstanding Paragraph (c) of Subsection (3) of Section 7 of Part III, the minimum water frontage shall be as indicated for each Part in Plan 53R-14736.

(8) SPECIAL MOBILE HOME RESIDENTIAL ZONES - R8

(1) SPECIAL LOCAL COMMERCIAL ZONES - Cl

(2) SPECIAL GENERAL COMMERCIAL ZONES - C2

(a) C2-1 (PUBLIC ELECTRICITY UTILITY)

Within any area designated C2-1 on the Zone Maps, all provisions of this by-law applicable to C2 Zones shall apply subject to the following modifications:

(1) Notwithstanding Subsection (2), Section 2, Part IV, the only permitted use shall be a public electrical utility and its related accessory uses.

(2) Notwithstanding Subsection (3), Section 2, Part IV, the minimum yard depth from the easterly lot line of Parcels 6583 and 21605 Sudbury East Section shall be 0.6 metres.

(3) Notwithstanding Paragraph (f), Subsection (3), Section 2, Part IV, the minimum interior side yard shall be 1.2 metres where the interior side lot line abuts a residential lot or Residential Zone, and no minimum in any other case.

(4) Notwithstanding Paragraph (o), Subsection (3), Section 2, Part IV, a minimum of four (4) parking spaces shall be provided.

(5) Notwithstanding Subsection (1), Section 6, Part II, a planting strip shall not be required.

(6) Notwithstanding Clause (ii), Subsection (5), Section 10, Part II, the location of required parking spaces shall not be restricted.

(b) C2-2 2 DWELLING UNITS
Capreol Township Map 18

Notwithstanding any other provision hereof to the contrary, within any area designated C2-2 on the Zone Maps, all provisions of this by-law applicable to C2 Zones shall apply subject to the following modifications:

(i) The only permitted use shall be two dwelling units on the main floor; and,

(ii) Vehicular access to Lot 104 and part of Lot 103 shall not be permitted directly from Young Street.

(3) (reserved for future use)

(4) (reserved for future use)

(5) SPECIAL SHOPPING CENTRE COMMERCIAL ZONES - C5

(6) SPECIAL HIGHWAY COMMERCIAL ZONES - C6

(a) C6-1 (BOWLING FACILITY AND THREE APARTMENTS)
Capreol Township Map 18

Within any area designated C6-1 on the Zone Maps, all provisions of this By-law applicable to C6 Zones shall apply subject to the following modifications:

(1) Notwithstanding Part IV, Section 6(2), in addition to the uses permitted in the C6 Zone, three dwelling units shall be permitted.

(2) Notwithstanding Part IV, Section 6(3)(d)(e) and (g), the existing building, as located is permitted.

(b) C6-2 (RETAIL STORE, HAIRDRESSER, LAUNDROMAT, 2 APARTMENTS)
Capreol Township Map 18

Within any area designated C6-2 on the Zone Maps, all provisions of this by-law applicable to C6 zones shall apply subject to the following modifications:

(1) Notwithstanding Part IV, Section 6, Subsection (2) the following shall be included as permitted uses, "a laundromat, offices, retail uses and two apartments".

(2) Notwithstanding Section 6, Subsection (3) (b) the minimum lot frontage shall be 39 m.

(c) C6-3 (PRIVATE CLUB)
Capreol Township Map 18

Within any area designated C6-3 on the Zone Maps, all provisions of this by-law applicable to C6 Zones shall apply subject to the following modification:

(1) Notwithstanding Part IV, Section 6(2), in addition to the uses permitted in the C6 Zone, a private club shall be permitted.

(d) C6-4 (U-BREW MICROBREWERY AS ADDED USE)
Capreol Township Map 18

Within any area designated C6-4 on the Zone Maps, all provisions of this by-law applicable to C6 Zones shall apply subject to the following

modification:

(1) In addition to those uses permitted under Subsection 6(2) of Part IV a "brew-your-own microbrewery" and related accessory uses shall be permitted.

(7) SPECIAL RESORT COMMERCIAL ZONES - C7

SECTION 4 SPECIAL INDUSTRIAL ZONES

(1) SPECIAL MIXED LIGHT INDUSTRIAL/SERVICE COMMERCIAL ZONES -MI

(a) M2-1 (LIGHT INDUSTRIAL AND SERVICE COMMERCIAL) Capreol Township Map 18

Within any area designated M2-1 on the Zone Maps, all provisions of this by-law applicable to M2 Zones shall apply subject to the following modifications:

(1) In addition to the uses permitted under Part V, Section 2(2) the uses listed under Part V, Section 1(2) shall also be permitted.

(2) In addition to the parking space requirements of Part V, Section 2(3)(n) the provisions of Part V, Section 1(3)(n)(ii), (v) and (vi) shall also apply.

(3) In addition to the open storage requirements of Part V, Section 2(3)(m) the provisions of Part V, Section 1(3)(m)(i) shall also apply.

(4) Notwithstanding Part V, Section 2(3)(b) the minimum lot frontage for a lot having access from an arterial road shall be 30 m.

(5) Notwithstanding Part V, Section 2(3)(g) the minimum rear yard depth shall be 30 m.

(2) SPECIAL LIGHT INDUSTRIAL ZONES - M2

(3) SPECIAL HEAVY INDUSTRIAL ZONES - M3

(4) SPECIAL MINING INDUSTRIAL ZONES - M4

(5) SPECIAL EXTRACTIVE INDUSTRIAL ZONES - M5

(6) SPECIAL SALVAGE AND WASTE INDUSTRIAL ZONES - M6

SECTION 5 SPECIAL INSTITUTIONAL AND OPEN SPACE ZONES

(1) SPECIAL INSTITUTIONAL ZONES - I

(a) I-1 (ADDITIONAL USES)
Capreol Township Map 18

Within any area designated I-1 on the Zone Maps, all provisions of this by-law applicable to I Zones shall apply subject to the following modifications:

1. In addition to institutional uses, the following shall be permitted:

   A public park, a commercial recreation centre, a rooming house, a trade school, a day nursery, an office.

(2) SPECIAL PUBLIC PARK ZONES - P

(a) P-1 (PUBLIC PARK AND ADDITIONAL USES)**Amended 2000-147Z**
Capreol Township Map 18

Within any area designated P-1 on the Zone Maps, all provisions of this by-law applicable to P Zones shall apply subject to the following modification:

1. In addition to public park uses the following shall be permitted within the existing arena building:

   An institutional use, a commercial recreation centre, a trade school, a commercial school, a day nursery, an auditorium, an office, **a clothing manufacturer**.

(3) SPECIAL OUTDOOR RECREATION ZONES - OR

(4) SPECIAL RURAL ZONES - RU

(a) RU-1 (17 SINGLE DETACHED DWELLINGS & ONE MOBILE HOME)
Capreol Township Map 18

Within any area designated RU-1 on the Zone Maps, all provisions of this By-law applicable to RU zones shall apply subject to the following modifications:

(i) Notwithstanding Part VI, Section 4, Subsection (2), the only permitted uses shall be sixteen (16) existing single detached dwellings and one existing mobile home dwelling and their related accessory uses which shall include home occupations.

(ii) Clause (i) of this paragraph (a) shall not prevent the repair or strengthening to a safe condition or the rebuilding of an existing building, provided that the dimensions or use of the original building or structure, or any yards appurtenant thereto, are not altered in any way except in conformity with requirements of the RU-1 Zone.

(5) SPECIAL AGRICULTURAL RESERVE ZONES - A

BY-LAW 83-301

LIST OF SPECIAL ZONES

SPECIAL ZONE	BY-LAW NO.	LOCATION	EXPLANATION
R3.D90-1	85-50	Capreol Map 18	5 unit apt. bldg.
C6-1	87-181	Capreol Map 18	Bowling facility & 3 apartments
M2-1	91-241	Capreol Map 18	Light Industrial & Service Commercial
C6-2	91-327	Capreol Map 18	Retail store, hairdresser, laundromat, 2 apts.
C6-3	92-312	Capreol Map 18	Private Club
C6-4	93-210	Capreol Map 18	U-Brew Microbrewery
R7.D0.9-1	94-24	Hutton Map 9	Seasonal Resd'l with large lots
C2-1	96-134Z	Capreol Map 18	Public electricity utility
RU-1	96-188Z	Capreol Map 18	17 single detached dwellings & one mobile home
I-1	99-190Z (99-234Z - corrects typo in 99-190Z)	Capreol Map 18	Additional Uses
P-1	99-191Z Amended by 2000-147Z	Capreol Map 18	Public Park and Additional Uses
C2-2	2007-62Z	Capreol Map 18	2 dwelling units

PART VIII: ADMINISTRATION AND APPROVAL

SECTION 1 ADMINISTRATION

(1) ADMINISTRATION AND ENFORCEMENT

(a) ADMINISTRATION

This By-law shall be administered by the Chief Building Official.

(b) ENFORCEMENT

This By-law shall be enforced by the By-Law Enforcement Officer.

(2) ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the Building By-law or any other by-law of the Region to the contrary, no building permit shall be issued where a proposed building or structure, or an alteration to an existing building or structure, would contravene in any way one or more of the provisions hereof or result in the establishment of a use in contravention hereof, and any application for a building permit shall be accompanied by all information necessary to determine full compliance herewith and by any Conservation Authority, Health Unit or other approvals required hereby.

(3) INSPECTION

(a) AUTHORIZATION FOR INSPECTION

Subject to Paragraph (b) of this Subsection, where the Chief Building Official or any other officer of the Region, acting by authority of Council, believes on reasonable grounds that any provision or requirement of this By-law is being contravened, the said officer or any person acting under his instructions is hereby authorized to enter and inspect, at all reasonable hours and upon producing proper identification, any property on or in respect of which the said officer believes the contravention is occurring.

(b) ENTRY OF DWELLING UNITS

Notwithstanding Paragraph (a) of this Subsection, no officer of the Region nor any person acting under his instructions shall enter any dwelling unit 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 issued under Section 142 of The Provincial Offences Act, R.S.O. 1980, Chapter 400.

(4) PENALTIES

(a) FINES

Every person who contravenes any provision or requirement 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 $20,000; and

(ii) on a subsequent conviction, to a fine of not more than $10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted,

except where a greater penalty is provided under The Planning Act, R.S.O. 1980, Chapter 379.

(b) REPEAT OFFENCES

Where a conviction is entered under Paragraph (a) of this Subsection, in addition to any other remedy or any penalty provided 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 convicted.

(5) VALIDITY

If any section or provision of this By-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part hereof, other than the section or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections and provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more sections or provisions hereof shall have been declared to be invalid.

(6) EXISTING BY-LAWS REPEALED

The following By-laws and amendments thereto, are hereby repealed insofar as they apply to the zoned area:

(i) By-law 76-327 of the Regional Municipality of Sudbury, as it applies to the Town of Capreol.

SECTION 2 APPROVAL

This By-Law shall come into force and take effect on the date of final passing hereof, subject to receiving the approval of the Ontario Municipal Board where required under Section 34 of The Planning Act, S.O. 1983.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL this llth day of July, 1984.

"T. DAVIES"
CHAIRMAN

"G. SKIRDA

DEPUTY CLERK