

TOWNSHIP OF MATACHEWAN COMPREHENSIVE ZONING BY-LAW

Adopted by Council on September 25, 2018

Prepared for:

The Corporation of the Township of Matachewan
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JLR 25248-11

**THE CORPORATION OF THE
TOWNSHIP OF MATACHEWAN**

By-law No. 2018-16

Being a By-law to repeal and replace By-law no. 2000-09 and amendments thereto.

A By-law of the Corporation of the Township of Matachewan; regulating the use of all land, and the density, size, location, and use of all buildings within its territory.

WHEREAS Section 34 of the *Planning Act* provides authority to Municipal Councils to enact by-laws regarding the use of lands and the erection and use of buildings or structures within the municipality;

AND WHEREAS Section 24 of the *Planning Act* provides that no Zoning By-law may be passed that does not conform to the Official Plan of the Township of Matachewan;

AND WHEREAS an Official Plan for the Township of Matachewan was approved and came into force on November 5, 2015;

AND WHEREAS Section 26 of the *Planning Act* requires that municipal Zoning By-laws be amended to conform to the Official Plan;

AND WHEREAS it is now deemed necessary and expedient to enact a new Zoning By-law for the Township of Matachewan which will be in conformity with the Official Plan;

AND WHEREAS an Open House in accordance with the *Planning Act* was held on August 9, 2018 for the purpose of giving the public an opportunity to review and ask questions about the proposed Zoning By-law;

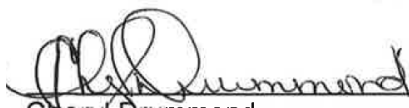
AND WHEREAS a Public Meeting in accordance with the *Planning Act* was held on September 25, 2018;

NOW THEREFORE the Council of the Corporation of the Township of Matachewan, pursuant to Section 34 of the *Planning Act*, enacts as follows:

1. By-law no. 2000-09, Township of Matachewan Zoning By-law, and amendments thereto, are hereby repealed at such time as the new Zoning By-law for the Township comes in full force and effect; and
2. By-law No. 2018-16 Township of Matachewan Zoning By-law shall come into force in accordance with the provisions of the *Planning Act*.

READ a first and second time this 25th day of September, 2018.

READ a third time and finally passed this 25th day of September, 2018.


Cheryl Drummond
Mayor

 SEAL
Anne Kmyta
CAO-Clerk-Treasurer

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SECTION 1

INTRODUCTION

1.1 TITLE OF BY-LAW

This By-law may be cited as the "Zoning By-law" or By-law 2018-16 of the Corporation of the Township of Matachewan.

1.2 SCOPE OF BY-LAW

(a) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all lands within the corporate limits of the Township of Matachewan.

(b) CONFORMITY WITH BY-LAW

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

(c) EXISTING USE CONTINUED

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

(d) PRIOR BUILDING PERMIT ISSUED

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law where a permit has been issued under Section 5 of the *Building Code Act*, prior to the day of passing of this By-law provided:

- (i) when the building or structure is erected, it shall be used and shall continue to be used for the purpose for which the building permit was issued;
- (ii) the erection of such building or structure is commenced within 6 months of the date of passing this By-law and provided the erection of such building or structure is completed within 18 months after the erection thereof is commenced; and
- (iii) such permit has not been revoked under Section 6, of the *Building Code Act*.

(e) COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

(3) INTERPRETATION OF BY-LAW**(a) SINGULAR AND PLURAL WORDS**

In this By-law, unless the context requires otherwise, words used in the singular number include the plural and words used in the plural include the singular number.

(b) SHALL IS MANDATORY

In this By-law, the word "shall" is mandatory.

(c) USED AND OCCUPIED

In this By-law, unless the context requires otherwise, the word "used" shall include "designed to be used" and "arranged to be used" and the word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

(d) BUILDING, STRUCTURE AND USE CLASSIFICATION

In this By-law, all buildings, structures and uses named as permitted uses and classified under the headings "RESIDENTIAL USES" or "NON-RESIDENTIAL USES" may be referred to as Residential or Non-Residential buildings, structures, or uses respectively.

(4) SCHEDULE TO BY-LAW

The following Schedule, which is attached hereto, and the information shown on such schedule shall form part of the by-law to the same extent as if included therein:

SCHEDULE A - ZONE MAPS

Each of the Zone Maps attached to the By-law is designated as Schedule A as well as a map number which corresponds to a specific geographic area as follows:

<u>ZONE MAP NO.</u>	<u>GEOGRAPHIC AREA</u>
1	Township, excluding the Matachewan townsite area
2	Matachewan townsite area

SECTION 2

DEFINITIONS

In this By-law, unless the context requires otherwise, the following definitions shall apply:

ACCESSORY, when used to describe a use, building or structure, shall mean a use, building, or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use.

ADULT ENTERTAINMENT BUSINESS shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations.

ALTER, when used in reference to a building, structure or part thereof, means:

to change any one or more of the external dimensions of such building or structure; or

to change the type of construction of the exterior walls or roof of such building or structure; or

to change the use of such building or structure; or

to change the number of uses or dwelling units contained therein.

"Alter", when used in reference to a lot, means:

to change the boundary of such lot with respect to a street or lane; or

to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or

to change the use of such lot; or

to change the number of uses located thereon.

"Altered" and "alteration" shall have corresponding meanings.

AUDITORIUM means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, assembly hall, community centre, gymnasium, stadium, theatre or similar use and for the consumption of food and drink, but not for any commercial purposes.

AUTOMOTIVE ACCESSORIES SHOP means an establishment primarily engaged in the retail sale of automotive accessory parts.

BALCONY means a partially enclosed platform attached to or extending horizontally from one or more main walls of a building and used as an outdoor porch or sundeck.

BAR means a building or premises which serves any sort of beverage alcohol to the public for consumption on the premises, other than a restaurant, which is licensed under the Liquor License Act.

BED AND BREAKFAST means a dwelling with the operator living onsite used incidentally to provide less than 4 rooms for accommodation and meals to transient travellers for less than 30 consecutive days, but does not include a boarding house, a rooming house, hotel, or motel.

BODY SHOP means a building or premises used for the painting or repairing of motor vehicle bodies, exteriors or undercarriages. Accessory uses may include a towing service and the rental of motor vehicles to customers whose motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.

BUILDING means any structure, consisting of walls and a roof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials.

ACCESSORY BUILDING means a detached building which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.

MAIN BUILDING means the building which contains the principal use of the lot on which such building is located.

BUILDING BY-LAW means any by-law of the Corporation passed pursuant to the Building Code Act.

BUILDING HEIGHT means the vertical distance between the finished grade of the lot on which the building is situated and the highest point of the building proper.

BUILDING PERMIT means a permit required by the Building By-law.

BUILDING SEPARATION means the least horizontal distance permitted between the nearest portions of any building envelopes on a lot.

BUILDING SUPPLY OUTLET means an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

BUSINESS OFFICE means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for repairing equipment, goods, materials or vehicles.

CAMPGROUND means an open area provided for the use of outdoor camping in tents or similar facilities. This definition shall not include a tourist camp or mobile home park.

CAMP LOT means a parcel of land within a campground or a tourist camp occupied by a tent, a tourist trailer or tourist vehicle.

CARPORT means a roofed structure, supported by columns, piers or not more than two walls, which is

used for the sheltering of permitted vehicles.

CEMETERY means land that is set apart or used as a place for the interment of the dead, or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

CHIEF BUILDING OFFICIAL means the employee appointed by Council for the purpose of enforcing the Building By-law.

CHILD CARE CENTRE means a premises operated by a person licensed under the *Child Care and Early Years Act* to provide temporary care for or supervision of children.

CLINIC means a building or part of a building used solely by medical doctors, dentists and/or drugless practitioners, as well as by their staff and their patients, for the purposes of consultation, diagnosis and office treatment. This definition shall not include a hospital or home profession.

CLUB means a building or premises used as an athletic, recreational, service or social club. This definition may include the premises of a fraternal organization.

COMMUNITY GARDEN means land used for the growing and harvesting of plants, grains, vegetables, or fruits and provided the crops are for the sole use, donation or consumption by the individual or individuals growing or working the community garden. It shall not be considered as landscaped area, landscape open space, landscaped strip, or landscaping.

CONVENIENCE STORE means an establishment where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale.

CORPORATION means the Corporation of the Township of Matachewan.

COUNCIL means the Council of the Corporation of the Township of Matachewan.

DETACHED, when used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.

DRIVEWAY means an unobstructed passageway used to provide vehicular access to a lot from a street or lane.

DWELLING means a building or part of a building containing a dwelling unit used or intended to be used for human habitation and in which all usual domestic functions may be carried on.. This definition shall not include any part of any vehicle as defined herein.

ACCESSORY DWELLING UNIT means a dwelling unit which is accessory to a permitted Non-Residential use

APARTMENT BUILDING means a building containing three or more, separate dwelling units. This definition may include a senior citizen's apartment, but shall not include any dwelling otherwise defined herein or specifically named elsewhere in this By-law.

BOARDING HOUSE means a dwelling or portion thereof, erected prior to the date of passing of this By-law, which contains not more than four guest rooms wherein, for gain or profit, lodgings, with or without meals, are provided to the public.

BUNKHOUSE means a building designed or used for the accommodation of up to 15 workers at any one time, and consisting of at least one bathroom and not fewer than 2 rooms providing therein living, dining and sleeping accommodation in appropriate individual or combination rooms.

CONVERTED DWELLING means a single detached dwelling, erected prior to the date of passing of this By-law, the interior of which has been altered so as to provide therein not more than two dwelling units.

DUPLEX DWELLING means a building that is divided horizontally into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.

GARDEN SUITE / GRANNY FLAT means a temporary, one-unit, self-contained, and portable detached residential structure that is intended for short –term accommodation and is clearly ancillary to and on the same lot as a single or semi-detached dwelling, and excludes a trailer as defined herein.

GROUP HOME means the use of a dwelling for a residential care facility accommodating up to 10 persons, excluding resident staff, who, by reason of their emotional, mental, social or physical condition, require specialized residential care in a group living arrangement, as licensed or approved by the applicable Provincial agency.

MOBILE HOME means a dwelling designed to be mobile and transported on its own chassis (notwithstanding that its running gear is or may be removed), or by other means, and designed and equipped for year-round occupancy in accordance with Canadian Standards Association Standard Z240. This definition shall not include any tourist vehicle, travel trailer, or any trailer.

MODULAR HOME means a prefabricated dwelling manufactured at one location and delivered and assembled on another lot.

PRIVATE CABIN means a suite of two or more rooms, occupied by not more than one household unit, in which sanitary conveniences may be provided but which contains no cooking facilities and is accessory to a permitted dwelling house.

ROWHOUSE means a building that is divided vertically into three or more dwelling units.

SEASONAL DWELLING means a building containing only one dwelling unit, which is constructed and used as a secondary place of residence, for seasonal vacation and recreational purposes and not as a principal residence of the owner or occupant thereof.

SECONDARY DWELLING UNIT (basement apartment, or in-law suite) means a self-contained dwelling unit that is ancillary and subordinate to a main dwelling that may be contained within the main building or in an accessory building.

SEMI-DETACHED DWELLING means the whole of a dwelling house divided vertically by a common wall above finished grade into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.

SINGLE DETACHED DWELLING means a freestanding dwelling containing only one dwelling unit, and includes a modular home, but does not include a mobile home.

SINGLE ROOM OCCUPANCY DWELLING means living space used for rental purposes, generally to a sole occupant, which contains limited conveniences.

DWELLING UNIT means a suite of two or more habitable rooms occupied by not more than one household unit, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance either directly from outside the building or through a common corridor or vestibule inside the building. This definition shall not include any part of any vehicle as defined herein.

ENTRANCE, when used with reference to a lot, means the area of intersection between a driveway and a street line.

ENTRANCE SETBACK means the least horizontal distance permitted between an intersection of street lines and the nearest portion of any entrance, measured along the street line.

ENTRANCE WIDTH means the horizontal distance permitted between the extremities of an entrance, measured along the street line.

ERECT means to build, construct, place, reconstruct or relocate and, without limiting the generality of the word, also includes:

any preliminary operation such as excavating, filling or draining;

altering any existing building or structure by an addition, enlargement, extension or other structural change; and

any work which requires a building permit.

ESTABLISHED BUILDING LINE shall mean the average setback from the centreline of a street of at least 2 existing buildings located on lots having street frontage upon the said side of the street, provided such buildings are located on the same block and within a continuous strip of land that does not exceed 75 metres.

EXISTING means existing on the date of passing of this By-law.

EXTRACTIVE INDUSTRIAL USE means the use of land for the extraction of mineral aggregate including sand, gravel, shale, clay, and bedrock suitable for the production of crushed stone, building stone, cement products, and other similar materials.

FARM means land used for the tillage of soil or the growing of vegetables, fruits, grains, legumes, hays or

other crops. This definition may also apply to land used for beekeeping, livestock and/or fish raising, dairying, vineyards, or woodlots.

SPECIALIZED FARM means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl; the raising of fur bearing animals; the raising of swine or goats; the raising of cattle on feed lots; the raising or boarding of dogs or cats; or the growing of mushrooms.

FARM PRODUCE/PRODUCT STAND means a building or structure used for the sale of fresh fruit, vegetables, grains and edible plants which are grown on a farm on a seasonal basis. Products derived from the farm produce may also be sold.

FENCE means a structure which forms a barrier for enclosing, bounding, delineating, or protecting land.

FINANCIAL OFFICE means the premises of a bank, trust company, finance company, mortgage company, investment company or credit union.

FINISHED GRADE means the average elevation between the highest and lowest points of the finished surface of the ground (measured at the base of a building or structure), but exclusive of any embankment in lieu of steps.

FLOOD PLAIN means the area below the high water mark of a waterbody.

FLOOR AREA shall mean:

- (a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, or unfinished basement, or unfinished cellar;
- (b) for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building.

FORESTRY USE means the management, development and cultivation of timber resources.

FUEL PUMP ISLAND means a structure which is an accessory use intended to provide fuel for vehicles.

PRIVATE FUEL PUMP ISLAND means a fuel pump island used to dispense fuel solely to vehicles owned or leased by the occupant of the lot where such fuel pump island is located. This definition shall not include a service station or any other facility for the sale of fuels.

GARAGE means a structure for the storage of vehicles and other items.

COMMERCIAL GARAGE means an establishment or premises where vehicles owned by the general public are repaired or maintained.

MAINTENANCE GARAGE means an establishment or premises where vehicles owned or leased by the occupant of such premises are repaired or maintained.

PORTABLE GARAGE means a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

PRIVATE GARAGE means an accessory building or portion of a dwelling house which is fully enclosed and used for the sheltering of permitted vehicles. This definition shall not include a carport or other open shelter.

GRAVEL PIT means any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include: any excavation incidental to the erection of a building or structure for which a building permit has been issued; any excavation incidental to the construction of any public works; any asphalt plant, cement manufacturing plant or concrete batching plant; and any wayside pit as defined herein.

GUEST ROOM means a room or suite of rooms used or maintained, for gain or profit, by providing accommodation to the public.

HABITABLE ROOM means a room designed to provide living, dining, sleeping or kitchen accommodation for persons. This definition may include a bathroom, den, library or enclosed sun room, but shall not include any private garage, carport, porch, verandah, unfinished attic, unfinished basement or unfinished cellar.

HEIGHT, when used with reference to a building, means the vertical distance between the *finished grade* and the highest point of the building proper, exclusive of any accessory roof structures.

HELIPORT means an area of land used for the landing and takeoff of helicopters and/or similar aircraft for the purpose of providing emergency medical transfers to and from a medical facility.

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 continued so long 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.

HOME INDUSTRY means a use accessory to a permitted farm which may include a carpentry shop, a craft shop, a metal working shop, a plumbing shop, an electrical shop, a welding shop, a storage building for school buses, boats or snowmobiles, or similar uses.

HOME OCCUPATION means any occupation conducted for gain or profit within a dwelling unit. This definition may include dressmaking; hairdressing; instruction in arts, crafts, dancing or music to not more than six pupils at any one lesson; molding; painting; sculpting; weaving; or the making or repairing of garden or household ornaments, clothing, personal effects or toys.

HOME OCCUPATION, RURAL means any occupation conducted for gain or profit as an accessory use on a permitted farm. This definition may include a retail outlet for farm supplies or farm produce, a produce grading station or a merchandise service shop.

HOME PROFESSION means any profession practised within a dwelling unit. This definition may include

the offices of an accountant, architect, auditor, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary, realtor, or town planner.

INDUSTRIAL USE means a building, use, or activity related to manufacturing, assembling, making, producing, refining, sorting, finishing, treating, tanning, cleaning, repairing, restoring, processing, refinishing, packing, sawing, warehousing, stockpiling, storing, distributing, shipping, breaking up, crushing, demolishing, reprocessing, repairing, servicing or recycling of goods, substances, or articles and similar uses, including ores, minerals, aggregates and agricultural produce, or any part or parts thereof; or The production or storage of *building* or construction equipment or materials.

INDUSTRIAL USE, LIGHT means an industrial use that is contained and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration with infrequent movement of products and/or heavy trucks and may include warehousing indoors; printing; manufacturing finished paper; Producing cosmetics, drugs and other pharmaceutical supplies; Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic-ware, porcelain, earthenware, glassware or similar articles.

INSTITUTIONAL USE means a building, structure, or lot used by an public entity, organized body, religious group or society for an educational or non-profit, non-commercial purpose. This definition may include a library, school, religious use, child care centre, private club, community and recreation facility, or any public use.

LANDSCAPING AREA means that portion of the lot area of a lot required for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, surfaced patio, play facility, in ground swimming pool or similar area, but shall not include any driveway or ramp (whether surfaced or not) or any curb, retaining wall, parking area, loading space or any open space beneath or within a building or structure.

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

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

CORNER LOT means a lot having four or fewer lot lines and situated at the intersection of two street lines which contain an angle of not more than 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.

EXISTING LOT means a lot which, on the date of passing of this By-law, was capable of being legally conveyed in accordance with the *Planning Act*.

INTERIOR LOT means a lot, other than a corner lot or a through lot, which has street access, but has no water access.

MOBILE HOME LOT means a lot used for the placement of a mobile home in a mobile home park.

PARTLY SERVICED LOT means a lot which is served by a public water system only.

STANDARD WATERFRONT LOT means a lot which has water access on one shoreline.

THROUGH LOT means a lot, other than a corner lot, which has street access on two or more street lines, but has no water access.

UNSERVICED LOT means a lot which is not served by a public water system or a sanitary sewer system.

WATER LOT shall mean a lot which abuts a shoreline but has no street line. Notwithstanding any other provisions of this By-law, a water lot does not require frontage on an improved street.

LOT AREA means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain located on such lot.

LOT COVERAGE means the percentage of lot area covered by the ground floor area of all buildings and structures located thereon. Lot coverage shall include carports and garages; but shall not include decks, pools, balconies, canopies, and overhanging eaves.

LOT FRONTAGE means the horizontal distance between the two lot lines which intersect the front lot line of a lot, such distance being measured along a line which is parallel to the front lot line and 6.0 metres distant from the front lot line. .

LOT DEPTH means the horizontal distance between the front and rear lot line. If the front and rear lot lines are not parallel, depth shall be measured as 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, depth shall be measured as a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

LOT LINE means any boundary of a lot or the vertical projection thereof.

FRONT LOT LINE means, in the case of an interior lot, the lot line dividing the lot from the improved street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line except where the lot lines abutting a street are the same length, either lot line shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a standard waterfront or water lot, the shoreline shall be deemed to be the front lot line.

EXTERIOR SIDE LOT LINE means any lot line other than a front lot line which is also a street line.

REAR LOT LINE means any lot line which is not a front lot line, a exterior or interior side lot line.

INTERIOR SIDE LOT LINE means a lot line which intersects a front lot line or an exterior side lot line provided that, if any side lot line or portion thereof is the rear lot line of an abutting lot, such lot line or portion thereof shall be deemed to be a rear lot line.

MARINE FACILITY means a building or structure which is used to place a boat into, or take a boat out of,

a waterbody; or to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse, but excludes any boat service, repair or sales facility, or building or portion thereof being used for human habitation.

MINING OPERATION means any opening or excavation in, or working of, the ground for the purpose of winning any mineral or mineral bearing substance; all ways, works, machinery, plant, buildings and premises below or above the ground relating to or used in connection with the activity referred to above; any roasting or smelting furnace, concentrator, mill, work or place used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining or treating any mineral or mineral bearing substance, or conducting research on them; tailings, wasterock, stockpiles of ore or other material, or any other prescribed substances, or the lands related to any of them, and mines that have been temporarily suspended, rendered inactive, closed out or abandoned.

MOBILE HOME PARK means a lot under single management which has been planned, divided into mobile home sites for the placement of 2 or more mobile homes as a permanent residential use.

MOBILE HOME SITE means the space for the placement of one mobile home and for the exclusive use of its occupants.

MULTI-USE FACILITY means a facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational, instructional, or municipal nature, and may include, as a portion of it, a medical facility.

MUNICIPAL YARD means any land and buildings owned by the Municipality, or any local board or commission, and used for the storage, maintenance and repair of equipment used in connection with civic works.

MUNICIPALITY means the Corporation of the Township of Matachewan.

NON-COMPLYING, when used in reference to a lot, building or structure, means a lot, building or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

NON-CONFORMING, when used in reference to a use, building, or structure, means a use, building, or structure which is not a permitted use in the zone where such use, building, or structure is located.

NOXIOUS USE means a use which, by its nature or the materials used or produced therein, is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter.

OFFICE means a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labour.

OUTDOOR FURNACE means an appliance located outside of any building or structure, which it is intended to heat by combustion.

OUTDOOR STORAGE means land used for the outdoor storage of equipment, goods, or materials. This definition shall not include a storage use located in a building, a salvage yard, a parking area, or a parking

space.

PARK means an area, consisting largely of open space, which may include a recreational area, trails, playground, playfield, or similar use, but shall not include a mobile home park or tourist camp.

PUBLIC PARK means a park owned or operated by the Corporation, any local board of the Corporation or any Authority, Board, Commission, or Ministry established under any statute of Ontario or Canada.

PRIVATE PARK means a park other than a public park.

PARKING

AISLE means that part of a parking area which provides onsite access to parking spaces, but does not include a driveway.

AREA means an area or structure provided for the parking of motor vehicles and includes any related driveways, aisles, and parking spaces, but shall not include any part of a street or lane. This definition may include a carport or private garage.

LOT means any parking area other than a parking area which is accessory to a permitted use and located on the same lot therewith.

SPACE means a portion of a parking area, exclusive of any driveways, which may be used for the temporary parking or storage of a motor vehicle.

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

PERSONAL SERVICE SHOP means a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, dressmaking shop, tailor shop, shoe repair shop, photographic studio, self-service laundry or dry cleaning distribution station, or similar use.

PIT means any land where unconsolidated gravel, sand, clay, peat, or other earthen material is being or has been removed by means of excavation as defined in the *Aggregate Resources Act*.

PLACE OF ENTERTAINMENT shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall, music hall, bingo halls, amusement arcades, or similar use.

PLACE OF WORSHIP means a building owned or occupied by a religious congregation or religious organization dedicated exclusively to worship and other religious activities. Accessory uses may include a child care centre, hall, auditorium, Sunday school, parish hall, school, or rental use.

PLANTING STRIP means an area which shall be used for no purpose other than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The

remainder of such planting strip shall be used for no purpose other than planting trees, shrubs, flowers, grass, or similar vegetation.

PLANTING STRIP WIDTH means the least horizontal dimension of a planting strip measured perpendicularly to the lot line abutting such planting strip.

PRIVATE HOME DAY CARE means the temporary care and custody, for reward or compensation, of five children or less who are not of common parentage, where such care is provided in a private residence for a continuous period not exceeding 24 hours.

PROFESSIONAL OFFICE means any building where professionally qualified persons, technical assistants and clerical staff are employed and where clients or patients go for advice, consultation or treatment. A business which is accessory to the above uses will be permitted.

PUBLIC USE means a building, structure or lot used for public services by the Corporation, any local board of the Corporation, any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, any public utility corporation, any railway company or similar recognized agencies.

QUARRY means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, as defined in the *Aggregate Resources Act*.

RECREATIONAL FACILITY means buildings, structures or the use of land for outdoor and indoor sports and recreation intended for passive or active use. This definition shall include any equipment related to the activities.

RENEWABLE ENERGY GENERATION FACILITY means a facility that generates electricity from a renewable energy source, inclusive of a dam, powerhouse, solar power installations, transmission lines, and all associated lands, improvements and infrastructure required for its operation, for the generation and transmission of electricity therefrom.

RESIDENTIAL CARE FACILITY means an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counselling and social support services and which may include services such as medical, counselling, and personal services.

RESTAURANT means a building or part of a building where food is offered for sale or sold to the public for immediate consumption in the dining room of such building or for consumption off the premises. This definition includes a patio area used in conjunction with the restaurant and means an outdoor area located on the same lot as the restaurant, where meals or refreshments or both may be served to patrons.

RESTAURANT CART means a building or trailer, even if it is stationary, used on a seasonal basis for the preparation and cooking of a limited selection of meals and the sale of such food and refreshments to the public for consumption on an attached patio or for consumption off the premises. The patio must be used in conjunction with the restaurant cart and means an outdoor area located on the same lot as the restaurant cart, however, the patio area must be more commonly known as a chip stand or hot dog cart.

RESTAURANT, TAKE-OUT means an establishment where food is offered for sale or sold to the public solely for consumption off the premises of the establishment.

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered or kept for retail sale to the public. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

SALVAGE YARD means an establishment or premises where bones, bottles, hides, junk, rags, scrap metals, wrecked vehicles, or parts therefrom are stored wholly or partly in the open.

SATELLITE SIGNAL BROADCAST OR RECEIVING DISH means any device used or intended to be used to send or receive signals to or from satellites.

SCHOOL means a school under the jurisdiction of a Board as defined in the *Education Act*.

SETBACK means the least horizontal dimension between a lot line and the nearest part any building or structure on the lot, or the nearest open storage use on the lot.

SHIPPING CONTAINERS/SEA CANS means any pre-fabricated metal unit/container that is self-contained, used for the transport of goods by means of rail, truck, or cargo ship, and is larger than three (3) square metres.

SHORELINE means any lot line or portion thereof which abuts a waterbody.

SIGHT TRIANGLE means the triangular space on a lot formed by two intersecting street lines and a line drawn from a point in one street line across such lot to a point in the other street line, each such point being a distance from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

SIGN means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.

LEGAL SIGN means a sign which complies with the Sign By-law of the Corporation.

SOLAR POWER INSTALLATIONS

-, **ACCESSORY** means systems designed to capture the sun's energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.

-, **COMMERCIAL** means systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

STOREY means a horizontal division of a building from any floor level of such building or structure to the floor, ceiling or roof next above such floor level, but does not include a crawl space.

ATTIC means that portion of a building situated wholly or partly within the roof, but which is not a one-half storey.

BASEMENT means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

CELLAR means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

FIRST STOREY means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres above finished grade.

SECOND STOREY means a storey situated directly above the first storey of a building..

STREET means a public thoroughfare under the jurisdiction of either the Corporation or the Province of Ontario. This definition shall not include a lane, a private right-of-way, or a registered right-of-way.

"Street allowance" shall have a corresponding meaning.

IMPROVED ROAD means a street defined herein as a "Provincial Highway" or a "Township Road" which is maintained on a year-round basis and shown on Schedule A hereto.

An improved street may also include a private road which has been designated in the Township Official Plan document as an exception to the access provisions of the Plan.

LANE means a public thoroughfare, whether or not improved for use, which has a right-of-way width of 10.0 metres or less and which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

PRIVATE ROAD means a private thoroughfare over private property which may provide access to one or more abutting lots and is not maintained by a public body.

PROVINCIAL HIGHWAY means Highway Nos. 65 and 66.

SECONDARY HIGHWAY means Highway No. 566.

TOWNSHIP ROAD means a street, other than a Provincial Highway.

UNIMPROVED ROAD means a street defined herein as a "Township Road" which is not maintained on a year-round basis and shown on Schedule A hereto.

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

STREET LINE means the limit of an improved street allowance and is the dividing line between a lot and a

street, this shall not include a lane.

STRUCTURE means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground. This definition shall include a septic system.

SWIMMING POOL means a structure which is located on, in, or above the ground, or within a building, which contains an artificial body of water for swimming or similar activities with a water depth of 0.6m or more at its deepest point.

TEMPORARY means anything that is not intended to be permanent, and is intended for removal or demolition within a prescribed time.

TOURIST CAMP means any land used to provide temporary accommodation in tents, tourist trailers, tourist vehicles or cabins whether or not a fee is charged or paid for such accommodation.

TOURIST ESTABLISHMENT means a building or buildings designed or used for the accommodation of the travelling or vacationing public.

HOTEL means a tourist establishment containing therein five 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 or similar uses.

LODGE means a tourist establishment containing therein five or more guest rooms served by a common building entrance while additional guest rooms may have separate entrances directly from outside the building. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses.

MOTEL means a tourist establishment containing therein five or more guest rooms, each guest room having a separate entrance directly from outside the building. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses.

RENTAL CABIN OR RENTAL COTTAGE means a tourist establishment designed to accommodate one household unit in a detached building.

TRAILER means any vehicle designed to be towed by a motor vehicle.

USE, when used as a noun, means the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained.

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

MAIN USE means the principal use of a lot.

UTILITY means "a Public Utility" as defined by the *Public Utilities Corporation Act* and amendments thereto.

VARIANCE, MINOR means a variance from any provision of this By-law in respect to the land, building, or structure, or the use thereof, which is desirable for the appropriate development of the land, building, or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.

VEGETATION STRIP means a naturally vegetated strip of land devoted exclusively to the provision of a visual amenity and a physical barrier between a waterbody and a building or structure constructed on a lot where such strip is required. It shall be permissible to interrupt the strip for a walkway between the waterbody and building or structures on the lot.

VEHICLE means an all-terrain vehicle, automobile, a boat, a commercial motor vehicle, a farm implement, a motorcycle, a snowmobile, a truck, a recreational vehicle or a trailer.

-, **RECREATIONAL** means any vehicle that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, or eating and includes the following: motor homes, travel trailers, tent trailers, or campers.

VEHICLE SERVICE STATION means an establishment primarily engaged in the retail sale of fuels or lubricants for motor vehicles or recreational vehicles. Accessory uses may include a car wash, the sale of accessory parts and minor maintenance or repair operations for such vehicles, other than bodywork or painting. If any vehicle, other than a private automobile, a tow truck or similar service vehicle, is kept on the premises of the establishment, except while awaiting repair, maintenance or sale, then such establishment shall be classified as a commercial garage. This does not include the sale of motor vehicles.

VEHICLE DEALERSHIP means a place where new or used motor vehicles other than heavy vehicles are displayed and sold at retail, rented, or leased.

WAREHOUSE means a building or part of a building used only for the bulk storage of goods, wares, merchandise or materials and accessory office space and shall include a wholesale establishment.

WASTE DISPOSAL

- **SITE** means a place, approved by the MOECC, where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse is disposed of or dumped. This definition shall not include a sewage treatment plant, lagoon, or sludge disposal area.

- **BUFFER** means an area of land around a waste disposal site on which no waste of any kind shall be deposited which will be used to facilitate noise, dust and odour control, minimize the spread of litter, mitigate visual impacts and allow for the attenuation of landfill leachate.

WATER ACCESS means, when referring to a lot, that such lot has a lot line or portion thereof which is also a shoreline.

WATERBODY means any bay, lake, natural watercourse or canal, other than a drainage ditch or irrigation channel.

WATER SETBACK means the straight line horizontal distance from a normal high water mark or regulated

high water mark (where applicable) of a waterbody to the nearest part of any excavation, building, structure or open storage area on the lot.

WATER SUPPLY PLANT means a building or structure, approved by the Ministry of the Environment, where water is treated for human consumption.

WATER SYSTEM, PUBLIC means a distribution system of underground piping and related storage, including pumping and purification appurtenances, owned and operated by the Corporation or by the Ministry of the Environment.

WAYSIDE PIT means a temporary open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock, opened and used by a public authority solely for the purpose of a particular project or contract of construction.

WAYSIDE QUARRY means a temporary open excavation made for the removal of any limestone, sandstone, shale or consolidated rock, opened and used by a public authority solely for the purpose of a particular project or contract of construction.

WIND TURBINE/GENERATING SYSTEM

-, **ACCESSORY** means a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however their primary purpose is to provide power to the buildings and uses located on-site.

-, **COMMERCIAL** means a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This definition does not include those installations which have received a Renewable Energy Approval.

YARD means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.

FRONT YARD means a yard located between the front lot line and the nearest part of any excavation or main building on the lot and extending across the full width of the lot.

EXTERIOR SIDE YARD means a yard located between an exterior side lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such exterior side lot line, but excluding any front yard.

REAR YARD means a yard located between a rear lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such rear lot line, but excluding any front yard or exterior side yard.

INTERIOR SIDE YARD means a yard located between an interior side lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such interior side lot line, but excluding any front yard, exterior side yard or rear yard.

PRIVACY YARD means a yard clear and unobstructed by any public or common pedestrian access,

driveway or surface parking area, used by residents for passive recreational activities

ZONE means a designated area of land use shown on Schedule A hereto and includes any special zone used in this By-law.

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

SECTION 3

GENERAL PROVISIONS

3.1 ACCESSORY USES

Any use, building or structure which is accessory to a permitted use in a zone shall be permitted in such zone except that none of the following accessory uses shall be permitted in any zone unless such accessory use is listed as a permitted use in such zone: an accessory manufacturing use; a building or portion thereof used for human habitation; a fuel pump island; a livestock building; a marine facility; any occupation for gain or profit conducted within or accessory to a dwelling unit or accessory to a farm; and an open storage use.

Where this By-law permits an accessory use, such use shall only be permitted provided that the main use is already in existence on the lot.

(a) EXCEPTION FOR GARAGE SEPARATE FROM THE MAIN RESIDENTIAL USE

An accessory garage may be built on a separate lot without a main use, provided that:

- (i) A parking space is provided on the lot with the primary residential use; and
- (ii) No residential dwelling units (accessory, converted, or otherwise) are permitted on the lot with the accessory garage.

(b) ACCESSORY DWELLING UNITS, SECONDARY UNITS (BASEMENT APARTMENTS, IN-LAW SUITES), AND GARDEN SUITES

Where these uses are permitted, they are subject to the following provisions:

- (i) No more than an amount equal to 40 % of the gross floor area of the principal dwelling, use, may be developed for a secondary dwelling unit or garden suite, except where a basement unit is created, in which case, there is no maximum size;
- (ii) The accessory apartment is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighbourhood;
- (iii) Parking shall be provided in accordance with Section 3.19, and Tandem parking in the existing driveway is permitted;
- (iv) An accessory apartment is permitted, provided it can be demonstrated that the private sewage disposal system can accommodate the change in use;
- (v) Garden suites must comply with the setbacks for accessory buildings.

(c) PORTABLE GARAGES

Portable garages are permitted in all residential zones, subject to the following provisions:

- (i) Such structure is not located in the front yard, except during the time period from November 1 to April 30;
- (ii) Such structure must meet all applicable zone setbacks for an accessory structure; and
- (iii) Such structure is maintained in good condition and torn material shall be replaced or

the structure shall be removed.

(d) SHIPPING CONTAINERS (BY-LAW 2015-16)

Refer to By-law 2015-16 for regulations on Shipping Containers within the Township.

(e) SWIMMING POOLS

Swimming pools shall comply with the Township's Swimming Pool By-law (1985) and its successors.

In a Residential Zone, a private swimming pool and structures in conjunction with such a swimming pool may be erected and used in the required interior side yard or rear yard in accordance with the Town's Swimming Pool By-law and provided:

- (i) No part of such swimming pool shall be located closer than 1.5 m to any rear or side lot line; and
- (ii) No water circulating or treatment equipment such as pumps or filters shall be located closer than 2.0 m to any interior side or rear lot line, unless it is within a building.

(f) SOLAR POWER INSTALLATIONS

Accessory solar power installations may be installed in any zone, subject to the following provisions:

- (i) Freestanding accessory structures shall not be located in the front yard.

(g) WIND TURBINES

Structures which harness wind energy for the primary purpose of on-site consumption may only be erected in Rural Zones, subject to the following provisions:

- (i) Such structures are restricted to a maximum height of 17 m; and
- (ii) Such structures are setback from the lot line by the maximum height of the structure (i.e. to the tip of the blade).

3.2 ACCESS REGULATIONS

No person shall erect any building or structure on any lot unless the lot fronts on and has access to an Improved Road as defined herein.

(a) EXISTING LOT

This provision shall not apply to an existing lot, which does not front on an Improved Street. For such a lot, buildings and structures shall be permitted in accordance with the approved use and the zone provisions for the zone in which the lot is located.

(b) EXISTING BUILDINGS AND STRUCTURES

This provision shall not apply to a lot which does not front on an Improved Street, but contains a legally existing building or structure. For such existing building or structure, their rebuilding or repair shall be permitted in accordance with Section 3.16 and accessory buildings and structures may be permitted in accordance with Section 3.1.

(c) EXEMPTION FOR ISLAND OR WATER ACCESS-ONLY LOTS

If a lot is located on an island, is an island, or is a water lot as defined herein, then the said lot shall be exempt from the frontage and access provision, provided there is confirmed secured mainland public docking and off-site parking.

(d) EXEMPTION FOR HUNTING AND TRAPPING CABINS

Notwithstanding any other provision herein, a hunting or trapping cabin may be exempt from the frontage and access provisions.

(e) EXEMPTION FOR PRIVATE ROADS

Notwithstanding any other provision herein, this section shall not apply to prevent uses in the rural area which has frontage and access on a private road, provided that:

- (i) An agreement must be registered against the land setting out the procedures for maintenance of the road, acknowledging that the Township will not be responsible for the repair or maintenance of private roads or the provision of services to any development located on a private road, and absolving the Township of any liability or responsibility for its upkeep or the provision of services.
- (ii) A legal right-of-way is established e.g., right-of-way registered over the full length of the private road;
- (iii) The obligations run with the land and are binding on future owners; and
- (iv) If necessary, holding of financial securities may be required as part of a development agreement.

3.3 COMMUNITY GARDENS AND FARM PRODUCE/PRODUCT STANDS

All buildings and structures shall comply with the accessory structure regulations of the zone in which the use is located.

3.4 CONSTRUCTION USES

A building or structure incidental to construction on a lot where such building or structure is situated shall be permitted in any portion of the Zoned Area, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned.

"Abandoned" in this subsection means the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during any continuous six month period.

3.5 DWELLING UNITS**(a) LOCATION IN CELLAR**

No dwelling unit shall be located in any cellar of any Non-Residential building. No part of any dwelling unit, except a furnace room, laundry room, recreation room, storage room, washroom or similar room, shall be located in the cellar of a Residential building.

(b) LOCATION IN BASEMENT

No dwelling unit shall be located in the basement of a Non-Residential building. A dwelling unit may be located in the basement of a Residential building, provided that the finished floor level of such basement is not more than 1.0 metre below finished grade.

3.6 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding any provisions of this By-law to the contrary, where a building is to be erected within a built-up area where there is an established building line, such building may be erected closer to the street line than required by this By-law provided such building is not erected closer to the street line than the established building line on the date of passing of this By-law.

3.7 HEIGHT EXCEPTIONS

The building height provisions of this By-law shall not apply to the following uses: an aid to navigation or aviation; a barn; a belfry; a bridge; a bulk storage tank; a chimney; a church spire; a communications tower; a corn crib; a drying elevator; an electric power facility, other than a building; a farm implement shed; a feed or bedding storage use; a flagpole; a piece of heating, cooling or ventilating equipment; a transmission tower; a radio or television antenna; a silo; a skylight; a stack; and a windmill.

3.8 HOME INDUSTRY AND RURAL HOME OCCUPATIONS

No home industry or rural home occupation shall be permitted in any portion of the Zoned Area unless such home industry or rural home occupation complies with the following provisions:

(a) EMPLOYMENT

Not more than three persons, other than an occupant of the premises, shall be employed in a home industry or rural home occupation.

(b) ADVERTISING

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the lot is being used for a home industry or rural home occupation purpose.

(c) USES PROHIBITED

No home industry or rural home occupation shall be permitted which interferes with television or radio reception. The home industry or rural home occupation shall not create or become a public nuisance, in particular, in regard to noise, traffic or parking.

3.9 HOME OCCUPATIONS AND HOME PROFESSIONS

No home occupation or home profession shall be permitted in any portion of the Zoned Area unless such home occupation or home profession complies with the following provisions:

(a) **SIZE**

Not more than 25% of the dwelling unit area shall be used for purposes of home occupation or home profession uses.

(b) **EMPLOYMENT AND OCCUPANCY**

No person, other than an occupant of the dwelling unit containing the home occupation or home profession, shall be engaged in the home occupation or home profession, except that one person, other than an occupant of a dwelling unit containing a professional office shall be permitted.

(c) **ADVERTISING**

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the dwelling house or lot is being used for a purpose other than residential.

(d) **OPEN STORAGE AREA**

No part of any lot containing a home occupation or home profession shall be used as an open storage area accessory to that home occupation or home profession use.

(e) **USES PROHIBITED**

No home occupation or home profession shall be permitted which interferes with television or radio reception. The home occupation or home profession shall not create or become a public nuisance, in particular, in regard to noise, traffic or parking.

3.10 INTAKE PROTECTION ZONES

Intake protection zones as identified in the Mattagami Region Source Protection Plan are shown as overlay zones on the schedules to this by-law. This includes parts of Midlothian Township, including Midlothian and Lloyd Lakes, and may include other areas as per amendments to the Mattagami Region Source Protection Plan.

Proposed development in the intake protection zone must consult with the Mattagami Region Conservation Authority prior to development.

3.11 LANES AS YARDS

Where the rear lot line of a lot adjoins any portion of a public lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the rear building setback for such lot.

3.12 LOTS CONTAINING MORE THAN ONE USE

Where a lot contains more than one use, the lot shall comply with the provisions of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

Where a building, structure or lot accommodates more than one use, the parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

3.13 LOTS DIVIDED INTO MORE THAN ONE ZONE

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 purpose of determining permitted uses and setbacks to adjacent lots. The dividing zoning line is not considered a lot line for the purposes of determining setbacks. The lot area and frontage requirements of the most restrictive zone on the lot shall be applied to the entire lot.

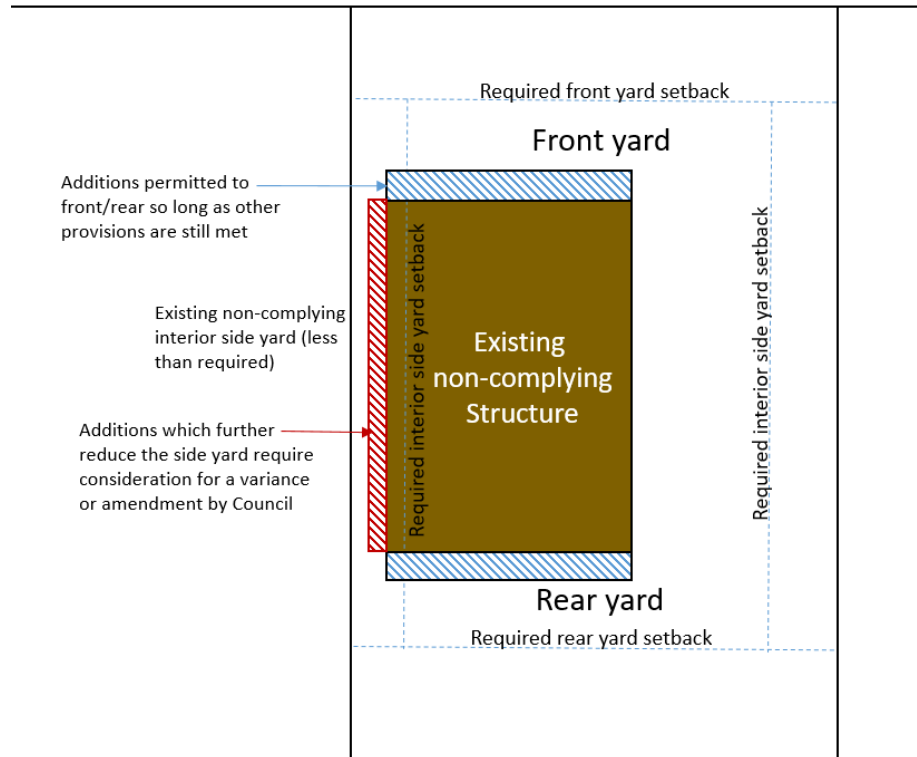
3.14 MOBILE HOMES

The locating of a mobile home or mobile home park is prohibited within the Township of Matachewan, except as provided in a specific zone for this purpose.

3.15 NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS**(a) ALTERATIONS TO NON-COMPLYING BUILDINGS AND STRUCTURES**

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, repair or replacement of an existing, non-complying building or structure provided such enlargement, reconstruction, renovation, repair or replacement shall not:

- (i) increase the number of dwelling units in the replacement building over those of the original number of dwelling units;
- (ii) increase the portion of the lot area covered by building envelopes if such coverage exceeds the applicable maximum building area permitted herein;
- (iii) reduce the size of any yard adjoining that portion of such building or structure which is less than the applicable minimum building setback required herein;



- (iv) reduce the distance between building envelopes if such distance is less than the applicable minimum building separation required herein;
- (v) increase the overall vertical dimension of such building or structure if such dimension exceeds the applicable maximum building height permitted herein;
- (vi) reduce the dwelling unit area of any dwelling unit if it is less than the applicable minimum dwelling unit area required herein;
- (vii) reduce the gross floor area of any building or structure if it is less than the applicable minimum gross floor area required herein;
- (viii) reduce the portion of the lot used for landscaping purposes if such portion is less than the applicable minimum landscaping area required herein;
- (ix) reduce the size of any planting strip required herein; or
- (x) contravene any other zone provisions, other than as noted below.

When a building or structure has insufficient parking spaces, or if the planting or vegetation strips are not adequate, and they are legal non-complying, no additional parking or vegetation is required if an addition to the building or structure does not increase the building area by more than 10%.

(b) USE OF UNDERSIZED LOTS

Nothing in this By-law shall prevent the use of an existing lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and/or minimum lot frontage required herein provided the proposed use of such lot is a permitted use and the proposed use shall not contravene any other zone provisions.

(c) LOTS REDUCED BY ROAD CONSTRUCTION OR EXPROPRIATION

Notwithstanding any other provision of this By-law, where, for the purpose of road construction or other expropriation, the Corporation or the Province acquires a portion of a lot on which a building exists at the time of the acquisition, the remaining portion of the lot and any building thereon shall be deemed to comply with the provisions of this By-law, provided that the dimensions in areas of the lot and the building situated thereon were lawful prior to the date of such acquisition.

Nothing in this By-law shall prevent the use of a lot created by expropriation, street widening, or realignment which has a lesser area and/or frontage than the applicable minimum lot area and/or minimum lot frontage required herein.

3.16 NON-CONFORMING BUILDINGS AND STRUCTURES**(a) REBUILDING, REPAIR OR REPLACEMENT PERMITTED**

Nothing in this By-law shall prevent the rebuilding, repair or replacement of an existing non-conforming building or structure that is damaged or destroyed subsequent to the date of passing of this By-law, provided that the external dimensions, excluding building height, of the original building or structure are not increased, the size and number of dwelling units of the original building are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

Notwithstanding the above, where a building or structure is destroyed by flood in the flood plain, such rebuilding or replacement shall not be permitted unless in conformity with this By-law.

(b) STRENGTHENING PERMITTED

Nothing in this By-law shall prevent the strengthening to a safe condition of an existing non-conforming building or structure, provided that the external dimensions of the original building or structure are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

3.17 OBNOXIOUS USES

No person shall within the Zoned Area use any lot or erect, alter or use any building or structure for a noxious trade, business, including any of the following purposes: an animal or fish glue manufacturing use; a blood boiling use; a gas manufacturing use; a noxious use; or a tannery.

3.18 OCCUPANCY OF PARTIALLY COMPLETED DWELLING HOUSES

Occupancy of a building shall be authorized as stated in the Ontario Building Code, Div. C Part. 2 sec. 1.3.3 Occupancy of Buildings.

3.19 PARKING AREA REGULATIONS**(a) SIZE**

Each parking space shall be at least 6.0 metres long, 3.0 metres wide and have a vertical clearance of at least 2.0 metres.

(b) LOCATION

The required parking area shall not form part of any street or lane. The required parking area shall be provided on the lot occupied by the building, structure or use for which the said parking area is required. No part of any parking space shall be located closer to any lot line than the minimum required interior side yard setback for that zone.

(c) ACCESS AISLES TO AND WITHIN PARKING AREA

Access to parking spaces shall be by means of a driveway or aisle at least 3.5 metres wide for one-way traffic or 6.0m wide for two-way traffic contained within the area on which the parking spaces are located and leading to an adjacent improved street.

(d) SURFACE

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(e) RESTRICTIONS IN RESIDENTIAL ZONES

No person shall use any parking area or parking space in a Residential zone to park a vehicle, unless such vehicle bears a vehicle license plate or sticker which is currently valid, or to park more than one commercial motor vehicle as defined by the *Highway Traffic Act*.

(f) NUMBER OF SPACES:

The owner of every building or structure erected or used for any purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of said premises from time to time, parking spaces and areas as follows:

(i) Residential Parking Requirements

Type of Use	Parking Spaces Required (minimum)
Accessory Dwelling Unit	1 / unit
Bed and Breakfast Establishment	1 / guest room plus the required spaces for the dwelling unit
Boarding House, Rooming House	1 / guest room or unit
Dwelling Unit	1 / unit

(ii) Non-residential Parking Requirements

Type of Use	Parking Spaces Required (minimum)
Auditorium, club or recreational facility	1 for each 10 fixed seats or fraction thereof (1 per 22 square metres net floor area)
Bar or restaurant	1 for each 10 seats; no requirement for restaurant carts on municipal land (1 per 10 square metres net floor area)
Building supply outlet	5 for each use
Business office, clinic, financial office, professional office, or veterinary clinic	3 for each use (1 per 35 square metres net floor area)
Campground	1 / camp lot
Child Care Centre (Day Care)	No requirement when accessory to a residential use, otherwise, 1 per 40 square metres net floor area
Commercial garage, maintenance garage and a vehicle service station	5 for each use (1 per 100 square metres net floor area)
Electrical power substation, a telephone switching station and a water supply plant	1 for each use
Equipment storage building and a warehouse	3 for each use (1 per 100 square metres net floor area)
Home industry, home occupation, home profession or rural home occupation	2
Hotel, lodge, rental cabin, rental cottage, tourist establishment	1 / guest room
Institutional Use (not specified)	1 per 28 square metres net floor area
Marine Facility	0.6 spaces per berth
Municipal office	5 for each use
Personal service shop	1 per 22 square metres net floor area
Place of worship	1 for each 6 fixed seats or fraction thereof
Retail or convenience store	5 for each use (1 per 18 square metres net floor area)
Other uses	1 for each use (1 per 40 square metres net floor area)
Other rural industrial uses	7 for each use (1 per 100 square metres net floor area)
School	10 (1.5 per classroom)

(iii) Accessible Parking Requirements

Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors. Refer to Appendix A for more information on requirements at the time of the writing of this By-law.

3.20 OUTDOOR STORAGE

Outdoor Storage shall be permitted in accordance with the following provisions:

- (i) Outdoor storage shall not be permitted within any front, side, or rear yard where the lot abuts any Residential or Institutional Zone;
- (ii) A strip of landscaped open space, a minimum of 3.0 m wide shall be provided around all sides of an open storage area which abut adjacent properties; and
- (iii) Where open storage areas abut Residential or Institutional Zones, the required landscaped open space must also include visual screening. Any combination of plant materials, landscaped berms, or fencing may be used, but such materials must provide an effective visual screen between the open storage areas and the abutting properties.

3.21 PLANTING STRIPS**(a) LANDSCAPING AREA**

A planting strip referred to in this subsection may form part of any landscaping area required by this By-law.

(b) INTERRUPTION FOR DRIVEWAY OR WALKWAY

Where a driveway or walkway extends through a planting strip, it shall be permissible to interrupt the planting strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

(c) SIZES

Each planting strips shall be at least 3.0 metres wide and have a vertical dimension of at least 1.5 metres.

3.22 PUBLIC USES**(a) STREETS AND INSTALLATIONS**

Nothing in this By-law shall prevent the use of land for a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, overhead or underground electrical or telephone line or other supply line or communication line or structure clearly ancillary to the foregoing, provided that the location of such street, main, line, fixture or structure has been approved by the Corporation. Notwithstanding the generality of the foregoing, this approval by the Corporation shall not be required for any

public works project which has been authorized pursuant to the Environmental Assessment Act.

(b) ZONES WHERE PERMITTED

Except as provided in clause (a) hereof, the only public uses permitted in a specific zone shall be those public uses listed as permitted uses in the said zone.

(c) REQUIREMENTS IN RESIDENTIAL ZONES

Any above-ground non-residential public use which is located in a Residential zone shall be enclosed in a building designed, located and maintained in general harmony with the Residential buildings permitted in such zone.

3.23 SANITARY LANDFILL SITE SETBACKS

No use of any land adjacent to property zoned M2-2 shall be permitted within 30.0 metres of a property line which are shown as overlays on the Schedules to this By-law.

3.24 SIGHT TRIANGLES

(a) SIZE

The distance from the point of intersection of the street lines shall be 10.0 metres.

(b) USES PERMITTED

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- (ii) a fence, tree, hedge, bush or other vegetation, berm or other ground feature, or sign (other than a pole sign), the top of which exceeds 1.0 metre in height above the elevation of the street; and
- (iii) any portion of a parking space.

3.25 SIGNS (BY-LAW 2007-15)

Nothing in this By-law shall apply to prevent the erection, alteration or use of any sign, provided such sign complies with the by-law(s) of the Corporation regulating signs and provided such sign complies with the provisions of this By-law regarding sight triangles.

3.26 STORAGE OF SPECIAL AND RECREATIONAL VEHICLES

(a) VEHICLES PERMITTED

There shall be no limit to the storage of personal recreational vehicles on one's property as

long as they are licensed and in good repair.

(b) PROHIBITION FOR HABITABLE SPACE

No recreational vehicle shall be used for habitable space.

(c) YARDS WHERE PERMITTED

In any Residential zone, the storage of such vehicle may only be parked in a garage, carport or other building, or any interior side yard or rear yard, but no closer than 1.5 metres to any lot line.

3.27 SATELLITE DISHES, TELEVISION AND RADIO ANTENNAE

(a) USES PERMITTED

Television and radio antennae and their supporting towers are permitted in all zones.

(b) HEIGHT

When located on lands in or abutting a Residential zone, they shall not exceed a height of 10.0 metres measured from their base to the top of their uppermost element. This restriction shall not apply to Federally licensed installations.

(c) LOCATION

Radio and television antennae and their supporting towers may be located in all parts of rear and side yards, but no part of any such structure may be extended beyond the limits of the lot upon which it is erected.

Satellite signal broadcast or receiving dishes shall be permitted only in rear yards, provided such dishes are not located closer to any lot line than a distance equal to the greater of the diameter of the satellite signal broadcast or receiving dish or the minimum yards required for a residential dwelling in the zone.

Satellite signal broadcast or receiving dishes may be located on the roof of a building, but the height may not exceed the height limits of the zone in which the building is located.

3.28 VEHICLE / MOTORCYCLE RACING TRACK

No person shall use any land, building or structure, and no person shall erect any building or structure in the Township for the purpose of the operation of a track for the racing of vehicles or motorcycles.

3.29 WATER SETBACKS

No building or structure other than a marine facility, a building or structure accessory to flood or erosion control, a building or structure normally associated with watercourse protection works

or bank stabilization projects or a hydroelectric project shall be located closer than 30.0 metres to the normal high water mark of a waterbody, with the exception of the following controlled areas where the setback shall be whichever is the greater distance from the normal high water mark:

- (i) on the Mistinikon Lake where the flood elevation has been determined to be 265.18 metres C.G.D.;
- (ii) on the Montreal River in the area of the Townsite of Matachewan 304.8 metres elevation;
- (iii) on the Montreal River from the Townsite to Indian Chutes Generating Station (OPG), at the southeast corner of Kimberley Township. The minimum and maximum operating ranges are 293.50 metres – 295.59 metres with a summer range (Victoria Day weekend to Thanksgiving Day weekend) of 295.17 metres – 295.50 metres; and
- (iv) Subject to approval by OPG.

3.30 YARD ENCROACHMENTS

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building or structure permitted elsewhere in this By-law, provided however, that those structures listed below shall be permitted to project into the minimum required yards indicated for the distances specified.

(a) ORNAMENTAL STRUCTURES

Belt courses, sills, cornices, eaves, gutters, chimneys, bay windows, pilasters, or other ornamental structures may project into any minimum required yard not more than 0.6 metres (2 ft).

(b) PORCHES, BALCONIES, AND STEPS

Open and roofed porches, sundecks, balconies, exterior stairs, and landings may project into any minimum required front, exterior side yard, or rear yard not more than 1.5 metres (5 ft), provided that in the case of porches and steps, such uses are not more than 1.2 metres (4 ft) above grade.

(c) PATIOS

Uncovered patios and similar accessories may project into any minimum rear yard, provided they are not more than 0.6 metres above finished grade.

(d) LANDSCAPING FEATURES

Awnings, fences, garden trellises, and similar landscaping features, all plant materials, clothes poles, flag poles, retaining walls, and similar accessories may encroach into any minimum yard.

SECTION 4

ZONES

4.1 ZONE CLASSIFICATION

For the purpose of this By-law, all lands within the Zoned Area are divided into zones and are classified as Residential, Institutional, Commercial, Industrial or Restricted zones. Following each zone name is a corresponding alpha-numeric symbol referred to herein as a "zone symbol".

(a) RESIDENTIAL ZONES:

General Residential Zone	R1
Seasonal Residential Zone	R2
Mobile Home Zone	RMH

(b) INSTITUTIONAL ZONES

Institutional Zone	I
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(c) COMMERCIAL ZONES:

General Commercial Zone	C1
Tourist Commercial Zone	C2

(d) INDUSTRIAL ZONES:

General Industrial Zone	M1
Rural Industrial Zone	M2
Mining Industrial Zone	M3
Extractive Industrial Zone	MX

(e) RESTRICTED ZONES:

Environmental Zone	EP
Sensitive Zone	SE
Rural Zone	RU
Development Zone	DE

4.2 ZONE SYMBOLS

The zone symbols listed in Section 4.1 hereof may be used to refer to buildings and structures, and the uses of lots, buildings and structures permitted in this By-law in the said zones, and whenever in this By-law the word "zone" is used, preceded by any of the said zone symbols, such reference shall mean any portion of the Zoned Area delineated on Schedule A hereto and designated thereon by the said zone symbol.

4.3 ZONE BOUNDARIES

The extent and boundaries of all zones and special zones are shown on Schedule A hereto. When determining the location of a zone boundary on Schedule A or on any schedule which amends Schedule A, the following provisions shall apply.

(a) CORPORATION BOUNDARIES

All boundaries of the Corporation shall be zone boundaries.

(b) TOWNSHIP LOT OR CONCESSION LINES

A zone boundary indicated as approximately following a Township lot line or concession line shall be deemed to follow such Township lot line or concession line.

(c) STREET LINES

A zone boundary indicated as approximately following a street line shall be deemed to follow such street line.

(d) RIGHTS-OF-WAY

A zone boundary indicated as approximately following a right-of-way for a private road, railroad, power line, pipeline, etc., shall be deemed to follow such right-of-way.

(e) SHORELINES

A zone boundary indicated as approximately following a shoreline of a waterbody shall be deemed to be the high water mark of such waterbody.

(f) SUBDIVISION LOT LINES

A zone boundary indicated as approximately following a lot line on a plan of subdivision shall be deemed to follow such lot line.

(g) OTHER PROPERTY LINES

A zone boundary indicated as approximately following any other property line shall be deemed to follow such property line.

(h) DIMENSIONS AND MEASUREMENTS

If the location of a zone boundary cannot be determined using any of the preceding methods, its location shall be according to the dimensions shown on the schedule. If such dimensions are not shown, its location shall be as measured on the schedule at the original size and scale of such schedule.

4.4 PERMITTED USES AND ZONE PROVISIONS

For each zone listed in Section 4.1 hereto, there shall be a section of this By-law which sets out the permitted uses and the zone provisions for such zone.

4.5 SPECIAL ZONES

Where a zone symbol is followed by a dash and a number (for example "R1-1"), this denotes a special zone. The permitted uses and the zone provisions for such special zone shall be set out in subsections of the Section of this By-law applicable to the said zone symbol.

SECTION 5

GENERAL RESIDENTIAL (R1) ZONE

5.1 USES PERMITTED

No person shall within any R1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

(a) RESIDENTIAL USES

- a boarding house;
- a converted dwelling;
- a duplex dwelling;
- a group home;
- a semi-detached dwelling;
- a single detached dwelling.

(b) NON-RESIDENTIAL USES

- a community garden;
- a home occupation;
- a home profession,
- a marine facility;
- a private home day care.

5.2 ZONE PROVISIONS

No person shall within any R1 zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with the following provisions:

(a)	LOT AREA (minimum)	
	(i) Boarding house, converted dwelling, single detached dwelling	700.0 square metres
	(ii) Semi-detached dwelling	1,000.0 square metres
	(iii) Duplex dwelling	900.0 square metres
(b)	LOT FRONTAGE (minimum)	18.0 metres
(c)	DWELLING UNITS PER LOT (maximum)	2
(d)	LOT COVERAGE (maximum)	35%
(e)	BUILDING SETBACK, FRONT (minimum)	
	(i) Marine facility	Nil
	(ii) All other uses	7.5 metres
(f)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	7.5 metres
(g)	BUILDING SETBACK, INTERIOR SIDE (minimum)	
	(i) One side	1.5 metres
	(ii) Other side	6.0 metres
	(iii) Where a garage or carport is provided	1.5 metres
	(iv) Accessory buildings including unattached garage or carport	1.5 metres

(h)	BUILDING SETBACK, REAR (minimum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	1.5 metres
(i)	BUILDING SEPARATION (minimum)	3.0 metres
(j)	BUILDING HEIGHT (maximum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	6.0 metres
(k)	DWELLING UNIT AREA (minimum)	70.0 square metres
(l)	LANDSCAPING AREA (minimum)	30%
(m)	ENTRANCES PER LOT (maximum)	1
(n)	ENTRANCE WIDTH (minimum)	3.0 metres
(o)	DRIVEWAY SETBACK (minimum)	1.5 metres

5.3 ADDITIONAL ZONE REQUIREMENTS

(a) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

5.4 SPECIAL EXCEPTION ZONES

(a) R1-1 (389-419 Rye Street; Part of Lot 11, Con A, Cairo Twp)

(i) USES PERMITTED IN R1-1 ZONES

No person shall within any R1-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-1 uses, namely:

(a) RESIDENTIAL USES

an apartment building.

(ii) ZONE PROVISIONS FOR R1-1 ZONES

No person shall within any R1-1 zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with Section 5.2 unless otherwise provided herein:

(a)	LOT AREA (minimum)	1,500.0 square metres
(b)	BUILDING SETBACK, INTERIOR SIDE (minimum)	4.0 metres
(c)	DWELLING UNIT AREA (minimum)	40.0 square metres for a one-bedroom dwelling unit, plus 9.0 square metres for each additional bedroom per dwelling unit
(d)	DWELLING UNITS PER LOT (maximum)	6

(b) R1-2 (Hwy 566; Cairo Twp)**(i) USES PERMITTED IN R1-2 ZONES**

No person shall within any R1-2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-2 uses, namely:

(a) RESIDENTIAL USES

a single detached dwelling.

(b) NON-RESIDENTIAL USES

a home occupation;

a home profession;

a marine facility;

(ii) ZONE PROVISIONS FOR R1-2 ZONES

No person shall within any R1-2 zone use any lot or erect, alter or use any building or structure, except in accordance with Section 5.2 unless otherwise provided herein:

(a)	LOT AREA (minimum):	1,500.0 square metres
(b)	LOT FRONTAGE (minimum):	30.0 metres
(c)	BUILDING AREA (maximum):	20%

(c) R1-3 (193 Georgina Street / Roche Street; Part of Lot 12, Con A, Cairo Twp)**(i) USES PERMITTED IN R1-3 ZONES**

No person shall within any R1-3 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-3 uses, namely:

(a) RESIDENTIAL USES

a single detached dwelling.

(b) NON-RESIDENTIAL USES

a hunting and fishing guide business;

a minnow-selling business

(ii) ZONE PROVISIONS FOR R1-3 ZONES

No person shall within any R1-3 zone use any lot or erect, alter or use any building or structure, except in accordance with Section 5.2 unless otherwise provided herein:

(a) SPECIAL PROVISION: Notwithstanding any other provision herein to the contrary, the single detached dwelling house may contain up to three guest rooms for the purpose of the hunting and fishing guide business.

(d) R1-4 (Rye St; By-law 2006-16)**(i) USES PERMITTED IN R1-4 ZONES**

No person shall within any R1-4 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-4 uses, namely:

(a) RESIDENTIAL USES

- A group home;
- A seasonal dwelling;
- A single detached dwelling.

(b) NON-RESIDENTIAL USES

- A home occupation, within a single detached dwelling;
- A home profession, within a single detached dwelling;
- A marine facility;
- A private home daycare, within a single detached dwelling.

(ii) ZONE PROVISIONS FOR R1-4 ZONES

No person shall within any R1-4 zone use any lot or erect, alter or use any building or structure except in accordance with Section 5.2 and Section 3, unless otherwise provided herein:

(a)	LOT AREA (minimum)	2,500.00 square metres
(b)	LOT FRONTAGE (minimum)	35.0 metres
(c)	BUILDING AREA (maximum)	20%
(d)	DWELLING UNIT AREA (minimum)	90.0 square metres

(e) R1-5 (Rye St; By-law 2006-16)**(i) USES PERMITTED IN R1-5 ZONES**

No person shall within any R1-5 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-5 uses, namely:

(a) RESIDENTIAL USES

- A group home;
- A seasonal dwelling;
- A single detached dwelling.

(b) NON-RESIDENTIAL USES

- A home occupation, within a single detached dwelling;
- A home profession, within a single detached dwelling;
- A marine facility;
- A private home daycare, within a single detached dwelling.

(ii) ZONE PROVISIONS FOR R1-5 ZONES

No person shall within any R1-5 zone use any lot or erect, alter or use any building or structure except in accordance with Section 5.2 and Section 3, unless otherwise provided herein:

(a)	LOT AREA (minimum)	2,500.00 square metres
(b)	LOT FRONTAGE (minimum)	35.0 metres
(c)	BUILDING AREA (maximum)	20%

(f) R1-6 (Rye St; By-law 2006-16)**(i) USES PERMITTED IN R1-6 ZONES**

No person shall within any R1-6 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-6 uses, namely:

(a) RESIDENTIAL USES

- A group home;
- A seasonal dwelling;
- A single detached dwelling.

(b) NON-RESIDENTIAL USES

- A home occupation, within a single detached dwelling;
- A home profession, within a single detached dwelling;
- A marine facility;
- A private home daycare, within a single detached dwelling.

(ii) ZONE PROVISIONS FOR R1-6 ZONES

No person shall within any R1-6 zone use any lot or erect, alter or use any building or structure except where such lot is served by a public water system and in accordance with Section 5.2 and Section 3.

(g) R1-7 (Dales St; Lot 226, Plan M-117-T; Lot 11, Con A; By-law 2007-10)**(i) USES PERMITTED IN R1-7 ZONES**

No person shall within any R1-7 zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with Section 5.1 herein.

(ii) ZONE PROVISIONS FOR R1-7 ZONES

No person shall within any R1-7 zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, and in accordance with the provisions:

- (a) ESTABLISHING THE LOT:** For the purposes of determining the zone provisions, land zoned R1-7 shall form on lot. The lot shall consist of Lot 226, Plan M-117-T,

the northern 49.5 metres of the former municipal laneway to the rear of Lot 226, and a portion of Parcel 1634 SST with 35.0 metres frontage on Amabilis Avenue and a depth of 49.5 metres. This lot shall have access to both Dales Street and Amabilis Avenue.

(b)	ENTRANCE PER LOT (maximum)	2
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(h) R1-8 (344 Georgina Street; Lot 391, Pt Lot 369 Plan M-175-T; Lot 11, Con A; By-law 2011-04)

(i) USES PERMITTED IN R1-8 ZONES

No person shall within any R1-8 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1-8 uses, namely:

(a) RESIDENTIAL USES

an apartment building;

a single room occupancy dwelling

(b) NON-RESIDENTIAL USES

prohibited.

(ii) ZONE PROVISIONS FOR R1-8 ZONES

No person shall within any R1-8 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and, is in accordance with the provisions of Section 3 and Section 5.2 hereof, except as provided in the following provisions:

(a)	LOT AREA (minimum)	700.0 square metres
(b)	LOT FRONTAGE (minimum)	25.0 metres
(c)	BUILDING SETBACK, FRONT (minimum)	3.5 metre
(d)	BUILDING SETBACK, EXTERIOR SIDE (minimum):	2.5 metres
(e)	BUILDING SETBACK, REAR (minimum)	1.0 metre
(f)	BUILDING SETBACK, INTERIOR SIDE (minimum):	1.5 metres
(g)	ENTRANCES PER LOT (maximum)	2 only
(h)	PRIVACY YARD SPACE (minimum)	20.0 square metres
(i)	SINGLE ROOM OCCUPANCY UNIT SIZE	24.0 square metres

(j) FRONT LOT LINE: Notwithstanding any other provision in this By-law for the purpose of property zoned R1-8, the front lot line shall be the frontage on Georgina Street.

(i) R1-9

Reserved.

(j) R1-10 (Calbeck Ave; Part of Lot 12, Con A, Cairo Twp; Lots 499, 500, 501, Plan METRES-157-T, and Part 1, Plan M-289-T; By-law 2013-03)**(ii) Uses Permitted in R1-10 Zones**

Notwithstanding the provisions of Sections 5.1 to the contrary, on the land zoned R1-10, the following uses shall also be permitted:

(a) Non-Residential Uses

Travel/Tourist Trailer Accommodations

(ii) Zone Provisions in R1-10 Zones

No person shall within any R 1-10 Zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

- (a) All lots zoned R1-10 shall be treated as a single lot for the by-law provisions outlined below.
- (b) All sites shall be treated as comprising part of the lot zoned R1-10 Zone.
- (c) A maximum of one (1) entrance to / exit from the lot shall be permitted and shall be provided off of Calbeck Avenue.
- (d) Within the rear yard setback of 5.0 metres, the following are required:
 - (i) drainage works to the satisfaction of the Township; and
 - (ii) a planting strip consisting of natural vegetation that is at least 3.0 metres wide and 1.5 metres high
- (e) An outdoor storage area for snow shall be required and shall:
 - (i) have temporary perimeter fencing installed during the winter months to the satisfaction of the Township; and
 - (ii) be set back at least 2.0 metres from all interior side lot lines and site lines and at least 15.0 metres from the rear lot line.
- (f) Private communal septic facilities shall be set back at least 2.0 metres from all interior side lot lines and travel/tourist trailer site lines and at least 5.0 metres from the rear lot line.
- (g) The following additional lot and site regulations shall apply:
 - (i) Regarding the lot:

(a)	LOT AREA FOR USE AS TRAVEL/TOURIST TRAILER ACCOMMODATION (minimum)	2,200 square metres
(b)	LOT FRONTAGE (minimum)	35.0 metres
(c)	TRAILER SITES PER LOT (maximum)	11
(d)	TRAILER SITE SETBACK, FRONT (CALBECK) (minimum)	7.5 metres
(e)	TRAILER SITE SETBACK, EXTERIOR SIDE (GEORGINA) (minimum)	5.0 metres
(f)	TRAILER SITE SETBACK, INTERIOR SIDE (minimum)	5.0 metres

(g)	TRAILER SITE SETBACK, REAR (minimum)	5.0 metres
(h)	LANDSCAPING AREA (minimum)	40%
(i)	LOT ENTRANCE WIDTH (maximum)	6.0 metres

(ii) Regarding the sites:

(a)	TRAILER SITE AREA (maximum)	75 m ²
(b)	TRAILER SETBACK, FRONT, REAR, SIDE (minimum)	1.0 metre
(c)	PARKING SPACES (maximum)	1 per site

5.5 HOLDING ZONES

Reserved.

SECTION 6

SEASONAL RESIDENTIAL (R2) ZONE

6.1 USES PERMITTED

No person shall within any R2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R2 uses, namely:

- (a) **RESIDENTIAL USES:**
a seasonal dwelling.
- (b) **NON-RESIDENTIAL USES:**
a marine facility.

6.2 ZONE PROVISIONS

No person shall within any R2 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

(a)	LOT AREA (minimum)	1,850.0 square metres
(b)	LOT FRONTAGE (minimum)	30.0 metres
(c)	DWELLING UNITS PER LOT (maximum)	1 only
(d)	LOT COVERAGE (maximum)	25%
(e)	BUILDING SETBACK, FRONT (minimum)	
	(i) Marine facility	nil
	(ii) All other uses	10.0 metres
(f)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	7.5 metres
(g)	BUILDING SETBACK, INTERIOR SIDE (minimum)	5.0 metres
(h)	BUILDING SETBACK, REAR (minimum)	
	(i) Main building	15.0 metres
	(ii) Accessory building	1.5 metres
(i)	BUILDING SEPARATION (minimum)	3.0 metres
(j)	BUILDING HEIGHT (maximum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	6.0 metres
(k)	DWELLING UNIT AREA (minimum)	50.0 square metres
(l)	LANDSCAPED OPEN SPACE (minimum)	40%
(m)	ENTRANCES PER LOT (maximum)	1
(n)	ENTRANCE WIDTH (minimum)	3.0 metres
(o)	DRIVEWAY SETBACK (minimum)	5.0 metres

6.3 ADDITIONAL ZONE REQUIREMENTS

(a) VEGETATION STRIP

A vegetation strip, 5.0 metres in width, shall be maintained along any portion of a front lot line.

(b) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

6.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 7

INSTITUTIONAL (I) ZONE

7.1 USES PERMITTED

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

- (a) RESIDENTIAL USES:**
a dwelling unit or house, accessory to a place of worship.
- (b) NON-RESIDENTIAL USES:**
 - an auditorium;
 - a cemetery;
 - a cenotaph;
 - a club;
 - a community garden;
 - a farm produce/product stand;
 - a government service;
 - a heliport;
 - an institutional use;
 - a marine facility, related to another use;
 - a place of worship;
 - a public park;
 - a recreational facility;
 - a school; and
 - uses accessory to the foregoing.

7.2 ZONE PROVISIONS

No person shall within any I zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with the following provisions:

(a)	DWELLING UNITS PER LOT (maximum)	1 only
(b)	LOT COVERAGE (maximum)	35%
(c)	BUILDING SETBACK, FRONT (minimum)	
	(i) Marine facility	nil
	(ii) All other uses	10.0 metres
(d)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	7.5 metres
(e)	BUILDING SETBACK, INTERIOR SIDE (minimum)	7.0 metres
(f)	BUILDING SETBACK, REAR (minimum)	
	(i) Main building	7.5 metres
	(ii) Accessory building	4.0 metres
(g)	BUILDING SEPARATION (minimum)	5.0 metres
(h)	BUILDING HEIGHT (maximum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	7.0 metres

(i)	DWELLING UNIT AREA (minimum):	50.0 square metres for a one-bedroom dwelling unit, plus 9.0 square metres for each additional bedroom
(j)	Landscaped Open Space (minimum)	40%
(k)	ENTRANCE SETBACK (maximum):	10.0 metres
(l)	ENTRANCE WIDTH (minimum):	10.0 metres
	(maximum):	15.0 metres
(m)	DRIVEWAY SETBACK (minimum):	5.0 metres

7.3 ADDITIONAL ZONE REQUIREMENTS

(a) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

7.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 8

GENERAL COMMERCIAL (C1) ZONE

8.1 USES PERMITTED

No person shall within any C1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:

(a) **RESIDENTIAL USES**

- an accessory dwelling;
- an accessory dwelling unit;
- an existing dwelling;

(b) **NON-RESIDENTIAL USES**

- a bar;
- a building supply outlet;
- a business office;
- a clinic;
- a commercial garage;
- a community garden;
- a convenience store;
- a farm produce/product stand;
- a financial office;
- a fuel pump island;
- a hotel, motel;
- an institutional use;
- a municipal fire hall;
- a municipal office;
- a personal service shop;
- a place of entertainment;
- a post office;
- a professional office;
- a recreational facility;
- a restaurant;
- a restaurant cart;*
- a retail store;
- a service industrial use limited to a bakery, dry cleaning establishments, printing shops, and wholesaling establishments;
- a vehicle service station;
- a take-out restaurant; and
- uses accessory to the foregoing.

8.2 ZONE PROVISIONS

No person shall within any C1 zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with the following provisions:

(a)	DWELLING UNITS PER LOT (maximum)	1
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(b)	LOT COVERAGE (maximum)	60%
(c)	BUILDING SETBACK, FRONT (minimum)	3.0 metres
(d)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	3.0 metres
(e)	BUILDING SETBACK, INTERIOR SIDE (minimum)	2.0 metres
(f)	BUILDING SETBACK, REAR (minimum)	
	(i) Main building	7.5 metres
	(ii) Accessory building	2.0 metres
(g)	BUILDING SEPARATION (minimum)	3.0 metres
(h)	BUILDING HEIGHT (maximum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	6.0 metres
(i)	DWELLING UNIT AREA (minimum):	50.0 square metres for a one-bedroom dwelling unit, plus 9.0 square metres for each additional bedroom
(j)	Landscaped Open Space (minimum)	30%
(k)	ENTRANCE SETBACK (maximum):	10.0 metres
(l)	ENTRANCE WIDTH (minimum):	10.0 metres
	(maximum):	15.0 metres

8.3 ADDITIONAL ZONE REQUIREMENTS

(a) PLANTING STRIP LOCATION

A planting strip shall be required along any portion of a rear lot line which abuts a zone other than a Commercial or Institutional zone.

(b) FUEL PUMP ISLAND LOCATION

No part of any fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.

(c) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

8.4 SPECIAL EXCEPTION ZONES

(a) C1-1 (Dales St; Parcels 5931 and 7211 SST; Lot 1, Con A; Former Public School; By-law 2010-05)

(i) USES PERMITTED IN C1-1 ZONES

No person shall within any C1-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1-1 uses, namely:

(a) RESIDENTIAL USES

- an accessory dwelling unit;
- a boarding house with not more than 16 rooms for rent.

(b) NON-RESIDENTIAL USES

- a bed and breakfast with not more than 16 rooms to let;
- a business office;
- a hotel;
- a restaurant.

(ii) ZONE PROVISIONS FOR C1-1 ZONES

No person shall within any C1-1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and, is in accordance with the provisions of Section 3 and Section 8.2 hereof, except as provided in the following provisions:

(a)	LOT AREA (minimum)	7,000.0 square metres
(b)	LOT FRONTAGE (minimum)	100.0 metres

(b) C1-2 (Moyneur Ave; Part of Lot 11, Concession A, Cairo Twp; PCL 6581 SST, Lots 152, 152A, 153, 153A, Plan M108T; By-law 2013-04)**(i) Uses Permitted in C1-2 Zones**

Those uses listed in Section 8.1

Residential Uses

Apartment Building

(ii) Zone Provisions for C1-2 Zones

No person shall within any C1-2 Zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

All lots zoned C1-2 Zone shall be considered a separate lot for the purposes of this By-law and shall be used in accordance with the following provisions:

(a)	DWELLING UNITS PER LOT (maximum)	4
(b)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	1.25 metres
(c)	BUILDING SETBACK, REAR (minimum)	0.5 metres
(d)	BUILDING SEPARATION (minimum)	1.0 metre
(e)	DWELLING UNIT AREA (minimum)	30.0 square metres
(f)	ENTRANCE WIDTH (maximum)	10.0 metres

8.5 HOLDING ZONES

Reserved.

SECTION 9

TOURIST COMMERCIAL (C2) ZONE

9.1 USES PERMITTED

No person shall within any C2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

(a) **RESIDENTIAL USES**

- an accessory dwelling;
- an accessory dwelling unit.

(b) **NON-RESIDENTIAL USES**

- a campground;
- a community garden;
- a convenience store, as part of a vehicle service station;
- a farm produce/product stand;
- a lodge;
- a fuel pump island;
- a marine facility;
- a motel;
- an outdoor recreation facility;
- a private park;
- a private fuel pump island;
- a rental cabin or rental cottage;
- a restaurant, as part of a vehicle service station;
- a vehicle service station;
- a tourist camp;
- a tourist establishment.

9.2 ZONE PROVISIONS

No person shall within any C2 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

(a)	DWELLING UNITS PER LOT (maximum)	1 only
(b)	LOT COVERAGE (maximum)	40%
(c)	BUILDING SETBACK, FRONT (minimum)	15.0 metres
(d)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	7.5 metres
(e)	BUILDING SETBACK, INTERIOR SIDE (minimum)	9.0 metres
(f)	BUILDING SETBACK, REAR (minimum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	5.0 metres
(g)	BUILDING SEPARATION (minimum)	
	(i) Between tourist establishments	9.0 metres
	(ii) Between tourist vehicles, tents and similar facilities	12.0 metres
	(iii) Other buildings	4.0 metres

(h)	BUILDING HEIGHT (maximum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	6.0 metres
(i)	DWELLING UNIT AREA (minimum)	50.0 square metres for a one-bedroom dwelling unit, plus 9.0 square metres for each additional bedroom
(j)	LANDSCAPED OPEN SPACE (minimum)	50%
(k)	ENTRANCE SETBACK (maximum)	10 metres
(l)	ENTRANCE WIDTH (minimum)	10.0 metres
(m)	ENTRANCE WIDTH (maximum)	15.0 metres

9.3 ADDITIONAL ZONE REQUIREMENTS

(a) PLANTING STRIP LOCATION

A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line.

(b) FUEL PUMP ISLAND LOCATION

No part of any fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.

(c) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

9.4 SPECIAL EXCEPTION ZONES

(a) C2-1 (Hwy No. 566; Lot 12, Con. A; By-law 2011-09)

(i) USES PERMITTED IN C2-1 ZONES

No person shall within any C2-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2-1 uses, namely:

(a) RESIDENTIAL USES

An accessory dwelling house;

A bunkhouse, provided they are modular in nature and their appearance is similar to the current motel units. They must be aesthetically pleasing and must be temporary in nature unless they are erected on permanent concrete footings. Temporary will be defined as the duration of Dumas' contract at the Young-Davidson Mine.

(b) NON-RESIDENTIAL USES

A convenience store;
 A lodge;
 a fuel pump island;
 a marine facility;
 a private fuel pump island;
 a restaurant;
 a vehicle service station;
 a tourist establishment.

(ii) ZONE PROVISIONS FOR C2-1 ZONES

No person shall within any C2-1 zone use any lot or erect, alter or use any building or structure without such lot being served by a public water system and, is in accordance with the provisions of Section 3 and Section 9.2 hereof, except as provided in the following provisions:

(a)	LOT AREA (minimum)	0.9 hectares
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(b) PLANTING STRIP LOCATION: A planting strip shall be required only along the rear lot (Highway No. 566), except where required for access.

SECTION 10

COMMERCIAL/LIGHT INDUSTRIAL (CM) ZONE

10.1 USES PERMITTED

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

(b) RESIDENTIAL USES

Prohibited.

(c) NON-RESIDENTIAL USES

- An automotive accessories shop;
- a building supply outlet;
- a business office;
- a car wash;
- a commercial garage;
- a convenience store;
- a fuel pump island;
- a garden centre;
- a home improvement centre;
- a light industrial use;
- a light manufacturing facility;
- an open storage area;
- a personal service shop;
- a private club;
- a public works yard;
- a recreational facility;
- a rental store;
- a restaurant;
- a self-storage facility;
- a service industrial use limited to a bakery, dry cleaning establishments, printing shops, and wholesaling establishments;
- a vehicle service station;
- a shipping container storage facility;
- a take-out restaurant;
- a veterinary clinic;
- a warehouse; and
- uses accessory to the foregoing.

10.2 ZONE PROVISIONS

No person shall within any CM zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with the following provisions:

(a)	LOT AREA (minimum)	700.0 square metres
(b)	LOT FRONTAGE (minimum)	22.0 metres
(c)	LOT COVERAGE (maximum)	50%

(d)	BUILDING SETBACK, FRONT (minimum)	9.0 metres
(e)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	9.0 metres
(f)	BUILDING SETBACK, INTERIOR SIDE (minimum)	9.0 metres
(g)	BUILDING SETBACK, REAR (minimum)	10.0 metres
(h)	BUILDING SEPARATION (minimum)	5.0 metres
(i)	BUILDING HEIGHT (maximum)	12.0 metres
(j)	LANDSCAPED OPEN SPACE (minimum)	10%
(k)	ENTRANCE SETBACK (maximum)	10.0 metres
(l)	ENTRANCE WIDTH (minimum)	10.0 metres
(m)	(maximum)	15.0 metres

10.3 ADDITIONAL ZONE REQUIREMENTS

(a) FUEL PUMP ISLAND LOCATION

No part of any fuel pump island shall be located closer than 10.0 metres to any street line, or 6.0 metres to any other lot line.

(b) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

10.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 11

GENERAL INDUSTRIAL (M1) ZONE

11.1 USES PERMITTED

No person shall within any M1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1 uses, namely:

- (a) **RESIDENTIAL USES**
prohibited.
- (b) **NON-RESIDENTIAL USES**
 - a commercial garage;
 - an electrical power substation;
 - an equipment storage building;
 - a maintenance garage;
 - a municipal works yard;
 - an open storage area;
 - a private fuel pump island;
 - a telephone switching station;
 - a warehouse;
 - a water supply plant.

11.2 ZONE PROVISIONS

No person shall within any M1 zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with the following provisions:

(a)	LOT AREA (minimum)	700.0 square metres
(b)	LOT FRONTAGE (minimum)	22.0 metres
(c)	LOT COVERAGE (maximum)	60%
(d)	BUILDING SETBACK, FRONT (minimum)	9.0 metres
(e)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	9.0 metres
(f)	BUILDING SETBACK, INTERIOR SIDE (minimum)	9.0 metres
(g)	BUILDING SETBACK, REAR (minimum)	
	(i) Main building	12.0 metres
	(ii) Accessory building	5.0 metres
	BUILDING SEPARATION (minimum)	5.0 metres
(i)	BUILDING HEIGHT (maximum)	
	(i) Main building	10.0 metres
	(ii) Accessory building	6.0 metres
(j)	LANDSCAPED OPEN SPACE (minimum)	30%
(k)	ENTRANCE SETBACK (maximum)	10.0 metres
(l)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres

11.3 ADDITIONAL ZONE REQUIREMENTS**(a) PLANTING STRIP LOCATION**

A planting strip shall be required along any portion of a rear lot line which abuts a zone other than an Industrial zone.

(b) PRIVATE FUEL PUMP ISLAND LOCATION

No part of any private fuel pump island shall be located closer than 10.0 metres to any street line, or 9.0 metres to any other lot line.

(c) OPEN STORAGE AREA REGULATIONS

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage shall be permitted in a front yard or an exterior side yard;
- (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (iii) no open storage area shall be permitted in an interior side yard adjacent to an interior side lot line of such lot which abuts a Residential zone;
- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.8 metres in height and constructed of uniform material, and
- (v) no portion of any open storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

(d) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

11.4 SPECIAL EXCEPTION ZONES

Reserved.

11.5 HOLDING ZONES**(a) Triangle lands; Part 3 Plan 54R-5523**

No Building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law Amendment. The Removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Township of Matachewan:

- i) That a development plan is provided by the proponent to the satisfaction to the Township; and
- ii) That full municipal services are available or are approved and under construction to service the lands.

SECTION 12

RURAL INDUSTRIAL (M2) ZONE

12.1 USES PERMITTED

No person shall within any M2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2 uses, namely:

(a) **RESIDENTIAL USES**

prohibited.

(b) **NON-RESIDENTIAL USES**

- an agricultural processing plant;
- a builder's supply yard;
- a business office, accessory to another M2 use;
- a communications tower;
- a contractor's yard;
- an equipment storage building;
- a maintenance garage;
- a milling and/or processing plant;
- an open storage area;
- a private fuel pump island;
- a professional office, accessory to another M2 use;
- a sawmill;
- a transport terminal;
- a warehouse;
- a wayside pit;
- a wayside quarry.

12.2 ZONE PROVISIONS

No person shall within any M2 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

(a)	LOT COVERAGE (maximum)	40%
(b)	BUILDING SETBACK, FRONT (minimum)	20.0 metres
(c)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	20.0 metres
(d)	BUILDING SETBACK, INTERIOR SIDE (minimum)	15.0 metres
(e)	BUILDING SETBACK, REAR (minimum)	15.0 metres
(f)	BUILDING SEPARATION (minimum)	10.0 metres
(g)	BUILDING HEIGHT (maximum)	10.0 metres
(h)	LANDSCAPED OPEN SPACE (minimum)	20%
(i)	ENTRANCE SETBACK (maximum)	10.0 metres
(j)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres
(k)	ENTRANCES PER LOT (maximum)	2

12.3 ADDITIONAL ZONE PROVISIONS**(a) PLANTING STRIP LOCATION**

A planting strip shall be required along any portion of a rear lot line or a side lot line which abuts a zone other than a Rural Industrial zone.

(b) PRIVATE FUEL PUMP ISLAND LOCATION

No part of any private fuel pump island shall be located closer than 10.0 metres to any street line, or 9.0 metres to any other lot line.

(c) OPEN STORAGE AREA REGULATIONS

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage shall be permitted in a front yard or an exterior side yard;
- (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (iii) no open storage area shall be permitted in an interior side yard adjacent to an interior side lot line of such lot which abuts a Residential zone;
- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.8 metres in height and constructed of uniform material, and
- (v) no portion of any open storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

(d) SPECIAL PROVISIONS

Notwithstanding any other provision herein to the contrary, all industrial uses in the M2 Zone shall be considered dry industry.

(e) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

12.4 SPECIAL EXCEPTION ZONES**(a) M2-1****(i) USES PERMITTED IN M2-1 ZONES**

No person shall within any M2-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2-1 uses, namely:

(a) RESIDENTIAL USES

Prohibited.

(b) NON-RESIDENTIAL USES

- an aircraft hanger;
- an airstrip;
- a fuel pump island;
- a maintenance garage;
- a warehouse.

(ii) ZONE PROVISIONS IN M2-1 ZONES

No person shall within any M2-1 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

(a)	LOT COVERAGE (maximum)	15%
(b)	BUILDING SETBACK, FRONT (minimum)	15.0 metres
(c)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	15.0 metres
(d)	BUILDING SETBACK, INTERIOR SIDE (minimum)	15.0 metres
(e)	BUILDING SETBACK, REAR (minimum)	15.0 metres
(f)	BUILDING SEPARATION (minimum)	10.0 metres
(g)	BUILDING HEIGHT (maximum)	10.0 metres
(h)	LANDSCAPED OPEN SPACE (minimum)	50%
(i)	ENTRANCE SETBACK (maximum)	10.0 metres
(j)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres
(k)	PARKING SPACES (minimum)	10 for each use

(l) PRIVATE FUEL PUMP ISLAND LOCATION: No part of any private fuel pump island shall be located closer than 10.0 metres to any street line, or 9.0 metres to any other lot line.

(m) SPECIAL PROVISIONS: Notwithstanding any other provision herein, an airstrip may be located in an area of the Township without access to and frontage on an improved road.

(n) GENERAL PROVISIONS: In accordance with the provisions of Section 3 hereof.

(b) M2-2**(i) USES PERMITTED IN M2-2 ZONES**

No person shall within any M2-2 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2-2 uses, namely:

(a) RESIDENTIAL USES

prohibited.

(b) NON-RESIDENTIAL USES

- a salvage yard;
- a sanitary landfill site.

(ii) ZONE PROVISIONS IN M2-2 ZONES

No person shall within any M2-2 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

(a)	LOT COVERAGE (maximum)	5%
(b)	BUILDING SETBACK, FRONT (minimum)	30.0 metres
(c)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	30.0 metres
(d)	BUILDING SETBACK, INTERIOR SIDE (minimum)	30.0 metres
(e)	BUILDING SETBACK, REAR (minimum)	30.0 metres
(f)	BUILDING SEPARATION (minimum)	10.0 metres
(g)	BUILDING HEIGHT (maximum)	10.0 metres
(h)	LANDSCAPED OPEN SPACE (minimum)	30%
(i)	ENTRANCE SETBACK (maximum)	10.0 metres
(j)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres
(k)	PARKING SPACES (minimum)	1 for each use

(l) SPECIAL PROVISIONS: Notwithstanding any other provision herein, a sanitary landfill site may be located in an area of the Township without access to and frontage on an improved road.

(m) GENERAL PROVISIONS: In accordance with the provisions of Section 3 hereof.

SECTION 13

MINING INDUSTRIAL (M3) ZONE

13.1 USES PERMITTED

No person shall within any M3 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M3 uses, namely:

(a) RESIDENTIAL USES:

a bunkhouse.

(b) NON-RESIDENTIAL USES:

- a business office, accessory to another M2-3 use;
- a communication tower;
- an equipment storage building;
- a maintenance garage;
- a milling and/or processing plant;
- a mining operation;
- an open storage area;
- a private fuel pump island;
- a transport terminal;
- a warehouse;
- and uses accessory to the foregoing

13.2 ZONE PROVISIONS

No person shall within any M3 zone use any lot or erect, alter or use any building or structure, except in accordance with the following provisions:

(a)	LOT COVERAGE (maximum)	40%
(b)	BUILDING SETBACK, FRONT (minimum)	20.0 metres
(c)	BUILDING SETBACK, EXTERIOR SIDE (minimum)	20.0 metres
(d)	BUILDING SETBACK, INTERIOR SIDE (minimum)	15.0 metres
(e)	BUILDING SETBACK, REAR (minimum)	15.0 metres
(f)	BUILDING SEPARATION (minimum)	10.0 metres
(g)	BUILDING HEIGHT (maximum)	10.0 metres
(h)	LANDSCAPED OPEN SPACE (minimum)	20%
(i)	ENTRANCE SETBACK (maximum)	10.0 metres
(j)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres
(k)	ENTRANCES PER LOT (maximum)	2

13.3 ADDITIONAL ZONE PROVISIONS

(a) NUMBER OF DWELLING UNITS

There shall be no maximum number of dwelling units permitted in lands zoned M3.

(b) PLANTING STRIP LOCATION

No planting strip shall be required along the side or rear lot lines for land zoned M3.

(c) EXCAVATION LOCATION

No part of any excavation for a mining operation that has not been closed shall be located closer than 70.0 metres to any lot line which abuts a zone other than a M2 Zone or a M2 Special Zone.

(d) BERM LOCATION AND REQUIREMENTS

A berm shall be required along any portion of a lot line which is also a street line. The berm shall be 3.0 metres in height above the surrounding land with a slope not to exceed a 3:1 ratio. A vegetation strip may replace a berm where its width exceeds 6.0 metres and the planted material has obtained a height of at least 3.0 metres.

(e) PRIVATE FUEL PUMP ISLAND LOCATION

No part of any private fuel pump island shall be located closer than 10.0 metres to any street line, or 9.0 metres to any other lot line.

(f) OPEN STORAGE AREA REGULATIONS

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage shall be permitted in a front yard or an exterior side yard;
- (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (iii) no open storage area shall be permitted in an interior side yard adjacent to an interior side lot line of such lot which abuts a Residential zone;
- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.8 metres in height and constructed of uniform material, and
- (v) no portion of any open storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

(g) SPECIAL PROVISIONS

Notwithstanding any other provision herein to the contrary, all industrial uses in the M3 Zone shall be considered dry industry.

(h) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

13.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 14

EXTRACTIVE INDUSTRIAL (MX) ZONE

14.1 USES PERMITTED

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

(a) NON-RESIDENTIAL USES:

- an aggregate transfer station;
- an asphalt plant;
- a crushing facility;
- a gravel pit;
- an office, accessory to another MX permitted use;
- a stockpile;
- a stone quarry;
- a storage yard;
- a wayside pit;
- a wayside quarry;
- uses permitted in the M2 Zone; and
- uses accessory to the forgoing.

14.2 ZONE PROVISIONS

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

(a)	LOT AREA (minimum)	1.0 hectares
(b)	LOT FRONTAGE (minimum)	100 metres
(c)	SETBACK, FRONT (minimum)	30.0 metres
(d)	SETBACK, EXTERIOR SIDE (minimum)	20.0 metres
(e)	SETBACK, INTERIOR SIDE (minimum)	15.0 metres
(f)	SETBACK, REAR (minimum)	15.0 metres
(g)	BUILDING HEIGHT (maximum)	10.0 metres
(h)	LANDSCAPED OPEN SPACE (minimum)	20%
(i)	LOT COVERAGE (maximum)	50%
(j)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres
(k)	ENTRANCES PER LOT (maximum)	2

14.3 ADDITIONAL ZONE PROVISIONS

(a) PLANTING STRIP LOCATION

A planting strip shall be required along any portion of a rear lot line or a side lot line which abuts a zone other than a M2 or M3 zone.

(b) EXCAVATION LOCATION

No part of any excavation shall be located closer than 70.0 metres to any lot line which abuts a zone other than a M2 or M3 Zone.

(c) OPEN STORAGE AREA REGULATIONS

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage shall be permitted in a front yard or an exterior side yard;
- (ii) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (iii) no open storage area shall be permitted in an interior side yard adjacent to an interior side lot line of such lot which abuts a Residential zone;
- (iv) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.8 metres in height and constructed of uniform material, and
- (v) no portion of any open storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

(d) SPECIAL PROVISIONS:

Notwithstanding any other provision herein to the contrary, all industrial uses in the MX Zone shall be considered dry industry.

(e) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

14.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 15

ENVIRONMENTAL (EP) ZONE

15.1 USES PERMITTED

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

- (a) RESIDENTIAL USES**
prohibited.
- (b) NON-RESIDENTIAL USES**
a conservation use;
a farm, other than a building;
a flood control and erosion protection use;
a forestry use;
a hydro electric project;
a marine facility;
an outdoor recreational use, other than a building;
a wildlife and fish management use.

15.2 ZONE PROVISIONS

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

(a)	BUILDING AREA (maximum)	30%
(b)	BUILDING SEPARATION (minimum)	3.0 metres
(c)	BUILDING HEIGHT (maximum)	10.0 metres

15.3 ADDITIONAL ZONE REQUIREMENTS

(a) SPECIAL PROVISIONS

No accessory buildings or structures are permitted.

(b) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

15.4 SPECIAL EXCEPTION ZONES

(a) EP-1

(i) USES PERMITTED IN EP-1

No person shall within any EP-1 zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EP-1 uses, namely:

(a) RESIDENTIAL USES

prohibited.

(b) NON-RESIDENTIAL USES

an existing non-residential use.

SECTION 16

SENSITIVE (SE) ZONE

16.1 USES PERMITTED

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

- (a) RESIDENTIAL USES**
prohibited.
- (b) NON-RESIDENTIAL USES**
an archaeological site;
a conservation use;
a cultural/heritage use;
a wildlife and fish management use.

16.2 ZONE PROVISIONS

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

(a)	BUILDING AREA (maximum)	30%
(b)	BUILDING SEPARATION (minimum)	3.0 metres
(c)	BUILDING HEIGHT (maximum)	10.0 metres

16.3 ADDITIONAL ZONE REQUIREMENTS

(a) SPECIAL PROVISIONS

No accessory buildings or structures are permitted except a parking lot and a rest room.

(b) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

16.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 17

RURAL (RU) ZONE

17.1 USES PERMITTED

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

- (a) RESIDENTIAL USES**
 - an accessory dwelling;
 - a group home;
 - a hunting or trapping cabin;
 - a single detached dwelling.
- (b) NON-RESIDENTIAL USES**
 - a commercial greenhouse;
 - a community garden;
 - a conservation use;
 - an equipment storage building;
 - a farm;
 - a farm produce/product stand;
 - a forestry use;
 - a home industry;
 - a home occupation;
 - a home profession;
 - an open storage area;
 - a private home day care;
 - a private fuel pump island;
 - a rural home occupation;
 - a wayside pit;
 - a wayside quarry;
 - a woodlot; and
 - mineral exploration on all Crown Lands

17.2 ZONE PROVISIONS

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

(a)	LOT AREA (minimum)	30.0 hectares
(b)	LOT FRONTAGE (minimum)	200.0 metres
(c)	DWELLING HOUSES PER LOT (maxima)	
	(i) lot used as a farm	2, as accessory dwelling houses
	(ii) lot used for other uses	1 only
(d)	BUILDING AREA (maximum)	1%
(e)	BUILDING SETBACK, FRONT (minimum)	25.0 metres
(f)	BUILDING SETBACK, Exterior Side (minimum)	25.0 metres
(g)	BUILDING SETBACK, Interior SIDE (minimum)	10.0 metres

(h)	BUILDING SETBACK, REAR (minimum)	15.0 metres
(i)	BUILDING SEPARATION (minimum)	5.0 metres
(j)	BUILDING HEIGHT (maximum)	10.0 metres
(k)	DWELLING UNIT AREA (minimum)	70.0 square metres
(l)	LANDSCAPING AREA (minimum)	10%
(m)	ENTRANCE SETBACK (minimum)	10.0 metres
(n)	ENTRANCE WIDTH (minimum)	10.0 metres
	(maximum)	15.0 metres

17.3 ADDITIONAL ZONE REQUIREMENTS

(a) SEPARATION DISTANCES BETWEEN AGRICULTURAL AND NON-AGRICULTURAL USES

Where a non-agricultural use is established or expanding in close proximity to existing livestock buildings, or where livestock facilities are being constructed, enlarged or remodelled near an existing non-agricultural use, the separation distances between the existing and proposed use shall be the distance as computed from the Minimum Distance Separation Guidelines, as revised from time to time.

(b) PRIVATE FUEL PUMP ISLAND LOCATION

No part of any private fuel pump island shall be located closer than 20.0 metres to any street line, or 10.0 metres to any other lot line.

(c) CREATED RESIDENTIAL LOT

Notwithstanding any provisions of Sections 17.2 (a), (b), (d), and (k) hereof to the contrary, where a consent is given to create a residential lot, such lot may be used for a single detached dwelling house provided the minimum lot area is 1.0 hectares, the minimum lot frontage is 100.0 metres, the maximum building area is 20% and a minimum dwelling unit area of 100.0 square metres.

(d) OPEN STORAGE AREA REGULATIONS

No open storage area shall be permitted except in accordance with the following provisions:

- (i) no open storage area shall be permitted in a front yard or an exterior side yard;
- (i) no open storage area shall be permitted in a rear yard;
- (ii) no open storage area shall be permitted in an interior side yard;
- (iii) no portion of any open storage area for combustible materials shall be located closer than 10.0 metres to any lot line.

(e) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

17.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 18

DEVELOPMENT (DE) ZONE

18.1 USES PERMITTED

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

- (a) **RESIDENTIAL USES**
prohibited.
- (b) **NON-RESIDENTIAL USES**
a community garden;
an existing non-residential building.

18.2 ZONE PROVISIONS

No person shall within any DE zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system, except in accordance with the following provisions:

(a)	LOT AREA (Minimum)	nil
(b)	LOT FRONTAGE (Minimum)	nil
(c)	BUILDING AREA (Maximum)	30%
(d)	BUILDING SETBACK, FRONT (Minimum)	9.0 metres
(e)	BUILDING SETBACK, EXTERIOR SIDE (Minimum)	9.0 metres
(f)	BUILDING SETBACK, Interior SIDE (Minimum)	9.0 metres
(g)	BUILDING SETBACK, REAR (Minimum)	
	(i) Main Building	12.0 metres
	(ii) Accessory Building	5.0 metres
(h)	BUILDING SEPARATION (Minimum)	5.0 metres
(i)	BUILDING HEIGHT (Maximum)	
	(i) Main Building	10.0 metres
	(ii) Accessory Building	6.0 metres
(j)	LANDSCAPING AREA (Minimum)	30%
(k)	ENTRANCE SETBACK (Minimum)	10.0 metres
(l)	ENTRANCE WIDTH (Minimum)	10.0 metres
	(Maximum)	15.0 metres

18.3 ADDITIONAL ZONE REQUIREMENTS

(a) GENERAL PROVISIONS

In accordance with the provisions of Section 3 hereof.

18.4 SPECIAL EXCEPTION ZONES

Reserved.

SECTION 19

ADMINISTRATION

19.1 ZONING ADMINISTRATOR

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

19.2 ISSUANCE OF PERMITS AND LICENSES

Notwithstanding any provision of the Building By-law or any other by-law of the Corporation to the contrary, no permit or license shall be issued where the proposed building, structure or use would be in violation of any provision of this By-law.

19.3 REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-law shall be accompanied by one (1) copy of the Corporation's "APPLICATION FOR AMENDMENT TO ZONING BY-LAW".

19.4 INSPECTION

(a) CONDITIONS FOR ENTRY

Subject to clause (b) of this subsection, the Zoning Administrator, Chief Building Official or any other officer or employee of the Corporation, acting under the direction of Council, is hereby authorized to enter, at reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

(b) RESTRICTIONS FOR ENTRY OF DWELLING UNITS

Notwithstanding any provision of clause (a) of this subsection to the contrary, no officer or employee of the Corporation shall enter any room or place being used as a dwelling unit or part thereof without the consent of the occupant, except under the authority of a search warrant issued pursuant to the *Provincial Offences Act*.

19.5 VIOLATIONS AND PENALTIES

Every person who contravenes a by-law passed under Section 34 or 38 or an Order made under Section 47, of the Planning Act, RSO and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and, on conviction is liable:

- (a) on a first conviction to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), and
- (b) on a subsequent conviction to a fine of not more than Ten Thousand Dollars (\$10,000.00) for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Where a corporation is convicted under the above, the maximum penalty that may be imposed is:

- (a) on a first conviction a fine of not more than Fifty Thousand Dollars (\$50,000.00), and
- (b) on a subsequent conviction to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided above.

If an offence has been committed under a by-law passed under Section 34 or 38, and a proceeding in respect of the offence is undertaken by the Municipality and a conviction has been entered, the proceeds of any fine in relation to the offence shall be paid to the Treasurer of the Municipality. Section 2 of the *Administration of Justice Act* and Section 4 of the *Fines and Forfeitures Act*, do not apply in respect of the fine.

19.6 REMEDIES

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

19.7 VALIDITY

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