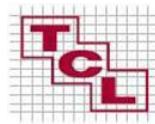


Zoning By-law

Town of Englehart

May 2013



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Section 1 ADMINISTRATION

Explanatory Note

Section 1 identifies the administrative controls and requirements of the By-law. It names the By-law, states its relationship with other By-laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law functions.

1.1 Title

This By-law shall be known as the Zoning By-law or By-law No. _____ of the Corporation of the Town of Englehart.

1.2 Application

In addition to the requirements of the Town of Englehart Building By-law, every planning application or application for a building permit shall be accompanied information required to determine compliance with this by-law.

(For example, a site plan drawn to scale should be prepared which illustrates

- *The true dimensions of the lot to be built upon;*
- *The proposed location, height and dimensions of any proposed building or structure;*
- *The setbacks of all existing and proposed buildings or structures from the nearest lot lines, the location and dimensions of parking spaces (conventional and barrier-free), parking aisles, parking areas and loading spaces;*
- *The location of sewage disposal systems and/or wells on the property an on abutting properties;*
- *Where the proposed building is to be used for residential purposes, the location of all livestock facilities within 0.5 km [0.31 mi] of the proposed dwelling.)*

1.3 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Town of Englehart.

1.4 Enforcement

This By-law shall be administered by the **Chief Building Official** or such other **persons** as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any **building** or **structure** or approval of application for any municipal license within the jurisdiction of the **Council** shall be issued or given where the proposed building, structure or **use** would be a violation of any provision of this By-law.

1.5 Repeal and Relationship to Former By-laws

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the *Planning Act*, or its predecessor, are hereby repealed.

The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any **existing** violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

1.6 Validity

Should any Section or part of a Section of this By-law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

1.7 Other By-laws, Licenses, Permits and Regulations

Nothing in this By-law shall exempt any **person** from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the **Corporation** or by any other law in force from time to time.

1.8 Conflict

In the event of a conflict between this By-law and amendments thereto, and any general or special By-law, the most restrictive By-law shall prevail.

1.9 Effective Date

This By-law shall take effect from the date of its passage by Council, subject to the provisions of the *Planning Act*.

Section 2 CONFORMITY REQUIREMENTS

Explanatory Note

This short section establishes the authority of the By-law. It requires that all land uses, buildings and structures must comply with this Zoning By-law.

2.1 Compliance

No land, **building** or **structure** shall be used and no **building** or **structure** shall be **erected** or enlarged, **altered** or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.

1.2 Compliance of Severances

Subject to the granting of such minor variances as may be approved, no lands shall be severed from any **existing lot** if the effect of an approval for severance is to cause the original, adjoining, remaining or new **building, structure, lot** or **use** of land to be in contravention of any provision of this By-law.

1.3 Application to Building

Where a **use** does not take place within a **building**, but a regulation in this By-law imposes a requirement premised on the use being in a building, the requirement applies, with necessary modifications, as though the actual area occupied by the **use** was in a **building**.

Section 3 DEFINITIONS

Explanatory Note

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word "shall" is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used". The word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

3.1 General

Definitions of words and phrases used in this By-law that are not included in the list of definitions in Section 3 shall have the meanings that are commonly assigned to them in the context in which they are used as defined in a dictionary.

3.2 Definitions

Abattoir

Means a **building** specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating and sale of the product on the premises.

Accessory

When used to describe a **use, building or structure**, shall mean a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. *Examples of accessory buildings or structures are a detached garage, a storage shed, a swimming pool or a satellite dish. Examples of accessory uses are a home based business, an apartment above a store, or a retail outlet within a manufacturing plant.*

Accessory Dwelling – see **dwelling, Accessory**

Accessory Apartment - see **Dwelling – Accessory Apartment**

Accessory Dwelling Unit – see **Dwelling, Accessory Dwelling Unit**

Adventure Game

Means an outdoor sport or *recreation commercial establishment* operated commercially in which participants engage in games mimicking combat-type roles and which may include the use of paint ball or similar equipment.

Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act* or the *Aggregate Resources Act*.

Agricultural Use

Means the *use* of land, *building(s)* or *structure(s)* for:

1. The growing of crops, including but not limited to nursery and horticultural crops and all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops produced on the lands.
2. Animal husbandry including the raising, boarding, and keeping of all forms of livestock, including poultry and fish, aquaculture, apiaries and all related activities such as breeding, training, feeding and grazing.
3. Agro-forestry, maple syrup production.
4. The production of animal products including but not limited to milk, eggs, wool, fur, or honey, and all related activities such as the collection, storage and sale of the products produced on the lands.
5. The use and storage of all forms of on-farm buildings and structures, equipment or machinery needed to accomplish the foregoing activities.
6. Agricultural use shall not be construed to include commercial activities related to agriculture such as *abattoirs*, tanneries and retail sales outlets, (except a farm produce outlet) or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales.

Agriculturally Related Commercial/Industrial Uses

Means the *use* of land, *buildings* or *structures* related to agriculture and necessary in close proximity to *farm* including but not limited to animal husbandry services, produce or grain

storage facilities, farm machinery outlets, and a fertilizer depot, but does not include any manufacturing, assembling, processing, warehousing or construction uses.

Aisle

Means the travelled way by which *motor vehicles* enter and depart *parking spaces* and a *parking area*.

Alter

When used in reference to a *building, structure* or part thereof, means:

1. To change any one or more of the internal or external dimensions of such *building* or *structure*; or
2. To change the type of construction of the exterior walls or roof of such *building* or *structures*; or
3. To change the *use* of such *building* or *structure* or the number or types of uses or *dwelling units* contained therein.

When used in reference to a *lot* means:

1. To change the boundary of such *lot* with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the *lot*, or otherwise; or
2. To change any dimension or area, relating to such *lot* (e.g. *width, depth or area of a lot or required yard, landscaped open space or parking area*); or
3. To change the *use* of such *lot* or the number of uses located thereon.

When used in reference to a shoreline means to change, straighten, divert or interfere in any way with the channel of any *water body* or the lands surrounding the **high water mark** of a *water body*.

Altered and alteration shall have corresponding meanings.

Ambulance Facility

Means a **building** or part thereof where professional paramedics and personnel are stationed and their *motor vehicles* and equipment are kept or stored.

Anaerobic Digester

Means a provincially regulated facility designed to convert agricultural and non-agricultural source materials (e.g., manure, milk washing materials, silage, organic food wastes) into an energy source (e.g., methane).

Animal Hospital

Means a *building, structure* or establishment used as the premises of a veterinarian or veterinary surgeon where animals, birds or other livestock are examined or treated and which may be kept on a short term basis, but does not include a *kennel* or research facility.

Antique Store

Means a *building* or part of a *building* or *structure* where antiques, arts and crafts are offered or kept for sale at retail, and may include a craft shop.

Apartment Building - see Dwelling - Apartment

Arcade or Video Arcade

Means an establishment where more than three amusement machines are available for public use and are operated for commercial gain, but does not include premises licensed to serve alcohol, a seasonal agricultural fair, an amusement park or the premises on a non-profit organization, association, institution or club which is operated for social, educational, recreational, religious or fraternal purposes.

Artisan Shop or Studio - see Studio

Asphalt Plant

Means an industrial facility used for the production of asphalt for immediate use in the paving of *roads* and *driveways* and the damp-proofing of *buildings* or *structures*.

Assembly Hall - see Place of Assembly

Attached

Means a *building* or *structure* otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings.

Attic

Means that portion of a *building* immediately below the roof and wholly or partly within the roof framing.

Auction Hall

Means a *building, a structure* or parts thereof, or any lands or premises used for the storage of goods or materials which are to be sold on the premises by public auction and for the sale of the

said goods and materials by public auction. An auction barn shall be included within this definition.

Auditorium - see Place of Assembly

Auto Body Shop

Means a *building* or *structure* where painting, refinishing, restoration, alterations, or repairs are made to *motor vehicles* and where the services are performed for gain or profit, but does not include a *wrecking or salvage yard* or *auto repair garage*. [See Wrecking or Salvage Yard]

Auto Repair Garage

Means a *building* or *structure* for the storage, repair and servicing of *motor vehicles* or *recreational vehicles* performed for gain or profit.

Automotive Sales Establishment

Means land or *buildings used* for the display, storage and sales or leasing, or renting of new and/or used *motor vehicles* and *recreational vehicles* and related products, and may include *accessory uses* such as an *auto repair garage* and/or *auto body shop*, as defined, administrative offices and a customer lounge.

Automotive Service Station

Means a *building* and/or *lot* used for the sale of fuels or energy products, for *motor vehicles* or *recreational vehicles* and may include an *auto repair garage*, the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this By-law [see also Gas Bar].

Automobile Washing Establishment

Means a *building* or *structure* containing facilities for washing *motor vehicles* by production line methods and may include the incidental sale of fuel including but not limited to gasoline, diesel fuel, propane, natural gas. This definition shall also include a self-service car wash.

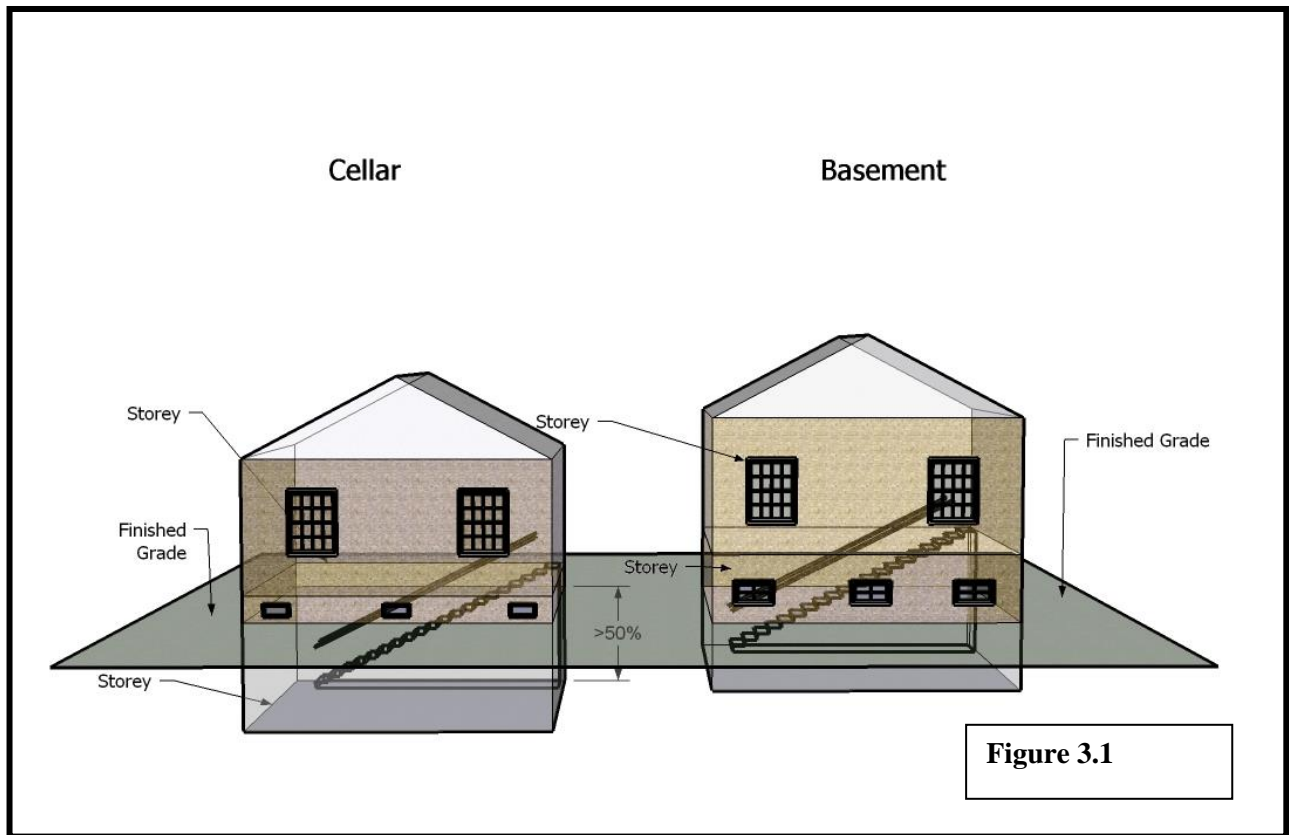
Automobile Wrecking Yard - see Wrecking or Salvage Yard

Bakery

Means a **building** or part thereof for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a **restaurant** or other premises where any such product is made for consumption on the premises or a **bake shop**.

Bake Shop

Means a **retail store** where bakery products are sold some or all of which may be prepared on the premises.



Balcony

Means an open platform projecting from the face of a building's wall, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment where money is deposited, kept, lent or exchanged.

Basement

Means that portion of a **building** between two floors which is partly underground but which has at least one-half of its **height** from floor to ceiling above the adjacent **finished grade** [see Figure 3.1, p. 10.].

Batch Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete products, used in building or construction and includes but is not limited to facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of equipment.

Bed and Breakfast Establishment

Means a private **single detached dwelling** in which **guest rooms** are provided for gain as temporary accommodation on a daily basis for the travelling or vacationing public as an accessory use and where the proprietor lives on the premises.

Bingo Hall

Means a **building** or part thereof used for bingo or a bingo event.

Boarding House or Rooming House

Means a **dwelling** within which a proprietor supplies for a fee, sleeping accommodation with or without meals, for five (5) or more persons but does not include a **bed and breakfast establishment**, a **hotel**, a hostel, a **group home**, or **continuum-of-care facility**.

Building

Means any **structure** used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

Building, Accessory - see Accessory Building

Building Envelope

Means the buildable area on a **lot**, defined by all of the required **yards** and setbacks and the maximum height provisions, within which a **building** can be erected [see Figure 3.2].

Building Height - see Height

Building Inspector or Building Official - see Chief Building Official

Building, Main

Means a **building** in which is conducted the principle **uses** of the **lot** on which it is situated [see Figure 3.3].



Figure 3.2

Building Line

Means a line within a lot drawn parallel or concentric to a lot line establishing the minimum



distance between that lot line and any portion of a **building** or **structure** which may be erected.

Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any **buildings** on a **lot**.

Building Supply Store or Depot

Means a **building** where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, hardware, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail or wholesale sale and may include a **bulk storage yard**. This definition shall not include a **wrecking yard**.

Bulk Fuel Depot

Means lands, **buildings** and **structures** for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

Bulk Storage Yard

Means land or a **lot** used for the storage in the open or partially sheltered, of goods and materials and without limiting the foregoing shall include lumber, building supplies, construction equipment, but shall not include a **wrecking yard**.

Bunkhouse

Means a **building** designed or **used** for the accommodation of up to 30 workers and may include sanitary facilities, a kitchen and sleeping accommodation.

Camp (Hunt Camp, Fishing Camp)

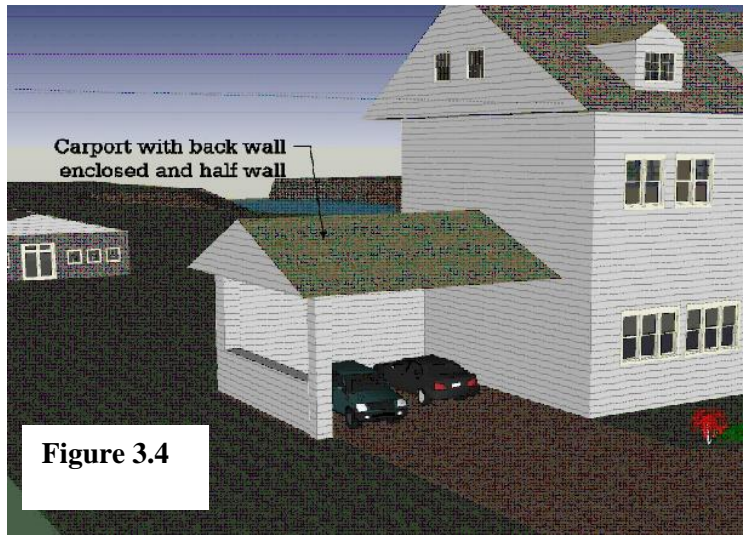
Means a **building** or **structure** intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation but does not include a **seasonal dwelling**.

Campground

Means an area of land, managed as a unit, providing short term accommodation or overnight camping for tents, tent trailers, **recreational vehicles** or campers. A campground may include **accessory uses, buildings and structures** such as an **accessory dwelling, laundromat, convenience store**, pavilion, recreation hall, beach, the sale of propane fuels or firewood or other goods or supplies and equipment rentals that are **accessory** to the operation of the campground.

Car Port

Means a **structure** open on at least two sides and intended to be used for the sheltering of one or more **motor vehicles**. A car port **attached** to the **main building** is not an **accessory structure**. [See Figure 3.4]



Car Rental Agency

Means the use of land, or **building** or **structure** where **motor vehicles** are kept for lease and where such vehicles may be dropped off or picked up.

Car Wash - see Automobile Washing Establishment

Catering Establishment

Means a commercial establishment or a **home based business** in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises.

Cellar

Means the portion of a **building** between two floors, which is partly underground and which has more than one-half of its **height** from floor to ceiling below the finished grade [see also **basement** and Figure 3.1, p. 10.].

Cemetery

Means a cemetery within the meaning and as regulated by the *Cemeteries Act* and includes a mausoleum, columbarium or other **building** or **structure** intended for the interment of human remains.

Chief Building Official

Means an officer or employee of the **Corporation** charged with the duty of enforcing the provisions of the *Building Code Act*.

Church - see Place of Worship

Clinic

Means a **building** or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified medical together with their qualified assistants and without limiting the generality of the foregoing, the **building** may include administrative **offices**, waiting rooms, laboratories, professionals (*e.g. physicians, dentists, optometrists, chiroprodists, chiropractors or drugless practitioners*), together with their qualified assistants and without limiting the generality of the foregoing, the **building** may include administrative **offices**, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for surgery

Club, Private

Means a **building** or part of a building used as a meeting place by an association of *persons* who are bona fide members, which owns hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

Commercial Greenhouse, Nursery or Garden Centre

Means a **building** and/or outdoor area primarily used for the growing of flowers, sod, vegetables, shrubs or bushes, trees, landscaping or orchard stock and similar vegetation for wholesale or retail sale on or off the premises and may include the incidental sale of gardening supplies, planting materials fertilizers and equipment.

Commercial Parking Lot

Means a **lot** forming the principal use of the land which is used for the temporary parking of two or more **motor vehicles** for profit or gain.

Commercial Vehicle

Means a *motor vehicle* having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

Communications Facility

Means an installation which transmits, receives and/or relays communications such as a microwave relay tower, significant antenna, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility.

Community Centre - see Place of Assembly

Conservation Use

Means the *use* of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Construction Yard or Contractor's Yard

Means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

Continuum-of-Care Facility

Means a **building** or a group of buildings which may include a senior citizens apartments building, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve the senior or disabled population such as clinics, retirement homes, recreation centres, cafeterias and personal service establishments, and may also include independent senior's accommodation in separate structures/living units that share in services such as meals. This definition does not include a *group home, boarding house* or chronic care facility.

Convenience Store or Confectionary Store

Means a *retail store* used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise or sundries as is required to fulfil the day-to-day needs of the surrounding community and may include a video rental outlet.

Converted Dwelling - see Dwelling, Converted

Convention Facility - see Place of Assembly

Corporation

Means the Corporation of the Town of Englehart except where reference is made in this By-law to a private corporation, in which case the definition shall mean a body corporate with share capital to which the *Business Corporations Act* applies.

Cottage Industry - see Home Based Business

Council

Means the Council of the Corporation of the Town of Englehart.

Coverage - see Lot Coverage

Crisis Care Facility

Means a *building* or part of a building which is used to provide for the supervised residency of person requiring immediate emergency shelter and aid for a short to interim period of time and without limiting the generality of the foregoing, includes a facility for battered or abused adults and/or children or elderly persons.

Custom Workshop

Means a *building* or part thereof where individual custom productions of goods or materials are made but does not include any establishment where the manufacture of goods or materials is performed on a mass production or assembly line basis nor any shop or factory otherwise defined in this By-law.

Day Lighting Triangle - see Sight Triangle

Day Nursery

Means an establishment governed by the *Day Nurseries Act* that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are, under eighteen years of age in the case of a day nursery for children with a developmental disability, and under ten years of age in all other cases.

Deck

Means a *structure* abutting a *dwelling* or *building* with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Detached

When used in reference to a *building* or *structure*, means a *building* or *structure* which is not structurally dependent on, nor adjoins on any side, any other *building*.

Dish Antenna - see Satellite Dish

Drive-Through Facility

Means a premise used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in *motor vehicles* that are in a designated queuing space, and may be in combination with other land uses. Kiosks within a parking structure necessary for the operation of the parking facility or kiosks associated with a surface parking area are not considered drive through facilities.

Driveway

Means an unobstructed passageway used to provide access to a *lot* from a street or lane.

Dry Cleaning Establishment

Means a *building* in which the business of dry cleaning, dry dyeing, cleaning spotting, stain removal, repair and/or pressing of articles and/or goods is carried on and may include a *Dry Cleaning Distribution Station*.

Dry Cleaning Distribution Station

Means a *building* used for the purpose of receiving goods of fabric primarily for distribution to a *Dry Cleaning Establishment*.

Dwelling

Means a **building** or part of a **building** occupied or capable of being occupied as the home or residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a hotel or motel.

Dwelling - Accessory

Means a fully-detached **dwelling** which is **accessory** to a permitted non-residential use.

Dwelling - Apartment

Means a **building** containing three (3) or more **dwelling units** but shall not include a **row dwelling** [see Figure 3.5].

Dwelling – Accessory Apartment or Apartment-in-a-House

Means a separate and self-contained **dwelling unit** (e.g. includes cooking, sanitation and sleeping facilities) in or added to a **single detached dwelling unit**.

Dwelling - Accessory Dwelling Unit

Means a self-contained **dwelling unit** which is part of an **accessory** to a permitted non-residential building other than an **auto service station** or a commercial garage.

Dwelling – Bachelor Dwelling Unit

Means a **dwelling unit** consisting of one bathroom and not more than two habitable rooms designed to provide living, dining, sleeping and kitchen accommodation in appropriate individual or combination.

Dwelling - Converted

Means an **existing single detached dwelling** which has or may be altered or converted to contain two (2) or more **dwelling units** but not more than four (4) dwelling units [see Figure 3.5].

Dwelling - Duplex

Means a **building** that is divided horizontally into two (2) **dwelling units**, each of which has an independent entrance [see Figure 3.5].

Dwelling - Group or Group Housing or Group Housing Project

Means a combination of dwelling types (e.g. **semi-detached, triplex, row housing, apartments**) where there are two or more such **dwelling units** located on the same **lot**, which lot is retained under one ownership or registered and in compliance with the *Condominium Act*.

Dwelling - Mobile Home

Means any *dwelling* that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more *persons*, but does not include a *park model trailer* or *recreational vehicle*.

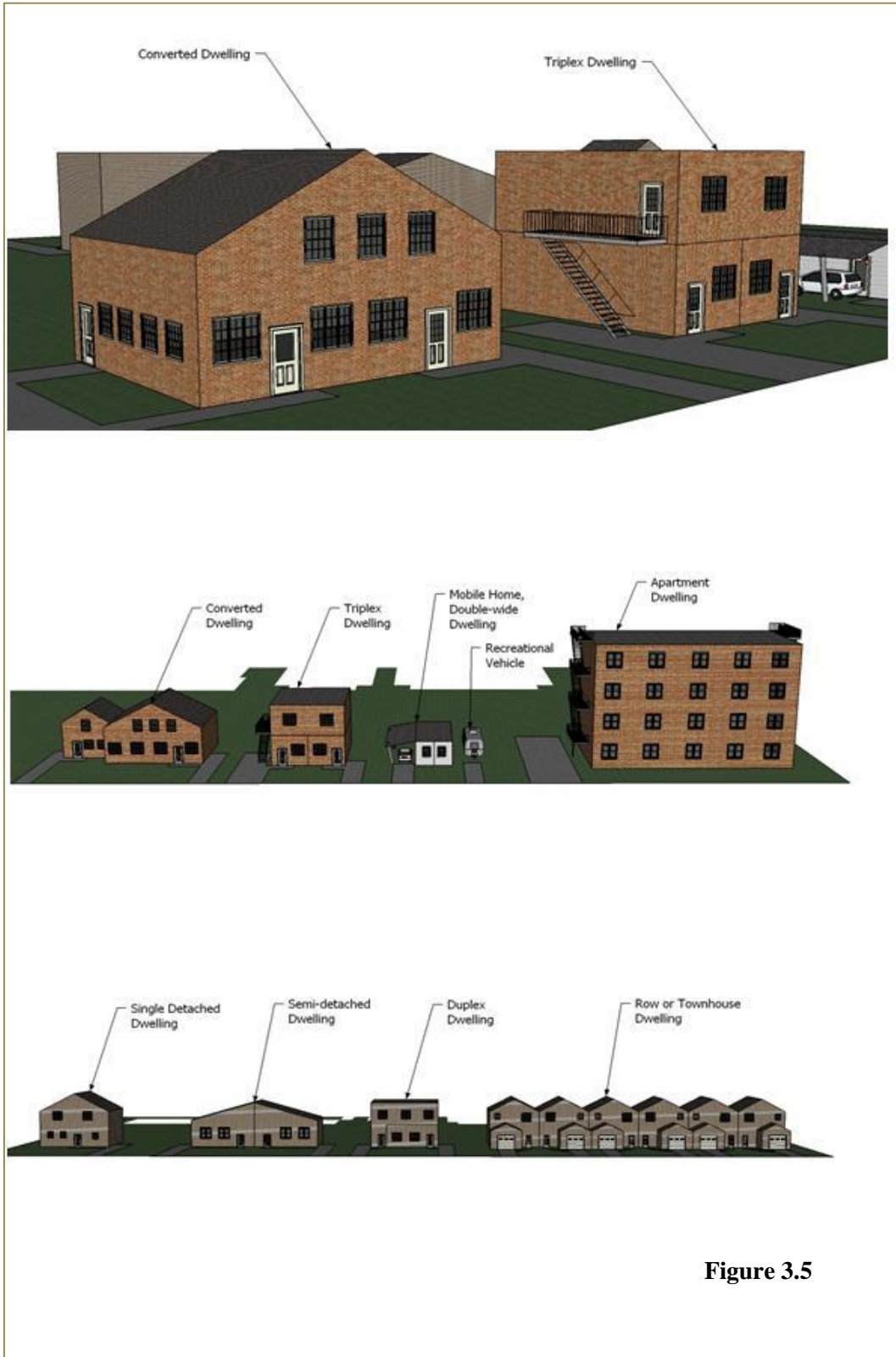


Figure 3.5

Dwelling -Park Model Trailer

Means a trailer as described under Section 9.39.1.1 of the Ontario Building Code as a manufactured *building* used or intended to be used as a seasonal recreational building of residential occupancy and not as the principal place of residence of the owner or occupier thereof.

Dwelling – Quadraplex

Means the whole of a *dwelling* divided vertically by common walls into four separate *dwelling units*, each dwelling unit having two common walls.

Dwelling - Row or Townhouse

Means a *building* that is divided vertically into three (3) or more *dwelling units*, each of which has an independent entrance at grade. [See Figure 3.5]

Dwelling - Semi-detached

Means a *building* on a single foundation divided vertically into two (2) separate *dwelling units* by a common wall [see Figure 3.5].

Dwelling - Single-detached

Means a detached *building* containing one (1) *dwelling unit* [see Figure 3.5].

Dwelling - Triplex

Means a *building* on a single foundation divided into three (3) separate *dwelling units*, each of which has an independent entrance either directly from the outside or through a common vestibule [see Figure 3.5].

Dwelling - Seasonal

Means a *dwelling* constructed as a secondary place of residence and not the principal place of residence of the owner or occupier thereof.

Dwelling Unit

Means one or more habitable room or suites of two or more rooms, designed or intended for use by and occupied by one or more individuals as a household in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and with a private entrance from outside the *building* or from a common hallway or stairway inside the building.

Dwelling Unit Area

Means the floor area of a *dwelling unit* measured within the interior faces of the exterior walls of the *dwelling unit*. The unfinished floor area in the *basement* shall not be included in the calculations of the dwelling unit area.

Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another.

Eave

Means a roof overhang, free of enclosing walls, without supporting columns.

Entrance

Means in reference to a *lot*, the area of intersection between a *driveway* and a *street line*.

Equestrian Establishment

Means the *use* of land, *buildings* and *structures* for operation of a horse riding academy or horse riding stables.

Equipment Rental Establishment

Means a *building* or part of a *building* wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods.

Equipment Sales, Service and Repair Establishment

Means a *building* or part of a *building* and land where machinery or equipment for use in construction undertakings, commercial vehicles, and other similar goods are kept for sale at retail or wholesale and which may be serviced, washed or repaired and may include an *auto body shop*. (Examples include farm equipment, back hoes, floats or trailers.)

Equipment and Vehicle Storage Yard

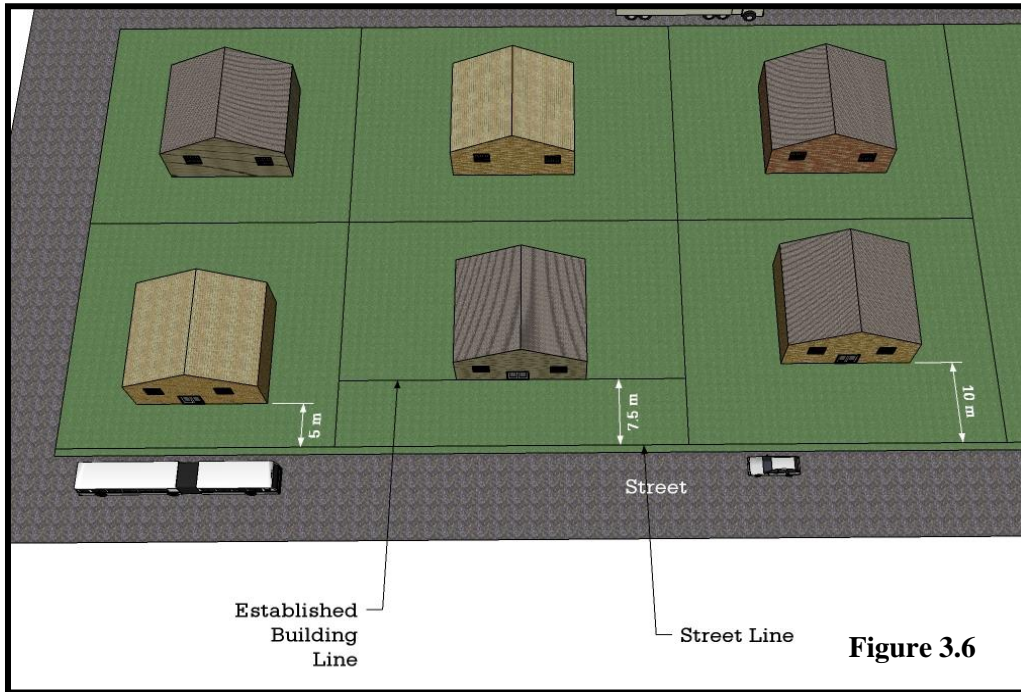
Means an uncovered area of land which is used for the storage of machinery and equipment for construction undertakings, commercial vehicles, and other similar goods requiring large areas for *outside storage*. Limited repair of such machinery, equipment, vehicles and goods may be permitted in a *building* provided such repair is clearly incidental and secondary to the storage use.

Erect

Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any *existing building* or *structure* by an addition, deletion, enlargement or extension.

Established Building Line

Means the average setback from the street line of *existing buildings* on one side of one block where more than one-half of the frontage of the same side of a block has been built upon [see Figure 3.6].



Established Grade

Means:

1. When used with reference to a **building**, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps;
2. When used with reference to a **structure**, the average elevation of the finished surface of the ground immediately surrounding such structure;
3. When used with reference to a street, road or highway, the elevation of the street, road or highway established by a **public authority**.

Existing

Means existing as of the date of the passing of this By-law.

Exterior Side Lot Line - see **Lot Line, Exterior Side**

Exterior Side Yard - see **Yard, Exterior Side**

Fairground

Means land, *buildings* and *structures used* for entertainment, agricultural and related exhibits, competitive events, food concessions, a carnival or midway which are conducted on a seasonal or temporary basis and may include grandstands, barns and other *accessory buildings* and *structures* normally associated with such a *use*.

Farm

Means land *used* for the tillage of soil and the growing of vegetables, fruits, grains, and other staple crops. This definition shall also apply to land used for animal husbandry, dairying or wood lots [see also **Agricultural Use**].

Farm, Hobby

Means land on which a *farm* may be operated primarily for recreational purposes or for home consumption by the occupants of the *dwelling* on the same *lot*, and which is clearly secondary and *accessory* to the permitted *use*. A hobby farm may also include a *farm produce outlet*.

Farm Produce Outlet

Means an *accessory use* to a *farm* which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

Farm Vacation Establishment

Means an *accessory use* in a private *single detached dwelling* in which *guest rooms* are provided for gain as temporary accommodation on a daily basis for the vacationing public interested in learning or participating in the operation of a *farm*.

Farmer's Market

Means land, *buildings* and *structures used* for the sale of farm products, crafts and other merchandise of a local farming or rural community and designed for individual retailers.

Feed Mill

Means a *building, structure* or area used for the development and production and/or sale of animal feeds.

Fence

Means any barrier or *structure* constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Fence

For the purposes of a swimming pool means a barrier constructed of chain link or of wood, stone, metal or material having an equivalent degree of strength to enclose and/or define property boundaries or to enclose a swimming pool.

Flea Market

Means:

1. A **building** or part of a building where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined in this By-law;
2. An occasional or periodic market or sales event held in an open area, which may include a street, or within a **building** or **structure** where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;
3. A **building** or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, homemade, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade;
4. A **building** or open area where food preserves or fresh produce or prepared foods are sold, but does not include a **restaurant**.

Flood Elevation or Floodline

Means a line established by a one in one hundred year storm as established by flood plain mapping or by an appropriate public authority.

Flooding Hazards

Means the inundation of areas adjacent to a shoreline or river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as a standard for that specific area by the Ministry of Natural Resources.

Flood Plain

For river stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to **flooding hazards**.

Floor Area, Gross

Means the total area of all floors contained within a **building** measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

Floor Area, Ground

Means the floor area of the lowest storey of a building approximately at or above the **established grade** excluding any **basement** or **cellar**, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building; and for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

Floor Area, Net

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

1. Any **private garage, porch, veranda**, unfinished **basement, cellar** or **attic**; or
2. Any part of a **building** or **structure** below grade which is used for building services, storage or laundry facilities; or
3. Any part of the **building** or **structure used** for the storage or parking of **motor vehicles**; or
4. Any part of a commercial shopping area **used** as a hall way, corridor passageway, utility room, public washroom, balcony or mezzanine not otherwise used for the display or sale are for merchandise.

Forestry Use

Means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, saw logs, Christmas trees, other forestry products and silva culture practices.

Front Lot Line - see **Lot Line, Front**

Front Yard - see **Yard, Front**

Frontage - see **Lot Frontage**

Funeral Home

Means a **building** or part of a **building** wherein undertaking services are offered and may include **accessory** activities such as the sale of caskets and funeral accessories, a chapel or parlour.

Garage - Private

Means a single storey *accessory building* or portion of a *main building* including a *carport* which is designed or *used* for parking or storage of *motor vehicles* of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garden Centre - see Commercial Greenhouse, Garden Centre or Nursery

Garden Suite

Means a one-unit detached residential *building* containing sanitary and kitchen facilities that is *accessory* to an *existing* permanent residential *building* and that is designed to be portable, but shall not include a *mobile home*, a *park model trailer* or a *recreational vehicle*.

Gas Bar

Means one or more pump islands, each consisting of one or more gasoline pumps, and a *building, structure* or booth which may be used by a sales attendant for the sale of gasoline products and convenience items including but not limited to beverages, prepared foods, newspapers, lottery tickets sundries and may include other *accessory* features such as a comfort station and ATM. [see also **Automotive Service Station**]

Golf Course

Means land, *buildings* and *structures used* a public or private area operated for the primary purpose of playing the sport of golf but may also include such *accessory buildings* and *structures* as are necessary for the operation and maintenance of the golf course including club house facilities, a *restaurant*, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

Golf Driving Range

Means a commercial use of land that may be equipped with distance markers, clubs, balls and tees which is designed for practicing golf shots.

Granny Flat - see Garden Suite

Green Energy Industries

Means a *building* or *structure* in which products are manufactured for the generation of electricity from non-polluting or renewable source (i.e. wind, sun, geothermal, biomass). Products manufactured by a renewable energy industry may include but are not limited to solar panels, wind turbines, geothermal equipment, *anaerobic digesters* and parts or components thereof.

Group Home

Means a single housekeeping unit in a residential *dwelling*, which is registered with the *Corporation*, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live

together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal By-laws [see also **Crisis Care Facility**].

Guest Cabin

Means an accessory *building*, located on the same *lot* as the *main building*, which is used for sleeping accommodation but does not contain any cooking facilities and may contain sanitary facilities.

Guest Room

Means a bedroom or suite of rooms, which contains no facilities for cooking and which is *used* or maintained for gain or hire by providing accommodation.

Habitable Room

Means a room in a *dwelling* used or intended to be *used* primarily for living, dining, sleeping or kitchen accommodation and may include a bathroom, den, library or enclosed sunroom but shall not include any private garage, carport, porch, unfinished *attic*, unfinished *basement* or *cellar*.

Hazardous Lands

Means property or lands that could be unsafe for development due to naturally occurring process including lands in a *flood* plain or subject to a *flooding hazard* or erosion hazard.

Hazardous Substances

Means substances which individually, or in combination with other substances are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide variety of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Height

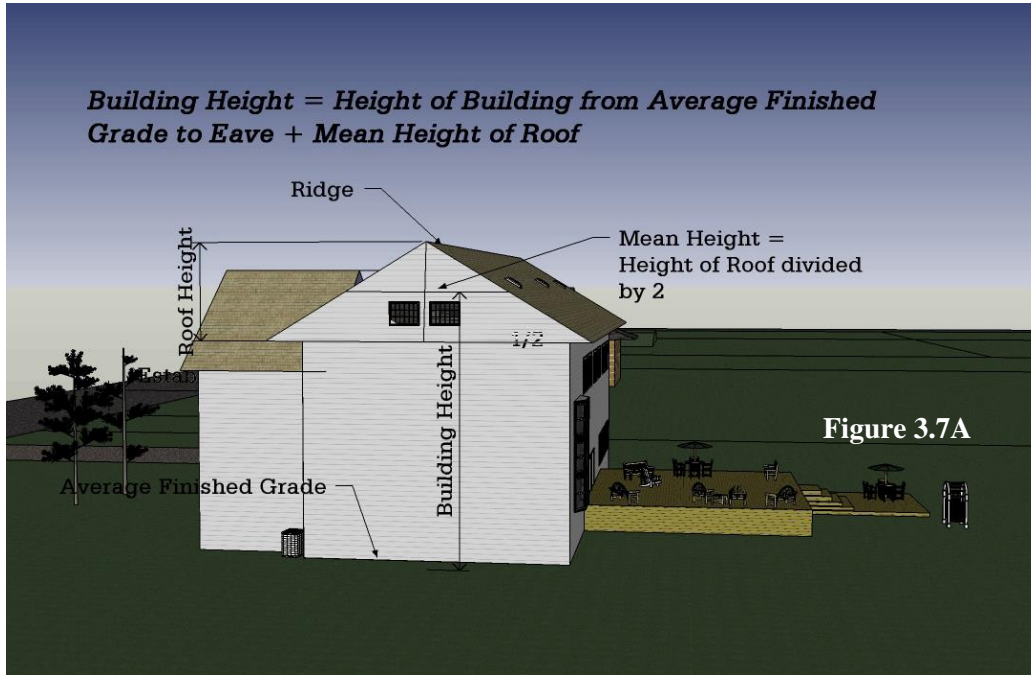
Means the vertical distance between the *established grade* and:

1. In the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest [see Figure 3.7A], or
2. In the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof [see Figure 3.7B].

Where the height is designated in terms of *storeys*, it shall mean the designated number of storeys above and including the *first storey*. A mezzanine floor or floors shall not be considered as increasing the height of a building in storeys, provided that their aggregate area does not exceed forty (40%) per cent of the area of a room or storey in which they are located, provided further, that the space beneath the mezzanine is not enclosed and provided that the mezzanine overhang does not exceed forty (40) per cent of the least dimension on any room in which it is located. In calculating the height of a building, any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse or a chimney, tower, cupola, steeple, church spire, antenna, ornamental dome, electrical apparatus, is not to be included.

Heliport

Means a landing area or pad *used* for the landing and take-off of helicopters and shall include all necessary and *accessory* emergency services facilities, fuelling facilities and passenger and cargo facilities.



Herein

Means in this By-law, and shall not be limited to any particular section of this By-law.

High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway

Means an improved public road under the jurisdiction of the Provincial government.

Hobby Farm – see **Farm, Hobby**

Home for the Aged – see **Continuum-of-Care Facility**

Home Based Business

Means a privately operated legal occupation, enterprise or business which is carried out as an *accessory use* to a *dwelling unit* for pursuits conducted by the occupant thereof and any employees and is compatible with a domestic household.

Home Industry

Means any privately operated legal occupation, enterprise or business which is carried out as an *accessory use* to the main agricultural or rural *residential use* of a property and only by the occupant thereof and any employees and is compatible with a domestic household.

Hotel

Means a *building* designed or *used* for the accommodation of the travelling or vacationing public, containing therein five (5) or more *guest rooms* served by a common *building* entrance. *Accessory uses* may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, *restaurant* or similar uses.

Hot Tub

Means a *body of water* located outdoors contained by artificial means, with mechanisms allowing for the direction and/or adjustment of jets or warm water flowing in a rapidly rotating and circular current, and which produces a depression or cavity in the centre, and includes tubs called “spas” or “whirlpools.”

Industrial Use

Means the use of land, **building** or **structures** for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include a mine, pit or quarry or obnoxious industry. *Accessory uses* may include transportation, wholesaling, storage, shipping and receiving incidental to the industrial use.

1. Class I Industry - Light Industrial

Means a place of business for a small scale, self-contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. ‘Light Industrial Uses’ or ‘Class I Industry’ is a classification and other uses defined in this By-law may be classified as such.

2. Class II Industry - Medium Industrial

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. ‘Medium Industrial Uses’ or ‘Class II Industry’ is a classification and other uses defined in this By-law may be classified as such.

3. Class III - Heavy Industrial Uses

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other **sensitive land uses** in order to limit any potential *adverse effects* on the environment or the surrounding areas and public health. ‘Heavy Industrial Uses’ or ‘Class III Industry’ is a classification and other uses defined in this By-law may be classified as such.

Institutional Use

Means any land, **building**, **structure** or part thereof **used** to provide non-profit or non-commercial purposes for governmental, educational, charitable, fraternal or other public services.

Junk Yard - see Wrecking Yard

Kennel

Means a commercially operated *building* or *structure* where four (4) or more dogs over the age of six months are kept, bred or boarded. [See also Animal Hospital]

Landfill Site – see **Waste Management Facility**

Lane

Means a public thoroughfare other than a street or pedestrian way, improved or not, which has a right-of-way width of 10 m or less and which provides a secondary means of access for vehicular traffic to abutting *lots* and which is not intended for general traffic circulation.

Laundromat

Means a *building* where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

Livestock

Means animals associated with an *agricultural use* such as but not limited to cattle, horses, goats, poultry, sheep, swine or the young thereof, raised for personal use or for commercial purposes.

Livestock Facility

Means one or more barns or permanent *structures* with livestock-occupied portions, intended for the keeping or housing of livestock and includes all manure or material storages and *anaerobic digesters*. (Minimum Distance Separation Formulae Implementation Guidelines)

Livestock Sales Outlet

Means a *building* or *structure* where *livestock* are bought and sold.

Loading Space

Means a space or bay located on a *lot* or within a *building* which is *used* or intended to be used for the temporary parking of any *commercial vehicle* while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a *street* or *lane*.

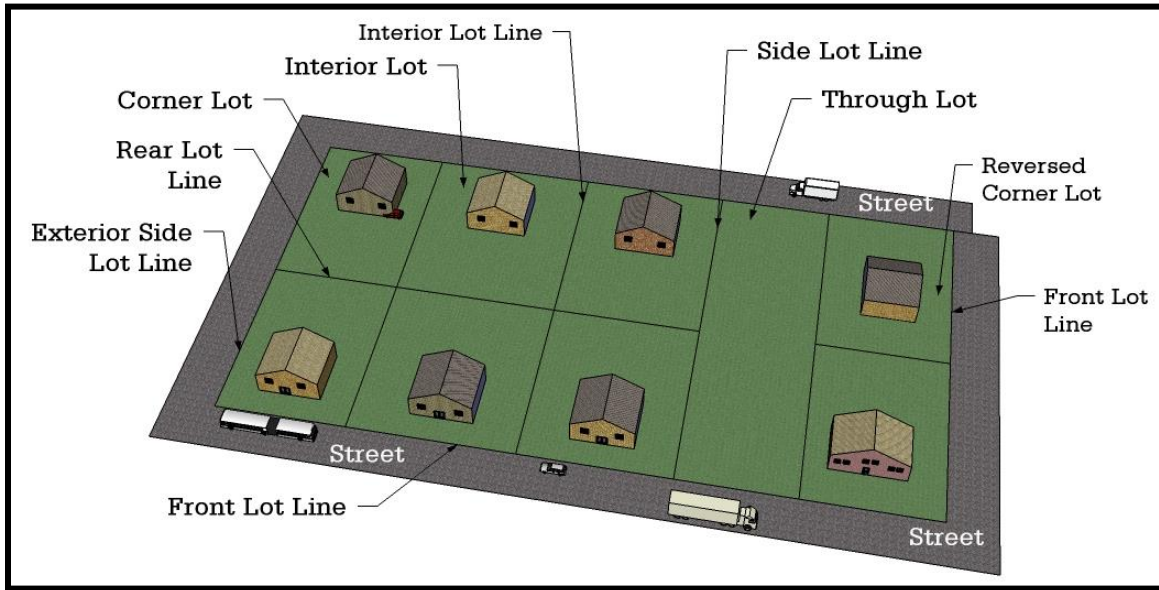


Figure 3.8

Logging Operation

Means an area of land and/or **building** of a logging contractor where equipment and materials are stored and may include repairs to logging equipment.

Lot

Means a parcel of land which is capable of being legally conveyed in accordance with the *Planning Act*.

Lot Area

Means the total horizontal area measured within the limits of the **lot lines** of the **lot** excluding the horizontal area of any flood plain or wetland area located on such **lot**.

Lot, Corner

Means a **lot** situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees.

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents, and any portion of

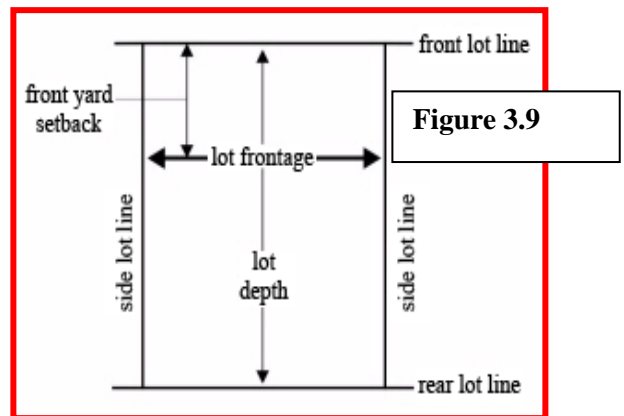
a corner lot distant not more than 30 m (98.4 ft.) from the corner measured along the street line shall be deemed to be an *interior lot* [see Figure 3.8].

Lot Coverage

Means that percentage of land or lot area covered by *buildings* and *structures* above ground level and which excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level, and shall exclude a fence, a sewage disposal system and an in-ground swimming pool.

Lot Depth

Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines [see Figure 3.9].



Lot Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line equal to the front yard setback back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines [see Figure 3.9].

Lot, Interior

Means a *lot* other than a corner or a *through lot* which has frontage on a *street*.

Lot Line

Means a boundary line of a *lot* or the vertical projection thereof:

Lot Line - Exterior Side

Means a *lot line* located between the front and rear lot lines and dividing the *lot* from a *street* [see Figure 3.8].

Lot Line, Front

Means:

1. In the case of an *interior lot*, the line dividing the *lot* from the *street*, street allowance or *private road*;

2. In the case of a **corner lot**, the shorter **lot line** abutting a **street** shall be deemed to be the front lot line;
3. In the case of a **corner lot** with two street lines of equal length, the **lot line** that abuts the wider **street**, or abuts a **highway** shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the **lot line** where the principal access to the **lot** is provided shall be deemed to be the front lot line;
4. In the case of a lot with water access only, the front lot line shall be on the street side. In the case of a through **waterfront lot** with water access only, the longest shoreline shall be deemed to be the front lot line;
5. in the case of a **private road**, the **lot line** adjacent to the **entrance** shall be deemed to be the front lot line;
6. In all other cases not described above, the front lot line shall be deemed to be where the principal access or **entrance** to the **lot** is approved.

Lot Line, Rear

Means the **lot line** furthest from, and opposite to, the **front lot line** [see Figure 3.8].

Lot Line, Side Interior

Means a **lot line** other than a **front lot line**, **rear lot line** or **exterior side lot line**. On a **lot** with more than four sides, any **lot line** not otherwise defined as a front, rear or side lot line shall be considered as an interior side lot line [see Figure 3.8].

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel **streets** and where such **lot** qualifies as being both a **corner lot** and a through lot, such lot shall be considered as a corner lot [see Figure 3.8].

Lot, Width

Means the average horizontal dimension between the two longest opposite sides measured on a line 6 m [19.6 ft.] back from the **front lot line** and parallel to it.

Lot Width, Corner Lot

Means the horizontal distance between the longest **front lot line** and the opposite **side lot line**, measured along a line 6 m [19.6 ft.] back from and parallel to the shorter **front lot line**, except in the case:

1. Where the **front lot lines** are curved, in which case, the *lot width* shall be calculated on the basis that the street lot lines are deemed to be the tangents produced to their points of intersection, from the points of intersection of the side lot lines and curved street lot line; or
2. Where a **corner lot** indicates that a **sight triangle** has been removed or has a rounded corner, in which case, the *lot width* shall be calculated on the basis that the **front lot lines** shall be deemed to comprise the street lines produced to their point of intersection.

Marine Facility

Means a non-commercial *building* or *structure* which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, a float hangar, dock or boathouse, but does not include any *building* used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure. No part of a marine facility may be used as a *dwelling unit*.

Medical Clinic - see Clinic

Mine

Means a mine as defined in the *Mining Act*. Mining shall have a similar meaning.

Mine Hazard

Means any feature on a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

Mineral Aggregate Operation

Means:

1. Lands under license or permit, other than for *wayside pits* and *quarries*, issued in accordance with the *Aggregate Resources Act*, or successors thereto, or a pits and quarries control by-law enacted under the *Municipal Act*; and
2. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Mining Operation

Means a mining operation and associated facilities, or, a past producing mine with remaining mineral development potential that has not been permanently rehabilitated to another *use*.

Miniature Golf Course

Means an area of land, *building* or *structure* or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to stimulate the game of golf or any aspect of the game on a small scale, but does not include a driving range.

Minimum Distance Separation Formulae I and II

Means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from *livestock facilities*.

Mobile Home – see Dwelling – Mobile Home

Motel

Means a ***building*** or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment but does not include a ***bed and breakfast establishment***.

Motor Home - see Recreational Vehicle

Motor Vehicle or Vehicle

Means an automobile, commercial vehicle, truck, ***recreational vehicle***, transport tractor, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car.

Municipality

Means the Town of Englehart.

Museum

Means a ***building*** or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or of mechanical scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and/or premises used or to be used in connection therewith.

Non-Complying

Means any *existing building, structure* or *lot* which does not comply with one or more of the zone requirements and standards of this By-law.

Non-Conforming

Means any *existing use, building, structure* or *lot* which is not a permitted use in the *zone* where such *use, building* or *structure* is located.

Non-Residential

Means a *use, building* or *structure*, designed intended or used for purposes other than those of a *dwelling* or a *residential use*.

Nursing or Convalescent Home - see Continuum-of-Care Facility

Nursery - see Commercial Greenhouse, Nursery or Garden Centre

Office

Means a **building, structure** or part thereof *used* or intended to be used in the performance and transaction of business including administrative, clerical and professional activities but shall not include the manufacturing of any product.

Open Space

Means the open, unobstructed space on a *lot* including landscaped areas, pedestrian walkways, patios, **swimming pools** or similar areas but not including any driveway, ramp, **parking spaces** or **aisles, loading spaces** or manoeuvring areas and similar areas.

Open Storage

Means the storage of goods, merchandise or equipment outside of a **building** or **structure** on a *lot* or portion thereof. This definition shall not include a storage use located in a building, a **salvage yard**, a **parking area**, a **loading space** or a **parking space**.

Outdoor Display

Means an area set aside outside of a **building** or **structure**, other than a **parking area, loading space** or **parking space** which is *used* in conjunction with a business located within the building or structure on the same property, for the display of goods, merchandise, equipment and seasonal produce and products and may include garden supplies and Christmas trees, new merchandise or the supply of services.

Owner

Means a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

Park

Means an area of land, whether enclosed or not, which is devoted to recreational or leisure uses including but not limited to a beach, playground, play field, athletic field, field house, community centre, bleachers, swimming pool, wading pool, splash pad, greenhouse, botanical gardens, zoological gardens, bandstand, skating rink, tennis courts, bowling green, boat livery, bathing station, curling rink, refreshment concession, *campground*, fair ground, and conservation area.

Park Model Trailer (see Dwelling - Park Model Trailer)

Parking Area

Means a *lot* or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of *motor vehicles accessory* to uses in all *zones*, and includes the storage or parking of three (3) or more *motor vehicles*, horses and buggies and includes a *carport* or *private garage* and includes any associated *driveways*, *aisles*, pedestrian aisles, *lanes* or other areas required for the movement or parking of motor vehicles but does not include a *street* or *lane*, a *lot* for the sale or lease of *motor vehicles* or the storing or impounding of *motor vehicles* or wrecked vehicles.

Parking Lot, Commercial - see Commercial Parking Lot

Parking Space

Means an area used for the temporary parking of one *motor vehicle* or one horse and buggy.

Parking Space, Barrier Free

Means a *parking space* for the temporary parking of a *motor vehicle* used by a handicapped or disabled person.

Patio

Means a surfaced, open space of land at grade adjacent to a residential dwelling which is used as an extension to the interior of the home for private entertainment or leisure activities and is uncovered. In a commercial setting, a patio means a surfaced open space area at grade used in conjunction with a restaurant where seating accommodation is provided and where meals and beverages may be served and consumed and is uncovered.

Permitted

Means permitted by this By-law.

Permitted Use

Means a *use* which permitted in the *zone* where such *use* is located.

Person

Means an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment

Means a *building* wherein a personal service is performed including but not limited to a barber shop, beauty salon, aesthetician, shoe repair, photographic store, *laundromat* or a *dry cleaning distribution station* but excludes a manufacturing or fabrication of goods for sale.

Pit

Means land or land under water from which *aggregate* as defined *herein* is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a *building* or a *structure* for which a building permit has been granted by the *Corporation*, or an excavation incidental to the construction of any public works.

Place of Assembly

Means a *building* specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion shows, public meetings, banquets, conference meetings, civic, political, social or religious activities a private club or a fraternal organization and similar activities.

Place of Worship

Means a *building* or an open area dedicated to religious worship or activities and may include an *accessory dwelling*, an *accessory dwelling unit* or other secondary meeting facilities and may include *accessory uses* such as a church hall, auditorium, Sunday school , parish hall, rectory, manse, *cemetery*.

Playground, Play Facility

Means a *park* or part thereof which is equipped with active recreational facilities oriented to children [see also **Park**].

Porch or Veranda

Means a covered entrance to a *building* usually with a separate roof and unenclosed and used as an outdoor living space.

Portable Asphalt Plant

Means a facility with equipment 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 and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

Portable Concrete Plant

Means a **building** or a **structure** with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

Printing and Publishing Establishment

Means a **building** or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Private Club - see Club, Private

Private Road

Means a private right-of-way over private property which affords access to two or more abutting **lots** and which is not maintained by a **public authority**.

Professional Office – see Office

Public Authority

Means the Town of Englehart and any Boards or Commissions thereof, and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of **Council**.

Public Street – see Street

Public Utility

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system, a telecommunications system, **communications facility** and includes and lands, **buildings** or **structures** or equipment required for the administration or operation of any such system and which is operated by a **public authority** or publicly governed company.

Quarry

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

Railroad Use

Means a *building, structure* or *use* normally associated with a railroad operation.

Reconstruction or Renovation

Means the repair and restoration of a previously *existing building* or *structure* to a safe condition but shall not include its replacement.

Recreational Commercial Establishment

Means an establishment, *building* or *structures* where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses except as otherwise specifically defined in this By-law. [See also **Bingo Hall**]

Recreational Vehicle

Means any *vehicle* so constructed that is suitable for being **attached** to a **motor vehicle** for the purpose of being drawn or is propelled by the *motor vehicle* and is capable of being used for living, sleeping, eating or accommodation of *persons* on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. For the purposes of this definition, a recreational vehicle shall be considered a *structure* for the purposes of establishing setbacks only. A recreational vehicle shall not be deemed to include a *mobile home*, or a *park model trailer*. The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal water craft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.

Recreational Vehicle Campground – see Campground

Recreational Vehicle Sales and Storage

Means a *building* and/or *lot* which are *used* for the display, storage and/or sale of boats, and *recreational vehicles* or recreational equipment.

Recreational Vehicle Repair Garage

Means a *building* used for the repair, servicing, painting, refinishing, restoration or alteration of *recreational vehicles* and boats for gain or profit, but does not include a salvage yard

Recycling Depot or Transfer Station

Means a special *waste management facility* which only serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which

will be transferred to another location for reuse. This definition does not include any other type of waste management system [See also **Waste Management Facility**].

Redevelopment - see Development

Renovate

Means to strengthen, improve, repair, retrofit or restore to a better state any aspect of an *existing* building. Renovation shall not include the removal of more than 50% of the walls (wall studs) in a building. Renovation shall include the replacement of a foundation only where the foundation is structurally unsound as determined by the *Chief Building Official*.

Residential Care Facility – see Continuum-of-Care Facility

Residential Use

Means the use of land, *buildings* or *structures* for human habitation or as a *dwelling*.

Restaurant

Means a *building* or *structure* where food is prepared and offered for sale to the public for consumption within or outside the building or structure.

Retail Store

Means a *building* wherein goods, wares, merchandise, groceries, substances or articles are offered for sale to the general public, and may include the limited storage of goods, wares, merchandise, substances or articles, and shall not include any other *use* defined *herein*.

Retirement Home – see Continuum-of-Care Facility

Right-of-way - see Easement

Road - see Street)

Room, Non-Habitable

Means any room located within a *dwelling* that is not a habitable room, including but so as not to limit the foregoing, a laundry room, a pantry, a lobby, a stairway, a closet, a *porch*, a recreation room, a porch, a balcony, a *private garage*, an unfinished attic, a *cellar*, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between *storeys*.

Row House - see Dwelling, Row or Townhouse

Salvage Yard

Means a *lot* and/or *building* or portion thereof where used goods, wares, merchandise, articles, *motor vehicles*, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a wrecking yard, a scrap metal yard, and an automobile wrecking yard on the premises.

Satellite Dish/Receiver

Means a *structure* designed, used or intended to be used to send or receive signals to or from a satellite.

Sawmill or Planing Mill

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

Sawmill, Portable

Means equipment which is portable (e.g. may be drawn by a *motor vehicle*) and is *used* on a temporary basis for the cutting of saw logs

School

Means a public educational establishment operated by a Board of Education [see also Institutional Use].

School, Private

Means an educational establishment not operated by a public school board wherein teaching or instruction is offered in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts. A private school may be an elementary, secondary or adult school. [See also School].

Seating Capacity

Means the number of persons which can be accommodated in a *building* or *structure* or part thereof in a seated position on chairs, benches, forms or pews.

Self-Storage Facility

Means a commercial *building* or part of a building wherein items are stored in separate, secured storage areas or lockers and may include the exterior storage of boats and water-related equipment, recreational equipment and *recreational vehicles*.

Semi-Detached Dwelling - see Dwelling, Semi-Detached

Sensitive Land Use

Means the use of or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one (1) or more adverse effects from emissions or discharges generated by nearby facilities and includes, but is not limited to, a *dwelling, day nursery*, or an educational or health facility (e.g. *school*, hospital). A sensitive land use may be a part of the natural or built environment.

Separation Distance

Means the horizontal distance between *buildings* or *structures* or physical features measured from the closest point of the exterior wall of such building or structure, or of such physical structure.

Septage

Means untreated sanitary waste from a septic tank, privy or holding tank.

Service Outlet or Shop

Means a *building* whether in conjunction with a *retail store* or not, *used* for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof. Automotive repairs and services are not permitted under this definition.

Setback

Means:

1. With reference to a *street*, the least horizontal distance between the *front lot line* and the nearest *building line*.
2. With reference to a *water body*, the least horizontal distance between the *high water mark* and the nearest *building line*.
3. With reference to a *building, structure* or land *use* and not applicable under paragraph (1) or (2), shall mean the least horizontal distance from the *building, structure* or land *use* in question; and
4. With reference to a *private road*, shall mean the least horizontal distance between the edge of the travelled portion of the road and any *building* or *structure*, or the limit of the road as shown and measured on a survey.

Sewage and Water Services

Means:

1. **Private Communal Sewage Services**

Means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by the municipality.

2. Private Communal Water Services

Means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

3. Individual On-Site Sewage Services

Means individual autonomous sewage disposal systems within the meaning of s.8.1.2 O. Reg. 403/97, under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

4. Individual On-Site Water Services

Means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

5. Municipal Water Services

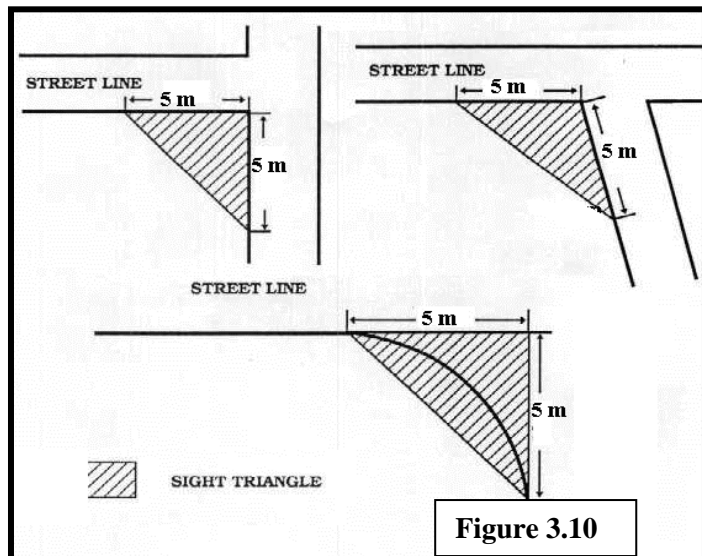
Means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

6. Partial Services

Means municipal sewage services or private communal sewage services and individual on-site water services; or municipal water services or private communal water services and individual on-site sewage service s.

Shooting Range or Rifle Club

Means land, *buildings, structures* or premises used for recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include *accessory* facilities.



Sight Triangle

Means a triangular space, free of **buildings, structures** and obstructions, formed by the street lines abutting a **corner lot** and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines [See Figure 3.10].

Sign

Means any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

1. Is a **structure**, or part of a structure, or which is **attached** thereto or mounted thereon; and
2. Which is used to advertise, inform, announce, claim, give publicity or attract attention.

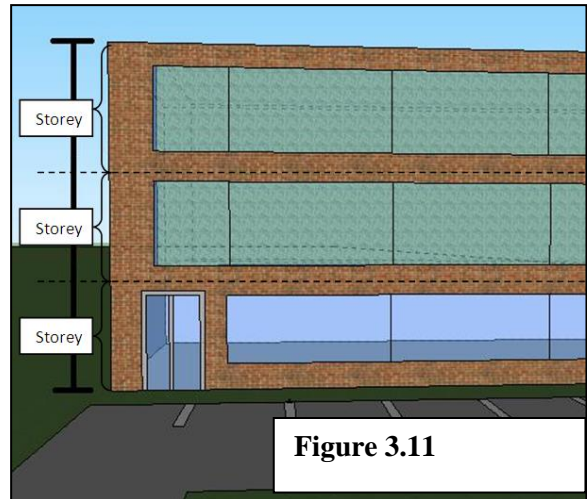
Sleep Cabin - see Guest Cabin

Solar Collector

Means a device consisting of photovoltaic panels that collect solar power from the sun. A solar collector may be attached to a **building** or **structure** or erected on a post(s).

Solarium

Means a glassed-in **structure** or room projecting from an exterior or main wall of a **building** which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.



Stacking Lane

Means an on-site lane for motorized vehicles which accommodates vehicles using a **drive-through facility** that is separated from other vehicular traffic and pedestrian circulation. Stacking lanes may be separated by any combination of barriers, markings or signage.

Storage Container

Means the trailer portion of a tractor trailer or transport truck without the running gear or shall mean a rail or sea container or manufactured portable or mobile storage unit.

Storey

Means that portion of a **building** other than a **cellar** or **basement** included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it. [See Figure 3.11]

Street

Means a public thoroughfare, road or **highway** affording principal means of access or **entrance** to abutting properties, and which has been assumed by a **public authority**. Street allowance or road allowance shall have a similar meaning.

Street, Improved

Means a **street** which has been constructed for the conveyance of vehicular traffic and is maintained by a **public authority**.

Street Line

Means the limit of the road or street allowance and is the dividing line between a **lot** and a **street** or **private road**.

Structure

1. Means anything constructed or erected, the **use** of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a **recreational vehicle, a sign, a fence, a swimming pool, a deck, an individual on-site sewage services** (i.e. septic tank).

Studio

Means a **building** or part thereof used:

1. As the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale;
2. For the instruction of art, music, languages or similar disciplines. [See also School, Private]

Swimming Pool

Means a **body of water**, having a depth of 0.90 m [0.27 ft.] or more, permanently or temporarily located outdoors either above or below the ground, or partly there above or there below, that is, or is to be used or maintained for the purpose of swimming, wading, diving, or bathing.

Tavern

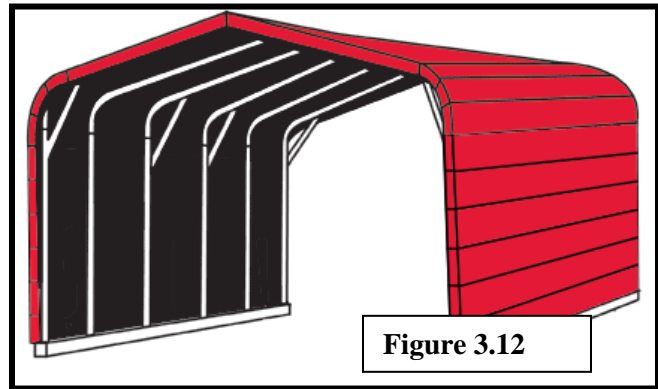
Means a "tavern" as defined by the *Liquor License Act*.

Tea Room

Means a *restaurant* where the seating capacity does not exceed 20 patrons.

Temporary Car Shelter

Means a non-permanent *structure* designed to be temporary, and is *erected* to provide shelter primarily to a *motor vehicle* during winter months and shall be designed to be dismantled or removed (see Figure 3.12).



Tourist Commercial Retail Store

Means a *retail store* catering principally to the tourism industry.

Tourist Establishment

Means land *buildings* or *structures* used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a *motel*, lodge or *bed and breakfast establishment*, and rental cottage or cabin where more than 3 such rental units occupy the same property, including *accessory uses* such as dining, meeting and beverage rooms and similar uses.

Tourist Outfitters Establishment

Means land, *buildings* or *structures* operated throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Townhouse - see Dwelling - Row of Townhouse

Trailer, Travel Trailer or Recreational vehicle - see Recreational Vehicle

Trailer Park - see Campground

Transfer Station (See Recycling Depot)

Transportation Depot or Truck Terminal

Means land *buildings* or *structures* where commercial vehicles are kept for hire, rental and/or leased, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

Use or Used

Means the purpose for which a *lot* or a *building* or a *structure* is designed, arranged, occupied or maintained.

Use, Accessory – see **Accessory Use**

Vehicle – see Motor Vehicle

Veterinary Establishment - see Animal Hospital

Video Rental Outlet

Means a ***building*** or part of a building wherein the primary *use* is the rental of video tapes and may include the rental of video cassette recorders video cameras, video games, DVDs and similar electronic devices.

Warehouse

Means a *building* or *structure* or portion thereof used or intended to be *used* for the bulk storage of goods, merchandise, or materials.

Waste Management Facility

Means land or a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, compost, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots [see also **Recycling Depot**].

Water Body

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

Water Body

Means, for the purposes of a *swimming pool* or *hot tub*, the water in the pool.

Wayside Pit

Means land from which unconsolidated aggregate is removed by means of open excavation on a temporary basis for use by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wayside Quarry

Means land from which consolidated aggregate is removed by means of open excavation on a temporary basis for use by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Welding Shop

Means a *building* or *structure* or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

Wetlands

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favored the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wholesale Establishment

Means a *building* or part of a building where goods, wares, merchandise or articles are stored in bulk for sale in wholesale quantities but does not include premises where any goods, wares, merchandise, substances or articles are offered or kept for sale at retail.

Wind Farm

Means a collection of *wind turbines* all in the same geographical location which are used in combination for the generation of mechanical or electrical generation.

Wind Turbine

Means a machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

Wind Turbine, Commercial

Means a *wind turbine* where the mechanical or electrical energy is sold commercially for profit or gain.

Workshop - see **Custom Workshop**

Wrecking Yard – see **Salvage Yard**

Yard

Means an area of open land between a main wall of a **building** and a **lot line** that, except for landscaping or **accessory buildings** and projections specifically permitted elsewhere in this By-law, is unobstructed above grade [see Figure 3.13].

Yard, Front

Means a **yard** extending across the full width of the **lot** between the **front lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a **main building** closest to the **front lot line** [see Figure 3.13].

Yard, Rear

Means a **yard** extending across the full width of the **lot** between the **rear lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of the **main building** closest to the **rear lot line**. Where there is no **rear lot line**, the **rear yard** shall be measured from the intersection of the **side lot lines** to the closest point of the main wall of the main building [see Figure 3.13].

Yard Sale

Means the occasional or infrequent sale (e.g. one or two days annually) of household goods, clothing, furniture, tools, recreational equipment or other second hand articles or sundry items, usually by the households on an individual property, and may include a joint sale by neighbours on the same **street** or a joint sale at a **school**, a **place of worship** or other location.

Yard, Side

Means a **yard** extending from the **front yard** to the **rear yard** between the **side lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the **side lot line** [see Figure 3.13].

Yard, Side Exterior

Means a **side yard** adjacent to a **street** [see Figure 3.13].

Yard, Side - Interior

Means a **side yard** other than an **exterior side yard** [see Figure 3.13].

EXAMPLE OF YARD DEFINITIONS

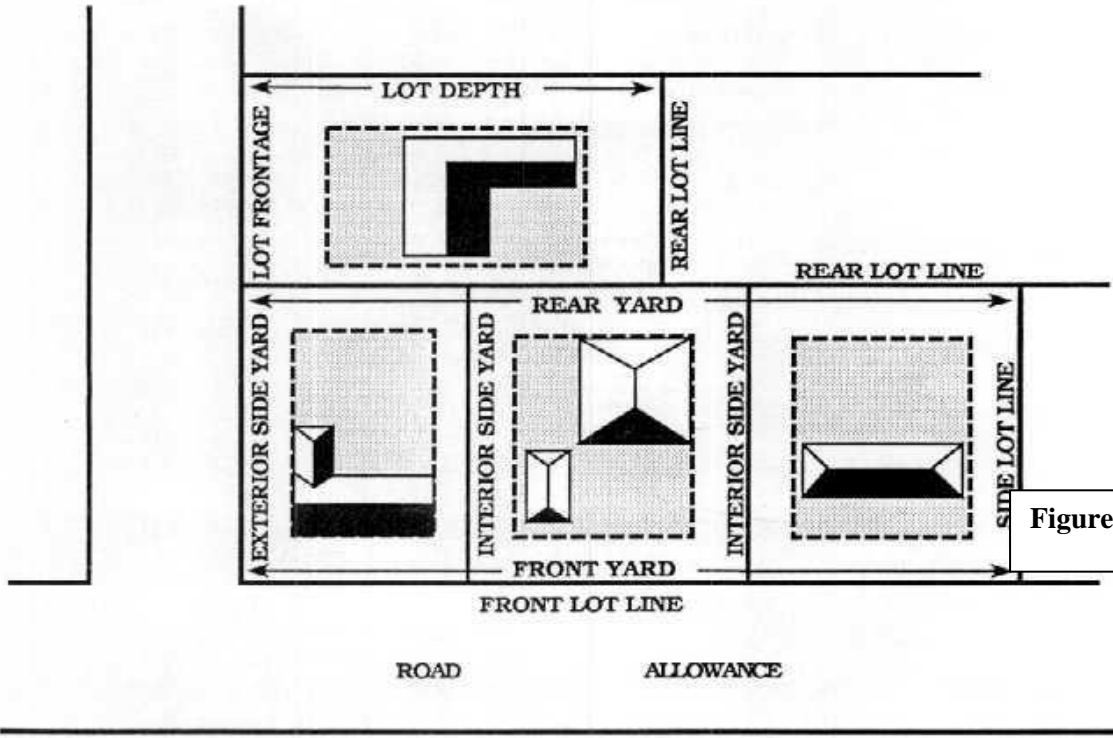


Figure 3.13

Zone

Means a designated area of land use demarcated on the Schedules attached hereto.

Zone Regulation

Means any provision of this By-law which is listed under the heading "Zone Regulations" and includes anything which is applicable to the zone or use.

Zoning Administrator

Means the officer, employee or such other person as may from time-to-time be designated by Council charged with the duty of enforcing the provisions of this By-law.

Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law sets out regulations which apply regardless of the specific zoning (Section 5). While the zones provide site specific controls corresponding to such items as permitted uses and other restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning. Development must comply with all applicable provisions in the General Provisions in addition to the requirements of the specific zone standards set out in Section 5.

4.1 Accessory Buildings, Structures and Uses

4.1.1 General

Where a lot is devoted to a permitted use, customary **accessory uses, buildings and structures** are authorized except:

1. All **accessory uses, buildings and structures** to a permitted principle use shall be located on the same lot and in the same zone as the principle use.
2. The use of any **accessory building** for human habitation is not permitted except where specifically listed as a permitted use.
3. **Accessory uses, buildings and structures** shall not be **erected** or established prior to the **erection** or establishment of the **main building or use**.
4. No **accessory use** shall be erected closer to the **front lot line** or the **exterior side lot line** than the minimum **front yard** and **external side yard** setbacks required for the main building. This provision shall be exempted for:
 - a. A shelter for use by children waiting for a school bus, if such use is located in a Rural Zone (R);
 - b. Any farm produce outlet if such structure is located in a Rural Zone (R);
 - c. A freestanding satellite dish or solar panel (but not including a **communications facility**);
 - d. A **sign erected** in compliance with the provisions of this By-law or a By-law enacted under the *Municipal Act*;
 - e. A **temporary car shelter**;

provided that all such **structures** are set back a minimum of 3m [9.84 ft.] from the **front lot line or exterior side yard lot line**.

5. Common semi-detached *private garages* or *carports* may be centred on the mutual *side lot line*.

4.1.2 Swimming Pools

Private *swimming pools*, both above-ground and in-ground and both open and covered, shall be permitted subject to the By-laws of the Municipality regarding swimming pools and the following requirements:

1. Outdoor Open Pools and Hot Tubs

- a. Open Pool areas shall be totally enclosed by a *fence* constructed with vertically boarded wood, chain link, masonry, plastic, metal construction or a material having an equivalent degree of strength and having no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing and shall have no opening with a horizontal dimension greater than 75 mm [2.4 inches] and having a minimum height of 1.5 metres [4.9 ft.] above the *established grade* and which shall be installed to include a self-closing and self-latching gate which shall be placed at the top of the gate on the pool side;
- b. Where a pool is an above-ground pool, any combination of the pool wall, surrounding *fence* or *structure* totaling a minimum of 1.8 m [6 ft.] in *height* above the *established grade* shall be deemed to meet the fencing requirements of subsection 4.1.2(1)(a) provided that a self-latching gate, automatic closing device or equivalent arrangement is installed to prevent unauthorized entry;
- c. A wall or walls of a *building* or buildings may form part of a swimming pool fence provided that all openings affording access from a *building* directly to an enclosed swimming pool area is/are equipped with a locking device located not less than 1.5 metres [4.9 ft.] from the bottom of the floor;
- d. Any *building* or *structure*, other than a *dwelling*, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting *accessory uses* and *structures*.
- e. No part of an outdoor *swimming pool* including an associated apron or platform which is in a front or side yard shall be constructed closer to a street line than the requirements for a *main building* in the zone within which it is located nor closer to the *lot line* in a *rear yard* than the minimum distance required for an *accessory use* or *structure*, and;
- f. Notwithstanding the foregoing, outdoor *swimming pools* which are accessory to *hotels* and *motels* may be located in the *front yard* provided the *swimming pool* meets all other requirements of this By-law.

A use of *lot, building or structure* which, under the provisions hereof is not permissible within the zone in which such *lot, building or structure* is located, shall not be changed except to a use which is permissible within such zone or as otherwise authorized by the Committee of Adjustment under Section 45(2) of the *Planning Act*.

4.5 Cumulative Standards

Notwithstanding anything contained in this By-law, where any land, *building* or *structure* is *used* for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

(Example: where

a lot is to be developed for a commercial use and an accessory dwelling, the number of parking spaces required would include the combined total of those for the commercial use plus those for the dwelling.)

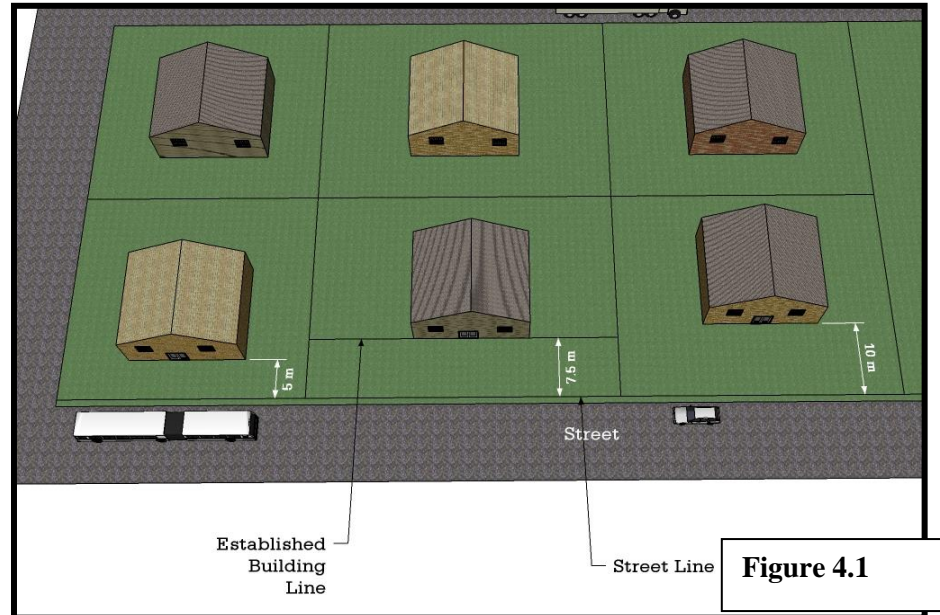


Figure 4.1

4.6 Established Building Line in Built-up Area

Notwithstanding any other provision or regulation of this By-law, in any Residential Zone (see Section 5.2 for list of zones), the front yard setback for a residential building to be constructed between existing buildings or adjacent to existing buildings which are separated by no more than 60 m [196.8 ft.], may be reduced to a setback equal to the average setback of the said existing residential buildings or 6 m [19.6 ft.], whichever is the greatest [see Figure 4.1].

4.7 Exception Zone

Where a zone symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply. A number after the "-X" (e.g. R-X1) indicates the order of the various exception zones.

4.8 Flood Plain

No *dwelling* shall be constructed or extended or expanded below the regulatory flood elevation of 191.11 m [627.0 ft.] of the Englehart River or any *water body* and no person shall use any land or erect, *alter* or *use* any *building* or *structure* in the *flood plain* of any *water body* except in accordance with the following provisions:

4.8.1 Permitted Uses Within the Flood Plain

1. **Buildings** or **structures** intended for flood or erosion control or slope stabilization;
2. **Conservation Use** excluding any **buildings** or **structures**;
3. **Forestry Use** excluding any **buildings** or **structures**;
4. **Parks** excluding any **buildings** or **structures**;
5. Hydro-electric generating facilities;
6. **Marine Facility**;
7. **Marina**; and
8. Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the *main building* of a water filtration plant or waste water treatment facility.

4.8.2 Prohibited Uses

Buildings and **structures** shall not be permitted to locate in **hazardous lands** where the *use* is:

1. An institutional use associated with hospitals, a **day nursery**, a **continuum-of-care facility**, and a **school**, where there is a threat to the safe evacuation of the sick, the elderly, **persons** with disabilities or the young during an emergency as a result of flooding, failure of flood proofing measures or protection works or erosion.
2. An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works, and/or erosion; and
3. Associated with the disposal, manufacture, treatment or storage of **hazardous substances**.

4.8.3 Flood Plain Zoning Standards

1. No **building** or **structure** shall be **erected** closer than 15 m [49.2 ft.] from the **flood elevation** of 191.11 m [627.0 ft.] of the Englehart River nor within 30 m [98.4 ft.] from the **top-of-bank** within any area shown as a Natural Hazard Overlay whichever is the greater **setback**.

2. Where no *flood elevation* or *flood line* has been established, the *setback* from the *high water mark* shall be 30 m [98.4 ft.].

4.9 Frontage on a Street

No person shall erect any *building* or *structure* in any zone unless the lot upon which such building or structure is to be erected has sufficient *frontage* on an *improved street*.

4.9.1 Exemptions

Despite the above *frontage* on an *improved street* shall be exempted:

1. For a *dwelling* located on an existing *private road*.
2. A resource related *use* on Crown Land.
3. A *communications facility*.
4. A *public utility*.
5. A *wayside pit or quarry*.
6. Any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.

4.9.3 Exception for Existing Agreements

1. Despite **Section 4.9.1** where a maintenance or subdivision agreement exists between the *Municipality* and a land owner and is registered on title, *frontage* on an unassumed, unopened or unmaintained public right-of-way shall be deemed to comply to the provisions of this section, provided that such *frontage* is in conformity with the standards set out in the corresponding *zone* or any exception thereto.
2. Despite **Section 4.9.1**, where a legal right-of-way registered on title and provides for a right-of-way to an *existing lot* which is developed for a *single detached dwelling* or *seasonal dwelling* as of the date of approval of this By-law, such uses shall be deemed to comply with the provisions for access of this By-law.

4.10 Garden Suites

Subject to the, the passing of Site Specific Temporary Use By-law under Section 39 of the Planning Act, a *garden suite* shall be permitted as an *accessory dwelling* to a permitted main residential use provided that the minimum *lot area* is 450 m² [4,844 ft²] in area, that the maximum *net floor area* is 50 m² [538 ft.²], that the maximum *height* of the Garden Suite is 6 m [19.6 ft.] or the average height of the main buildings on the subject and abutting lots, whichever is the lesser, that the *garden suite* is located in a *rear yard* or *interior side yard* and meets the minimum yard and *lot coverage* requirements set out in the corresponding zone and is set back a minimum of 3 m [9.8 ft.] from any *rear yard or side lot line*.

4.11 Group Homes

A *group home* shall be permitted in all *zones* that allow *residential uses*.

4.12 Home Based Businesses

4.12.1 Scope of Permitted Home Based Businesses

The following *home based businesses* shall be permitted in any R1, R2, or R3 Zone or urban zone which permits a *home based business*:

1. Professional and consulting services including but not limited to an architect, engineer, financial advisor, accountant, consultant, legal services, physician, teleworker.
2. Instructional services including but not limited to music lessons, dance, art, academic tutoring.
3. Home craft businesses including but not limited to quilter, potter, jeweler, painter/visual artist, small scale assembler.
4. A *Day nursery*.
5. Distribution sales office or mail order sales including but not limited to cosmetics, clothing or small household appliance.
6. An office for a contractor and trades plumber, electrician.
7. Repair services including but not limited to small appliances, computers and not including auto repair and similar services.
8. High technology uses including but not limited to internet services, office call centre services, desktop publishing, computer hardware and software development.
9. Personal care services including but not limited to a hairdresser, barber, massage therapist, aesthetician.
10. Sale of bait for recreational fishing purposes.
11. Pet grooming, but not including overnight keeping of animals.
12. A *Catering establishment*.
13. A *Studio*.

4.12.2 Zone Requirements for Home Based Businesses

1. The *home based business* shall be clearly *accessory* to the main permitted residential *use*.
2. A maximum of two (2) *home based businesses* shall be permitted.
3. The residential external character of the *dwelling* shall not be changed.
4. The business(es) shall be conducted entirely within the *dwelling*.
5. One (1) *sign* may be permitted to advertise a *home based business* provided that the *sign* shall not exceed 1 m² [10.76 ft²] in surface area and shall not be back-lit. The permitted *sign* may be a freestanding *sign* in a *front* or *side yard* or may be *attached* to a wall of a permitted *building* or *structure*. The *sign* may be illuminated by lights where the illumination is directed directly onto the *sign*.
6. The business(es) shall be legal and must have obtained the necessary permits or licenses from the *Corporation* and any other applicable government body having jurisdiction.
7. A business shall have the approval of the *Corporation* or the Ministry of the Environment or its agent for any required on-site water and sewage disposal system.
8. The *home based business(es)* shall cumulatively not occupy more than 25% of the *net floor area* of the *dwelling*.
9. No *outdoor storage* shall be permitted.
10. A maximum of three (3) parking spaces shall be permitted in addition to the required parking for the *residential use*.
11. A maximum of two (2) *commercial vehicles* may be parked on-site.

4.13 Home Industries

4.13.1 Scope of Permitted Home Industries

The following *home industries* shall be permitted in any Rural (R) Zone or any *non-residential zone* which permits a *residential use*:

1. Any of the *home based businesses* listed in **Section 4.12.1**.
2. Any *secondary use* to a permitted *agricultural use* including a home based business (as set out above), uses that produce value-added agricultural products from the farm

operation on the property, a farm produce outlet, a welding or repair shop, commercial school bus or commuter transportation service, a retail outlet for farm supplies and machinery or other home industry.

3. The sale of firewood.
4. An appliance repair.

4.13.2 Zone Requirements for Home Industries

1. The *home industry* shall be clearly *accessory* to the main permitted residential *use*.
2. A maximum of two (2) *home based businesses* or *home industries* or a combination thereof shall be permitted.
3. The residential external character of the *dwelling* shall not be changed.
4. The business(es) may be conducted within the *dwelling* or may be located in an *accessory building* or a combination of both if located in a (R) or (A) zone.
5. One (1) *sign* may be permitted to advertise a home industry provided that the *sign* shall not exceed 1 m² [10.76 ft²] in surface area and shall not be back-lit. The permitted *sign* may be a freestanding *sign* in a *front* or *side yard* or may be *attached* to a wall of a permitted *building* or *structure*. The *sign* may be illuminated by lights where the illumination is directed directly onto the *sign*.
6. The business(es) shall be legal and must have obtained the necessary permits or licenses from the *Corporation* and any other applicable government body having jurisdiction.
7. A business shall have the approval of the *Corporation* or the Ministry of the Environment or its agent for any required on-site water and sewage disposal system.
8. The *home industry(ies)* shall cumulatively not occupy more than 25% of the *net floor area* of the *dwelling*. Where the business is located in an *accessory building* the *net floor area* occupied by the business shall not exceed 112 m² [1,206 ft.²].
9. *Outdoor storage* may be permitted for the sale of firewood and for materials and equipment related to the business, only if fully screened by an opaque perimeter fence 1.8 m [6 ft.] in height provided the horizontal area covered does not exceed 50 m² [538.2 ft.²].
10. A maximum of three (3) parking spaces shall be permitted in addition to the required parking for the *residential use*.

11. A maximum of two (2) **commercial vehicles** may be parked on-site.

4.14 Kennel

A **kennel** shall only be permitted as an "Exception Zone" to the Rural (R) Zone.

4.15 Land Suitability For Use

Despite any other provision of this By-law, no habitable **building** or **structure** shall be **erected, altered or used** on land which is unsafe for development by reason of unstable bedrock, unstable soils, steep slopes, low lying or marshy conditions, or unstable character.

4.16 Licenses, Permits and Other By-laws

Nothing in this By-law shall exempt any person from complying with requirements of the Building By-law or any other By-law in force within the **Municipality** or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the Town of Englehart or by any other provincial or federal law in force from time to time.

4.17 Loading Requirements

For every **building** or **structure** hereafter erected for a commercial, institutional or industrial use, involving the frequent shipping, loading or unloading of persons, animals, wares, merchandise or other goods, there shall be provided and maintained loading facilities or spaces in accordance with the following requirements:

1. Each **loading space** shall have a minimum height clearance of 4.5 m [14.7 ft.] and shall be at least 4 m [13.1 ft.] wide by 14 m [45.9 ft.] long.
2. **Loading spaces** shall be located inside a **building** or **structure**, an open **rear yard**, or an open **side yard**, on the same **lot** on which the main use is located, provided such a loading space shall be in an area whose distance from a **lot line** to a building or structure is not less than 3 m [9.84 ft.] or 6 m [19.6 ft.] from the boundary of any residential zone and shall have unobstructed ingress and egress to and from a **street** by means of a **driveway**, land or **aisle** of a minimum width of 3.5 m [11.4 ft.].
3. The number of required **loading spaces** shall be based on net floor area of the building or structure as follows:
 - a. One (1) **loading space** for 0 - 500 m² [5382.1 ft.²] of **net floor area**.
 - b. Two (2) **loading spaces** for 500 - 2000 m² [5382.1 ft.² - 21,505 ft.²] of **net floor area**.
 - c. Three (3) **loading spaces** for over 2000 m² [21,505 ft.²] of **net floor area**.
4. The **loading space** requirements stated in 3 (a) - (c) shall not apply to **buildings** or **structures** in existence as of the date of passing of this By-law but shall apply to areas of any expansion

or enlargement to such buildings or structures for which building permits have been issued after the date of passing of this By-law.

4.18 Mine Hazards

No person shall use any lands identified as having a *mine hazard*.

4.19 Minimum Distance Separation and Special Setbacks

Notwithstanding anything in this By-law to the contrary, no *person* shall use any land, *building* or *structure* unless the *use, building* or *structure* complies with the following:

1. Waste Management Facility

- a. No *sensitive land use* shall be permitted within 500 m [1,640 ft.] of a *waste management facility* measured from the *lot line* of the *sensitive land use* to the *lot line* of the *waste management facility*.
- b. No development or land use shall be permitted within 30 m [98.4 ft.] of the (licensed) fill area of an active *waste management facility*.
- c. No *waste management facility* shall be permitted within 30 m [98.4 ft.] from any watercourse, lake or pond.
- d. In addition no *waste management facility* shall be permitted on land covered by water or in any area subject to flooding (see **Section 4.8**).

2. Pits and Quarries

- a. No *sensitive land use* shall be permitted within 70 m [230 ft.] of the zone boundary of a *pit* measured as the shortest horizontal distance between the *lot line* of the *sensitive land use* and the zone boundary of the *pit* or the nearest face of the excavation, whichever is the closest.
- b. No *sensitive land use* shall be permitted within 300 m [984 ft.] of a *quarry* measured as the shortest horizontal distance between the *lot line* of the *sensitive land use* and the zone boundary of the *quarry* or the nearest face of the excavation, whichever is the closest.

3. Industrial Uses

- a. **Class I Industrial – Light Industrial:** The minimum separation distance from a *sensitive land use* and a Class I Industrial use shall be 20 m [65.6 ft.] and shall be measured as the shortest horizontal distance between the *lot line* of the *sensitive land use* to the *lot line* of the Class I Industrial Use.
- b. **Class II Industrial – Medium Industrial:** The minimum separation distance from a *sensitive land use* and a Class II Industrial use shall be 70 m [230 ft.] and shall be measured as the shortest horizontal distance between the *lot line* of the *sensitive land use* to the *lot line* of the Class II Industrial Use.
- c. **Class III Industrial – Heavy Industrial:** The minimum separation distance from a *sensitive land use* and a Class III Industrial use shall be 300 m [984.2 ft.] and shall be measured as the shortest horizontal distance between the *lot line* of the *sensitive land use* to the *lot line* of the Class III Industrial Use.
- d. Where an *industrial use* or *sensitive land use* is an existing use and an expansion or extension is proposed, the minimum separation distance shall be measured from the

nearest main wall of the *building* or *structure* occupied by the *sensitive land use* and the nearest main wall of the *building, structure, processing area, assembly or manufacturing area* occupied by the *industrial use*.

4. Minimum Distance Separation Formulae I and II

- a. The Minimum Distance Separation Formulae I and II of the Ministry of Agriculture, Food and Rural Affairs shall apply to new or expanding *livestock facilities* and the establishment of *residential uses* or *vice versa* on properties adjacent or in proximity to livestock operations.
- b. Any new *sensitive land use* located on a lot greater than 1 ha [2.47 ac] created after the date of passing of this By-law shall comply with the *Minimum Distance Separation Formulae I* as amended by the Province from time to time, where applicable. The Minimum Distance Separation Formulae I shall not apply to *lots* of record 1 ha [2.47 ac] or less.
- c. Despite anything in this By-law to the contrary, where an *existing sensitive land use* that does not comply with the *Minimum Distance Separation Formulae I* is destroyed or rendered uninhabitable by fire or other natural cause, the *building* or *structure* may be reconstructed where the new *building* or *structure* is located no closer to a *livestock facility* than the original building or structure and the *gross floor area* and *height* are not increased.
- d. Despite paragraphs 4. a. – c. above, the *Minimum Distance Separation Formulae I and II* shall not apply to *sensitive land uses* located within an urban settlement area.

5. Water Bodies

Subject to Section 4.8, the minimum setback from the *high water mark* for *dwelling*, a non-residential or *accessory building* or *structure* or an *individual on-site sewage service* shall be 30 m [98.4 ft.] except for a *marine facility*. The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building or the edge of the filter bed/tile bed to the *high water mark* (see also Section 4.8).

6. Wetland

No *dwelling*, non-residential or *accessory building* or *structure* or an *individual on-site sewage service* shall be permitted within 30 m [98.4 ft.] of the boundary of a significant wetland or fish habitat.

4.20 Non-Conforming Uses

1. Continuance of Existing Uses

Nothing in this By-law shall apply to prevent the *use* of any land, *building* or *structure* for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law so long as it continues to be used for that purpose. The non-conforming use of any land, *building* or *structure* shall not be changed except to a use which is in conformity with the provisions of the *zone* in which the land,

building or *structure* is located, or without permission from the Committee of Adjustment pursuant to the *Planning Act*.

2. Prior Building Permits

Nothing in this By-law shall prevent the *erection* or *use* of any *building* or *structure* for which a building permit has been issued under the *Building Code Act* prior to the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the *Building Code Act*.

3. Road Widening

Nothing in this By-law shall prevent the *use* of any land, *building* or *structure* or the *erection* of any building or structure on a *lot* which does not comply to the minimum *lot frontage* and/or *lot area* and/or *front yard setback* and in the case of a *corner lot*, the *exterior side yard setback*, as a result of a road widening taken by the Town of Englehart or the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with.

4. Reconstruction of Existing Use

Nothing in this By-law shall prevent the reconstruction or strengthening to a safer condition of any *non-complying building* or *structure* which is destroyed or rendered uninhabitable by fire or other natural cause, provided the *height* and *gross floor area* are not increased, and the new building or structure is erected on the same building footprint. An existing *non-complying building* or *structure* may be renovated only, provided the renovation does not further reduce any zoning requirements or increase the *gross floor area*.

5. Addition to Existing Building or Structure

Nothing in this By-law shall prevent the extension or addition to a *building* or *structure* which is used for a purpose specifically permitted within the *zone* in which such building or structure is located and which building or structure existed at the date of passing of this By-law but which building or structure does not comply with one or more of the zone requirements of this By-law, provided such extension or addition does not further reduce the requirements of this By-law.

6. Existing Undersized Lots

Despite anything else contained in this By-law, where a vacant *lot* having a lesser *lot frontage* and/or *lot area* than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be *used* for a purpose permitted in the zone in which the said lot is located, provided that no such lot has a *lot frontage* of less than 12 m [42.6 ft.] in an R1, R2 or R3 Zone or 30 m in a Rural (R) Zone or a *lot area* of less than 300 m² [3,229.2 ft.²] in an R1, R2 or R3 Zone or 1,400 m² [15,069.9 ft.²] in a Rural (R) Zone or cannot be adequately serviced with *water and sewage services* and provided all other applicable provisions in this By-law are complied with.

4.21 Occupancy Restrictions

Human habitation shall not be permitted in any of the following *buildings, structures*, or parts thereof:

1. Any *private garage* or other *building* or *structure* which is *accessory* to a *residential use*.
2. Any truck, bus, coach or streetcar body whether or not the same is mounted on wheels.

4.22 Open Storage and Outdoor Display

No *person* shall use any *lot* or part thereof for *open storage*, or *outdoor display* except as permitted by this By-law and as an area which has been specifically designed and set aside for such purpose, is fully integrated with the main use of the lot and is in accordance with the following:

1. *Open storage* shall not be permitted within any required *front yard* and no closer than 5 m [16.4 ft.] to any *interior side lot line* or *rear lot line*.
2. Where *open storage* areas abut a Residential Zone (see **Section 5.2** for list of zones), the required *setback* of the *open storage* area shall be increased 10 m [32.8 ft.] and shall also be visually screened from any *residential use*.
3. An *outdoor display* area shall be permitted as an *accessory* use to any permitted commercial use, *industrial use* or public service use provided that the *outdoor display* area does not reduce any required *parking area* or *loading space* required by this By-law. All *outdoor display* areas shall be setback a minimum of 3 m [9.84 ft.] from any *front lot line* or *interior side lot line*. Despite the above, seasonal sales of Christmas trees or a temporary (i.e. weekend) or a *yard sale* shall be permitted to occupy a designated *parking area*.

4.23 Parking, Storage of Motor Vehicles and Drive-Through Facilities

4.23.1 General

1. Except as provided herein, no *motor vehicles* shall be parked or stored in any *zone* (see **Section 5.2** for list of zones) unless the *motor vehicle* is located within a *garage, carport, driveway, parking area*, on a street as permitted by Municipal By-law.
2. No *parking space* in a Residential Zone (see **Section 5.2** for list of zones) shall be used for the outdoor parking or storage of a *motor vehicle* unless such *motor vehicle* is used in operations incidental to the *residential use* of the *lot* on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid.
3. Any *recreational vehicle* which is self-propelled or does not require to be transported on a trailer shall be permitted in a Residential Zone (see **Section 5.2** for list of zones) provided it is parked in a permitted *parking space* or is located in an *interior side yard* or *rear yard*.

4. Each standard *parking space* or vehicle space in a *stacking lane* shall have a minimum width of 2.6 m [8.5 ft.] and a minimum length of 5.5 m [18 ft.] and each *barrier-free parking space* shall have a minimum width of 3 m [9.8 ft.] and a minimum length of 6 m [19.6 ft.].
5. Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one *building* or *structure* on any *lot*, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.
6. The requirements for *parking spaces* shall not apply to any *building* or *structure* in existence at the date of passing of this By-law so long as the *gross floor area*, as it existed at such date, is not increased and no change in *use* occurs. If an addition is made to the *building* or *structure* which increases the *gross floor area*, or a change in *use* occurs than parking spaces for the addition or area changed in use shall be provided.
7. Supplementary requirements for *parking spaces* for *dwellings* in Residential Zones (see **Section 5.2** for list of zones) shall be as follows;
 - a. The *driveway* and *parking space* shall be constructed of crushed stone, asphalt paving, concrete, paver stones or similar materials.
 - b. No more than fifty percent (50%) of the area of any required *front yard* shall be used or constructed as a *driveway* or *parking space*.
 - c. No more than fifty percent (50%) of the *lot frontage* as defined by this By-law shall be used or constructed as a *driveway* or *parking space*.
8. Supplementary requirements for a *parking area* for more than four *motor vehicles* shall be as follows:
 - a. The *parking area* shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials.
 - b. Ingress and egress directly to and from every *parking space* shall be by means of a *driveway, lane* or *aisle* having a width of at least 6 m [19.7 ft.] for two-way traffic and 4 m [13.1 ft.] for one-way traffic where parking is angled.
 - c. A *driveway* or *lane* which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m [11.4 ft.] where designed for one-way vehicular circulation or 6 m [19.7 ft.] where designed for two-way vehicular circulation.
9. Except where permitted in this By-law, the required parking shall be provided on the same *lot* as the main use. In any Downtown Commercial (CD) Zone, required *parking spaces* shall be provided within 100 m [328 ft.] of the *building* or structure or the *lot* the parking spaces are intended to serve, subject to any agreement, deed or renewable lease which provides for same.

10. Where the calculation of the minimum number of *parking spaces* required results in a fraction, the minimum requirement shall be the next higher whole number.

4.23.2 Barrier Free Parking

One *barrier free parking space* shall be required for any *use* requiring 10 standard *parking spaces* or more and *barrier free parking spaces* shall be provided at a ratio of one *barrier free parking space* for each 25 *standard parking spaces* and shall be included as part of the total number of standard *parking spaces* required.

4.23.3 Stacking Lanes

Stacking lanes for any *drive-through facility* shall be designed to accommodate twelve (12) vehicles.

4.23.4 Schedule for Parking Requirements

In any *zone*, the owner or occupant of any *building* or *structure erected*, enlarged or changed in use after the date of passing of this By-law shall provide off-street *parking spaces* in accordance with the minimum number of parking spaces set out in **Table 4.23A** as follows:

Table 4.23A – Schedule for Parking Requirements	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
<p>Residential:</p> <ul style="list-style-type: none"> • Accessory dwelling • Converted dwelling • Park Model Trailer • Seasonal dwelling • Semi-detached dwelling • Single-detached dwelling 	<p>2 spaces per dwelling unit</p>
<p>Residential:</p> <ul style="list-style-type: none"> • apartment dwellings • apartment-in-a-house • multiple dwelling • quadraplex dwelling • row or townhouse • triplex dwelling 	<p>1.5 spaces per dwelling unit, 15% of which shall be reserved as visitor parking</p>

Table 4.23A – Schedule for Parking Requirements

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
<p>Residential:</p> <ul style="list-style-type: none"> • bachelor dwelling unit • senior citizen dwelling 	<p>1 space per dwelling unit or 1 space per 38 m² [409 ft.²] whichever is greater</p>
<p>Animal Hospital</p>	<p>1 space per 30 m² [322.9 ft.²] of gross floor area</p>
<p>Auto body shop, auto repair shop, automotive service station, gas bar</p>	<p>3 spaces per service bay plus 1 space per employee; minimum 6 spaces</p>
<p>Assembly hall, auction hall, auditorium, banquet facility, dance hall, entertainment establishment, stadium, theatre and similar places of assembly, place of worship</p>	<p>The greater of 1 space for every 4 seats or 1 space for every 12 m² [129.1 ft.²] of assembly space</p>
<p>Bed and Breakfast Establishment</p>	<p>1 space for each guest room available to the travelling public in addition to the required parking for the dwelling</p>
<p>Building supply store, lumber yard, garden centre, nursery, equipment and vehicle storage yard</p>	<p>1 space for each 22 m² [236.8 ft.²] of gross floor area and 1 space for each 35 m² [376.2 ft.²] of open storage</p>
<p>Clinic</p>	<p>3 spaces per medical practitioner</p>
<p>Continuum-of Care Facility</p>	<p>1 space for every 6 patient beds plus 1 space for every 4 employees</p>
<p>Convenience store</p>	<p>1 space per 18 m² [193.7 ft.²] of gross floor area</p>
<p>Crisis Care Facility</p>	<p>2 spaces minimum in addition to the required parking for a dwelling or if not located in a dwelling, 1 space per 38 m² [409 ft.²] of gross floor area</p>

Table 4.23A – Schedule for Parking Requirements

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Day nursery	1 space per employee and 1 space per 5 children or 1 space for every 15 children registered or fraction thereof
Drive-through facility	1 parking space per 10 m ² [107.64 ft. ²] of net floor area
Equipment Rental Establishment, Equipment Sales Establishment, Equipment Service and Repair Establishment	1 space per 35 m ² [376.7 ft. ²] of open storage or gross sales area plus 1 space per employee
Funeral Parlour	30 parking spaces for the first 30 m ² [322.9 ft. ²] of gross floor area plus 1 space for each additional 15 m ² [161.4 ft. ²] of gross floor area
Garden centre and nursery	1 space per 30 m ² [322.9 ft. ²] of gross floor area
General business, antique store, bake shop, bank, retail store, grocery store, commercial and personal service establishment, dry cleaning establishment office, meeting rooms, office, service outlet,	1 space per 28 m ² [301.3 ft. ²] of gross floor area
Group Home	2 spaces plus the required parking for the dwelling
Home Based Business	A maximum of three (3) parking spaces shall be permitted in addition to the required parking for the dwelling
Hotel, Motel, tourist establishment	1 space per guest unit, plus 1 space per 12 m ² [129.1 ft. ²] of gross floor area dedicated to administrative, banquet and meeting facilities
Industrial use, abattoir, agriculturally related commercial/industrial use, bakery	1 space per 30 m ² [322.9 ft. ²] of gross floor area

Table 4.23A – Schedule for Parking Requirements	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Miniature Golf Course	1 space for every two golf holes
Place of amusement, recreational commercial establishment	1 space for every 4 persons that can be accommodated
Place of worship	1 space for every 5 seats, fixed or otherwise
Restaurant, Tavern, Tea Room	1 parking space per 10 m ² [107.64 ft. ²] of net floor area
School - elementary	1.5 spaces per classroom plus 6 spaces for visitors
School - secondary or private	4 spaces per classroom plus 8 spaces for visitors

4.23.5 Drive-Through Facilities

1. **Drive-Through Facilities** are a permitted use in the Downtown Commercial (C1), and Highway Commercial (C3) zones;
2. A **drive-through** facility is a principal use in combination with another use, neither of which may be construed as being accessory to the other, and all regulations pertaining to each use shall apply;
3. The minimum dimensions of a vehicle space in a **stacking lane** shall be 2.7 m x 6 m;
4. No part of an order board shall be located closer than 10 m from the property boundary of any other property occupied by or zoned for a residential use;
5. No part of any **stacking lane** shall be permitted to be located in a front yard; and
6. All drive-through facilities shall conform to the requirements for parking areas set out in **Table 4.23A**.

4.24 Parts of Buildings or Structures Permitted Above Height Level

1. The height regulations in this By-law shall not apply to any of the following:
 - a. Air conditioning system
 - b. Chimney

- c. Church spire or belfry or turret
- d. Communications facility
- e. Drying tower
- f. Elevator or stairway enclosure
- g. Enclosed mechanical and electrical equipment
- h. Farm buildings and structures including but not limited to a barn, silo or windmill
- i. Flag pole
- j. Hydro electric transmission tower or pole
- k. Ornamental dome or clock tower
- l. Receiving and transmitting antenna
- m. Receiving stations
- n. Satellite dish
- o. Skylight
- p. Solar collector panels
- q. Ventilating fan or skylight
- r. Water tower
- s. Wind Turbine

2. The minimum *setbacks* in all directions for a *communications facility* shall be the equivalent of the height of the tower except where such facility is authorized and/or approved by Industry Canada. A *communications facility* associated with a *dwelling unit* utilized for personal or household purposes shall comply with the setback provisions of the zone in which the *dwelling unit* is located.

4.25 Permitted Projections

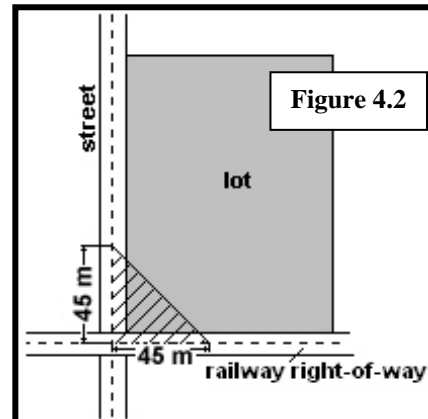
Every part of any *yard* required by this By-law shall be left open and unobstructed by any *structure* from the ground to the sky except that those structures listed in Table 4.25A shall be permitted to project into the minimum yards required by this By-law for the following specified distances:

Table 4.25A – Permitted Projections	
STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters, solar collectors where attached to a building, shutters cornices, parapets or other ornamental structures	0.75 m [2.46 ft.] into any required <i>front yard, rear yard</i> or <i>interior side yard</i>
Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the <i>established grade</i> , with or without supporting posts	2 m [6.5 ft.] into any required <i>yard</i>

Table 4.25A – Permitted Projections	
STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required <i>yard</i> a distance equal to one-half (½) the setback of the building from the <i>street line</i>
Window awnings	1.2 m [3.9 ft.] into any required <i>yard</i>
Steps, ramps for use by handicapped, and walkways	No maximum into any required <i>yard</i>
<i>Porch</i> , uncovered platform landing, <i>patio</i> or <i>deck</i> , balconies or steps	No maximum into any side yard and 3 m [9.8 ft.] into any required front or rear <i>yard</i>
Air conditioner	0.5 m [1.6 ft.] into any <i>yard</i>
Fire escapes, exterior stair cases from a building having two storeys or more above grade	1.5 m [4.92 ft.] into an <i>interior side</i> or <i>rear yard</i> only
Heat pump	1.5 m [5 ft.] into an <i>interior side yard</i> or <i>rear yard</i>
Accessory building	As permitted by and as specified in this By-law
<i>Fences</i> , hedges, shrubs, trees, freestanding walls, flagpoles, light standards, garden trellises, clothes lines and similar <i>structures</i> or features	No restrictions apply except with respect to a <i>sight triangle</i>

4.26 Sight Triangle

1. Within any area defined as a *sight triangle*, the following *uses* shall be prohibited:
 - a. A *building, structure*, or *use* which would obstruct the vision of drivers of *motor vehicles*.
 - b. A *fence*, tree, hedge, bush or other vegetation, other than agricultural crops.
 - c. Any portion of a delivery space, *loading space*, *driveway* or *parking space*.
 - d. A berm or other ground surface which exceeds the



elevation of the street by more than 0.6 m [1.96 ft.].

2. For the purposes of this By-law, the following *sight triangle* distances shall apply (see definition of sight triangle for measurement of distances):
 - a. 15 m [49.2 ft.] in all commercial and industrial zones.
 - b. 5 m [16.4 ft.] in all other zones.
 - c. Despite the above in any *zone* where any street crosses a railway at the same grade the railway shall be deemed to be a street and a sight distance of forty-five metres (45 m [147.6 ft.]) shall be required measured from the point of intersection of the centre line of the railway right-of-way and the street line abutting the lot [see Figure 4.2].

4.27 Signs

Unless otherwise stated in this By-law, *signs* shall be permitted only in accordance with the Signs By-law(s) of the Corporation.

4.28 Streets and Parks

In any *zone* established by this By-law, *streets*, walkways, bike paths and parks are permitted.

4.29 Temporary Buildings or Structures During Construction

Nothing in this By-law shall prevent the use of land or the use or *erection* of a temporary *building* or *structure* or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.

In addition, temporary accommodation for a business which is intended to occupy a *building* or *structure* which is under construction with the work in progress on such *building* or *structure* may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable *building* or *structure* provided:

1. Approval is obtained from the *Corporation*.
2. Such temporary accommodation is removed from the *lot* immediately upon completion of construction or abandonment of construction.

4.30 Use by Public Authority or Public Utility

The provisions of this By-law shall not apply to limit the *use* of any land or to the *erection* or use of any *building* or *structure* for a utility installation or municipal infrastructure for the purpose of a public service by the Town of Englehart and/or any public authority, any department of the Government of Ontario or Canada, including any Hydro One facilities and a federally or provincially regulated utility of communication service pursuant to the *Planning Act*, provided that where such land, *building* or *structure* is located in a Residential Zone (see **Section 5.2** for list of zones) or on a lot adjacent to a Residential Zone:

1. No goods, materials or equipment shall be stored in the open.

2. The *lot coverage* and *setback* regulations of the zone in which such land, *building* or above ground *structure* is located shall be complied with.
3. Any *building erected* under the authority of this section shall not be used for the purpose of an *office* except for a government *building*.
4. The requirements for *parking spaces* and loading requirements as contained in this By-law shall be complied with.
5. *Communications facilities* shall comply with Industry Canada Standards for construction and safety. A *communications facility* shall only be permitted in a Rural or Industrial Zone (subject to **Sections 4.24 (1) (d), 4.24 (2)**).

4.31 Water and Sewage Disposal Systems

No *person* shall *erect* or *use* in whole or in part, any *building* or *structure* unless the *use, building* or *structure* is properly connected to approved *water and sewage systems* under the Ontario Water Resources Act or the Building Code Act unless the use is exempted under the Building Code Act or prohibited or regulated by this By-law.

4.32 Zones Applying to More than One Properties

Where a *lot* is divided into more than one *zone*, each such 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. Each such portion of the lot shall be considered as a separate lot for the purposes of determining zone provisions.

Section 5 ZONES

5.1 Zone Classification

For the purposes of this By-law, the Town of Englehart is divided into the following *zones* as named and described in the following sections, the boundaries of which are shown on the attached Schedules which are attached to and form part of this By-law.

5.2 Zones

Zones	
Name of Zone	Zone Symbol
Residential Zones	
Low Density Residential	R1
Medium Density Residential	R2
Apartment Residential	R3
Institutional Zone	
Institutional	I
Commercial Zones	
Downtown Commercial	C1
Local Commercial	C2
Highway Commercial	C3
Industrial Zones	
General Industrial	M1
Heavy Industrial	M2
Railroad Industrial	M3
Waste Management	M4
Other Zones	
Open Space	OS

Natural Hazards Overlay	
Rural	R

5.3 Interpretation of Zone Boundaries

When determining the boundary of any **zone** as shown on any Schedule forming part of this By-law, the following provisions shall apply:

1. A boundary indicated as following a **highway, street, private road** or **lane** shall follow the centre line of such highway, street, private road or lane.
2. A boundary indicated as following a **water body** or the right-of-way of a railway or an electrical, gas or oil transmission line shall follow the centre line of such **water body** or right-of-way.
3. A boundary indicated as following the **high water mark** shall follow such high water mark, and in the event of a change in the high water mark, the boundary shall be construed as moving with the actual high water mark.
4. A boundary indicated as approximately following **lot lines** shown on a Registered Plan of Subdivision, or Reference Plan, or Township lot lines shall follow such lot lines.
5. Where a boundary is indicated as approximately parallel to a **street line** or other feature, indicated in clause (1), (2), and (3) above, and the distance from such street line or other feature is not indicated, and clause (4) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance there from shall be determined according to the scale shown on the appropriate Schedule.
6. A boundary indicated as following the limits of the **Municipality** shall follow such limits.
7. In the event a dedicated **street, lane** or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such **street, lane** or right-of-way shall be included within the zone of the adjoining property on either side of such closed **street, lane** or right-of-way. If a closed **street, lane** or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way.

Section 6 LOW DENSITY RESIDENTIAL (R1) ZONE

6.1 Low Density Residential Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Low Density Residential - R1 zone except in accordance with the following provisions.

6.2 Permitted Main Uses

1. Duplex Dwelling
2. Single Detached Dwelling
3. Semi-detached dwelling
4. Group Home subject to **Section 4.11**
5. Group or Group Housing or Group Housing Project
6. Public Authority Use or Public Utility subject to **Section 4.30**

6.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Accessory Apartment or Apartment-in-a-House
3. Bed and Breakfast Establishment subject to **Section 4.2**
4. Garden Suite subject to **Section 4.10**
5. Home Based Business subject to **Section 4.12**

6.4 Zone Requirements

The zone requirements for permitted uses in the R1 Zone shall be as set out in **Table 6.4**.

Table 6.4 – R1 Zone Requirements			
	Duplex Dwelling	Semi-detached Dwelling	Single Detached Dwelling, Group Home
Minimum Lot Area	550 m ² [5,920 ft. ²]	650 m ² [6,996.7 ft. ²]	460 m ² [4,951.5 ft. ²]
Minimum Lot Frontage	20 m [65.6 ft.]	25 m [82 ft.] on a corner lot and 20 m [65.6 ft.] on an interior or through lot	18 m [59 ft.]
Minimum Yard Requirements – Main Building			
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]
Interior Side Yard	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Rear Yard	10 m [32.8 ft.]	10 m [32.8 ft.]	10 m [32.8 ft.]
Minimum Yard Requirements – Accessory Building (see also Section 4.1)			

Table 6.4 – R1 Zone Requirements			
	Duplex Dwelling	Semi-detached Dwelling	Single Detached Dwelling, Group Home
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Maximum Height Requirements			
Main Building	10 m [32.8 ft.]	10 m [32.8 ft.]	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]	5 m [16.4 ft.]	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)			
Main Building	30%	30%	30%
Accessory Building	5%	5%	5%
Minimum Separation Distance Between Buildings Requirements			
Main Building and any Accessory Building	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Maximum Number of Dwelling Unit Requirements			
Maximum Number Dwellings per Lot	--	--	1 subject to Section 6.5.2
Floor Area per Dwelling Unit			
Minimum Net Floor Area per Dwelling Unit	65 m ² [700 ft. ²]	70 m ² [753 ft. ²]	85 m ² [914 ft. ²]
Driveways			
Maximum Number of Driveway Entrances per Lot	2	2	2
Minimum Separation Distance between Driveways	13.5 m [44.2 ft.]	13.5 m [44.2 ft.]	13.5 m [44.2 ft.]
Minimum Width of Driveway	3 m [9.8 ft.]	3 m [9.8 ft.]	3 m [9.8 ft.]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line	No closer than 1.5 m [4.92 ft.] to any street line	No closer than 1.5 m [4.92 ft.] to any street line

6.5 Additional Provisions

1. The minimum *interior side yard* shall not apply to the party wall shared between two *semi-detached dwelling units*.
2. A *garden suite* shall be subject to a Temporary Use By-law under Section 39 of the *Planning Act* and shall only be permitted as an *accessory use* to a *single detached dwelling*.
3. All applicable provisions of **Section 4 – General Provisions** shall apply.
4. A existing lot of record in an approved subdivision created prior to April 17, 2002 may be developed for a single detached dwelling provided the minimum *lot area* is 350 m² [3,767.4 ft.²] and the minimum *lot frontage* is 10 m [32.8 ft.]. (By-law 992)
5. The requirements of **Table 6.4** shall apply only to a *semi-detached Group or Group Housing or Group Housing Project* as follows:
 - a. The minimum *lot area* shall be 325 m² [3,498.3 ft.²] per *dwelling unit*.
 - b. The minimum *lot frontage* shall be 30 m [98.4 ft.].
 - c. The maximum number of *dwellings* shall be 6.
 - d. The minimum separation distance between *dwellings* shall be 6 m [19.6 ft.].
6. A *storage container* shall not be permitted as an *accessory use* in the Low Density Residential (R1) Zone.

6.6 Zone Exceptions

See Section 21 for details.

1. R1-X1 – Fifth Avenue (By-law 852)
2. R1-X2 – Eighth Avenue (By-law 969)
3. R1-X3 – Sixth Avenue (By-law 984)
4. R1-X4 – Seventh Avenue (By-law 873)

Section 7 MEDIUM RESIDENTIAL (R2) ZONE

7.1 Medium Density Residential Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Medium Density Residential – R2 Zone except in accordance with the following provisions.

7.2 Permitted Main Uses

1. Converted Dwelling
2. Public Authority Use or Public Utility subject to **Section 4.30**
3. Quadraplex Dwelling
4. Rowhouse or Townhouse
5. Triplex dwelling

7.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Accessory Apartment or Apartment-in-a-House to a Rowhouse or Townhouse only
3. Home Based Business subject to **Section 4.12**

7.4 Zone Requirements

The zone requirements for permitted uses in the R2 Zone shall be as set out in **Table 7.4**.

Table 7.4 – R2 Zone Requirements			
	Converted Dwelling	Quadraplex Dwelling, Triplex Dwelling	Rowhouse or Townhouse Dwelling
Minimum Lot Area	200 m ² [2,152.8 ft. ²] per dwelling unit	200 m ² [2,152.8 ft. ²] per dwelling unit	220 m ² [2,368.1 ft. ²] per dwelling unit
Minimum Lot Frontage	20 m [65.6 ft.]	20 m [65.6 ft.]	6 m [19.6 ft.] plus 6 m [19.6 ft.] per dwelling unit
Minimum Yard Requirements – Main Building			
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]
Interior Side Yard	1.2 m [3.9 ft.]	1.4 m [4.5 ft.]	1.8 m [5.9 ft.]
Rear Yard	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]	10.5 m [34.4 ft.]
Minimum Yard Requirements – Accessory Building (see also Section 4.1)			

Table 7.4 – R2 Zone Requirements			
	Converted Dwelling	Quadrplex Dwelling, Triplex Dwelling	Rowhouse or Townhouse Dwelling
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Maximum Height Requirements			
Main Building	10 m [32.8 ft.]	10 m [32.8 ft.]	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]	5 m [16.4 ft.]	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)			
Main Building	25%	25%	25%
Accessory Building	5%	5%	5%
Minimum Separation Distance Between Buildings Requirements			
Main Building and any Accessory Building	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Maximum Number of Dwelling Unit Requirements			
Maximum Number Dwellings per Lot	--	--	--
Floor Area per Dwelling Unit			
Minimum Net Floor Area per Dwelling Unit	<ul style="list-style-type: none"> • Bachelor dwelling unit: 40 m² [430.5 ft.²] • One-bedroom dwelling unit: 55 m² [592 ft.²] • Two-bedroom dwelling unit: 70 m² [753.4 ft.²] • Three bedrooms or more in a dwelling unit: 80 m² [861.1 ft.²] 		
Driveways			
Maximum Number of Driveway Entrances per Lot	2	2	2
Minimum Separation Distance between Driveways	13.5 m [44.2 ft.]	13.5 m [44.2 ft.]	13.5 m [44.2 ft.]
Minimum Width of Driveway	3 m [9.8 ft.]	3 m [9.8 ft.]	3 m [9.8 ft.]

Table 7.4 – R2 Zone Requirements			
	Converted Dwelling	Quadrplex Dwelling, Triplex Dwelling	Rowhouse or Townhouse Dwelling
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line	No closer than 1.5 m [4.92 ft.] to any street line	No closer than 1.5 m [4.92 ft.] to any street line

7.5 Additional Provisions

1. The minimum *interior side yard* shall not apply to the party wall shared between two *rowhouse or townhouse dwelling units*.
2. All applicable provisions of **Section 4 – General Provisions** shall apply.
3. The requirements of **Table 7.4** shall apply to a *rowhouse* or *townhouse Group or Group Housing or Group Housing Project* and may include *semi-detached dwellings* in the housing mix provide the following requirements are met:
 - a. The minimum *lot area* shall be the combined total of the lots areas based on 220 m² [2,368.1 ft.²] per rowhouse or townhouse dwelling unit, and 325 m² [3,498.3 ft.²] per *semi-detached dwelling unit*.
 - b. The minimum *lot frontage* shall be 30 m [98.4 ft.].
 - c. The maximum number of *dwellings* shall be 25.
 - d. The minimum separation distance between *dwellings* shall be 6 m [19.6 ft.].

7.6 Zone Exceptions

Section 8 APARTMENT RESIDENTIAL (R3) ZONE

8.1 Apartment Residential Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Apartment Residential – R3 Zone except in accordance with the following provisions.

8.2 Permitted Main Uses

1. Apartment Dwelling
2. Group or Group Housing or Group Housing Project
3. Public Authority Use or Public Utility subject to **Section 4.30**

8.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Home Based Business subject to **Section 4.12**

8.4 Zone Requirements

The zone requirements for permitted uses in the R3 Zone shall be as set out in **Table 8.4**.

Table 8.4 – R3 Zone Requirements	
	Apartment Dwelling
Minimum Lot Area	200 m ² [2,152.8 ft. ²] per dwelling unit
Minimum Lot Frontage	20 m [65.6 ft.]
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]
Interior Side Yard	1.2 m [3.9 ft.]
Rear Yard	7.5 m [24.6 ft.]
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	

Table 8.4 – R3 Zone Requirements	
	Apartment Dwelling
Main Building	25%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	1.2 m [3.9 ft.]
Maximum Number of Dwelling Unit Requirements	
Maximum Number Dwellings per Lot	--
Floor Area per Dwelling Unit	
Minimum Net Floor Area per Dwelling Unit	<ul style="list-style-type: none"> • Bachelor dwelling unit: 40 m² [430.5 ft.²] • One-bedroom dwelling unit: 55 m² [592 ft.²] • Two-bedroom dwelling unit: 70 m² [753.4 ft.²] • Three bedrooms or more in a dwelling unit: 80 m² [861.1 ft.²]
Driveways	
Maximum Number of Driveway Entrances per Lot	2
Minimum Separation Distance between Driveways	13.5 m [44.2 ft.]
Minimum Width of Driveway	3 m [9.8 ft.]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line

8.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.
2. The requirements of **Table 7.4** shall apply to a *rowhouse* or *townhouse Group* or *Group Housing* or *Group Housing Project* and may include an *apartment dwelling* and a *semi-detached dwellings* in the housing mix as follows:

- a. The minimum *lot area* shall be 200 m² [2,152.9 ft.²] per *apartment dwelling*, 220 m² [2,368.1 ft.²] per rowhouse or townhouse dwelling unit and 325 m² [3,498.3 ft.²] per *semi-detached dwelling unit*.
- b. The minimum *lot frontage* shall be 30 m [98.4 ft.].
- c. The maximum number of *dwellings* shall be 25.
- d. The minimum separation distance between *dwellings* shall be 6 m [19.6 ft.].

8.6 Zone Exceptions

See Section 21 for details.

1. R3-X1 - Fourth Avenue and Fourth Street (By-law 872)
2. R3-X2 - First Street (By-law 2005-16)

Section 9 INSTITUTIONAL (I) ZONE

9.1 Institutional Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Institutional – I Zone except in accordance with the following provisions.

9.2 Permitted Main Uses

1. Auditorium
2. Clinic
3. Continuum-of-Care Facility
4. Day Nursery
5. Fire Hall
6. Institutional Use
7. Municipal Office
8. Museum
9. Place of Worship
10. Public Authority Use or Public Utility subject to **Section 4.30**
11. Police Station
12. Post Office
13. Private Club
14. Private School
15. Public Library
16. Public Recreational Facility
17. Public Works Garage
18. Recreational Facility
19. School

9.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Accessory dwelling unit
3. Home Based Business subject to **Section 4.12**

9.4 Zone Requirements

The zone requirements for permitted uses in the I Zone shall be as set out in **Table 9.4**.

Table 9.4 – I Zone Requirements	
	All Uses
Minimum Lot Area	500 m ² [5,382.1 ft. ²]
Minimum Lot Frontage	20 m [65.6 ft.]
Minimum Yard Requirements – Main Building	

Table 9.4 – I Zone Requirements	
	All Uses
Front Yard or Exterior Side Yard	3 m [9.84 ft.]
Interior Side Yard	Nil or 3 m [9.84 ft.] if abutting a residential use or zone
Rear Yard	7.5 m [24.6 ft.] or 10 m [32.8 ft.] if abutting a residential use or zone
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.] or 6 m [19.6 ft.] where a lot line abuts a residential use
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
Main Building	70%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	3 [9.84 ft.]

9.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

9.6 Zone Exceptions

See Section 21 for details.

1. I-X1 Eighth Avenue (By-law 909)

Section 10 DOWNTOWN COMMERCIAL (C1) ZONE

10.1 Downtown Commercial Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Downtown Commercial (C1) Zone except in accordance with the following provisions.

10.2 Permitted Main Uses

1. Animal Hospital
2. Antique Store
3. Apartment Dwelling
4. Art Gallery
5. Auditorium
6. Automotive Service Station
7. Bake Shop
8. Bank
9. Car Rental Agency
10. Catering Establishment
11. Clinic
12. Commercial Parking Lot
13. Custom Workshop
14. Day Nursery
15. Drive-through Facility
16. Dry Cleaning Establishment
17. Dry Cleaning Distribution Station
18. Existing Residential Uses
19. Farmer's Market
20. Financial Office
21. Funeral Home
22. Gas Bar
23. Grocery Store
24. Hotel
25. Public Library
26. Laundromat
27. Motel
28. Municipal Office
29. Office
30. Park or Playground
31. Personal Service Establishment
32. Police Station
33. Post Office
34. Printing and Publishing Establishment
35. Private Club

- 36. Public Authority Use or Public Utility subject to **Section 4.30**
- 37. Recreational Commercial Establishment
- 38. Restaurant
- 39. Retail Store
- 40. Secondhand Shop
- 41. Service Outlet or Shop
- 42. Tavern
- 43. Taxi Stand
- 44. Tourist Establishment

10.3 Permitted Accessory Uses, Buildings and Structures

- 1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
- 2. Accessory Dwelling Unit
- 3. Home Based Business subject to **Section 4.12**

10.4 Zone Requirements

The zone requirements for permitted uses in the C1 Zone shall be as set out in **Table 10.4**.

Table 10.4 – C1 Zone Requirements		
	Commercial Uses	Apartment Dwelling
Minimum Lot Area	500 m ² [5,382.1 ft. ²]	The standards of the R3 Zone shall apply
Minimum Lot Frontage	--	
Minimum Yard Requirements – Main Building		
Front Yard or Exterior Side Yard	--	The standards of the R3 Zone shall apply
Interior Side Yard	Nil or 1.2 m [3.9 ft.] where lot abuts a residential use	
Rear Yard	2 m [6.56 ft.]	
Habitable Room Setback	The window of a habitable room shall be setback a minimum of 1.2 m [3.9 ft.] from an interior side or rear lot line	
Minimum Yard Requirements – Accessory Building (see also Section 4.1)		
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]	The standards of the R3 Zone shall apply
Maximum Height Requirements		

Table 10.4 – C1 Zone Requirements		
	Commercial Uses	Apartment Dwelling
Main Building	10 m [32.8 ft.]	The standards of the R3 Zone shall apply
Accessory Building	5 m [16.4 ft.]	
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)		
Main Building	--	The standards of the R3 Zone shall apply
Accessory Building	--	
Minimum Separation Distance Between Buildings Requirements		
Main Building and any Accessory Building	1.2 m [3.9 ft.]	The standards of the R3 Zone shall apply
Maximum Number of Dwelling Unit Requirements		
Maximum Number Dwellings per Lot	--	The standards of the R3 Zone shall apply
Floor Area per Dwelling Unit		
Minimum Net Floor Area per Accessory Dwelling Unit	<ul style="list-style-type: none"> • Bachelor dwelling unit: 40 m² [430.5 ft.²] • One-bedroom dwelling unit: 55 m² [592 ft.²] • Two-bedroom dwelling unit: 70 m² [753.4 ft.²] • Three bedrooms or more in a dwelling unit: 80 m² [861.1 ft.²] 	The standards of the R3 Zone shall apply

10.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.
2. No part of any parking space shall be located closer than 3 m [9.84 ft.] to any lot line which abuts a residential zone.
3. No *accessory dwelling unit* shall be located in a building occupied by an automotive use.

10.6 Zone Exceptions

See Section 21 for details.

- 1.** C1-X1 - Fourth Avenue (By-law 2006-07)

Section 11 LOCAL COMMERCIAL (C2) ZONE

11.1 Local Commercial Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Local Commercial (C2) Zone except in accordance with the following provisions.

11.2 Permitted Main Uses

1. Convenience Store
2. Existing office
3. Laundromat
4. Personal Service Establishment
5. Public Authority Use or Public Utility subject to **Section 4.30**

11.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Accessory Dwelling Unit
3. Home Based Business subject to **Section 4.12**

11.4 Zone Requirements

The zone requirements for permitted uses in the C2 Zone shall be as set out in Table 11.4.

Table 11.4 – C2 Zone Requirements	
	All Uses
Minimum Lot Area	500 m ² [5,382.1 ft. ²]
Minimum Lot Frontage	15 m [49.2 ft.]
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	6 m [19.6 ft.]
Interior Side Yard	4.5 m [14.7 ft.]
Rear Yard	9 m [29.5 ft.]
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]

Table 11.4 – C2 Zone Requirements	
	All Uses
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
Main Building	45%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	1.8 [5.9 ft.] or 1.2 m [3.9 ft.] between accessory buildings
Driveways	
Maximum Number of Driveway Entrances per Lot	2
Minimum Separation Distance between Driveways	13.5 m [44.2 ft.]
Minimum Width of Driveway	3.5 m [11.4 ft.]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line or 2.5 m [8.2 ft.] where the lot abuts a residential use
Occupancy	
Maximum number of dwelling units per lot	1

11.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

11.6 Zone Exceptions

Section 12 HIGHWAY COMMERCIAL (C3) ZONE

12.1 Highway Commercial Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Highway Commercial (C3) Zone except in accordance with the following provisions.

12.2 Permitted Main Uses

1. Ambulance Facility
2. Antique Store
3. Animal Hospital
4. Auto Body Shop
5. Auto Repair Garage
6. Automotive Sales Establishment
7. Automotive Service Station
8. Automotive Washing Establishment
9. Building Supply Store
10. Car Rental Agency
11. Commercial Greenhouse, Nursery or Garden Centre
12. Commercial Parking Lot
13. Construction Yard or Contractor's Yard
14. Custom Workshop
15. Drive-through Facility
16. Dry Cleaning Distribution Station
17. Entertainment Establishment
18. Equipment Rental Establishment
19. Equipment Sales, Service and Repair Establishment
20. Equipment and Vehicle Storage Yard
21. Flea Market
22. Gas Bar
23. Hotel
24. Motel
25. Office
26. Printing and Publishing Establishment
27. Public Authority Use or Public Utility subject to **Section 4.30**
28. Recreational Commercial Establishment
29. Recreational Vehicle Sales and Storage
30. Recreational Vehicle Repair Garage
31. Restaurant
32. Self-storage Facility
33. Service Outlet or Shop
34. Tavern

- 35. Tourist Establishment
- 36. Video Rental Outlet
- 37. Wholesale Establishment

12.3 Permitted Accessory Uses, Buildings and Structures

- 1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
- 2. Accessory Dwelling Unit in a Motel
- 3. Open Storage Area
- 4. Outdoor Display Area

12.4 Zone Requirements

The zone requirements for permitted uses in the C3 Zone shall be as set out in Table 12.4.

Table 12.4 – C3 Zone Requirements	
All Uses	
Minimum Lot Area	2,500 m ² [26,911 ft. ²] for a hotel, motel or tourist establishment, or 1,500 m ² [16,146.3 ft. ²] for all other uses
Minimum Lot Frontage	45 m [147.6 ft.]
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	18 m [59 ft.]
Interior Side Yard	7.5 m [24.6 ft.] or 10.5 m [32.8 ft.] where the lot abuts a residential use
Rear Yard	7.5 m [24.6 ft.] or 10 m [34.4 ft.] where the lot abuts a residential use
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	

Table 12.4 – C3 Zone Requirements	
	All Uses
Main Building	45%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	3 m [9.84 ft.] or 10 m [32.8 ft.] between a hotel, motel, tourist establishment and any accessory building
Occupancy	
Maximum number of dwelling units per lot	1 for hotel, motel or tourist establishment only

12.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

12.6 Zone Exceptions

See Section 21 for details.

1. C3-X1 Highway 11 (By-law 855)

Section 13 BUSINESS PARK (C4) ZONE

13.1 Business Park Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Business Park (C4) Zone except in accordance with the following provisions.

13.2 Permitted Main Uses

1. Animal Hospital
2. Auto Body Shop
3. Auto Repair Garage
4. Automotive Sales Establishment
5. Automobile Service Station
6. Building Supply Store
7. Bulk Fuel Depot
8. Bulk Storage Yard
9. Class I Industry
10. Custom Workshop
11. Dry Cleaning Establishment
12. Construction Yard or Contractor's Yard
13. Office
14. Public Authority Use or Public Utility subject to Section 4.30
15. Research & Development Laboratory
16. Self-Storage Facility
17. Transportation Depot or Truck Terminal
18. Warehouse
19. Wholesale Establishment

13.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Open Storage Area
3. Outdoor Display Area

13.4 Zone Requirements

The zone requirements for permitted uses in the C4 Zone shall be as set out in Table 13.4.

Table 13.4 – C4 Zone Requirements	
	All Uses
Minimum Lot Area	800 m ² [8,611.4 ft. ²]

Table 13.4 – C4 Zone Requirements	
	All Uses
Minimum Lot Frontage	30 m [98.4 ft.]
Minimum Yard Requirements – Main Building (see also Section 4.19.3)	
Front Yard or Exterior Side Yard	9 m [29.5 ft.]
Interior Side Yard	5 m [16.4 ft.] or 9 m [29.5 ft.] where the lot abuts a zone other than an industrial zone
Rear Yard	10 m [34.4 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use
Minimum Yard Requirements – Accessory Building (see also Sections 4.1 and 4.19.3)	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	60%

13.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See **Section 4.19.3**).
2. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.

13.6 Zone Exceptions

Section 14 GENERAL INDUSTRIAL (M1) ZONE

14.1 General Industrial Zone Regulations

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

14.2 Permitted Main Uses

1. Auto Body Shop
2. Auto Repair Garage
3. Automobile Service Station
4. Building Supply Store
5. Bulk Fuel Depot
6. Bulk Storage Yard
7. Class I Industry
8. Class II Industry
9. Dry Cleaning Establishment
10. Construction Yard or Contractor's Yard
11. Parking Area
12. Public Authority Use or Public Utility subject to **Section 4.30**
13. Recycling Station or Transfer Depot
14. Self-storage Facility
15. Service Outlet or Shop
16. Transportation Depot or Truck Terminal
17. Warehouse
18. Welding Shop

14.3 Permitted Accessory Uses, Buildings and Structures

4. Accessory Uses, Buildings and Structures subject to **Section 4.1**
5. Open Storage Area
6. Outdoor Display Area

14.4 Zone Requirements

The zone requirements for permitted uses in the M1 Zone shall be as set out in Table 14.4.

Table 14.4 – M1 Zone Requirements	
	All Uses
Minimum Lot Area	800 m ² [8,611.4 ft. ²]
Minimum Lot Frontage	30 m [98.4 ft.]

Table 14.4 – M1 Zone Requirements	
	All Uses
Minimum Yard Requirements – Main Building (see also Section 4.19.3)	
Front Yard or Exterior Side Yard	9 m [29.5 ft.]
Interior Side Yard	5 m [16.4 ft.] or 9 m [29.5 ft.] where the lot abuts a zone other than an industrial zone
Rear Yard	10 m [34.4 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use
Minimum Yard Requirements – Accessory Building (see also Sections 4.1 and 4.19.3)	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	60%

14.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See **Section 4.19.3**).
2. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.

14.6 Zone Exceptions

Section 15 HEAVY INDUSTRIAL (M2) ZONE

15.1 Heavy Industrial Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Heavy Industrial (M2) Zone except in accordance with the following provisions.

15.2 Permitted Main Uses

1. Bulk Fuel Depot
2. Bulk Storage Yard
3. Class III Industry
4. Public Authority Use or Public Utility subject to **Section 4.30**

15.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Open Storage Area

15.4 Zone Requirements

The zone requirements for permitted uses in the M2 Zone shall be as set out in **Table 15.4**.

Table 15.4 – M2 Zone Requirements	
	All Uses
Minimum Lot Area	2 ha [4.94 ac.]
Minimum Lot Frontage	45 m [147.6 ft.]
Minimum Yard Requirements – Main Building (see also Section 4.19.3)	
Front Yard or Exterior Side Yard	15 m [49.2 ft.]
Interior Side Yard	15 m [49.2 ft.]
Rear Yard	15 m [49.2 ft.]
Minimum Yard Requirements – Accessory Building (see also Sections 4.1 and 4.19.3)	
Interior Side Yard or Rear Yard	5 m [16.4 ft.]
Maximum Height Requirements	
Main Building	15 m [49.2 ft.]
Accessory Building	15 m [49.2 ft.]

Table 15.4 – M2 Zone Requirements	
	All Uses
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	60%
Minimum Separation Distance Between Buildings Requirements	

15.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See **Section 4.19.3**).
2. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.

15.6 Zone Exceptions

Section 16 RAILROAD INDUSTRIAL (M3) ZONE

16.1 Railroad Industrial Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Railroad Industrial (M3) Zone except in accordance with the following provisions.

16.2 Permitted Main Uses

1. Bulk Fuel Depot
2. Public Authority Use or Public Utility subject to **Section 4.30**
3. Railroad Use

16.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Open Storage Area
3. Parking Area

16.4 Zone Requirements

1. The minimum building separation shall be 3 m [9.84 ft.].

16.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply (see **Section 4.19.3**).

16.6 Zone Exceptions

Section 17 WASTE MANAGEMENT (M4) ZONE

17.1 Waste Management Zone Regulations

No person shall use any land or erect, alter or use any building or structure in the Waste Management (M4) Zone except in accordance with the following provisions.

17.2 Permitted Main Uses

1. Public Authority Use or Public Utility subject to **Section 4.30**
2. Recycling Station or Transfer Depot
3. Waste Management Facility

17.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Open Storage Area

17.4 Zone Requirements

1. Minimum Lot Area: 8 ha [19.7 ac.]
2. Minimum Yard Requirements (all yards): 30 m [98.4 ft.]
3. The provisions of **Section 4.19.1** shall apply.

17.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply. (See **Section 4.19.1**.)

17.6 Zone Exceptions

Section 18 OPEN SPACE (OS) ZONE

18.1 Open Space Zone Regulations

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

18.2 Permitted Main Uses

1. Cemetery
2. Conservation Use
3. Fairground
4. Golf Course
5. Park
6. Playground, Playground Facility
7. Public Authority Use or Public Utility subject to **Section 4.30**
8. Skateboard Park

18.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Parking Area

18.4 Zone Requirements

The zone requirements for permitted uses in the OS Zone shall be as set out in Table 18.4.

Table 18.4 – OS Zone Requirements	
	All Uses
Minimum Lot Area	--
Minimum Lot Frontage	--
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	15 m [49.2 ft.]
Interior Side Yard	7.5 m [14.6 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use or zone
Rear Yard	
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]

Table 18.4 – OS Zone Requirements	
	All Uses
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	
All Buildings and Structures	10%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	3m [9.84 ft.]

18.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

18.6 Zone Exceptions

Section 19 NATURAL HAZARDS OVERLAY

19.1 Natural Hazards Overlay Regulations

No person shall use any land or erect, alter or use any building or structure in the Natural Hazards Overlay area except in accordance with the following provisions.

19.2 Permitted Main Uses

1. Existing Use
2. Permitted Uses within the underlying zone
3. Uses set out in **Sections 4.8.1 and 4.8.2**

19.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1** except that no buildings shall be permitted except for flood control or erosion protection or as otherwise provided for in **Sections 4.8.1 and 4.8.2**.
2. Parking Area

19.4 Zone Requirements

1. As set out **Section 4.8.3**

19.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

19.6 Zone Exceptions

Section 20 RURAL (R) ZONE

20.1 Rural Zone Regulations

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

20.2 Permitted Main Uses

1. Existing Uses
2. Public Authority Use or Public Utility subject to **Section 4.30**

20.3 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject to **Section 4.1**
2. Home Industry accessory to an existing dwelling unit subject to **Section 4.13**

20.4 Zone Requirements

1. The zone requirements for permitted uses in the R Zone shall be as set out in Table 20.4.

Table 20.4 – R Zone Requirements	
	All Uses
Minimum Lot Area	--
Minimum Lot Frontage	--
Minimum Yard Requirements – Main Building	
Front Yard or Exterior Side Yard	6 m [19.6 ft.]
Interior Side Yard	3 m [9.84 ft.]
Rear Yard	10 m [32.8 ft.]
Minimum Yard Requirements – Accessory Building (see also Section 4.1)	
Interior Side Yard or Rear Yard	1.5 m [4.94 ft.]
Maximum Height Requirements	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Requirements - (Accessory Building - see also Section 4.1)	

Table 20.4 – R Zone Requirements	
	All Uses
Main Building	30%
Accessory Building	5%
Minimum Separation Distance Between Buildings Requirements	
Main Building and any Accessory Building	3 m [9.84 ft.]

20.5 Additional Provisions

1. All applicable provisions of **Section 4 – General Provisions** shall apply.

20.6 Zone Exceptions

Section 21 ZONE EXCEPTIONS

21.1 General

The following are exceptions to this By-law that are carried over from By-law 807 of the Town of Englehart or may be added from time to time. Each exception zone is unique and sets out exceptions to the list of permitted uses or the zone requirements of the By-law. Except where there is an exception stated, the other provisions of the by-law will continue to apply.

21.2 Exceptions to the By-law

Exceptions to Zoning By-law				
By-law No.	Zone	Uses Permitted	Uses Prohibited	Provisions
852	R1-X1	<ul style="list-style-type: none"> • Single detached dwelling • Home based business 		<ul style="list-style-type: none"> • Minimum interior side yard for dwelling with attached garage or carport – 1.2 m on one side and 0.3 m on the other side • Minimum interior yard setback for an accessory building – 1.2 m
872	R3-X1	Apartment Dwelling	Non-residential uses	<ul style="list-style-type: none"> • Minimum lot area 440 m² • Minimum lot frontage 20 m • Minimum rear yard 6.3 m • No parking space to be located closer than 0.6 m to any street line
873	R1-X4	C1 Zone Uses		<ul style="list-style-type: none"> • Maximum of one dwelling per lot • No maximum on number of dwelling units • Minimum rear yard 2 m
969	R1-X2	<ul style="list-style-type: none"> • Duplex dwelling • Semi-detached dwelling • Single detached dwelling • Home based business 		<ul style="list-style-type: none"> • Minimum interior yard 6.5 m on one side and 0.6 m on the other side
984	R1-X3	<ul style="list-style-type: none"> • Duplex dwelling • Semi-detached dwelling • Single detached dwelling • Home based business 		<ul style="list-style-type: none"> • Minimum interior side yard 1.5 m • No parking space to be located closer than 1.5 m to any street line
909	I-X1	<ul style="list-style-type: none"> • Continuum-of-Care-Facility 		<ul style="list-style-type: none"> • Minimum lot area 0.2 ha • Minimum interior yard 0.3 m

Exceptions to Zoning By-law				
By-law No.	Zone	Uses Permitted	Uses Prohibited	Provisions
		<ul style="list-style-type: none"> • Accessory dwelling unit 		<ul style="list-style-type: none"> • No parking space to be located closer than 0.15 m to any street line
2005-16	R3-X2	<ul style="list-style-type: none"> • Apartment dwelling 	Non-residential uses	<ul style="list-style-type: none"> • Minimum front yard 5.4 m • Minimum interior side yard - main building 5.5 m and 1.5 m for an accessory building •
2010-25	C1-X1	<ul style="list-style-type: none"> • Outdoor Commercial Plaza containing a building contracting business, the storage of business goods and materials, professional offices and retail space • A residential dwelling unit in the lower section of the building and in the floor space immediately above 		<ul style="list-style-type: none"> • Retail space shall not exceed 115 m² in floor area.
	C3-X1	<ul style="list-style-type: none"> • Single detached dwelling • Duplex dwelling • Ambulance facility • Animal hospital • Custom workshop • Public authority use • Self-storage facility • Tourist establishment 	<ul style="list-style-type: none"> • Automotive related use 	<ul style="list-style-type: none"> • All applicable provisions of the C3 zone shall apply