

**TAY VALLEY TOWNSHIP**  
**ZONING BY-LAW NO. 02-121**

**Adopted by Council on December 10, 2002**  
**OFFICE CONSOLIDATION DECEMBER 31, 2008**

**TAY VALLEY TOWNSHIP**  
**217 Harper Road, R.R. No. 4**  
**Perth, Ontario K7H 3C6**  
**tel: (613) 267-5353**  
**fax: (613) 264-8516**  
**[www.tayvalleytp.ca](http://www.tayvalleytp.ca)**

*Prepared by:*  
**NOVATECH ENGINEERING CONSULTANTS LTD.**  
**Consulting Engineers and Planners**  
**Suite 200, 240 Michael Cowpland Drive**  
**Ottawa, Ontario K2M 1P6**  
**tel: (613) 254-9643**  
**fax: (613) 254-5867**  
**[www.novatech-eng.com](http://www.novatech-eng.com)**



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**IMPORTANT NOTICE**

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This document is an office consolidation of the Township's Comprehensive Zoning By-law No. 02-121, as amended, and has been prepared for ease of reference. While every attempt has been made to ensure the accuracy of this consolidation, in the event of a discrepancy between it and Zoning By-law No. 02-121 and amendments thereto, the original by-laws shall prevail.

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**THE CORPORATION OF  
TAY VALLEY TOWNSHIP**

**BY-LAW NO. 02-121**

**A by-law to regulate the use of lands and the character,  
location and the use of buildings and structures in Tay Valley Township**

**WHEREAS** the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, provides that the council of a municipal corporation may pass by-laws to regulate the use of land and the character, location, density, size and use of buildings and structures;

**NOW THEREFORE**, the Council of the Corporation of Tay Valley Township enacts as follows:



**THE CORPORATION OF  
TAY VALLEY TOWNSHIP**

**BY-LAW NO. 02-121**

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**SCHEDULES**

- A1 - Bathurst Ward
- A2 - Burgess Ward
- A3 - Sherbrooke Ward



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## SECTION 1 – APPLICATION & INTERPRETATION

### 1.1 Title of By-law

This By-law may be cited as the “Zoning By-law” of Tay Valley Township.

### 1.2 Scope of By-law

1. The provisions of this By-law shall apply to all lands within the geographic limits of the Corporation of Tay Valley Township, as shown on Schedules A1, A2 and A3 attached hereto.
2. No building or structure shall hereafter be erected, altered or enlarged, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.
3. Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, provided that it continues to be used for such purpose.
4. Nothing in this By-law shall prevent the erection of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law, provided that:
  - When the building or structure is erected, it continues to be used for the purpose for which the building permit was issued; and
  - The building or structure is commenced within six (6) months of the date of the passing of this By-law and is completed within a reasonable time of the commencement.
5. This By-law shall not be effective to reduce or mitigate any restrictions imposed by a governmental authority having jurisdiction to make such restrictions.
6. All references to Provincial Acts or Regulations shall refer to the current Act or Regulation. All references to the *Planning Act* shall refer to the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended.

### 1.3 Interpretation of By-law

1. In this By-law, unless the context requires otherwise, words used in the singular shall include the plural and words used in the plural shall include the singular.
2. In this By-law, the word “shall” is mandatory and “may” is permissive.
3. In this By-law, unless the context requires otherwise, the word “used” shall include

“designed to be used” and “arranged to be used”, and the word “occupied” shall include “designed to be occupied” and “arranged to be occupied”.

#### 1.4 **Schedules to By-law**

The following schedules which are attached hereto are hereby incorporated into and are declared to form part of this By-law to the same extent as if fully described herein:

- Schedule A1 – Bathurst Ward
- Schedule A2 – Burgess Ward
- Schedule A3 – Sherbrooke Ward

#### 1.5 **Zoning Administrator**

This By-law shall be administered by the Zoning Administrator.

#### 1.6 **Issuance of Building Permits, Certificates and Licenses**

1. Notwithstanding any provisions of the Building By-law or any other by-law of the Corporation to the contrary, no building permit, certificate or license shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law.
2. Notwithstanding the generality of (1) above, where the approval of another agency or authority is required, this shall mean that the approval of such shall be obtained by the applicant and submitted to the Zoning Administrator at such time as an application is made for a building permit.

#### 1.7 **Certificate of Occupancy**

No change shall be made in the type of use of land, buildings or structures within any zone without first obtaining a Certificate of Occupancy from the Corporation, pursuant to the Township’s Occupancy Permit By-law.

#### 1.8 **Request for Amendment to Zoning By-law**

Every request for an amendment to this Zoning By-law shall be accompanied by the Corporation's “Application for an Amendment to Zoning By-law”.

#### 1.9 **Inspection**

The Zoning Administrator, the Chief Building Official or any other officer or employee of the Corporation acting under the direction of Council is hereby authorized to enter at all reasonable hours upon any property or premises for the purpose of carrying out his duties under this By-law. Notwithstanding the foregoing, a dwelling unit shall not be entered without the consent of the occupant except under the authority of a search warrant.

### 1.10 **Violations and Penalties**

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine in accordance with the provisions of the *Planning Act* and every penalty shall be recoverable under the *Provincial Offences Act*.

### 1.11 **Remedies**

Where any building or structure is to be erected or altered, or any part thereof is to be used, or any lot is to be used, in contravention of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Planning Act* or the *Municipal Act*.

### 1.12 **Validity**

If any section, clause or provision of this By-law, including anything contained in Schedules A1, A2 and A3 attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision(s) so declared to be invalid. It is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

### 1.13 **Typographical Corrections**

No amendment to this By-law shall be required in order for the Corporation to make typographical corrections such as spelling, punctuation and section numbering changes where, in the opinion of the Corporation, such corrections do not affect the intent of the By-law.

### 1.14 **Existing By-laws**

All other by-laws of the Corporation enacted pursuant to Section 34 or predecessors thereof of the *Planning Act* are hereby repealed and, without limiting the generality of the foregoing, existing by-laws that are repealed include:

- By-law No. 88-22 of the former Township of South Sherbrooke;
- By-law No. 90-03 of the former Township of Bathurst;
- By-law No. 94-24 of the former Township of North Burgess; and
- All by-laws of the former Township of South Sherbrooke, former Township of Bathurst, former Township of North Burgess and Township of Bathurst Burgess Sherbrooke which amend the foregoing by-laws.

## SECTION 2 - DEFINITIONS

For the purpose of this by-law, the definitions and interpretations in this section shall govern.

**ACCESSORY** shall mean a use, building or structure which is incidental, subordinate and exclusively devoted to a main use and located on the same lot therewith.

**AGGREGATE PROCESSING OPERATION** shall mean a facility that processes material derived from a pit or quarry and shall include activities such as screening, washing, crushing and associated storage of raw or processed material.

**AGRICULTURAL USE** shall mean the use of land, buildings or structures for:

- Growing crops, including the storage and sale of crops produced;
- Raising, breeding, boarding, training, keeping and sale of livestock, including the raising and sale of fish;
- Collection, production, storage and sale of animal products such as milk, eggs, wool, fur or honey;
- Greenhouse or nursery garden, including storage and sale of products produced;
- Planting, harvesting and sale of forest products;
- Use and storage of all equipment related to the foregoing activities, including a portable sawmill.

Agricultural use shall not include commercial or industrial activities such as abattoirs, tanneries, kennels or manufacturing activities involving crops, animal products or wood products.

**AGRICULTURAL PRODUCTS PROCESSING FACILITY** shall mean an establishment engaged in the storage, grading, processing and wholesale distribution of agricultural products such as meat, fish, poultry, eggs and dairy, vegetable, fruit, honey, wool, fur and wood products.

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

**ANTIQUÉ SHOP** shall mean a retail store offering antiques, second hand goods and used collectable items.

**ASPHALT PLANT** shall mean a facility designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process.

- **PORTABLE ASPHALT PLANT** shall mean an asphalt plant which is not of permanent

construction, but which is to be dismantled at the completion of the construction project.

**ATTACHED**, when used in reference to the relationship of a deck, porch or stairs to a main building or structure, shall include any deck, porch or stairs that is unattached but is situated within 1 m of the main building or structure.

**AUTOMOBILE BODY SHOP** shall mean a building or part of a building used for the painting or repairing of automobile bodies and chassis, provided that all activities shall be undertaken within an enclosed building, and provided further that it shall not include a salvage yard.

**AUTOMOBILE SERVICE STATION** shall mean a building or place where automotive fuels, lubricants or parts are kept for sale and/or where mechanical repairs to vehicles are performed and/or where vehicles are washed or cleaned, but it shall not include a salvage yard.

**BANK** shall mean an establishment where money is deposited, kept, lent or exchanged or where other retail financial services are provided and includes a chartered bank, trust company or similar financial institution.

**BASEMENT** shall mean that portion of the building between two floor levels which is partly underground but, which has at least one-half (1/2) of its height from finished floor to finished ceiling above adjacent finished grade as approved.

**BED AND BREAKFAST** shall mean a business conducted in a detached dwelling in which the resident owner supplies for financial gain a maximum of three guest bedrooms for the purpose of providing temporary lodging on a daily basis to the travelling public.

**BOARDING HOUSE** shall mean a dwelling in which the proprietor supplies for financial gain, lodging with or without meals, but it does not include a bed and breakfast, hotel, hospital, foster home, home for the aged or other establishment otherwise classified or defined in this By-law.

**BOATHOUSE** shall mean an accessory building or structure that is intended to shelter, house or protect a boat or other watercraft and which is located such that more than 50% of the building or structure is situated beyond the high water mark over the bed of the water body.

**BUILDING** shall mean any structure consisting of walls or columns and a roof which is used for the shelter, accommodation or enclosure of persons, animals or chattels.

- **ACCESSORY BUILDING** shall mean a building customarily incidental and subordinate to the main building and located on the same lot with such main building and not used for human habitation.
- **MAIN BUILDING** shall mean a building serving the principal or primary uses for which the lots was purchased, leased or rented.
- **TEMPORARY BUILDING** shall mean a building or structure intended for removal or demolition within a prescribed time as set out in a building permit.

**BUILDING LINE** shall mean a line within a lot drawn parallel to a lot line and establishing the minimum distance between that lot line and any building or structure which may be erected.

**BUILDING SUPPLY CENTRE** shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items.

**CARPORT** shall mean an attached or detached structure which is accessory to a dwelling and which is covered but open on at least two sides and used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy.

**CELLAR** shall mean that portion of a building between two floor levels, which is partly underground and which has more than one-half (1/2) of its height from finished floor to finished ceiling below finished grade.

**CEMETERY** shall mean land used as a place of interment for the dead within the meaning of the *Cemeteries Act*.

**CHIEF BUILDING OFFICIAL** shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building by-law of the Corporation.

**CLINIC** shall mean a building or part thereof where health services are provided to the public in the form of medical, paramedical, dental, surgical, physiotherapeutic or other human health services including associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products, and optical equipment.

**COMMERCIAL PARKING LOT** shall mean the use of a vacant lot for parking as the principal or main use.

**COMMUNITY SERVICE** shall mean the use of land, buildings or structures by a not-for-profit, non-commercial body or society such as a service club or charitable organization for promoting athletic, cultural, educational, health, recreational, social, philanthropic or other similar objectives.

**CONCRETE PLANT** shall mean a facility which produces concrete for immediate use in the construction of buildings, structures, roadways, curbs, sidewalks and similar applications. It shall also include a facility which manufactures finished concrete products.

**CONSERVATION USE** shall mean the preservation, improvement and enhancement of natural resources or the natural environment.

**CONTRACTOR'S YARD** shall mean a yard where materials, equipment and vehicles are stored in association with any building trade or contractor such as excavators, road builders, roofers, landscapers, snow removal and similar contractors, but shall not include a salvage yard.

**CORPORATION** shall mean the Corporation of Tay Valley Township.

**COUNCIL** shall mean the Council of the Corporation of Tay Valley Township.

**CUSTOM WORKSHOP** shall mean a business in which an artist or craftsperson produces and sells goods such as jewellery, leatherwork, wood crafts, metal crafts or pottery, or fine art such as paintings and sculptures, in small quantity or on a custom order basis. A custom workshop does not include any establishment where mass production of goods is carried on nor any shop or factory otherwise defined in this by-law.

**DAY NURSERY** shall mean a day care facility licensed under the *Day Nurseries Act*.

**DWELLING** shall mean a building occupied or capable of being occupied as the home or the residence of one or more persons. This definition shall not include any vehicle defined herein.

- **ACCESSORY DWELLING** shall mean a single dwelling which is accessory to a permitted non-residential building which is located on the same lot therewith and is occupied either by the family of the owner or by the family of a person employed on the lot where such dwelling is located.
- **DUPLEX DWELLING** shall mean a dwelling which is divided horizontally into two dwelling units.
- **MULTIPLE DWELLING** shall mean a dwelling which contains three or more dwelling units.
- **SEASONAL DWELLING** shall mean a dwelling which contains one dwelling unit and which is used for vacation, recreation, rest and relaxation purposes from time to time, but which is not occupied or used as a year-round, permanent home or residence.
- **SEMI-DETACHED DWELLING** shall mean a dwelling which is divided vertically into two dwelling units.
- **SINGLE DWELLING** shall mean a dwelling which contains only one dwelling unit.

**DWELLING UNIT** shall mean one or more habitable rooms designed for use and occupied by persons in which separate kitchen and sanitary facilities are provided for the exclusive use of such persons with an independent entrance from outside the building or from a common hallway or stairway inside the building.

- **ACCESSORY DWELLING UNIT** shall mean a dwelling unit which is part of and accessory to a permitted non-residential building and which is occupied by the family of the owner of such non-residential building or by the family of a person employed on the lot where such dwelling unit is located.

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

**ERECT** shall mean build, construct, reconstruct or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling, or draining or any altering of an existing building by an addition, extension or other structural change or the doing of any work for which a building permit is required under the building by-laws of the Corporation. The words “erected” and “erection” shall have a corresponding meaning.

**EXISTING** shall mean existing as of the date of passing of this By-law.

**FLOOD LINE** shall mean the line showing the limit of the 1:100 year flood level as established by flood plain mapping of the relevant Conservation Authority.

**FLOOD PLAIN** shall mean the area below the 1:100 year flood line.

**FLOOR AREA** shall mean:

- For a dwelling or dwelling unit, the total area of the storeys contained within the exterior walls of the dwelling or dwelling unit, exclusive of any garage, carport, porch, veranda, unfinished attic, unfinished basement or unfinished cellar where such basement or cellar has a height of less than 2.1 m measured between its floor surface and the underside of the joists of the storey above it;
- For a building other than a dwelling or dwelling unit, the total area of all floors contained within the outside walls of the building.

**FLOOR SPACE INDEX** shall mean the ratio of the floor area of a dwelling to the area of the lot on which the dwelling is situated, expressed as a percentage.

**FUEL STORAGE FACILITY** shall mean an establishment primarily engaged in the bulk storage and distribution of petroleum, gasoline, fuel oil, gas or other similar products in fuel storage tanks.

**GARDEN CENTRE** shall mean an establishment primarily used for the retail sale of gardening equipment, products and planting materials, including greenhouses for the cultivation of such materials.

**GARDEN SUITE** shall mean a portable detached residential unit for the use of an elderly member of the family occupying a detached dwelling on the same lot and for which a temporary use by-law has been adopted, pursuant to the provisions of the *Planning Act*.

**GOLF COURSE** shall mean a public or private area operated for the purpose of playing golf and includes a driving range and accessory uses such as a club house, a putting green and similar uses.

**GRADE** shall mean the median elevation between the highest and lowest points of the finished surface of the ground (measured at the base of the building or structure), but exclusive of any embankment in lieu of steps.

**GROUP HOME** shall mean a single dwelling which is occupied by 3 to 10 unrelated residents who, by reason of their emotional, mental, social or physical condition or legal status, require a supervised family living arrangement for their well-being. A group home may be occupied as the residence by

the staff or receiving family. A group home does not include foster homes, boarding houses or other uses defined herein.

**HEAVY EQUIPMENT SALES OR RENTAL ESTABLISHMENT** shall mean an establishment having as its main use the storage of heavy trucks and/or excavation or construction equipment for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such heavy equipment.

**HEIGHT**, when used with reference to a building, shall mean the vertical distance between grade and:

- The highest point of the roof surface on a flat roof;
- The deck line on a mansard roof;
- The mean level between the eaves and ridge of a gable, hip or gambrel roof.

**HIGH WATER MARK** shall mean the mark made on the shore or bank of a water body through the natural action of water, which action has continued over such a long period of time that it has created a difference between the character of the vegetation or soil below the mark and that above the mark.

**HOME-BASED BUSINESS** shall mean an occupation, trade, business, profession or craft conducted as an accessory use to the use of a dwelling by the dwelling occupant(s) and includes the following:

- Instruction of students;
- Respite care or day care, provided that no residential accommodation is provided;
- Occupations in the areas of a personal service, a service outlet or a tradesperson's establishment, all as defined in this By-law;
- Office for conducting a business or profession;
- Studio of an artist, artisan or craftsperson.

**INDUSTRIAL USES** shall refer to lands, buildings, or structures used in conjunction with any process carried on in the course of trade or business for or incidental to any of the following purposes:

- The making of any article of any description, or part of any article;
- The altering, repairing, ornamenting, furnishing, cleaning, washing, packing, canning, refurbishing or adapting for sale, or breaking up or demolition of any article;
- The obtaining, dressing, or treating of minerals or aggregates.

**KENNEL** shall mean a building or structure where animals other than livestock are bred, boarded or trained for financial compensation.

**LANE** shall mean a driveway providing access from within a property to a public street.

**LIVESTOCK FACILITIES** shall mean livestock and poultry barns, buildings or structures where

agricultural animals are housed and shall include feed lots and associated manure storage.

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

**LOT** shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

- **CORNER LOT** shall mean a lot situated at the intersection of two streets, of which two adjacent sides that abut the intersecting streets contain an angle of not more than 135 degrees.
- **INTERIOR LOT** shall mean a lot situated between adjacent lots and which has frontage on one street.
- **THROUGH LOT** shall mean a lot bounded on two opposite sides by streets, provided that if any lot qualifies as being both a corner lot and a through lot, the lot shall be deemed a corner lot for the purposes of this By-law.
- **WATERFRONT LOT** shall mean a lot which has no street access, but has water access on a shoreline.

**LOT AREA** shall mean the total horizontal area within the lot lines of a lot.

**LOT COVERAGE** shall mean that portion of the area of a lot covered by all buildings and structures, exclusive of automobile service station pump island canopies, entrance canopies, balconies and overhanging eaves which are more than 2.5 m above finished grade.

**LOT FRONTAGE** shall mean the width of a lot measured between the intersections of the side lot lines with a line that is continuously 6 m back from and parallel to the front lot line.

**LOT LINE** shall mean any boundary of a lot or the vertical projection thereof.

- **FRONT LOT LINE** shall mean the following:
  - In the case of an interior lot, the line dividing the lot from the street;
  - In the case of a corner lot or through lot, the shorter lot line abutting a street, or where access is gained to the lot regardless of the length of the line.
  - In the case of a waterfront lot, the high water mark shall be deemed to be the front lot line.
- **REAR LOT LINE** shall mean in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than 4 lot lines, there shall be no rear lot line.
- **SIDE LOT LINE** shall mean a lot line other than a front or rear lot line.

**MARINA** shall mean an establishment or premises containing facilities and located on a water body where boats and boat accessories are berthed, stored, serviced, repaired, maintained or kept for sale or rent and where facilities for marine fuels and lubricants are provided.

**MARINE FACILITY** shall mean an accessory building or structure which is used to place a boat in or out of a water body, or to moor, berth or store a boat. This definition shall include a boat launching ramp or equipment, boat lift, dock, slip and boathouse, but shall not include any building used for human habitation, any building that is not a boathouse as defined in this By-law, or any boat repair, service or sales facility.

**MOBILE HOME** shall mean a prefabricated building which bears a CSA Z240 approval and which is designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), designed and equipped for year round occupancy and containing therein facilities for cooking or for the installation of cooking equipment, as well as sanitary facilities including a flush toilet and shower or bathtub. This definition shall not include a travel trailer or tent trailer or trailer otherwise defined in this By-law.

**MOBILE HOME SITE** shall mean a portion of a mobile home park designed to accommodate one mobile home.

**MOBILE HOME PARK** shall mean land which has been provided and designed for the location of two or more occupied mobile homes.

**NON-COMPLYING** when applied to a use, building or structure shall mean a use, building or structure which is listed as a permitted use in the zone in which it is located but which contravenes one or more of the provisions of this By-law for the zone in which it is located, as of the date of the passing of this By-law.

**NON-CONFORMING** shall mean a use, building or structure which, on the date of the passing of this By-law, is not within the list of permitted uses for the zone in which it is located.

**OPEN MARKET** shall mean a building or open air facility where individual vendors operating from stalls, booths or other defined areas offer the following for sale: Fresh fruit, vegetables and herbs, poultry, fish, meat, eggs, cheese, honey, cider, maple products, cut flowers, bedding plants, shrubs and trees, baked foodstuffs, second hand furniture and other items, handicrafts and other hand-made products.

**OPEN SPACE** shall mean unoccupied space open to the sky on the same lot with the building.

**OPEN STORAGE** shall mean the storage of goods, merchandise or equipment outside a building or structure on a lot or portion thereof, but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purposes of sales and advertisement, nor does it include the open storage of a limited quantity of operative or licensed vehicles and equipment that are normally associated with residential occupancy.

**OUTDOOR WOODBURNING FURNACE** shall mean an accessory building or structure which operates as a heat source for associated main buildings.

**PARK** shall mean an area consisting largely of open space, which may include a recreational area, playground, playing field, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, curling rinks, athletic field, picnic areas, swimming pools, day camps, community centres or other similar use, but it shall not include a mobile home park or tourist campground.

- **PUBLIC PARK** shall mean a park owned or controlled by the Corporation or by any ministry, board, commission or authority established under any statute of Ontario or Canada.
- **PRIVATE PARK** shall mean a park other than a public park.

**PARKING AREA** shall mean a lot or lots or portions thereof required in accordance with the provisions of this by-law for the temporary parking of motor vehicles and includes any related aisles, parking spaces, entrance and exit lanes, but, it shall not include any part of a public street.

**PARKING SPACE** shall mean an area for the temporary parking or storage of motor vehicles.

**PERSON** shall mean an individual, an association, a chartered organization, a firm, a partnership or a corporation.

**PERSONAL SERVICE** shall mean an establishment where a personal service related to the grooming or health of persons is provided, or where the maintenance or repair of personal wardrobe articles is performed. A personal service may include a hair stylist, an aesthetician, a tailor, a shoe repair shop, a laundromat, a dry cleaning distribution outlet or similar use.

**PIT** shall mean any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes but, it shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

- **WAYSIDE PIT** shall mean a temporary pit opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction.

**PLACE OF ASSEMBLY** shall mean a building or structure used for the operation of arts and craft shows, trade fairs, fashion shows, public meetings, banquets, community activities or events, conferences, auctions and similar activities.

**PLACE OF WORSHIP** shall mean a building dedicated to religious worship.

**PRIVATE GARAGE** shall mean an attached or detached building which is accessory to a dwelling and which is fully enclosed and designed or used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy.

**PRINTING ESTABLISHMENT** shall mean a business primarily engaged in the reproduction or duplication of printed materials and/or the production of books, newspapers and similar publications.

**PROFESSIONAL OR BUSINESS OFFICE** shall mean a building or part of a building in which any business is conducted or profession is practiced, but which does not include any establishment otherwise defined herein.

**PUBLIC USE** shall mean the use of land, buildings or structures for the supply of public services by the Corporation, the County of Lanark, the Governments of Ontario or Canada, any agencies, boards commissions or authorities thereof, and any company providing electricity, natural gas, wired or wireless communications or rail transportation.

**QUARRY** shall mean any open excavation made for the removal of consolidated rock or mineral including limestone, sandstone or shale in order to supply material for construction, industrial or manufacturing purposes.

- **WAYSIDE QUARRY** shall mean a temporary quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction.

**RECREATIONAL ESTABLISHMENT** shall mean any building or part of a building used for the purposes of a bowling alley, curling rink, skating rink, billiard parlour, health or athletic club, swimming pool, theatre or other similar use.

**RESIDENTIAL CARE HOME** shall mean a residence for the elderly which provides ancillary health and social services to the residents of the home and has communal dining and recreational facilities.

**RESTAURANT** shall mean a building or part of a building where food is prepared and offered for sale or sold to the public for consumption on or off the premises.

**RETAIL STORE** shall mean a building or part of a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and includes rental of consumer goods and storage of limited inventory on or about the store premises.

**SALVAGE YARD** shall mean a junk yard, an automobile wrecking yard or premises and premises where goods, wares, merchandise or articles are processed for further use or for the storage, keeping or abandonment of junk including scrap metals or other scrap material from the dismantling, demolition or abandonment of vehicles or machinery parts.

**SCHOOL** shall mean an educational establishment under the jurisdiction of a Board as defined in the *Education Act*.

**SELF-STORAGE FACILITY** shall mean a building which is divided into spaces which may be rented for the purpose of storing goods, wares, merchandise, equipment or materials.

**SERVICE OUTLET** shall mean an establishment where articles, goods or materials, excluding vehicles, may be repaired or serviced.

**SEWAGE DISPOSAL SYSTEM** shall mean a privy, a greywater system, a cesspool, a leaching bed system, a holding tank or any other privately-owned individual or communal system for the on-

site holding and/or treatment of sanitary sewage.

**SHORELINE** shall mean any lot line or portion thereof which is the shore of a water body.

**SIGHT TRIANGLE** shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 m from the point of intersection of the street lines, measured along the street lines. Where two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**SIGN** shall mean a name, identification, description, device, display or illustration which is affixed to a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business and which does not contravene any by-law of the Corporation.

**STOREY** shall mean that portion of a building other than a cellar, basement or attic included between the surface of any floor level and the surface of the floor, ceiling or roof above it.

**STREET** shall mean a public thoroughfare under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition does not include a lane, a private road or private right-of-way.

- **IMPROVED STREET** shall mean a street which has been assumed by the Corporation, the County or the Province and is maintained on a regular, year-round basis.

**STREET ACCESS** shall mean, when referring to a lot that such lot has a lot line or portion thereof which is also a street line.

**STREET LINE** shall mean the limit of the road or street allowance and is the dividing line between a lot and a street.

**STREET SETBACK** shall mean with reference to a street, the distance between the centreline of a street allowance and the nearest building line.

**STRUCTURE** shall mean anything constructed or erected, the use of which requires location on the ground or attached to something having its location on the ground and, without limiting the foregoing, includes a trailer or a mobile home.

**TOURIST CAMPGROUND** shall mean any parcel of land which is used to provide temporary accommodation for the public or members of an organization in tents, trailers, tourist trailers or recreational vehicles.

**TOURIST LODGING ESTABLISHMENT** shall mean an establishment which provides temporary accommodation in one or more buildings for members of the public or organizations who are vacationing or travelling and shall include a seasonal camp, a cabin, a hotel, a lodge and a motel.

- **SEASONAL CAMP** shall mean an establishment which provides meals, sleeping accommodation and recreational opportunities to individuals and groups who are under the

supervision of camp staff and shall include children's camps, church camps, scouting movement camps, YM/YWCA camps and other similar uses.

- **CABIN** shall mean an establishment designed to accommodate one or more persons in a detached or semi-detached building.
- **HOTEL** shall mean an establishment containing four or more guest rooms served by a common entrance. Accessory uses may include dining rooms, meeting rooms and similar uses.
- **LODGE** shall mean an establishment containing four or more guest rooms served by a common entrance, generally from ground level. Accessory uses may include accommodation for permanent staff, dining room, meeting rooms and similar uses.
- **MOTEL** shall mean an establishment containing four or more guest rooms each of which has a separate entrance directly from outside the building. Accessory uses may include dining rooms, meeting rooms and similar uses.

**TRADEPERSON'S ESTABLISHMENT** shall mean a building or part of a building which, in addition to or as well as serving as an office, serves as a storage facility for the materials and equipment of, and/or a workshop for the undertaking of repairs, the preparation of materials, or the production of items on a custom order basis by, one of the following tradespersons: Heating and cooling systems specialist, cabinet maker, carpenter, chimney sweep, drywaller or plasterer, electrician, exterminator, fence installer, furniture refinisher, glass installer, grounds maintenance person and landscaper, handyman, janitor, mason, painter, plumber, printer, snow plough operator, upholsterer, window cleaner and similar tradespersons whose activities are not otherwise defined in this By-law.

**TRANSPORTATION DEPOT** shall mean an establishment where more than two commercial vehicles are kept for hire, stored or parked and/or dispatched and may include accessory loading and warehouse uses and truck or bus fuelling and repair facilities.

**UNENCLOSED**, when used in relation to an attached or unattached porch, deck or other structure, shall mean open except for a roof, supporting columns, safety railings, screens, curtains or shades. The word unenclosed shall exclude partial or full solid walls or other solid materials such as glass and synthetic glass substitutes normally intended to provide protection from the elements.

**USE** when used as a noun means the purpose for which a parcel of land, lot, building or structure or any combination thereof is designed, arranged, occupied or maintained and "uses" shall have a corresponding meaning. "Use" when used as a verb, or "to use" shall also have a corresponding meaning.

**VEHICLE** shall mean an all-terrain vehicle, an automobile, a boat, a commercial motor vehicle, a farm implement, a mobile home, a motorcycle, a snowmobile, a recreational vehicle or a trailer.

**VEHICLE SALES OR RENTAL ESTABLISHMENT** shall mean an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the

repair or maintenance of such vehicles.

**VETERINARY CLINIC** shall mean a building where one or more licensed veterinarians and any associated staff provide medical, surgical, grooming or similar services to animals, but does not include boarding services except those essential to recovery from medical treatment.

**WAREHOUSE** shall mean a building used for the bulk storage of commodities, goods, materials, merchandise or wares.

**WASTE DISPOSAL SITE** shall mean a place where garbage, refuse, domestic or industrial waste is disposed of or dumped and shall include a sewage treatment plant, lagoon or sludge disposal area.

**WASTE RECYCLING FACILITY** shall mean an operation engaged in the processing and recycling of non-hazardous solid wastes including but not limited to wood, drywall, cardboard, metal and other construction wastes. Radioactive, pathological and/or asbestos-contaminated materials or any other hazardous materials are not permitted to be processed.

**WASTE TRANSFER FACILITY** shall mean an operation wherein waste materials collected from surrounding areas are stored on a temporary basis entirely within a building and then shipped to the appropriate disposal site.

**WATER BODY** shall mean any bay, lake, river, watercourse or canal, but excluding a drainage or irrigation channel.

**WATERCOURSE** shall mean a natural drainage channel that contains water either permanently or intermittently, including creeks and streams.

**WATER SETBACK** shall mean, in reference to a water body, the horizontal distance between the high water mark and the nearest building line.

**WHOLESALE ESTABLISHMENT** shall mean a business engaged in the bulk storage and sale of commodities, goods, materials, merchandise or wares for resale or business use.

**YARD** shall mean an open, uncovered space appurtenant to a building or structure

- **FRONT YARD** shall mean a yard extending across the full width of the lot between the front lot line and the nearest part of any main building or structure on the lot.
- **REAR YARD** shall mean a yard extending across the full width of the lot between the rear lot line and the nearest part of any main building or structure on the lot.
- **SIDE YARD** shall mean a yard extending from the front yard to the rear yard between the side lot line and nearest part of any main building or structure on the lot.
  - **EXTERIOR SIDE YARD** shall mean a side yard abutting a street.
  - **INTERIOR SIDE YARD** shall mean a side yard other than an exterior side yard.

**ZONE** shall mean:

- A land use category as defined and regulated in this By-law; or
- A designated area of land shown on the zoning schedules to this By-law.

**ZONING** shall mean the demarcation of an area into zones and the establishment of regulations to govern the use of the land within these zones and the location, bulk, height, shape, use and coverage of structures within each zone. The terms “zone provisions” and “zone requirements” shall have a corresponding meaning.

**ZONING ADMINISTRATOR** shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

## SECTION 3 - GENERAL PROVISIONS

### 3.1 Accessory Uses

Accessory uses, buildings or structures shall be permitted in any zone, provided that:

1. Accessory buildings or structures shall not be used for human habitation, except as specifically permitted elsewhere in this By-law.
2. Accessory buildings shall be included for the purposes of compliance with maximum lot coverage provisions.
3. There shall be no minimum yard or water setback provisions applicable to a marine facility, except that the minimum side yard shall be 3 m.
4. The minimum separation distance between a detached accessory building and the main building shall be 1 m.
5. Any building or structure that is attached to the main building shall not be considered as accessory.
6. In any Residential zone, buildings or structures accessory to a residential use shall be subject to the following special provisions:
  1. The lot coverage of all accessory buildings or structures shall not exceed 10%.
  2. The maximum height of an accessory building or structure shall be 5.0 m.
  3. Notwithstanding the yard provisions of this By-law to the contrary an accessory building or structure may be located in a required interior side or rear yard, provided that the minimum yard shall be 1 m, except as otherwise provided in this section for marine facilities.
7. Except as otherwise provided in this section, accessory buildings and structures shall conform to the zone provisions applicable to main buildings.
8. Notwithstanding the foregoing provisions, an outdoor woodburning furnace shall only be permitted in a Rural or Agriculture zone and all yards shall be a minimum of 100 m.
9. Notwithstanding any provision of this By-law to the contrary, in the case of a wind turbine all yards shall be a minimum of two times the height of the highest point of the area swept by the rotor blades.

### 3.2 Existing Non-Complying Lots

Where, on the date of passing of this By-law, a lot exists with less than the minimum lot

frontage and/or lot area required by this By-law, or is increased in lot frontage and/or lot area but is still undersized, such non-complying lot may be used and a building or structure may be erected, altered or used for a purpose permitted in the zone in which it is located on the date of the passing of this By-law without the requirement to obtain relief from the applicable lot area and/or lot frontage provisions of this By-law. This provision shall not be construed as granting relief from any other provisions of this By-law.

### 3.3 **Front Yard Reduction Within Hamlets**

Notwithstanding any minimum front yard requirement of this By-law to the contrary, on a lot within the **Hamlet** designation of the *Official Plan of Tay Valley Township*, the front yard may be reduced to 4.5 m or the average of the front yards of existing main buildings located on the abutting lots, whichever is greater.

### 3.4 **Frontage on an Improved Street**

No lot shall be used and no building or structure shall be erected on a lot in any zone unless such lot has sufficient frontage on an improved street to provide driveway access. Notwithstanding the foregoing, this provision shall not apply to:

- A non-residential building or structure accessory to an agricultural or conservation use;
- A lot on a registered plan of subdivision and with frontage on a street which will become an improved street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot;
- A lot located in a Limited Services Residential zone;
- A existing seasonal dwelling in a Seasonal Residential zone

### 3.5 **Group Homes**

Group homes shall be permitted in the General Residential, Rural and Institutional zones in accordance with the following:

1. The maximum number of group homes in the Township shall not exceed 1 per 1,000 permanent resident population.
2. The minimum separation distance between two group homes shall be 500 m.
3. A group home shall be located a minimum of 30 m from any dwelling on another lot.

### 3.6 **Height Exceptions**

The maximum height restrictions of this By-law shall not apply to the following:

- Air conditioning, heating or similar mechanical equipment
- Antenna
- Barn

- Belfry, spire or dome associated with a place of worship
- Chimney
- Clock tower
- Communications tower
- Electrical supply structure
- Elevator or mechanical penthouse
- Farm implement storage building
- Flag pole
- Grain elevator
- Silo
- Solar collector
- Water tower
- Wind turbine

### 3.7 Home-Based Businesses

A home-based business shall be permitted as an accessory use to a residential use in accordance with the following provisions:

1. No more than 25% or 40 m<sup>2</sup> of the floor area of the dwelling unit, whichever is lesser, shall be used for the home-based business.
2. There shall be no visible indication from the exterior of the presence of the home-based business other than one sign not larger than 1 m<sup>2</sup>.
3. There shall be no open storage of inoperative or unlicensed motor vehicles or other materials, or outdoor animal enclosures.
4. There shall be no storage of hazardous materials such as paint or other flammable, corrosive or explosive substances.
5. There shall be no direct retail sale of goods other than those produced on the premises or those which are clearly incidental to a personal service or service outlet home-based business.
6. Where instruction, respite care or day care is provided, there will be no more than six persons, other than the instructor or caregiver, in attendance at any one time. In the case of all other home-based businesses, not more than one individual client or customer shall be served at any one time.
7. A maximum of one person in addition to the dwelling occupant(s) may be employed in the home-based business, provided that the maximum number of persons employed in the home-based business shall not exceed three. For the purposes of this subsection, the number of persons shall be calculated on the basis of full-time equivalence.

8. Up to 40 m<sup>2</sup> of floor area within an accessory building may be used for the home-based business, provided that:
  1. The accessory building shall be located a minimum of 15 m from the closest dwelling on another lot.
  2. The combined total floor area used for the home-based business within the accessory building and dwelling unit shall not exceed 40 m<sup>2</sup>.
9. Not more than one commercial vehicle related to the home based-business shall be kept on the premises.
10. The home-based business shall not, in the opinion of the Township, change the predominantly residential character of the property or create or become a public nuisance with regard to noise, odours, vibration, heat, traffic, lighting or other annoyance.

### 3.8 Loading Space Requirements

#### 1. Number of Loading Spaces Required

Any commercial or industrial use which involves the transfer of goods, wares, merchandise or raw materials to and from the site shall provide and maintain loading facilities on the lot in accordance with the following regulations:

<u>Floor Area of Building</u>	<u>Number of Loading Spaces</u>
less than 200 m <sup>2</sup>	0
200 m <sup>2</sup> - 1,000 m <sup>2</sup>	1
over 1,000 m <sup>2</sup>	1 plus 1 additional loading space per each 1,000 m <sup>2</sup> of floor area or part thereof

#### 2. Loading Space Size

A required loading space shall be a minimum of 9.0 m long, 3.5 m wide and have a vertical clearance of at least 4.5 m.

#### 3. Loading Area Surface

A loading area shall be maintained with a stable surface such as concrete, asphalt or crushed stone.

#### 4. Cumulative Loading Requirements

Where a lot, building or structure accommodates more than one use, the loading

space requirement shall be the sum of the requirements for the uses.

### 3.9 **Lots Containing More Than One Use**

Where a lot accommodates more than one use and the provisions of this By-law for the uses are different, the more restrictive provisions shall apply.

### 3.10 **Lots Divided Into More Than One Zone**

Where a lot is divided into more than one zone, each portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located.

### 3.11 **Moving of Buildings**

No building or structure shall be moved into the Township or onto any lot unless its use and location comply with the By-law.

### 3.12 **Non-Conforming Uses and Non-Complying Uses, Buildings and Structures**

#### 1. **Buildings Accessory to Non-Conforming Uses**

An accessory building may be erected for an existing legal non-conforming use, provided it complies with the provisions of this By-law.

#### 2. **Change of Non-Conforming Use**

A non-conforming use may not be changed to another use unless it is to a permitted use in the zone in which it is located. Pursuant to the provisions of the *Planning Act* and the *Official Plan of Tay Valley Township*, a non-conforming use may only be changed to another non-conforming use with the permission of the Committee of Adjustment.

#### 3. **Repair, Restoration and Reconstruction of Non-Conforming Uses or Non-Complying Uses, Buildings or Structures**

1. A legal non-conforming use or non-complying use, building or structure may be repaired or restored provided that:

- Such repair, or restoration does not increase the height, size, volume or extent of non-conformity or non-compliance of the use, building or structure, except as required to comply with the requirements of the *Ontario Building Code* or to floodproof a building located in a flood plain.

2. A legal non-conforming use or a non-complying use, building or structure that is damaged to an extent which has rendered it unusable or unoccupiable may only be reconstructed provided that:

- The damage which rendered the building or structure unusable or unoccupied must have been the result of fire, flood, wind, earthquake or other causes beyond human control;
- A building permit must be obtained within 12 months of the date upon which the building or structure became unusable or unoccupied; and
- Such reconstruction does not increase the height, size, volume or extent of non-conformity or non-compliance of the use, building or structure beyond that existing prior to the occurrence of the damage, except as required to comply with the requirements of the *Ontario Building Code* or to floodproof a building located in a flood plain.

#### 4. **Replacement of Non-Complying Sewage Disposal Systems**

Notwithstanding any provision of this By-law to the contrary, a sewage disposal system which was legally constructed under the regulations governing sewage disposal systems that were in force and effect at the time of such construction but that is non-complying with respect to the water setback provisions, may be replaced in accordance with the following:

- In the case where the replacement sewage disposal system is a Class III or Class IV sewage disposal systems as set out in the *Ontario Building Code*, the minimum water setback of the replacement sewage disposal system shall be 30 m or as shown on a site plan approved by the Township pursuant to Section 41 of the *Planning Act*, whichever is lesser.
- In the case where the replacement sewage disposal system is not a Class III or Class IV system, the minimum water setback shall be 15 m or as set out in the *Ontario Building Code*, whichever is greater.

#### 5. **Enlargements of Non-Conforming Uses**

A non-conforming use may not be enlarged or extended, except with the permission of the Committee of Adjustment for the Township, pursuant to the provisions of the *Planning Act* and the *Official Plan of Tay Valley Township*.

#### 6. **Enlargements of Non-Complying Uses, Buildings or Structures**

A non-complying use, building or structure may not be enlarged, except in accordance with the following:

- The enlargement or addition is constructed as a vertical enlargement (ie. additional storey) to the existing non-complying building or structure so that the extent of any existing non-compliance with respect to all yard, street setback and water setback provisions is not increased and, further, so that no portion of the vertical enlargement has a water setback of less than 15 m; or

- The enlargement or addition is constructed as a horizontal enlargement to the existing non-complying building or structure in a manner so that the enlargement or addition complies with all yard, street setback and water setback provisions;

Provided that in either case all other applicable provisions of this By-law are complied with for the enlarged building or structure.

### 3.13 Occupancy Restrictions

None of the following shall be used as a dwelling or for the purposes of human habitation:

1. Any truck, bus, coach, railway or streetcar body;
2. Any marine facility or building or structure accessory to a residential use;
3. Any recreational vehicle, travel trailer or tent trailer, except in a tourist campground or as a temporary use in accordance with Section 3.24 of this By-law.

### 3.14 Open Storage

Open storage shall be permitted as an accessory use to a permitted use within any zone other than a Residential zone, provided that:

1. No part of an open storage area shall be located within a minimum yard or water setback required by this By-law;
2. Open storage shall not occupy any driveway or parking or loading area required by this By-law;
3. Where open storage is situated less than 30 m from a street or a dwelling on another lot, a continuous buffer strip consisting of a berm, fence or landscaping having a minimum combined height of 1.5 m shall be provided so as to screen the open storage area from the street or dwelling. Such buffer strip shall be broken only by a driveway or walkway from the street.

### 3.15 Parking Requirements

#### 1. Number of Parking Spaces Required

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

Type of Use

Number of Parking Spaces Required

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One and two-unit dwellings	2 parking spaces per dwelling unit, provided that 1 of the 2 required spaces may be in tandem
Dwellings of three units or more	1 parking space per dwelling unit
Mobile home park or campground	1 parking space per site
Group home	1 parking space in addition to the applicable dwelling requirement
Residential Care Home	1 parking space, plus 1 parking space per 4 rooming units
Home-based business	1 parking space in addition to the applicable dwelling requirement
Bed and breakfast	1 parking space per guest room in addition to the applicable dwelling requirement
Tourist Lodging Establishment	1 parking space per guest room or cabin plus 1 parking space per 20m <sup>2</sup> of floor area devoted to dining or meeting uses
Restaurant, banquet hall	1 parking space per 12 m <sup>2</sup> of floor area
Place of worship or assembly	1 parking space per 12 m <sup>2</sup> of floor area devoted to public assembly
Recreational use	1 parking space per 4 persons design capacity or 1 parking space per 20 m <sup>2</sup> of floor area, whichever is greater
Retail store, personal service, merchandise service outlet	1 parking space per 20 m <sup>2</sup> of floor area
Clinic	1 parking space per 20 m <sup>2</sup> of floor area
Marina	1 parking space per boat slip or 1 parking space per 20 m <sup>2</sup> of floor area, whichever is greater
Commercial use not defined	1 parking space per 20 m <sup>2</sup> of floor area
Professional or business office	1 parking space per 25 m <sup>2</sup> of floor area
School - elementary	1.5 parking spaces per classroom

School - secondary	4 parking spaces per classroom
Institutional or public use	1 parking space per 40 m <sup>2</sup> of floor area
Industrial, warehouse or storage use	1 parking space per 70 m <sup>2</sup> of floor area

**2. More than One Use on a Lot**

Where a building or lot accommodates more than one use, the number of parking spaces required shall be the sum of the requirements for each of the uses.

**3. Parking Space Size and Access**

Each parking space shall have minimum dimensions of 2.75 m by 6 m, except that a parking space for the physically-disabled shall have minimum dimensions of 3.7 m by 6 m. A parking space shall have unobstructed access, except where tandem parking is specifically permitted by this By-law.

**4. Parking for the Physically-Disabled**

Where a required parking area contains 10 or more parking spaces, reserved parking spaces for the physically-disabled shall be provided at the rate of 1 parking space for the physically-disabled per 30 required parking spaces or fraction thereof, subject to the provision of a minimum of 1 parking space for the physically-disabled.

**5. Driveway Access to Parking Areas**

The maximum width of any driveway shall be 9.0 m. Driveways designated for two-way traffic shall have a minimum width of 6 m. One-way driveways and driveways serving only one dwelling unit shall have a minimum width of 3.0 m. For portions of a driveway that directly abut a parking space, the minimum driveway width shall be as follows:

<u>Angle of Parking Space to Driveway</u>	<u>Minimum Driveway Width</u>
0 degrees	3 m
30 degrees	3.4 m
45 degrees	3.7 m
60 degrees	5.4 m
90 degrees	6 m

**6. Parking Area Surface**

A parking area shall be maintained with a stable surface such as concrete, asphalt or crushed stone.

## 7. **Parking Area Location**

Required parking for any residential use or Residential zone shall be provided on the same lot as the dwelling unit.

Required parking for non-residential uses shall be provided within 150 m of the building that it is intended to serve and no part of any parking area shall be permitted on lands not zoned for the use with which the parking is associated. Where required parking is not provided on the same lot, the lot where the parking is located shall be under the same ownership and shall be retained for the duration of the use.

## 8. **Parking Requirements for Additions to Existing Buildings**

Where an existing building or structure has insufficient parking spaces to comply with the provisions of this By-law, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, provided that no addition may be built and no change of use may occur within the existing building or structure, the effect of which would be to increase the extent of such deficiency.

### 3.16 **Pits, Quarries, Wayside Pits, Wayside Quarries and Portable Asphalt Plants**

No pit, quarry, wayside pit, wayside quarry or portable asphalt plant shall be permitted except in a zone where such uses are specifically listed as permitted.

### 3.17 **Public Uses**

Any land may be used and any building or structure erected or used for the purpose of a public use as defined in this By-law, provided that:

- Lot coverage, setback and yard requirements of the zone in which such land, building or structure is located shall be complied with, except in the case of towers, poles, lines and transmission facilities for natural gas, electricity, cable, water, storm and sanitary sewage and wired and wireless communications.
- Any building or structure erected or used shall be designed, maintained and used in a manner compatible with the buildings and structures permitted in the zone in which it is located.

### 3.18 **Residential Separation Distances from Other Land Uses**

Notwithstanding any other provisions of this By-law, any new dwelling shall be located minimum distances from certain zones or land uses on other lots as follows:

- |   |       |
|---|-------|
| • From a Class “B” Pit with no excavation below the water table | 150 m |
| • From any other Pit  | 300 m |
| • From a Quarry   | 500 m |
| • From land zoned Salvage Yard Industrial                       | 300 m |

- From land zoned Disposal Industrial 500 m
- From Livestock Facilities as per the Minimum Distance Separation I (MDS I) formula, as issued by the Ontario Ministry of Agriculture and Food, except that MDS I shall not apply to a new dwelling to be located on a lot of less than 1 ha in area

### 3.19 Setbacks from Environmental Protection (EP) Zones

Notwithstanding any other provisions of this By-law, the minimum setback of any building or structure from lands zoned Environmental Protection shall be as follows:

- In the case where the Environmental Protection zone has been assigned on the basis of a Wetland, the setback shall be 120 m;
- In the case where the Environmental Protection zone has been assigned on the basis of an Area of Natural or Scientific Interest (ANSI), the setback shall be 50 m;

Provided that in either case the setback may be reduced to a lesser setback in accordance with the recommendations of an Environmental Impact Study undertaken to the satisfaction of the Township.

### 3.20 Sewage Disposal Systems and the Applicability of this By-law

Except in relation to water setbacks, sewage disposal systems shall not be subject to the provisions of this By-law.

### 3.21 Sight Triangles

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

- A building, structure or use which would obstruct the visions of motorists;
- A fence or any vegetation of a height which is more than 1 m above the elevation of the centrelines of abutting streets;
- A parking area.

### 3.22 Shoreline Area Occupancy

Notwithstanding any provisions of this By-law to the contrary, on any lot abutting a water body and used for purposes other than a marina, a maximum of 25% or 15 m of the shoreline area, whichever is lesser, shall be occupied by marine facilities, pump houses, stairs, decks, patios, gazebos and all other accessory buildings and structures. For the purposes of this section, the shoreline area shall include that portion of the lot lying within 3 m of the shoreline.

### 3.23 Street Setbacks

The following setbacks shall be required:

- County Streets            13 m from the centre line of the street plus the minimum required front yard for the appropriate zone
- Township Streets        10 m from the centre line of the street plus the minimum required front yard for the appropriate zone

### 3.24 Temporary Uses

The following shall be permitted in any zone, except Environmental Protection (EP) and Flood Plain (FP) zones:

- Construction facilities such as sheds, scaffolds and other structures incidental to the construction on the premises for so long as the work is in progress;
- A temporary real estate sales and/rental office;
- A travel trailer, tent trailer or recreational vehicle occupied on a temporary basis during the course of construction of a dwelling on the same lot, provided that:
  - Temporary connection to an approved on-site sewage disposal system is provided;
  - A building permit for a dwelling has been issued and remains in force;
  - The trailer or vehicle is located in accordance with the required yards and water setbacks applicable to a dwelling;
  - In no event shall the trailer or vehicle be located on the lot for a period exceeding two years from the date of issuance of the building permit.

### 3.25 Through Lots

On a through lot, the minimum front yard requirement shall apply to each yard abutting a street.

### 3.26 Water Setbacks

Except as otherwise permitted this By-law, the minimum water setback shall be 30 m for all buildings and structures, including all sewage disposal systems but excluding the following:

- Decks and gazebos which are unattached to a main building and which have a combined floor surface area of less than 14 m<sup>2</sup>;
- Marinas, pump houses, marine facilities and stairs.

### 3.27 Yard and Water Setback Encroachments

Notwithstanding the yard and setback provisions of this By-law, the following encroachments are permitted:

- Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, bay windows and other ornamental features may project into any existing or minimum required yard or water setback by not more than 0.6 m, provided that in no case shall they be located closer than 1 m to any lot line;
- Attached unenclosed porches, open patios, decks, balconies, exterior stairs and landings may project from the main building into any minimum required yard or water setback by not more than 3 m, except where an existing building is non-complying in relation to the required water setback, an open and unroofed porch, deck, exterior stairs or landing may project into the existing water setback by a maximum of:
  - 2 m, where the water setback of the existing building is equal to or greater than 15 m but less than 30 m, provided the combined horizontal surface area is 28 m<sup>2</sup> or less; or
  - 1.25 m, where the water setback of the existing building is equal to or greater than 6 m but less than 15 m, provided the combined horizontal surface area is 14 m<sup>2</sup> or less.
- Open patios, awnings, clothes poles, flag poles, garden trellises, fences, plant materials and similar accessory structures shall be permitted in any minimum required yard or water setback;
- Swimming pools shall be permitted in any required yard, but shall not encroach into the minimum required water setback.

## SECTION 4 - ZONES

### 4.1 General

For the purposes of this By-law, the land area of the Township is divided into various generalized and specific zones to which the provisions and regulations herein shall apply.

### 4.2 Zones and Zone Symbols

<u>Zone Name</u>	<u>Symbol</u>
<b>Residential Zones</b>	
• General Residential	R
• Seasonal Residential	RS
• Limited Services Residential	RLS
• Mobile Home Park Residential	RMH
<b>Commercial Zones</b>	
• General Commercial	C
• Local Commercial	CL
• Tourist Commercial	CT
<b>Industrial Zones</b>	
• General Industrial	M
• Salvage Yard Industrial	MS
• Disposal Industrial	MD
<b>Institutional Zones</b>	
• Institutional	I
<b>Open Space Zones</b>	
• Open Space	OS
<b>Rural Zones</b>	
• Rural	RU
<b>Agriculture Zones</b>	
• Agriculture	A
<b>Mineral Resource Zones</b>	
• Mineral Aggregate Extraction	EX
<b>Natural Heritage Zones</b>	
• Environmental Protection	EP

Natural Hazard Zones

- Flood Plain

FP

#### 4.3 Boundaries of Zones

The location and boundaries of the zones established by this By-law and certain requirements applicable to such zones are shown on the maps hereto attached as Schedules A1, A2 and A3. Where any uncertainty as to the boundary of any zone as shown on the zoning schedules, the following provisions shall apply:

1. Where a zone boundary is indicated as following and is within the boundary of a street, lane, railway right-of-way, other right-of-way or watercourse, the boundary shall be the centre of such street, lane, railway right-of-way, right-of-way or watercourse.
2. Where a zone boundary is indicated as approximately following lot lines on a registered plan of subdivision, deposited reference plan or original Township survey, the boundary shall follow such lot lines. No amendment to the By-law shall be required for minor adjustments to zone boundaries shown on Schedules A1, A2 and A3 where, in the opinion of the Township, such adjustments are merely for the purpose of more accurately reflecting surveyed information.
3. Where a zone boundary is indicated as following a shoreline of a watercourse, the boundary shall follow such shoreline and in the event that the shoreline changes, the boundary shall be taken as having moved with the shoreline.
4. Where a zone boundary as indicated follows the 1:100 flood line, the boundary shall be the 1:100 flood line.
5. Where any street, lane, right-of-way, railway right-of-way or watercourse as shown on the schedules is hereby closed or diverted, the object of such closure or diversion shall be included within the zone of the abutting property on either side thereof.
6. Where any zone boundary is left uncertain after the application of clauses (1) through (5) above, the boundary shall be determined by scale from the original full size zoning schedules.
7. Wherever it occurs, the municipal boundary is the limit of the zone adjacent to it.

#### 4.4 Holding Zones

Where a zone symbol is followed by a hyphen and the letter “h”, this denotes a holding zone. Within such zones, only existing uses shall be permitted unless specifically stated otherwise in the by-law, until the “h” has been removed. The removal of the holding provision shall require an amendment to the By-law. Such amendment shall only be passed by Council when any applicable servicing, phasing or financial conditions or agreements for the lands have been satisfied in accordance with the requirements of the *Official Plan of Tay Valley*

*Township.*

#### 4.5 **Special Zones**

Where a zone symbol is followed by a hyphen and a letter or a number other than “-h”, (for example, “-x” or “-1”), the lands so zoned shall be subject to all the provisions of the zone represented by such symbol except as otherwise provided by the special provisions of that zone.

#### 4.6 **Temporary Zones**

Where a temporary zone is established for the purpose of accommodating a temporary use pursuant to the provisions of the *Planning Act*, the lands so zoned shall be subject to all the provisions of the zone, except that a temporary use shall be permitted for a certain limited period of time. The zone symbol shall be followed by a hyphen, the letter “T” and a letter or a number other than “-h”, (for example, “-Tx” or “-T1”).

Temporary zones in force and effect are as follows:

**1. RU-T1** (*Part of Lot 1, Concession 7, North Burgess*)

Notwithstanding the provisions of Section 10.1.1, to the contrary, on the lands zoned RU-T1, a Garden Suite shall be an additional permitted use from August 8, 2006 until August 8, 2016. Upon expiry of said period, this subsection and the associated RU-T1 zoning on Schedule ‘A2’ are repealed.

## SECTION 5 - RESIDENTIAL ZONES

### 5.1 General Residential (R)

#### 1. Permitted Uses

single dwelling  
bed and breakfast

#### 2. Zone Provisions

- Lot Area (minimum) 4050 m<sup>2</sup>
- Lot Frontage (minimum)
  - Lots in **Hamlet** designation in Official Plan 45 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 6 m
  - Rear 7.5 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Dwelling Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

##### 1. R-1 (*Part of Lots 2 & 3, Concessions 1 & 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.1.2 to the contrary, on the lands zoned R-1, the following provision shall prevail:

- Lot Area (minimum) 1.0 ha

##### 2. R-2 (*Part of Lots 2 & 3, Concessions 1 & 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.1.2 and 3.26 to the contrary, on the lands zoned R-2, the following provisions shall prevail:

- Lot Area (minimum) 1.0 ha

- Water Setback (minimum) 40 m

3. **R-3a and R-3b** (*Part of Lots 2 & 3, Concessions 1 & 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.1.2 and 3.26 to the contrary, on the lands zoned R-3a and R-3b, the following provisions shall prevail:

- Lot Area (minimum) 1.0 ha
- Water Setback (minimum) 75 m

Further, on the lands zoned R-3b, the following additional provision shall also prevail:

- Northwest side yard (minimum) 30 m

4. **R-4** (*Part of Lot 10, Concession 10, Burgess*)

Notwithstanding the provisions of Section 5.1.1 to the contrary, on the lands zoned R-4, the following additional use shall be permitted:

- A multiple dwelling containing a maximum of 12 dwelling units.

5. **R-5** (*Part of Lot 5, Concession 8, North Burgess*)

Notwithstanding the provisions of Sections 3.26 and 3.27, on the lands zoned R-5, the following provisions shall prevail:

- Water Setback (minimum) 23.0 m
- Deck Encroachment into Water Setback (maximum) 3.0 m

6. **R-6** (*Part of Lot 2, Concession 3, Bathurst*)

Notwithstanding the provisions of Section 3.26, 3.27 and 5.1.2, on the lands zoned R-6, the following provisions shall prevail:

- Lot Frontage (minimum) 46 m
- Water Setback – Dwelling (minimum) 29.7 m
- Deck Encroachment into Water Setback (maximum) 2.4 m

7. **R-7** (*Part of Lot 6, Concession 3, Sherbrooke*)

Notwithstanding the provisions of Section 5.1.2, on the lands zoned R-7, the following provisions shall prevail:

- Lot Area (minimum) 0.12 ha
- Lot Frontage (minimum) 34.6 m
- Interior Side Yard - west (minimum) 5.5 m
- Front Yard (minimum) 4.6 m

8. **R-8** (*Part of Lot 13, Concession 6, Sherbrooke*)

Notwithstanding the provisions of Section 3.4, on the lands zoned R-8, a lot may be used and a building or structure may be erected where driveway access to an improved street is obtained from the unmaintained municipal road allowance between Concession 6 and 7.

9. **R-9** (*Part of Lot 13, Concession 9, Sherbrooke*)

Notwithstanding the provisions of Sections 3.15, 5.1.1 and 5.1.2 to the contrary, on lands zoned R-9, a residential care home shall be an additional permitted use. The following provisions shall prevail:

- Parking Requirements
  - 1 parking space, plus 1 parking space per 4 rooming units
- Front Yard (minimum) 4.98 m

## 5.2 Seasonal Residential (RS)

### 1. Permitted Uses

seasonal dwelling

### 2. Zone Provisions

- Lot Area (minimum) 4050 m<sup>2</sup>
- Lot Frontage (minimum)
  - Lot with frontage on Adams Lake 91 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 6 m
  - Rear 7.5 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Dwelling Height (maximum) 9 m
- Lot Coverage (maximum) 10%
- Floor Space Index (maximum) 12%
- Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

#### 1. RS-1 (*Part of Lot 16, Concession 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.2.1 to the contrary, on the lands zoned RS-1, a bed and breakfast shall be an additional permitted use, provided that its annual period of operation shall be restricted to May to October, inclusive.

2. **RS-2** (*Part of Lots 3 and 4, Concession 7, Burgess*)

Notwithstanding the provisions of Sections 5.2.2, 3.26 and 3.27 to the contrary, following provisions shall prevail:

- Lot Area (minimum) 0.39 ha
- Water Setback (minimum for addition to existing dwelling) 15.8 m
- Permitted encroachment into Water Setback (maximum for a deck, stairs and porch) 2.0 m from main wall of existing dwelling

### 5.3 Limited Services Residential (RLS)

#### 1. Permitted Uses

single dwelling

#### 2. Zone Provisions

- Lot Area (minimum) 4050 m<sup>2</sup>
- Lot Frontage (minimum)
  - Lot with frontage on Adams Lake 91 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 6 m
  - Rear 7.5 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Dwelling Height (maximum) 9 m
- Lot Coverage (maximum) 10%
- Floor Space Index (maximum) 12%
- Dwellings per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

##### 1. RLS-1 (*Part of Lots 18 & 19, Concession 3, Burgess*)

Notwithstanding the provisions of Section 5.3.1 to the contrary, on the lands zoned RLS-1, the following provision shall prevail:

- Permitted uses and the number of dwellings shall include a maximum of 8 dwelling units, comprised of a multiple dwelling containing a maximum of 6 units and 2 single dwellings accessory to the multiple dwelling

2. **RLS-2** (*Part of Lot 1, Concession 1, Sherbrooke*)

Notwithstanding the provisions of Section 3.26 to the contrary, on the lands zoned RLS-2, the following provision shall prevail:

- Water Setback (minimum) 40 m

3. **RLS-3** (*Part of Lot 2, Concession 8, Burgess*)

Notwithstanding the provisions of Section 3.26 to the contrary, on the lands zoned RLS-3, the following provision shall prevail:

- Water Setback (minimum) 22 m

4. **RLS-4** (*Part of Lots 5, 6 and 7, Concessions 9 and 10, Bathurst*)

Notwithstanding the provisions of Section 5.3.2 and 3.26 to the contrary, on the lands zoned RLS-4, the following provisions shall prevail:

- Lot Frontage and Lot Area (minimums)
  - PIN 765, 2029, 2036, 2046, 2050, 2056, 2083 as per Plan 27R-8077
  - PIN 729, 725, 641, 646, 648, 237 as per Plan 27R-8081
  - PIN 2116, 2123, 2146, 2159 as per Plan 27R-8083
  - PIN 813, 811, 802 as per Plan 27R-8082
  - PIN 2488 as per Plan 27R-8076
- Water Setback (minimum) The 154.0 m geodetic elevation or 30 m from the high water mark, whichever is greater.

5. **RLS-5** (*Part of Lot 10, Concession 2, Sherbrooke*)

Notwithstanding the provisions of Section 3.26 to the contrary, on the lands zoned RLS-5, the following provision shall prevail:

- Water Setback (minimum) 45 m

6. **RLS-6** (*Part of Lot 24, Concession 8, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-6, the following provision shall prevail:

- Lot Area (minimum) 0.34 ha

7. **RLS-7** (*reserved*)8. **RLS-8** (*Part of Lot 16, Concession 6, Burgess*)

Notwithstanding the provisions of Section 3.26, on the lands zoned RLS-8, the following provision shall prevail:

- Water Setback (minimum) 50 m

9. **RLS-9** (*Part of Lot 24, Concession 8, Burgess*)

Notwithstanding the provisions of Section 3.26 and 5.3.2, on the lands zoned RLS-9, the following provisions shall prevail:

- Water Setback (minimum – existing dwelling only) 15.5 m
- Lot area (minimum) 0.33 ha

10. **RLS-10** (*Part of Lot 25, Concession 3, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-10, the following provision shall prevail:

- Lot Frontage (minimum) 51.6 m

11. **RLS-11** (*Part of Lots 5 & 6 and Part of the Road Allowance between Lots 5 & 6, Concession 10, Bathurst*)

Notwithstanding the provisions of Section 3.26 and 3.27, on the lands zoned RLS-11, the following provision shall prevail:

- Water Setback (minimum) 14.3 m
- Deck encroachment permitted into Water Setback 1.9 m

12. **RLS-12** (*Part of Lot 7, Concession 8, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-12, the following provision shall prevail:

- Lot Area (minimum) 0.29 ha
- Lot Frontage (minimum) 33 m
- Dwelling Unit Area (minimum) 66 m<sup>2</sup>

13. **RLS-13** (*Part of Lot 26, Concession 3, Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-13, the following provisions shall prevail:

- Lot Frontage (minimum) 51.5 m
- Water Setback (minimum for existing dwelling) 26 m
- Deck Encroachment (maximum for existing deck) 6.7 m

14. **RLS-14** (*Part of Lot 3, Concession 5, Burgess*)

Notwithstanding the provisions of Section 3.26, on the lands zoned RLS-14, the following provision shall prevail:

- Water Setback (minimum) 40 m

15. **RLS-15** (*Part of Lot 25, Concession 3, Part of the road allowance (now closed) between Concessions 2 & 3, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-15, the following provision shall prevail:

- Lot Frontage (minimum) 51.6 m

16. **RLS-16** (*Part of Lots 17 & 18, Concession 6, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-16, the following provision shall prevail:

- Lot Area (minimum) 0.30 ha
- Lot Frontage (minimum) 40.4 m

17. **RLS-17** (*Part of Lot 3, Concession 5, Burgess*)

Notwithstanding the provisions of Sections 5.3.1 and 3.26, on the lands zoned RLS-17, the following provisions shall prevail:

- Permitted uses shall include an existing semi-detached dwelling
- Water Setback (minimum) 40 m

18. **RLS-18** (*Part of Lot 18, Concession 6, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-18, the following provisions shall prevail:

- Lot Area (minimum) 0.23 ha
- Lot Frontage (minimum) 59 m

19. **RLS-19** (*Part of Lot 6, Concession 3, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-19, the following provision shall prevail:

- Lot Frontage (minimum) 32 m

20. **RLS-20** (*Part of Lot 3, Concession 7, Burgess*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-20, the following provisions shall prevail:

- Lot Area (minimum) 0.18 ha
- Lot Frontage (minimum) 43.0 m
- Water Setback (minimum) 20.4 m

21. **RLS-21** (*Part of Lot 19, Concession 3, & Part of the Road Allowance Between Concessions 2 & 3, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-21, the following provision shall prevail:

- East Interior Side Yard (minimum) 30 m

22. **RLS-22** (*Part of Lot 26, Concession 2, Burgess*)

Notwithstanding the provisions of Section 3.27, on the lands zoned RLS-22, the following provisions shall prevail:

- Deck Encroachment (maximum for existing deck) 3.7 m

23. **RLS-23** (*Part of Lot 5, Concession 6, Burgess*)

Notwithstanding the provisions of Sections 3.26 , 3.27 and 5.3.2 , on the lands zoned RLS-23, the following provisions shall prevail:

- Lot Area (minimum) 0.29 ha
- Lot Frontage (minimum) 59 m
- Water Setback (minimum)
  - existing building 12.5 m
  - proposed addition 16.3 m

- Deck Encroachment into Existing Water Setback
  - deck into existing water setback 2.5 m

24. **RLS-24** (*Part of Lot 20, Concessions 2 & 3, Burgess*)

Notwithstanding the provisions of Sections 3.26 and 3.27, on the lands zoned RLS-24, the following provisions shall prevail:

- Water Setback (minimum)
  - existing building 14.6 m
  - proposed addition to existing building 20.9 m
- Deck Encroachment into Existing Water Setback
  - existing deck into existing water setback 1.8 m
  - enlargement into proposed addition setback 2.7 m

25. **RLS-25** (*reserved*)

26. **RLS-26** (*Part of Lot 16, Concession 3, Burgess*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-26, the following provisions shall prevail:

- Lot Area (minimum) 0.38 ha
- Lot Frontage (minimum) 39 m
- Water Setback (minimum) 40 m

27. **RLS-27** (*Part of Lots 9 and 10, Concession 10, South Sherbrooke*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-27, the following provisions shall prevail:

- Lot Area (minimum) 0.098 ha
- Lot Frontage (minimum) 14 m
- South Interior Side Yard (minimum) 4.5 m
- North Interior Side Yard (minimum) 3.3 m
- Floor Space Index (maximum) 12.5 %
- Water Setback (minimum) 20.4 m
- Deck encroachment into water setback (maximum) 2 m

28. **RLS-28** (*Part of Lots 9 and 10, Concession 10, South Sherbrooke*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-28, the following provisions shall prevail:

- Lot Area (minimum) 0.095 ha
- Lot Frontage (minimum) 15.2 m
- South Interior Side Yard (minimum for existing dwelling) 0.03 m
- Lot Coverage (maximum) 10.9 %
- Water Setback (minimum) 14.0 m
- Deck encroachment into existing building water setback (maximum) 2.4 m

29. **RLS-29** (*Part of Lot 23, Concession 2 & 3, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-29, the following provisions shall prevail:

- Lot Frontage (minimum) 52 m
- Water Setback (minimum)
  - Existing Building 16.1m
  - Proposed Addition 22.3m
  - Accessory Storage Shed 17.9m
- Deck encroachment into water setback (maximum)
  - Deck into existing building water setback 3.9m

30. **RLS-30** (*Lot 23, Concession 2, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-30, the following provisions shall prevail:

- Lot Frontage (minimum) 45 m
- Water Setback (minimum) 21.3 m
- Deck encroachment into water setback (maximum) 1.9 m

31. **RLS-31** (*Part of Lots 11 and 12, Concession 4, South Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-31, the following provisions shall prevail:

- Lot Area (minimum) 0.39 ha

32. **RLS-32** (*Part of Lot 18, Concession 3, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-32, the following provisions shall prevail:

- Lot Area (minimum) 0.36 ha
- Water Setback (minimum) 17.17 m
- Rear Yard 2.29 m

33. **RLS-33** (*Part of Lot 20, Concession 3, South Sherbrooke*)

Notwithstanding the provisions of Sections 3.1.7, 3.26 and 5.3.2, on the lands zoned RLS-33, the following provisions shall prevail:

- Lot Area (minimum) 0.32 ha
- Water Setback (minimum)
  - Existing Dwelling 10.6 m
  - Proposed Garage 21.3 m

34. **RLS-34** (*Part of Lot 26, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-34, the following provisions shall prevail:

- Lot Frontage (minimum) 37.9 m
- East Interior Side Yard (minimum) 3 m
- Water Setback (minimum) 25 m
- Deck encroachment into water setback (maximum) 1.2 m
- Water Setback of a Sewage Disposal System (minimum)
  - from Big Rideau Lake 40 m
  - from watercourse on north portion of lot 19 m

35. **RLS-35** (*Part of Lot 2, Concession 2, South Sherbrooke*)

Notwithstanding the provisions of Sections 3.26, and 3.27, on the lands zoned RLS-35, the following provisions shall prevail:

- Water Setback(minimum) 26 m
- Deck Encroachment into water setback (maximum) 3.3 m

36. **RLS-36** (*Part of Lots 16, Concession 3, North Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-36, the following provisions shall prevail:

- Lot Frontage (minimum) 55 m

37. **RLS-37** (*Part of Lot 7, North Burgess*)

Notwithstanding the provisions of Sections 5.3.2, on the lands zoned RLS-37, the following provisions shall prevail:

- Lot Frontage (minimum) 30 m
- Lot Area (minimum) 0.19 ha

38. **RLS-38** (*Part of Lot 5, Concession 7, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-38, the following provisions shall prevail:

- Lot Area (minimum) 0.1 ha
- Lot Frontage (minimum) 31.7 m
- Northwest Interior Side Yard (minimum) 3.9 m
- Southeast Interior Side Yard (minimum) 4.5 m
- Existing deck encroachment into Southeast Interior Side Yard (maximum) 0.9 m
- Rear Yard (minimum)
  - Existing Building 6.1 m
  - Proposed Addition 2.4 m
- Water Setback (minimum) 28.9 m
- Encroachment into Water Setback (maximum)
  - Existing Deck into existing building water setback (maximum) 3.05 m
- Lot Coverage (maximum) 15.0 %

39. **RLS-39** (*Part of Lot 1, Concession 1, South Sherbrooke*)

Notwithstanding the provisions of Section 3.26 and 5.3.2, on the lands zoned RLS-39, the following provisions shall prevail:

- Lot Area (minimum) 0.36 ha
- Lot Frontage (minimum) 35.0 m
- Water Setback
  - Existing Dwelling 3.0 m
  - Proposed Addition 12.1 m

- Interior Side Yard (West) (minimum)
  - Existing Dwelling 2.4 m
  - Proposed Addition 2.4 m

40. **RLS-40** (*Part of Lot 4, Concession 3, South Sherbrooke*)

Notwithstanding the provisions of Section 3.26 on the lands zoned RLS-40, the following provisions shall prevail:

- Water Setback – Existing Dwelling (minimum) 19 m

41. **RLS-41** (*Part of Lot 20 & 21, Concession 3, South Sherbrooke*)

Notwithstanding the provisions of Sections 5.3.2, on the lands zoned RLS-41, the following provisions shall prevail:

- Lot Frontage (minimum) 13.7 m
- Existing Interior Side Yard west (minimum) 5.8 m

42. **RLS-42** (*Part of Lot 22, Concession 6, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-42, the following provisions shall prevail:

- Lot Frontage (minimum) 48 m
- Water Setback (minimum) 18.9 m
- Deck Encroachment (maximum) 3.7 m

43. **RLS-43** (*Part of Lot 20, Concession 9, North Burgess*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-43, the following provisions shall prevail:

- Lot Area (minimum) 0.09 ha
- Lot Frontage (minimum) 30.4 m
- Water Setback (minimum) 23.1 m
- Rear Yard (minimum) 7.3 m
- Building Height (maximum) 6.8 m

44. **RLS-44** (*Part of Lot 4, Concession 6, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2 on the lands zoned RLS-44, the following provisions shall prevail:

- Lot Area (minimum) 0.35 ha
- Lot Frontage (minimum) 30.7 m
- Water Setback Dwelling (minimum) 7 m
- Encroachment into south Interior Side Yard (maximum) 0.5 m

45. **RLS-45** (*Part of Lot 17, Concession 3, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2 on the lands zoned RLS-45, the following provisions shall prevail:

- Water Setback (minimum)
  - Dwelling 16.1 m
  - Sewage Disposal System 27.5 m
  - Deck Encroachment into Water Setback (maximum) 0.3 m

46. **RLS-46** (*Part of Lot 3, Concession 8, Burgess*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-46, the following provisions shall prevail:

- Lot Area (minimum) 0.32 m
- Lot Frontage 48 m
- Water Setback (minimum) 24.9 m

47. **RLS-47** (*Part of Lot 9, Concession 10, Bathurst*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-47, the following provisions shall prevail:

- Lot Area (minimum) 0.29 ha
- Water Setback (minimum) 16.0 m

48. **RLS-48** (*Part of Lot 4, Concession 6, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-48, the following provisions shall prevail:

- Lot Area (minimum) 0.23 ha
- Lot Frontage (minimum) 30.0 m
- Water Setback (minimum) 22.2 m
- Encroachment into Water Setback (maximum) 2.5 m

49. **RLS-49** (*Part of Lot 22, Concession 6, North Burgess*)

Notwithstanding the provisions of Sections 3.26, 3.27 and 5.3.2, on the lands zoned RLS-49, the following provisions shall prevail:

- Lot Area (minimum) 0.1 ha
- Lot Frontage (minimum) 42 m
- Water Setback (minimum) 13.8 m
- Rear Yard 6.3 m
- Encroachment into Water Setback (maximum) 2.0 m
- Floor Space Index (maximum) 12.4 %

50. **RLS-50** (*Part of Lot 20, Concession 6, North Burgess*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-50, the following provisions shall prevail:

- Lot Area (minimum) 0.26 ha
- Lot Frontage (minimum) 49 m
- Water Setback (minimum) 22.8 m

51. **RLS-51** (*Part of Lot 22, Concession 6, North Burgess*)

Notwithstanding the provisions of Sections 3.26 and 3.27, on the lands zoned RLS-51, the following provisions shall prevail:

- Water Setback - Dwelling (minimum) 13.5 m
- Deck Encroachment into Water Setback (maximum) 4.3 m

52. **RLS-52** (*Part of Lot 2 and 3, Concession 5, North Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-52, the following provision shall prevail:

- Lot frontage (minimum) 78.1m

53. **RLS-53** (*Part of Lot 20, Concession 8, Burgess*)

Notwithstanding the provisions of Section 3.26, on the lands zoned RLS-53, the following provisions shall prevail:

- Water Setback (minimum)
  - Dwelling 29m

- Sewage Disposal System 24m

54. **RLS-54** (*Part of Lot 5 and 6, Concession 6, Burgess*)

Notwithstanding the provisions of Section 3.26 and 3.27 on the lands zoned RLS-54, the following provisions shall prevail:

- Water Setback (minimum)
  - Existing Dwelling and proposed additions to existing dwelling 10.4m
  - Deck Encroachment into existing water setback (maximum) 0m

55. **RLS-55** (*Part of Lot 12, Concession 3, Burgess*)

Notwithstanding the provisions of Section 3.26, 3.27 and 5.3.2, on the lands zoned RLS-55, the following provisions shall prevail:

- Lot Area (minimum) 0.21 ha
- Lot Frontage (minimum) 35 m
- Water Setback - Dwelling (minimum) 21.1 m
- Stairs Encroachment into Water Setback (maximum) 1.8 m

56. **RLS-56** (*Part of Lot 3, Concession 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2 and 3.26, on the lands zoned RLS-56, the following provisions shall prevail:

- Lot Area (minimum) 0.32 ha
- Water Setback – Dwelling (minimum) 21 m
- Rear Yard (minimum) 7 m

57. **RLS-57** (*Part of Lot 21 and 22, Concession 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, 3.26 and 3.27, on the lands zoned RLS-57, the following provisions shall prevail:

- Lot Frontage (minimum) 55 m
- Water Setback (minimum) 25 m
- Deck Encroachment into Water Setback (maximum) 2.6 m

58. **RLS-58** (*Part of Lot 7, Concession 10, Bathurst*)

Notwithstanding the provisions of Sections 3.26 and 5.3.2, on the lands zoned RLS-58, the following provisions shall prevail:

- Water Setback – Dwelling (minimum) 24.4 m
- West Interior Side Yard (minimum) 1.5 m

59. **RLS-59** (*Part of Lot 11, Concession 6, Burgess*)

Notwithstanding the provisions of Section 3.26, on the lands zoned RLS-59, the following provisions shall prevail:

- Water Setback – Dwelling (minimum) 26 m
- Deck Encroachment into Water Setback 0 m

60. **RLS-60** (*Part of Lot 19, Concession 3, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-60, the following provisions shall prevail:

- Lot Frontage (minimum) 43 m

61. **RLS-61** (*Part of Lot 23, Concession 8, Burgess*)

Notwithstanding the provisions of Section 3.26, 3.27 and 5.3.2, on the lands zoned RLS-61, the following provisions shall prevail:

- Lot Area (minimum) 0.25 ha
- Water Setback – Dwelling (minimum)
  - South 12.6 m
  - East 15.6 m
- Deck Encroachment into Water Setback (maximum)
  - Stairs - south 1.4 m
  - Deck - east 3.0 m
- Deck Area – east (maximum) 14 m<sup>2</sup>
- Dwelling Height (maximum) 6.5 m

62. **RLS-62** (*Part of Lot 17, Concession 6, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-62, the following provisions shall prevail:

- Lot Frontage (minimum) 48 m

63. **RLS-63** (*Part of Lot 20, Concession 6, Burgess*)

Notwithstanding the provisions of Section 3.26, 3.27 and 5.3.2, on the lands zoned RLS-63, the following provisions shall prevail:

- Lot Area (minimum) 0.16 ha
- Lot Frontage (minimum) 37.6 m
- Water Setback – Dwelling (minimum) 20.28 m
- Deck Encroachment (maximum) 0 m

64. **RLS-64** (*Part of Lot 25, Concession 3, Burgess*)

Notwithstanding any provisions of this by-law to the contrary, on the lands zoned RLS-64, the following additional provision shall apply:

- Special Water Setback from watercourse (minimum) 18 m

65. **RLS-65** (*Part of Lot 13, Concession 2, Sherbrooke*)

Notwithstanding the provisions of Section 3.26, on the lands zoned RLS-65, the following provisions shall prevail:

- Water Setback (minimum)
  - Existing Dwelling 15.4 m
  - Proposed Addition 13.2 m

66. **RLS-66** (*Part of Lot 17, Concession 6, Burgess*)

Notwithstanding the provisions of Section 3.26 and 3.27, on the lands zoned RLS-66, the following provisions shall prevail:

- Water Setback (minimum)
  - Existing dwelling 14.4 m
  - Proposed addition 19.3 m
- Deck Encroachment in relation to Existing Dwelling (maximum) 1.6 m
- Deck Encroachment in relation to Proposed Addition (maximum) 1.6 m

67. **RLS-67** (*Part of Lot 18, Concession 6, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-67, the following provisions shall prevail:

- Lot Area (minimum) 1692 m<sup>2</sup>
- Lot Frontage (minimum) 38.5 m
- Interior Side Yard – south (minimum) 5.3 m

68. **RLS-68** (*Part of Lot 15, Concession 3, Burgess*)

Notwithstanding the provisions of Section 5.3.2 and 3.27, on the lands zoned RLS-68, the following provisions shall prevail:

- Existing Interior Side Yard – east (minimum) 4.9 m
- Water Setback (minimum)
  - Existing Dwelling 16.8 m
  - Proposed Addition 26.8 m
- Existing Deck Encroachment (maximum) 2.2 m

69. **RLS-69** (*reserved*)

70. **RLS-70** (*Part of Lot 7, Concession 8, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-70, the following provisions shall prevail:

- Lot Area (minimum) 0.14 ha
- Lot Frontage 45 m
- Water Setback (minimum) 21.3 m
- Deck Encroachment (maximum) 2.43 m

71. **RLS-71** (*Part of Lot 5, Concession 6, Burgess*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-71, the following provisions shall prevail:

- Lot Area (minimum) 0.13 ha
- Lot Frontage (minimum) 30.5 m
- Water Setback (minimum) 20.1 m

72. **RLS-72** (*reserved*)

73. **RLS-73** (*Part of Lot 10, Concession 2, Sherbrooke*)

Notwithstanding the provisions of Section 5.3.2, on the lands zoned RLS-73, the following provisions shall prevail:

- Lot Area (minimum) 0.2 ha
- Lot Frontage (minimum) 41 m

**5.4 Mobile Home Park Residential (RMH)**

**1. Permitted Uses**

mobile home  
 mobile home park  
 mobile home park management office  
 recreational facilities accessory to a mobile home park  
 accessory dwelling or accessory dwelling unit

**2. Zone Provisions**

**1. Mobile Home Park**

- Lot Area (minimum) 2 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front 15 m
  - Exterior Side 15 m
  - Interior Side 7.5 m
  - Rear 15 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Dwelling Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Accessory Dwellings per Lot (maximum) 1

**2. Mobile Home Site**

- Site Area (minimum) 700 m<sup>2</sup>
- Site Frontage (minimum) 20 m
- Site Yards (minimum)
  - Front 7.5 m
  - Exterior Side 7.5 m
  - Interior Side 3.0 m
  - Rear 4.5 m
- Site Coverage (maximum) 30%
- Mobile Homes per Site (maximum) 1

**3. Additional Provisions**

**1. General Provisions**

In accordance with Section 3 hereof.

**4. Special Exception Zones (reserved)**

## SECTION 6 - COMMERCIAL ZONES

### 6.1 General Commercial (C) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 automobile service station  
 bank  
 building supply centre  
 clinic  
 commercial parking lot  
 community service  
 custom workshop  
 equipment rental outlet  
 garden centre  
 hotel  
 motel  
 open market  
 personal service  
 place of assembly  
 private park  
 professional or business office  
 service outlet  
 recreational establishment  
 retail store  
 restaurant  
 tradesperson's establishment  
 vehicle sales or rental establishment  
 veterinary clinic

#### 2. Zone Provisions

- Lot Area (minimum) 4050 m<sup>2</sup>
- Lot Frontage (minimum)
  - Lots in **Hamlet** designation in Official Plan 45 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side
    - Lots in **Hamlet** designation in Official Plan 6 m
    - All other lots 10 m
  - Rear
    - Lots in **Hamlet** designation in Official Plan 7.5 m

- All other lots 10 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Building Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

3. **Additional Provisions**

1. **General Provisions**

In accordance with Section 3 hereof.

2. **Automobile Service Station Pump Islands and Canopies**

Notwithstanding any other provisions of this By-law to the contrary, the minimum front or exterior side yard for an automobile service station pump island or canopy shall be 4.5 m.

4. **Special Exception Zones**

1. **C-1** (*Part of Lot 15, Concession 5, Bathurst*)

Notwithstanding the provisions of Section 6.1.1 and 6.1.2 to the contrary, on the lands zoned C-1, the following provisions shall prevail:

- Permitted commercial uses shall be restricted to the following:
  - A sales, repair and maintenance facility for motorcycles and accessories;
  - A bait shop.
- The total maximum commercial floor area shall be 200 m<sup>2</sup>.
- Open storage related to commercial uses shall not be permitted, except in relation to licensed or operative vehicles for sale.

## 6.2 Local Commercial (CL) Zone

### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 antique shop  
 bank  
 bed and breakfast  
 clinic  
 community service  
 custom workshop  
 personal service  
 professional or business office  
 retail store  
 restaurant

### 2. Zone Provisions

- Lot Area (minimum) 4050 m<sup>2</sup>
- Lot Frontage (minimum)
  - Lots in **Hamlet** designation in Official Plan 45 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side
    - Lots in **Hamlet** designation in Official Plan 6 m
    - All other lots 10 m
  - Rear
    - Lots in **Hamlet** designation in Official Plan 7.5 m
    - All other lots 10 m
- Commercial Floor Area (maximum) 200 m<sup>2</sup>
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Building Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

**4. Special Exception Zones**

**1. CL -1 (Part of Lot 27, Concession 8, Bathurst)**

Notwithstanding the provisions of Sections 6.2.1 to the contrary, on the lands zoned CL-1 the following additional use shall be permitted:

- Open Market
- Service Outlet
- Veterinary Clinic
- Recreational Establishment

Furthermore, notwithstanding the provisions of Sections 6.2.2, on the lands zoned CL-1, the following provisions shall prevail:

- Front Yard Setback (minimum) 1.6 m
- Deck Encroachment into Front Yard (maximum) 1.6 m
- Lot Coverage (maximum) 22 %
- Commercial Floor Area (maximum) 760 m<sup>2</sup>

**2. CL -2 (Part of Lot 27, Concession 8, Bathurst)**

Notwithstanding the provisions of Sections 6.2.1 to the contrary, on the lands zoned CL-2 the following additional use shall be permitted:

- Open Market
- Service Outlet
- Veterinary Clinic
- Recreational Establishment

Furthermore, notwithstanding the provisions of Sections 6.2.2, on the lands zoned CL-2, the following provisions shall prevail:

- Front Yard (minimum for addition) 1.8 m
- Commercial Floor Area (maximum) 550 m<sup>2</sup>

**3. CL-3 (Part of Lot 27, Concession 7, Bathurst)**

Notwithstanding the provisions of Section 6.2.2 and 3.15.5, on the lands zoned CL-3, the following provisions shall prevail:

- Lot Area (minimum) 4006m<sup>2</sup>
- Lot Frontage (minimum) 30.4m
- South Interior Side Yard (minimum) 5.4m
- Driveway width two-way

traffic (minimum)

5.2m

## 6.3 Tourist Commercial (CT) Zone

### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
antique shop  
bed and breakfast  
community service  
golf course  
marina  
marine facility  
park  
tourist campground  
tourist lodging establishment

### 2. Zone Provisions

- Lot Area (minimum)
  - Tourist Campground 2 ha
  - Other uses 1 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front 15 m
  - Exterior Side 15 m
  - Interior Side 10 m
  - Rear 15 m
- Accessory Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Building Height (maximum) 9 m
- Tourist Campground Site (minimum) 230 m<sup>2</sup>
- Lot Coverage (maximum) 20%
- Accessory Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

#### 1. CT-1 (*Part of Lot 8, Concession 10, Sherbrooke*)

Notwithstanding the provisions of Sections 6.3.1 and 6.3.2 to the contrary, on the lands zoned CT-1 the following provisions shall prevail:

- A seasonal dwelling shall be an additional permitted use;
- A maximum of 42 seasonal dwellings shall be permitted, in addition to one single dwelling accessory to a tourist campground or tourist lodging establishment.

2. **CT-2** (*Part of Lot 21, Concession 9, Burgess*)

Notwithstanding the provisions of Section 6.3.2, on the lands zoned CT-2, the following additional provision shall apply to a tourist campground:

- Campsites (maximum) 50 sites

3. **CT-3** (*Part of Lots 2 and 3, Concession 1, Sherbrooke*)

Notwithstanding the provisions of Section 6.3.2, on the lands zoned CT-3, the following provision shall prevail:

- Lot Frontage (minimum) 20 m

## SECTION 7 - INDUSTRIAL ZONES

### 7.1 General Industrial (M) Zone

#### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
agricultural products processing facility  
automobile body shop  
automobile service station  
building supply centre  
contractor's yard  
custom workshop  
equipment rental outlet  
feed supply outlet  
fuel storage facility  
garden centre  
heavy equipment sales or rental establishment  
kennel  
printing establishment  
self-storage facility  
service outlet  
tradesperson's establishment  
transportation depot  
vehicle sales or rental establishment  
veterinary clinic  
warehouse  
wholesale establishment

#### 2. Zone Provisions

- Lot Area (minimum) 1 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front 15 m
  - Exterior Side 15 m
  - Interior Side 10 m
  - Rear 15 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Building Height (maximum) 15 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

3. **Additional Provisions**

1. **General Provisions**

In accordance with Section 3 hereof.

2. **Automobile Service Station Pump Islands and Canopies**

Notwithstanding any other provisions of this By-law to the contrary, the minimum front or exterior side yard for an automobile service station pump island or canopy shall be 4.5 m.

3. **Minimum Separation Distance for a Kennel**

- From a residential use on another lot 150 m

4. **Special Exception Zones**

1. **M-1** (*Part of Lot 27, Concession 3, Bathurst*)

Notwithstanding the provisions of Section 7.1.1 to the contrary, on the lands zoned M-1, the following additional uses shall be permitted:

- A professional or business office
- A horse stable.

## 7.2 Salvage Yard Industrial (MS) Zone

### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
salvage yard

### 2. Zone Provisions

- Lot Area (minimum) 2 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front 15 m
  - Exterior Side 15 m
  - Interior Side 15 m
  - Rear 15 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Building Height (maximum) 15 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. Minimum Separation Distance for a Salvage Yard

- From a residential use on another lot 300 m
- From a non-residential use on another lot 100 m
- From a watercourse or water body 300 m

### 4. Special Exception Zones

*(reserved)*

## 7.3 Disposal Industrial (MD) Zone

### 1. Permitted Uses

portable asphalt plant  
waste disposal site  
waste recycling facility  
waste transfer facility  
wayside pit  
wayside quarry

### 2. Zone Provisions

- Lot Area (minimum) 2 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front 30 m
  - Exterior Side 30 m
  - Interior Side 30 m
  - Rear 30 m
- Building Height (maximum) 15 m
- Lot Coverage (maximum) 20%

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. Minimum Separation Distance for a Waste Disposal Facility

- From a residential use on another lot 500 m
- From a non-residential use on another lot 200 m
- From a watercourse or water body 500 m

### 4. Special Exception Zones

*(reserved)*

## SECTION 8 – INSTITUTIONAL ZONES

### 8.1 Institutional (I) Zone

#### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
cemetery  
community service  
day nursery  
park  
place of assembly  
place of worship  
school  
residential care home

#### 2. Zone Provisions

- Lot Area (minimum) 4050 m<sup>2</sup>
- Lot Frontage (minimum)
  - Lots in **Hamlet** designation in Official Plan 45 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 6 m
  - Rear 7.5 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Building Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

##### 1. I-1 (*Part of Lot 27, Concession 2, Bathurst*)

Notwithstanding the provisions of Sections 8.3.1 to the contrary, on the lands zoned I-1 the following additional use shall be permitted:

- Open Market

## SECTION 9 - OPEN SPACE ZONES

### 9.1 Open Space (OS) Zone

#### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
agricultural use, excluding buildings  
conservation use  
golf course  
park

#### 2. Zone Provisions

Yard requirements (minimum)      15 m

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

##### 1. OS-1 Zone (*Part of Lots 2 & 3, Concessions 1 & 2, Sherbrooke*)

Notwithstanding the provisions of Section 9.1.1 to the contrary, on the lands zoned OS-1, the following provisions shall prevail:

- Permitted uses shall be restricted to the following uses:
  - Uses accessory to residential uses located on other lots owned by individual owners-in-common of the lot zoned OS-1, such uses to be restricted to outdoor recreation, storage of equipment and supplies, and parking of licensed motor vehicles.
  - Pedestrian/vehicular right-of-way in favour of adjacent residential lots owned by others.
  - A maximum of two buildings or structures may be erected on the lot for the purpose of accommodating permitted uses.
  - The floor area or lot coverage, whichever is greater, of all buildings and structures shall not exceed 100 m<sup>2</sup>.

##### 2. OS-2 Zone (*Part of Lots 2 & 3, Concessions 1 & 2, Sherbrooke*)

Notwithstanding the provisions of Section 9.1.1 to the contrary, on the lands zoned OS-2, the following provisions shall prevail:

- Permitted uses shall be restricted to the following uses:
  - Uses accessory to residential uses located on other lots owned by individual owners-in-common of the lot zoned OS-2, such uses to be restricted to outdoor recreation and parking of licensed motor vehicles during daylight hours.
  - Pedestrian/vehicular right-of-way in favour of adjacent residential lots owned by others.
  - No buildings or structures shall be permitted.

3. **OS-3 Zone** (*Part of Lots 19 & 20, Concessions 6, Burgess*)

Notwithstanding the provisions of Section 9.1.1 to the contrary, on the lands zoned OS-3, the following provisions shall prevail:

- Permitted uses shall be restricted to uses accessory to residential uses located on adjacent lots owned by owners of the lots zoned OS-3, such uses to be restricted to outdoor recreation, storage of equipment and supplies, parking of licensed motor vehicles, and individual wells and sewage disposal systems.
- All buildings and structures shall be erected and used in accordance with the provisions of Section 3.1 (Accessory Uses) of this By-law. For the purposes of applying this section to the OS-3 zone, the provisions of subsection 3.1.6 governing buildings and structures accessory to a residential use in a Residential zone shall apply.

4. **OS-4** (*Part of Lot 19, Concession 3, Burgess*)

Notwithstanding the provisions of Sections 9.1.1 and 9.1.2, on the lands zoned OS-4, the following provisions shall prevail:

- Permitted uses shall be restricted to a conservation use
- West Interior Side Yard (minimum) 3 m

5. **OS-5** (*Part of Lot 3, Concession 7, North Burgess*)

Notwithstanding the provisions of Sections 3.1 and 9.1.2 on the lands zoned OS-5, the following provisions shall prevail:

- Water Setback for Accessory Structure(minimum) 18 m
- Rear Yard for Accessory Structure (minimum) 13.1 m

6. **OS-6** (*Part of Lot 7, Concession 7, North Burgess*)

Notwithstanding the provisions of Section 9.1.1 and 9.1.2 to the contrary, on the lands zoned OS-6, the following provisions shall prevail:

- Permitted uses shall be restricted to the following uses:
  - Uses accessory to a residential use located on another lot owned by the owner of the lot zoned OS-6, such uses to be restricted to outdoor recreation, storage of equipment and supplies, and parking of licensed motor vehicles.
  - Interior Side Yard (minimum) 3m
  - Rear Yard (minimum) 3m
  - Water Setback (minimum)
    - Building and parking area 40m
  - The maximum area of any accessory building shall not exceed 10m<sup>2</sup>.

## SECTION 10 - RURAL ZONES

### 10.1 Rural (RU) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 agricultural use  
 bed and breakfast  
 conservation use  
 existing cemetery  
 kennel  
 place of worship  
 portable asphalt plant  
 single dwelling  
 wayside pit  
 wayside quarry

#### 2. Zone Provisions

- Lot Area (minimum)
  - Lot in **Hamlet** designation in Official Plan 4050 m<sup>2</sup>
  - All other lots
    - Single dwelling 1 ha
    - Other permitted uses 2 ha
- Lot Frontage (minimum)
  - Lot in **Hamlet** designation in Official Plan 45 m
  - All other lots 60 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 6 m
  - Rear 7.5 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Dwelling Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

2. **Minimum Separation Distance of a New or Expanding Livestock Facility from a Dwelling**

Notwithstanding any other provisions of this By-law, new or expanding livestock facilities shall comply with the Minimum Distance Separation II (MDS II), as issued by the Ministry of Agriculture and Food.

3. **Minimum Separation Distance for a Kennel**

- From a residential use on another lot 150 m

4. **Special Exception Zones**

1. **RU-1** (*Part of Lot 4, Concession 5, Burgess*)

Notwithstanding the provisions of Section 10.1.1 to the contrary, on the lands zoned RU-1, permitted uses shall be restricted to the following:

- A marine facility
- A garage for boat storage

2. **RU-2 (Rural Co-operative)**

Notwithstanding the provisions of Section 10.1 to the contrary, on the lands zoned RU-2, the following provisions shall prevail:

1. *Part of Lot 2, Concession 4, Bathurst* (Roll No. 916-010-20400)

Dwellings per lot (max)	2
Additional uses permitted	private school

2. *Part of Lot 3, Concession 4, (Bathurst)* (Roll No. 916-010-20501)

Dwellings per lot (max)	3
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3. *Part of Lot 2, Concession 5, (Bathurst)* (Roll No. 916-020-20500)

Dwellings per lot (max)	2
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3. **RU-3** (*Part of Lot 20, Concession 9, North Burgess*)

Notwithstanding the provisions of Sections 10.1.2, on the lands zoned RU-3, the following provision shall prevail:

- Lot Frontage (minimum) 45.7 m

- Water Setback (minimum) 40 m

4. **RU-4** (*Part of Lot 27, Concession 4, Bathurst*)

Notwithstanding the provisions of Sections 10.3.1 to the contrary, on the lands zoned RU-4 the following additional shall be permitted:

- Archery Clinic

For the purposes of this section, an ‘Archery Clinic’ shall mean the use of land and buildings for archery training and the sales and repair of archery equipment.

5. **RU-5** (*Part of Lot 19, Concession 7, Burgess*)

Notwithstanding the provisions of Section 10.1.1, on the lands zoned RU-5, the following additional uses shall be permitted:

- Place of worship
- Meditation cabins and comfort station, accessory to a place of worship
- Administrative office, accessory to a place of worship

For the purposes of this By-law, a meditation cabin means a building for meditation and sleep purposes, with an area of approximately 20m<sup>2</sup>, which does not provide kitchen, sanitary or water facilities, and which is intended to be occupied on a temporary basis by members of a religious order in a monastery setting. Sanitary and water facilities are to be provided in an accessory comfort station, and shared with other meditation cabins.

## SECTION 11 - AGRICULTURE ZONES

### 11.1 Agriculture (A) Zone

#### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
agricultural use  
bed and breakfast  
conservation use  
portable asphalt plant  
single dwelling  
wayside pit  
wayside quarry

#### 2. Zone Provisions

- Lot Area (minimum) 40 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front 15 m
  - Exterior Side 15 m
  - Interior Side 6 m
  - Rear 15 m
- Dwelling Unit Area (minimum) 75 m<sup>2</sup>
- Dwelling Height (maximum) 9 m
- Lot Coverage (maximum) 20%
- Dwellings per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

##### 2. Requirements for Residential Lots Created by Consent

Notwithstanding the zone provisions of Section 11.1.2 to the contrary, where a lot is severed for residential purposes, such lot may be used for a single dwelling in accordance with the zone provisions of Section 5.1.2 and the retained lot shall be exempt from the lot area provision of Section 11.1.2

##### 3. Minimum Separation Distance for a New or Expanding Livestock Facility from a Dwelling

Notwithstanding any other provisions of this By-law, new or expanding

livestock facilities shall comply with the Minimum Distance Separation II (MDS II), as issued by the Ministry of Agriculture and Food.

4. **Special Exception Zones**

1. **A-1** (*Part of Lot 11, Concession 2, Bathurst*)

Notwithstanding the provisions of Section 11.1.2, on the lands zoned A-1, the following provisions shall prevail:

- Lot Area (minimum) 32.5 ha

## SECTION 12 – MINERAL RESOURCE ZONES

### 12.1 Mineral Aggregate Extraction (EX) Zone

#### 1. Permitted Uses

aggregate processing operation  
agricultural use, excluding buildings  
asphalt plant  
concrete plant  
conservation use, excluding buildings  
pit  
portable asphalt plant  
quarry  
wayside pit  
wayside quarry

#### 2. Zone Provisions

- Yards (minimum)
  - Front 30 m
  - Exterior Side 30 m
  - Interior Side 15 m
  - Rear 15 m

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

##### 2. Minimum Separation Distance From a Dwelling on Another Lot

- Class “B” Pit, with no excavation below the water table 150 m
- All other Pits 300 m
- Quarry 500 m

#### 4. Special Exception Zones

##### 1. EX-1, EX-1a, EX-1b and EX-1c (*Part of Lots 17, 18, 19 & 20, Concession 3, & Part of Lot 18, Concession 2, Bathurst*)

Notwithstanding the provisions of Section 12.1.2, on the lands zoned EX-1, EX-1a, EX-1b and EX-1c, the following additional provision shall apply:

- Building Height (maximum)
  - EX-1 zone 46 m

- EX-1a and EX-1b zones            35 m
- EX-1c zone                            6 m

Furthermore, notwithstanding the provisions of Sections 12.1.1 to the contrary, on the portions of the lands zoned EX-1a, EX-1b and EX-1c permitted uses shall be restricted to uses accessory to an aggregate processing operation as follows:

- On lands zoned EX-1a, uses shall be restricted to rail sidings;
- On lands zoned EX-1b, uses shall be restricted to rail sidings, a turning circle for trucks and a parking lot for construction workers' vehicles;
- On lands zoned EX-1c, uses shall be restricted to a water supply pump house facility, including a water intake and upstream gauging station.

## SECTION 13 – NATURAL HERITAGE ZONES

### 13.1 Environmental Protection (EP) Zone

#### 1. Permitted Uses

existing agricultural use  
conservation use, excluding buildings

#### 2. Zone Provisions

Yards (minimum) 15 m

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

*(reserved)*

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## SECTION 14 - NATURAL HAZARD ZONES

### 14.1 Flood Plain (FP) Zone

#### 1. Permitted Uses

agricultural use, excluding buildings  
conservation use, excluding buildings  
golf course, excluding buildings  
marine facility  
park, excluding buildings

#### 2. Zone Provisions

1. No fill shall be placed except with the written approval of the relevant Conservation Authority.
2. No building or structure shall be erected, altered or used except with the written approval of the relevant Conservation Authority.

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

*(reserved)*

**SECTION 15 - APPROVAL**

This By-law shall become effective on the date of approval hereof.

This By-law given its first reading on December 10, 2002.

This By-law given its second reading on December 10, 2002.

This By-law given its third and final reading and passed under the Corporate Seal on December 10, 2002.

CORPORATE SEAL OF TOWNSHIP

(original signed by) \_\_\_\_\_

M. Mosher  
Mayor

(original signed by) \_\_\_\_\_

K. Coulthart-Dewey  
Clerk



# Metric Conversion Chart

Imperial Units	Multiplied By	Equals Metric Units	Metric Units	Multiplied By	Equals Imperial Units
<b>L E N G T H</b>					
Inches	2.54	Centimetres	Centimetres	0.3937	Inches
Feet	0.3048	Metres	Metres	3.2808	Feet
<b>A R E A</b>					
Square feet	0.0929	Square metres	Square metres	10.764	Square feet
Acres	0.4047	Hectares	Hectares	2.471	Acres

## Sample Conversions

### AREA

Metric	Imperial
10 m <sup>2</sup>	107.6 sq ft
12 m <sup>2</sup>	129.2 sq ft
14 m <sup>2</sup>	150.6 sq ft
20 m <sup>2</sup>	215.3 sq ft
25 m <sup>2</sup>	269.1 sq ft
40 m <sup>2</sup>	430.6 sq ft
70 m <sup>2</sup>	753.5 sq ft
75 m <sup>2</sup>	807.3 sq ft
200 m <sup>2</sup>	2,152.8 sq ft
230 m <sup>2</sup>	2,475.7 sq ft
700 m <sup>2</sup>	7,534.7 sq ft
4050 m <sup>2</sup>	43,593.8 sq ft
1 ha	2.47 acres
2 ha	4.94 acres
40 ha	98.84 acres

### LENGTH

Metric	Imperial
1 m	3.28 ft
2.75 m	9.02 ft.
3 m	9.84 ft
4.5 m	14.76 ft
6 m	19.69 ft
7.5 m	24.61 ft
9 m	29.53 ft
10 m	32.81 ft
15 m	49.21 ft
20 m	65.62 ft
30 m	98.43 ft
45 m	147.64 ft
60 m	196.85 ft
120 m	393.7 ft
150 m	492.1 ft
300 m	984.3 ft
500 m	1,640.4 ft

*The foregoing metric conversion chart and sample conversions provide approximate conversions for the convenience of the reader and do not form part of the Zoning By-law.*

