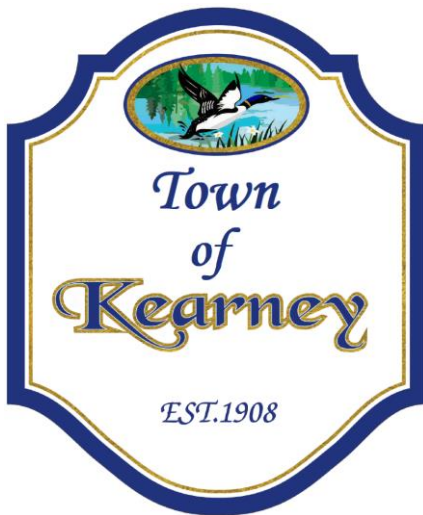


# Town of Kearney

## Comprehensive Zoning By-law

No. 2018 - xx

Prepared for:



**The Corporation of the Town of Kearney**  
8 Main Street, P.O. Box 38  
Kearney, ON P0A 1M0

Prepared with:



**J.L. Richards & Associates Limited**  
Engineers • Architects • Planners  
217-469 Bouchard Street Sudbury, ON  
P3E 2K8

**EXPLANATORY NOTE TO BY-LAW No. 2018 - xx  
OF THE TOWN OF KEARNEY**

**Lands Affected:**

By-law No. 2018 - xx is a Comprehensive Zoning By-law that applies to all of the lands within the geographic limits of the Town of Kearney.

**Purpose and Effect:**

By-law No. 2018 – xx will repeal Comprehensive Zoning By-law No. 2002-28 and all amendments and replace it with this document to regulate land uses within the Town. By-law No. 2018 – xx is intended to regulate the use of all lands, buildings, and structures within the Town of Kearney.

The zone boundaries, permitted uses, and regulations are consistent throughout the Town and ensure conformity with the Town of Kearney Official Plan. The By-law includes the regulation of the use of land, the size and location of buildings and structures, and parking requirements in the Town of Kearney. The new By-law also addresses and regulates uses such as secondary dwelling units, shoreline uses, tourist commercial uses and updates regulations such as setbacks adjacent to the waterfront.

By-law No. 2018 – xx permits and regulates the use of land as shown on Schedules 'A - E' to the Zoning By-law. Uses that legally existed prior to the date of adoption of this By-law will be permitted to continue. Any new use not specifically permitted by the By-law is prohibited. New development occurring after this By-law comes into effect must comply with the regulations set out in the By-law.

**THE CORPORATION OF  
THE TOWN OF KEARNEY**

**BY-LAW No. 2018 – xx**

**BEING A BY-LAW TO REGULATE THE USE OF LAND,  
LOCATION AND USE OF BUILDINGS OR STRUCTURES WITHIN ITS TERRITORY**

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**WHEREAS** an Official Plan was approved for the Town of Kearney on April 20, 2016 by the Ontario Municipal Board;

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

**AND WHEREAS** the Town of Kearney now deems it desirable and in the public interest to rescind By-law 2002-28 and all Amendments thereto, and enact a new Comprehensive Zoning By-law under Section 34 of the Planning Act, S.O. 1990 c P. 13, as amended, which will serve to regulate the use of the land and the character, location and size of buildings and structures within the boundaries of the Town of Kearney;

**NOW THEREFORE BE IT RESOLVED** that the Town of Kearney enacts By-law No. 2018 - xx as follows:

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## **ZONING MAPS**

**SCHEDULE 'A' – Kearney (Municipality)**

**SCHEDULE 'B' – Kearney (Townsite)**

**SCHEDULE 'C' – Proudfoot (Island Lake, Grass Lake, Loon Lake)**

**SCHEDULE 'D' – Proudfoot (Sand Lake)**

**SCHEDULE 'E' – Bethune (Lynx Lake)**

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## **SECTION 1        ADMINISTRATION**

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### **1.1        TITLE**

This By-law may be referred to as “The Zoning By-law for the Town of Kearney.”

### **1.2        AREA AFFECTED BY THIS BY-LAW**

This By-law applies to all lands, islands and lands under water within the geographic Town of Kearney.

### **1.3        BUILDING PERMITS**

The requirements of this By-law must be met before a Building Permit is issued for the erection, additions to or alterations of, any building or structure.

### **1.4        ENFORCEMENT**

Any person convicted of a violation of this By-law is liable on first conviction to a fine of not more than \$25,000 and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with *The Planning Act*.

Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000 and on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with *The Planning Act*.

In case any buildings or structures or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or 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 rate-payer or of the Municipality pursuant to the provisions of *The Planning Act, 1990* as amended, and/or the Municipal Act 2001, as amended, and/or any other legislation applicable.

### **1.5        SEVERABILITY PROVISION**

A decision of a Court stating that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

### **1.6        REPEAL OF EXISTING BY-LAWS**

Upon this By-law coming into force and effect, By-law No. 2002-28 of the Town of Kearney and all amendments thereto are hereby repealed.

### **1.7        EFFECTIVE DATE**

This By-law shall come into force the date that it was passed where there are no appeals filed or where appeals are filed, where all of the appeals are finally disposed of by the Local Planning Appeal Tribunal (LPAT).

### **1.8        USE OF LAND**

No lands within the area covered by this By-law shall be used for any purpose unless as otherwise permitted by this By-law.

## **1.9 METRIC AND IMPERIAL TERMS**

The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law. Any imperial measurements contained in this By-law are included for convenience and do not form part of the By-law.

## **1.10 REFERENCE TO LEGISLATION**

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean that as presently existing, or as amended, replaced or re-enacted, from time to time by the Province, and shall be deemed to include, in addition to the statute itself, all regulations passed thereunder.

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## **SECTION 2      ESTABLISHMENT OF ZONES**

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### **2.1      ZONES**

For the purposes of this By-law, the following Zones are established and they may be referred to by the name or by the symbol set opposite the name of the Zone below:

RTS	-	Residential Townsite
RWF	-	Residential Waterfront
RR	-	Rural Residential
RU	-	Rural
CTS	-	Commercial Townsite
CR	-	Rural Commercial
CT	-	Tourist Commercial
M	-	Industrial
MM	-	Mineral Mining
MA	-	Mineral Aggregate
WD	-	Waste Disposal Industrial
I	-	Institutional
OS	-	Open Space
HZ	-	Hazard Lands
EP	-	Environmental Protection

### **2.2      ZONE SCHEDULE**

The Zones and zone boundaries are shown on the attached Schedules 'A - E', which form part of this By-law. Schedules 'A - E' are a series of Maps.

### **2.3      EXCEPTIONS**

Where a Zone symbol is followed by a dash and a number, (for example RU-2) there are special provisions that apply to the Zone. These special provisions are contained in the section of the By-law that applies to the primary Zone.

### **2.4      DETERMINING ZONE BOUNDARIES**

A Zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or road.

A Zone boundary shown approximately at the centre line of a street or lane is considered to be the centre line of the street or lane.

Unless the location of a Zone boundary is specified by dimensions on the Zoning Map, a Zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.

Where lands have not been identified as being in a Zone on the Schedules, they shall be deemed to be in the Open Space (OS) Zone.

All lands below the surface of a waterbody or watercourse shall be deemed to be in the Open Space (OS) Zone.

### **2.5      COMPLIANCE WITH ZONING BY-LAW**

No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in conformity with the provisions of this By-law.

Any use not specifically permitted by this By-law shall not be permitted in the Town of Kearney.

In addition, no person shall use any land or locate any buildings or structure such that the uses, buildings or structures on other lands would no longer comply with the provisions of this By-law.



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## **SECTION 3      GENERAL PROVISIONS**

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### **3.1      APPLICATION**

The provisions of this section of the By-law shall apply to all lands within the Town of Kearney unless otherwise specified.

### **3.2      ACCESSORY BUILDINGS, STRUCTURES AND USES**

#### **3.2.1      Permitted Uses**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include the following:

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- ii) any building used for human habitation except in accordance with this By-law, as is specifically permitted.

Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this Section of the By-law and the provisions of the applicable Zone.

#### **3.2.2      Lot Coverage and Height**

Accessory buildings, structures and uses are permitted in all Zones subject to the following provisions:

- i) The total lot coverage of all accessory buildings and structures on an individual lot, except swimming pools, may not exceed ten (10%) percent of the lot area unless specifically permitted by this By-law.
- ii) Notwithstanding, within Commercial or Industrial Zones, the total lot coverage of all accessory buildings or structures shall not exceed fifteen (15%) percent of the lot area.
- iii) The maximum height of an accessory building in a Residential Zone shall not exceed 7.5 metres. In Commercial or Industrial Zones accessory buildings shall not exceed the maximum height permitted in the Zone. In Rural Zones accessory buildings shall not exceed 12.0 metres in height.

#### **3.2.3      Permitted Encroachments**

Accessory buildings and structures and ornamental features for main buildings and structures may only encroach into the required yard in a zone as outlined in the following Table.

Where a required yard, structure or feature is not referred to in this Table, the minimum required yard in the applicable Zone shall apply.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<b>STRUCTURAL AND ORNAMENTAL FEATURES:</b>		
Bay windows (without footings)	All Yards	May encroach 0.6 m into the required yard.
Canopies/Porticos	All yards	May encroach 1.2 m into the required yard but no closer than 1.2 m to the lot line.
Steps in residential Zones providing access to either a basement or the ground floor of a dwelling	All yards	No closer than 1.2 m to the applicable lot line.
Uncovered Decks (0.3 m to 1.2 m in height above finished grade)	Front, Rear and Exterior Side Yards	May encroach 2.5 m into the required yard but no closer than 3 m to the lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
Uncovered Decks (greater than 1.2 m in height above finished grade)	Front, Rear and Exterior Side Yards	May encroach 2.5 m into the required yard but no closer than 3 m to the lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
Unenclosed porches/verandas (0.3 m to 1.2 m in height above finished grade)	Front, Rear and Exterior Side Yards	May encroach 2.5 m into the required yard but no closer than 3 m to the lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
Sills, cornices, parapets, pilasters, or other similar ornamental structures	All yards	May encroach 0.6 m into the required yard.
Eaves	Front, Rear and Exterior Side Yards	May encroach 1.2 m into the required yard but not closer than 0.6 m to the lot line.
	Interior Side Yard	May encroach 0.6 m into the required yard but not closer than 0.6 m to the lot line.
Chimneys	Front, Rear and Exterior Side Yards	May encroach 0.6 m into the required yard.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Functional and ornamental roofless structures including but not limited to drop awnings, flag poles, lighting fixtures, mail boxes, signs, fountains, statues, monuments, benches, cenotaphs, memorials, planters, garden trellises, patios, walkways, retaining walls less than 1.0 m in height, or other similar accessory structures	All yards	Permitted
Fences, Clothes Lines & Poles,	Interior, side and rear yards	Permitted
Ramps and Accessible Accessways	Any required yard	Permitted

### 3.2.4 Boat Dock and Launching Ramp

Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected and used in any yard, or appertaining to a lot abutting or adjacent to a navigable waterway, except where specifically prohibited in the abutting Zone subject to the following regulations:

- i) The boat launching ramp or dock shall be located no closer than 3.0 metres to the side lot line or a straight line projection of the side lot line where it meets the front lot line at the water.
- ii) A second dock shall be permitted where the shoreline frontage exceeds 90 metres.
- iii) No dock shall extend more than 10.0 metres into a waterway except that a dock may exceed 10.0 metres in length as is necessary to provide 6.0 metres of dock in water not less than 0.8 metres in depth, but not more than 30.0 metres in total length.
- iv) The maximum width of a dock at any point measured parallel to the shoreline shall be 10 per cent of the shoreline frontage of a lot or 8.0 metres, whichever is less.
- v) The maximum area of a dock and decks in the water within 30.0 metres of the shoreline shall be 60 square metres.

### 3.2.5 Garages or Other Accessory Buildings or Structures

Garages and accessory buildings or structures shall meet the required front yard for the Zone which they are located. Notwithstanding the other yard and setback provisions of this By-law to the contrary, a detached private garage or other accessory building or

structure may be erected and used in an interior side or rear yard, provided that the following requirements are met.

i) **Interior Side Yard**

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 1.5 m to the interior side lot line.

ii) **Rear Yard**

Where such accessory building or structure is located in a rear yard, it shall not be closer than 3.0 m to the rear lot line.

Where the rear lot line abuts a municipally maintained road, the Zone provisions shall apply.

iii) **Distance from Main Building**

Where such accessory building or structure is located in a side or rear yard, it shall not be closer than 2.0 metres from the main building.

iv) **Temporary Buildings**

For the purpose of this By-law, buildings covered with cloth, plastic or similar flexible materials shall be required to meet the same requirements as permanent buildings and structures.

### **3.2.6 Gazebos and Saunas**

Notwithstanding the yard and setback requirements of this By-law to the contrary, a gazebo or a sauna may be permitted in a yard of a lot adjacent to a waterbody provided that:

- i) gazebos are not permitted to be enclosed except for screening or glass;
- ii) the maximum ground floor area is 14.0 square metres;
- iii) it is setback at least 5.0 metres from the normal average or maintained high water mark;
- iv) it is setback at least 3.0 metres from any side lot line; and
- v) the height shall not exceed 4.0 metres.

### **3.2.7 Guest Cabins / Bunkie**

Where a guest cabin is permitted on a lot the following provisions shall apply:

- i) no cooking facilities are located in the building;
- ii) the building may be connected to a sewage system or pressurized water system;
- iii) the building has a maximum ground floor area of 23 square metres;
- iv) the building has a height not greater than 6.0 metres; and,
- v) the building complies with all of the setbacks that apply to the principal building on the lot.

### **3.2.8 Livestock**

The keeping of livestock is permitted in the Rural (RU) Zone in accordance with the Minimum Distance Separation formulae. In any Rural Residential (RR) Zone the keeping of livestock shall be subject to having a minimum lot area of 2 hectares and shall be limited to one half nutrient unit per hectare where a nutrient unit is defined by Regulations under the *Nutrient Management Act, 2002*.

### 3.2.9 Metal Storage/Shipping Containers

A Metal Storage/Shipping Container shall be permitted as an accessory use on a lot within a Rural, Commercial, Industrial or Institutional Zone in accordance with the following:

- i) The storage/shipping container shall only be used as a storage container; the limited use does not permit a habitable use, home industry use, other accessory uses, such as but not limited to workshops, hobby shops, farm buildings or any activity, occupation or business. Any alterations or change in use will require a building permit. Other zoning regulations and applicable law may apply.
- ii) The principal building is already in existence.
- iii) The storage/shipping container is located behind the principal building.
- iv) The storage/shipping container shall not be closer than 10 metres from principal building.
- v) The storage/shipping container is setback at least 30 metres from the front lot line.
- vi) The storage/shipping container is setback at least 30 metres from any side lot line.
- vii) The storage/shipping container is setback at least 30 metres from the rear lot line.
- viii) The storage/shipping container is setback at least 30 metres from a residential use.
- ix) The storage/shipping container is setback a minimum of 100 metres from the normal average or maintained high water mark of any watercourse or lake
- x) The storage/shipping container shall be screened from view from the street and abutting properties by continuous fencing or landscaping at a minimum of 1.8 metres in height.

Notwithstanding the above provisions:

- xi) A storage/shipping container shall be permitted **in any Zone** for a period not exceeding seven (7) days and only for the purpose of the loading or unloading.
- xii) A storage/shipping container shall be permitted on a construction site **in any Zone** only for the purposes of storing equipment and materials incidental to construction and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than ninety (90) consecutive days and/or the failure to maintain a current building permit.

### 3.2.10 Outdoor Furnaces

Outdoor furnaces used for burning wood, coal or petroleum fuel shall be setback a minimum of 10 metres from any lot line, have a minimum stack height of 4.5 metres and shall not be permitted in a front yard.

### 3.2.11 Swimming Pools

Swimming pools shall be constructed in accordance with the requirements of the By-law for Accessory Buildings and Structures except that no water circulating or pumping equipment shall be located closer than 3 metres to any side or rear lot line and no pool or

hot tub shall be located closer to the shoreline than the required front yard for a principal building.

### **3.3 ACCESS TO LOTS**

#### **3.3.1 Improved Public Road**

Unless otherwise permitted in this By-law, no person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon a year-round maintained improved public road, and such building or structure must comply with the setback provisions of this By-law.

Development on a public road that is not maintained year-round shall only be permitted where there is an agreement registered on the title of the land acknowledging that the municipality does not provide year-round services on the road.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in a registered Plan of Subdivision where a properly executed Subdivision Agreement has been entered into with the Town, notwithstanding that the street or streets will not be assumed by the Town until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon an improved public road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located.

For the purposes of this By-law only, a common element roadway within a registered plan of condominium that is maintained by the condominium corporation in accordance with an agreement between the Corporation and the Town shall be deemed to be an improved public road.

Notwithstanding the provisions of this section to the contrary a hunt camp or trappers cabin shall be permitted in the Rural (RU) Zone in accordance with the provisions of Section 3.9 of this By-law.

#### **3.3.2 Access on a Private Road, Private Right-of-Way, Crown Road, Original Road Allowance**

Notwithstanding the provision in 3.3.1 where a lot fronts upon a private road or private right-of-way or crown road, or original road allowance, a use, building or structure permitted within the Zone shall be permitted on such lot, in accordance with the applicable provisions of the Zone and provided such private road or private right-of-way existed as of the date of passing of this By-law or where there is an agreement in place with the municipality to address the construction standard and maintenance, liability, provision of services, etc. Municipal services may not be available to lots accessed from a private road, crown road or original road allowance.

#### **3.3.3 Access from a Navigable Waterway**

Notwithstanding the provisions of Subsections 3.3.1 and 3.3.2 above to the contrary, in a Residential Waterfront (RWF) Zone, Rural Residential (RR) Zone or a Rural (RU) Zone where a lot is only accessible by a navigable waterway, such lot may be used for any use in accordance with the applicable provisions of the Zone. Municipal services will not be available to lots accessed from a navigable waterway.

### **3.4 BED AND BREAKFAST**

The following provisions shall apply to bed and breakfast establishments:

- i) A bed and breakfast establishment shall only be permitted in an owner occupied single detached dwelling and shall be limited to a maximum of two (2) guest rooms per establishment unless expressly provided for as a permitted use.
- ii) A bed and breakfast shall not be established or operated in an accessory building.
- iii) One (1) parking space shall be provided per guest room in addition to a minimum of one (1) space for the existing dwelling.
- iv) A bed and breakfast establishment shall not detract from the general character of the area nor be a nuisance in terms of noise, traffic, parking, and visual character.

### **3.5 EXISTING UNDERSIZED LOTS OF RECORD**

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority such smaller lot may be used and a permitted building or structure may be erected, altered and/or used on such smaller lot provided that all other applicable Zone Provisions of this By-law are complied with.

Lots which have been increased in size following passing of this By-law may also be used in accordance with this provision.

### **3.6 HEIGHT EXCEPTIONS**

Nothing in this By-law shall apply to prevent the erection, alteration or use of a permitted barn or silo, or the following accessory buildings or structures, provided the main or principal use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio, television or telephone tower or antenna, except satellite antenna in excess of 0.5 m in diameter, air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment.

### **3.7 HOME INDUSTRY**

Where a home industry is permitted as an accessory use in a building accessory to, or within, a single detached dwelling in any zone the following provisions shall apply:

- i) A maximum of four (4) persons other than an occupant of the dwelling may be engaged in the home industry at any time;
- ii) Such home industry may be located in part of a dwelling or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 100 square metres;
- iii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 1.0 square metres, to indicate to persons that any part of the dwelling or dwelling unit is being used for a purpose other than residential;
- iv) There shall be no outside storage of goods, materials or articles associated with the home industry;
- v) No more than four (4) motor vehicles associated with the home industry may be parked or stored on the lot within an interior side or rear yard. No unlicensed vehicle shall be permitted on the lot for more than sixty (60) days; and,

- vi) Such home industry shall be clearly accessory to the main residential use and shall not change the residential character of the dwelling or the lot.

### **3.8 HOME OCCUPATION**

Where a home occupation is permitted the following provisions shall apply:

- i) No person, other than a person living on the premises and two (2) assistants who are not residents of the dwelling, may be engaged in the occupation of the canvassing, delivering or distributing of merchandise to customers at any time;
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.5 square metres, to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential;
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises;
- iv) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the Home Occupation;
- v) Not more than twenty-five (25 %) percent of the gross floor area, not including the basement of the dwelling or dwelling unit, to a maximum of 46 sq. m, shall be used for the purposes of the Home Occupation, and such Home Occupation shall be conducted entirely within the detached dwelling or dwelling unit;
- vi) There shall be no mechanical or other equipment used except that which is customarily used in a dwelling or dwelling unit for domestic or household purposes or for use by a dentist, drugless practitioner, hairdresser, physician, or other professional person;
- vii) A Home Occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment;
- viii) A Home Occupation shall be secondary to the principal residence and shall not change the residential character of the lot;
- ix) One (1) Home Occupation only shall be permitted in conjunction with a single detached dwelling.

### **3.9 HUNT CAMPS AND TRAPPERS CABINS**

Hunt Camps and Trappers Cabins, as defined in this By-law, are permitted in the Rural (RU) Zone subject to the following special provisions:

- i) Minimum lot area – 10 hectares
- ii) Notwithstanding the provisions to the contrary, a Hunt Camp shall be permitted to be located on a lot which has access onto an unimproved municipal road allowance or a private road
- iii) Minimum setback from public road allowance – 100 metres
- iv) Minimum setback from any lot line – 50 metres
- v) Maximum floor area – 45 square metres



### **3.10 KENNEL**

Notwithstanding the yard and setback provisions of this By-law to the contrary, no Kennel shall be erected or established, after the day of the passing of this By-law, within one hundred metres (100 m) of a lot line or three hundred metres (300 m) of a dwelling located on another lot. Notwithstanding this section, a dwelling may be constructed within three hundred metres (300 m) of an existing kennel if all other provisions of this By-law are complied with.

### **3.11 LOADING SPACE REQUIREMENTS**

#### **3.11.1 Loading Space**

Loading spaces are required under this By-law in accordance with the Loading Space Requirement Table set forth herein. The owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and unloading spaces on the lot accordingly. For the purposes of this By-law, each loading or unloading space shall be 15 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres. Loading Spaces shall not include any area used for required parking spaces in accordance with this By-law.

#### **3.11.2 Loading Space Requirement Table**

<b>Gross Floor Area of Building</b>	<b>Loading Spaces Required</b>
Less than 300 square metres	None
300 square metres to 2,300 square metres or less	1 space
Exceeding 2,300 square metres but not exceeding 7,400 square metres	2 spaces
Exceeding 7,400 square metres	1 space for each additional 7,400 square metres.

#### **3.11.3 Access**

Access to loading spaces shall be by means of a driveway of at least 3.5 metres in width contained on the lot on which the spaces are located and leading to an improved public road.

#### **3.11.4 Loading Space Surface**

Driveways, loading spaces and related aisles and turning areas shall be maintained with a stable surface that is treated to prevent the raising of dust.

#### **3.11.5 Location**

The loading spaces required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

#### **3.11.6 Additions to or Change in Use of Existing Buildings**

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased by more than three hundred (300) square metres. If an addition is made to the building or structure which increases the gross floor area, then additional loading spaces shall be provided as required by this Section, in accordance with the provisions of the loading Space Requirement Table (above) for such addition.

### **3.12 MINIMUM OPENING ELEVATIONS AND FLOODING**

No habitable building or any addition to an existing habitable building which exceeds twenty-five (25 %) per cent of the gross floor area as of the date of passing of this By-law shall be located on a lot adjacent to Sand Lake, unless the building has a minimum opening sill elevation of 342.2 metres C.G.D.

No habitable building shall be located within 3.0 metres of an identified flood elevation or below the 1 in 100 year flood elevation.

### **3.13 MULTIPLE ZONES ON ONE LOT**

Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of this said lot shall be used in accordance with the Permitted Uses of this By-law for the applicable Zone.

### **3.14 NON-CONFORMING USES**

#### **3.14.1 Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the legal use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was legally used for such purposes, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose. Where the use ceases to exist for a period of one (1) year, the use will be deemed to have been discontinued. Where a non-conforming travel trailer or mobile home is removed from a lot the use shall be deemed to have been discontinued.

#### **3.14.2 Permitted Exterior Extension, Alteration and Reconstruction**

The exterior of any building or structure which was legally used prior to the effective date of this By-law for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended more than 0.25 metres, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone.

#### **3.14.3 Permitted Interior Alteration**

The interior of any building or structure which was legally used for a purpose not permissible within the Zone in which it is located prior to the effective date of this By-law, may be reconstructed or structurally altered in order to render the same more convenient for the existing purpose for which such building or structure was legally used.

#### **3.14.4 Restoration To A Safe Condition**

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration does not increase the building height, size or volume or change the existing, legal use of such existing building or structure unless these changes are necessary to provide for floodproofing of the building.

#### **3.14.5 Building Permit Issued**

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law, of any building or structure, the plans for which have, prior to the date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected.

### **3.15 NON-COMPLYING BUILDINGS AND STRUCTURES**

#### **3.15.1 Permitted Buildings or Structures**

1. Where a legally existing building or structure has less than the minimum front yard, side yard or any setback required by this By-law, the said building or structure may be enlarged, reconstructed, repaired and/or renovated provided that the enlargement, reconstruction, repair and/or renovation does not:
  - i. further reduce a front yard, and/or side yard and/or rear yard and/or lot coverage to less than the minimum permitted by this By-law;
  - ii. does not further increase the non-compliance;
  - iii. the building or structure is being used for a purpose permissible within the Zone in which it is located; and
  - iv. all other applicable Zone Provisions of this By-law are complied with.
2. Uncovered decks may further encroach a maximum of 2.5 metres into the non-compliant front yard, but no closer than 15 metres to the front lot line;
3. Any building or structure that legally existed as of the date of passing of this By-law that encroached on any required yard or setback a distance of 0.1 m or less or exceeds maximum lot coverage by 1.0 per cent or less shall be deemed to comply with the requirements of this By-law.

#### **3.15.2 Reconstruction of Existing Building**

Nothing in this By-law shall apply to prevent the reconstruction of any permitted building which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted building may be reconstructed in accordance with the previously existing standards even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within twelve (12) months of the damage being done.

### **3.16 NOXIOUS TRADE**

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Health Protection and Promotion Act, as amended, and the Regulations promulgated thereunder.

### **3.17 NUMBER OF DWELLING UNITS ON A LOT**

Unless otherwise permitted in this By-law, no more than one (1) dwelling unit shall be permitted on any lot.

### **3.18 PARKING AREA REGULATIONS**

#### **3.18.1 Parking Space Requirements**

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

Parking spaces are required under this By-law, in accordance with the Parking Space Requirement Table. Where the calculation of required spaces exceeds a whole space by more than 0.25, the required spaces shall be the next whole number.

### 3.18.2 Parking Area Surface

Non-residential parking spaces, or multiple unit residential parking areas and driveways connecting the parking spaces or area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust.

### 3.18.3 Ingress and Egress Provisions

- i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- iv) The minimum angle of intersection between a driveway and a street line shall be sixty (60) degrees.
- v) Every lot shall be limited to the following number of driveways, namely:
  - a) up to the first 21 metres of lot frontage, not more than one driveway;
  - b) greater than 21 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
  - c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vi) Parking spaces shall have a minimum width of 3.0 metres and have a minimum area of 18.5 square metres. The length of any parking space and the width of the adjacent aisle shall be in accordance with the following:

Angle of parking space with aisle	Minimum Length of parking space	Minimum Perpendicular Width of Aisle
60 degrees to 90 degrees	6.2 metres	6.9 metres
45 degrees to 59 degrees	6.2 metres	5.2 metres
30 degrees to 44 degrees	6.2 metres	3.7 metres
0 degrees to 29 degrees	6.2 metres	3.0 metres

### 3.18.4 More Than One Use on a Lot

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

### 3.18.5 Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback except that, where a Commercial Zone abuts a Residential Zone, parking shall not be located in the required yard between the two zones.

### **3.18.6 Additions to, or Changes in, The Use of Existing Buildings and Structures**

The parking space requirements referred to herein shall not apply to any building or structure legally in existence on the date of passage of this By-law, so long as the gross floor area is not increased by more than 20 square metres following approval of this By-law and the use or number of dwelling units does not change. If any addition is made to a building or structure which increases its gross floor area by more than 20 square metres, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

### **3.18.7 Use of Parking Spaces and Areas**

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in any Residential Zone may use the lot, building or structure for the parking, storing or housing of not more than one commercial motor vehicle or trailer provided that such vehicle does not have wheelbase in excess of 5.0 metres or exceed a 3500 kg capacity.

Commercial motor vehicles used in conjunction with a farm and one commercial truck or school bus are permitted in the Rural Zone provided that such vehicle must be parked in the side or rear yard unless it is parked indoors.

### **3.18.8 Parking in the Commercial Townsite Zone**

Within the Commercial Townsite Zone, the required parking spaces may be provided on another lot within 200 metres of the boundary of the lot for which parking is required provided that there is a legal agreement between the owners of said lands providing the parking, the owner of the use requiring the parking and the Town of Kearney, that ensures that the parking will continue to be available as long as the use is in operation.

### **3.18.9 Parking Space Requirements**

<b>PARKING SPACE REQUIREMENT TABLE</b>	
<b>Non-Residential Uses</b>	
<b>TYPE OR NATURE OF USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b>
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Theater, Farmers Market or other similar places of assembly not otherwise specified herein.	1 parking space for each 4 persons that may be legally accommodated at any one time, 5 seats or 3.0 m of bench seating, whichever is greater.

Business and/or Professional Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation or Home Industry.	1 parking space for each 28 square metres of gross floor area of the building directly related to the specified permitted use.
Curling Rink	4 parking spaces for each curling sheet plus 1 parking space for each 4 persons that may be accommodated at any one time.
Eating Establishment or Tavern	1 parking space for each 9 square metres or fraction thereof, or 1 parking space for each 4 persons or fraction thereof, or legal capacity, whichever is greater.
Eating Establishment, Drive-In	1 parking space for each 2 square metres or fraction thereof, of gross floor area.
Golf Course	24 parking spaces for each 9 holes of golfing facilities.
Home for the Aged, Nursing Home, Seniors Apartments	1 parking space for each 4 beds or fraction thereof, plus 1 space per 2 staff persons
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment or Camping Establishment	1 parking space for each guest room, cottage, cabin or campsite, plus 1 space for each 9.0 sq. m. devoted to a public use.
Liquor Licensed Premises, exclusive of an eating establishment, but including an entertainment lounge, public house or lounge licensed in accordance with The Liquor License Act, R.S.O., 1980, c.244, as amended, and the Regulations thereunder.	1 parking space for each 4 persons that may be legally accommodated at any one time.
Manufacturing, Processing, Assembling or Fabricating Plant, Wholesale Establishment or Warehouse.	1 parking space per 37 square metres of gross floor area or portion thereof.
Marina	1.5 parking spaces for every 1 boat slip and 1 parking space for every 8 square metres of gross floor area devoted to commercial use, exclusive of storage area.

Medical, Veterinary or Dental Clinic, or Offices of a Drugless Practitioner	5 parking spaces per practitioner, plus 1 parking space for each examination room exceeding 5 such rooms per office.
Post Office, Museum, Art Gallery, Public Library	1 parking space for each 35 square metres of gross floor area.
Schools - Elementary	1.5 parking spaces per classroom
Self-storage facility	1 parking space per 10 storage units
Workshop	1 parking space per 35 square metres of gross floor area.
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 35 square metres of gross floor area.
<b>RESIDENTIAL USES</b>	
Single detached dwellings, semi-detached, duplexes, triplexes, accessory apartments, and garden suites	1 parking space per dwelling unit
Special Needs Housing	1 per required caregiver
Multiple dwellings with 4 or more dwelling units	1.25 spaces per dwelling unit

### 3.19 PEAT EXTRACTION, PITS AND QUARRIES

The extraction of peat, and the establishment or operation of pits or quarries is prohibited within the area covered by this By-law, except in the locations permitted by this By-law, and in accordance with the provisions of this By-law. No person shall use land or erect any building or structure for the purpose of processing, storing, washing, screening, sorting or crushing rock, sand and/or gravel and or peat except as expressly provided for in this By-law.

### 3.20 PLANTING STRIPS

#### 3.20.1 Location

Where a lot in an Institutional, Commercial or Industrial Zone abuts an interior side or rear lot line of a lot in a Residential Zone, a planting strip adjoining such abutting lot line, or portion thereof, shall be provided within the Institutional, Commercial or Industrial Zone with a minimum width of 3 metres, or as required in the applicable Zone, whichever is greater.

#### 3.20.2 Contents

Such required planting strip shall be used for no other purposes than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or solid fencing not less than 1.5 metres high, immediately adjacent to the lot line, or portion thereof, where such planting strip is required. The remainder of the planting strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds, grass or a combination thereof.

#### 3.20.3 Driveways and Walkways

In all cases where ingress and egress, driveways, launching ramps or walkways extend

through a required 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.

#### **3.20.4 Landscaped Open Space**

A planting strip or buffer screen referred to in this Section may form a part of any landscaped open space required by this By-law but shall not form part of a required yard.

### **3.21 PUBLIC USES, UTILITIES**

#### **3.21.1 Public Services**

Except as provided in paragraph 3.21.2. hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Town, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include any hydro electric company, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a company distributing gas to the residents of the Town, which company possesses all the necessary powers, rights, licenses and franchises.

#### **3.21.2 Location Restrictions**

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is specifically mentioned as a permitted use within a specific Zone classification, then such Public Use shall only be permitted within that Zone or Zones and shall comply with the Zone Provisions of the Zone or Zones in which the Public Use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision shall not apply to Crown agencies.

#### **3.21.3 Provisions**

- i) No goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law;
- ii) The Zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in this By-law;
- iii) No building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot; and,
- iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective Zone.

#### **3.21.4 Streets and Service Installations**

Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Hydro One or the Public Utilities Commission or their agents.

### **3.22 REDUCTION OF REQUIREMENTS**

No person shall change the purpose for which any land, building or structure is used or erect any building, or structure, or addition to any existing building or structure, or reduce the area of any lot, if the effect of such action is to cause the original adjoining, remaining



or new building, structure or lot to be in contravention with this By-law.

### **3.23 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS**

Notwithstanding any other provision of this By-law, to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes or in conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a building used for a motor vehicle service station, a motor vehicle repair garage, a motor vehicle body shop or a marine service shop.

### **3.24 SECONDARY DWELLING UNITS**

1. A Secondary Dwelling Unit is permitted in any detached, semi-detached or townhouse dwelling or in a building or structure accessory to those building types, in any zone where that dwelling type is a listed permitted use provided:
  - i) It does not change the streetscape character along the road on which it is located;
  - ii) It is not a stand-alone, principal unit capable of being severed;
  - iii) It must be located on the same lot as its principal dwelling unit; and
  - iv) It must meet the setback requirements of the principal dwelling if located in an accessory building.
2. The Secondary Dwelling Unit may be contained within the primary residential dwelling or in a building or structure accessory to the residential dwelling, but not in both.
3. Secondary Dwelling Units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units on a lot.
4. A Secondary Dwelling Unit is not permitted on a lot that is legally non-complying with respect to lot frontage or lot area.
5. A maximum of one Secondary Dwelling Unit is permitted per principal dwelling unit.
6. If located at or above grade, the Secondary Dwelling Unit must not be greater in size than an amount equal to 50% of the gross floor area of its principal dwelling unit.
7. If located in the basement, it may occupy the whole of the basement.
8. One (1) parking space is required for a Secondary Dwelling Unit. Tandem parking is permitted.
9. Where a Secondary Dwelling Unit is located on a lot, neither a garden suite nor any rooming units are permitted on that lot.
10. A Secondary Dwelling Unit shall not be permitted on lakes at capacity.
11. On a Residential Waterfront Lot, either a Secondary Dwelling Unit or a Guest Cabin/Bunkie is permitted, but not both.
12. A Secondary Dwelling Unit is not permitted on a waterfront lot that is less than 0.8 ha in size, with a minimum of 90 m frontage.
13. It must be demonstrated to the satisfaction of the Town, that there is sufficient capacity for the onsite servicing (water, sewage disposal) for the additional Secondary Dwelling Unit.

### **3.25 SIGHT TRIANGLES**

On a corner lot fronting on two Town roads, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9.0 metres measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in The Highway Traffic Act, shall be parked, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 1.0 metres in height. Such triangular space may hereinafter be referred to as a "sight triangle". 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.

### **3.26 SIGNS**

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Town.

### **3.27 SHORELINE ACTIVITY AREA AND VEGETATIVE BUFFER**

#### **3.27.1 Shoreline Activity Area**

A shoreline activity area is the portion of a shoreline frontage of a lot located within the required setback from the shoreline where accessory shoreline structures are located and where there is access to the water for activities such as swimming or boat launching. Access should be provided via a pervious pathway.

To maintain an appropriate balance between a natural shoreline and built form within the Shoreline, structures in shoreline activity areas should be focused within a defined area of the shoreline frontage and be limited in extent. Such activity areas may be developed in more than one location on a property, where appropriate. The extent of shoreline activity areas will be as follows:

- i) 25% of the shoreline frontage or up to 15 metres, whichever is the lesser, for linear shoreline residential development, and the total area of all shoreline structures shall not exceed 5% of the shoreline activity area or 22.5 square metres, whichever is the lesser;
- ii) 33% of the shoreline frontage for Tourist Commercial, Institutional lots, and waterfront landings; and
- iii) 50% of the shoreline frontage for marinas.

#### **3.27.2 Vegetative Buffer**

With the exception of permitted shoreline activity area(s), where there is the shoreline of a lake or watercourse on or appurtenant to a lot, a vegetative buffer of 30 metres shall be maintained between all buildings and structures and the shoreline or watercourse.

#### **3.27.3 Storage Shed**

One storage shed is permitted within the shoreline activity area subject to the following:

- i) must be set back a minimum of 10 m from the water;
- ii) must comply with the side yard setbacks for accessory buildings;
- iii) must not exceed 3 square metres in area and 2.5 metres in height;
- iv) may not contain pumping equipment

### **3.27.4 Pathways**

All pathways within the shoreline activity area shall be constructed of permeable materials. Hard surfaces such as pavement, hi-bituminous and concrete shall not be permitted.

## **3.28 SPECIAL SETBACKS**

### **3.28.1 Livestock Facilities**

1. Notwithstanding any other yard or setback provisions in this By-law to the contrary, no residential, institutional, commercial, industrial, or recreational use, located on a separate lot and otherwise permitted by this By-law shall be erected or altered unless it complies with the Minimum Distance Separation (MDS 1) Formula as determined by the Ministry of Agriculture Food and Rural Affairs.

MDS 1 formula shall not apply to:

- i) existing lots of record as of the date of passing of this By-law;
  - ii) proposed non-agricultural uses within the Townsite designation; and,
  - iii) where there are four or more, existing non-farm uses closer to the subject livestock facility and in immediate proximity to the development.
2. Notwithstanding any other yard or setback provision in this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculation as determined by the Ministry of Agriculture Food and Rural Affairs.
  3. Within the Townsite designation, construction of a livestock facility that is replacing a former livestock facility destroyed by a catastrophe is permitted provided that the new livestock facility does not result in increase for values of Factor A, B or D, compared to what existed at the livestock facility prior to the catastrophe.

### **3.28.2 Industrial Uses**

1. The minimum separation distance from a sensitive land use to a Class I Industry shall be 20 metres measured from an industrial use to a sensitive land use.
2. The minimum separation distance from a sensitive land use to a Class II Industry shall be 70 metres measured from an industrial use to a sensitive land use.
3. The minimum separation distance from a sensitive land use to a Class III Industry shall be 300 metres measured from an industrial use to a sensitive land use.

### **3.28.3 Street Centre Lines**

Where a lot abuts a road allowance less than 20 metres in width, the minimum setback from the street line shall be 10 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

### **3.28.4 Waste Disposal Areas**

No habitable building or structure shall be located closer than 500 metres to any land zoned Waste Disposal Industrial (WD).

### **3.28.5 Watercourses**

Unless otherwise permitted by this By-law, no building or a leaching bed for a sewage system shall be located within 30 metres of the original, normal or controlled highwater mark of any lake or watercourse.

## **3.29 STORAGE/USE OF TRAVEL TRAILERS, MOTOR HOMES AND CAMPERS**

### **3.29.1 Storage**

- i) Travel trailers, motor homes, campers or recreational vehicles shall be stored in the rear or interior side yard and must meet the yard and setback requirements for an accessory building.
- ii) A maximum of one (1) trailer or camper may be stored in a Residential Zone. Trailers and Campers may be parked in parking spaces that comply with the provisions of Section 3.18 of this By-law.

### **3.29.2 Use**

- i) One (1) camper may be used in the yard of a Residential or Rural Zone, where the camper meets the required setbacks for an accessory building.
- ii) A camper parked or stored on a property for more than thirty (30) days in any calendar year and used for human occupation must have a camper license issued by the Town of Kearney in compliance with the current Camper Licensing By-law, unless it is located in a Camping Establishment.

## **3.30 STORAGE OF BOATS**

- i) Boats shall be stored in the rear or interior side yard and must meet the yard and setback requirements for an accessory building.
- ii) Notwithstanding Section 3.30 i), boats may be stored in the front yard of a waterfront lot.

## **3.31 TEMPORARY USES PERMITTED**

A tool shed or construction trailer having a maximum area of 20 sq. m., scaffold or other building or structure incidental to construction, is permitted in all Zones within the Town on the lot or in the case of a dock, appurtenant to where it is situated but only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than ninety (90) consecutive days and/or the failure to maintain a current building permit.

Notwithstanding any other provision of this By-law to the contrary, where a dwelling is destroyed, and a Building Permit for reconstruction of the dwelling has been issued by the Town for the subject lands, the owner and family may occupy a trailer on a temporary basis but only during the period which the dwelling is being reconstructed.

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## SECTION 4      ZONES

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### 4.1 RESIDENTIAL TOWNSITE (RTS) ZONE

#### 4.1.1 General Prohibition

No person shall within a Residential Townsite (RTS) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.1.2 and 4.1.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.1.4 of this By-law.

#### 4.1.2 Permitted Uses

- dwelling, apartment
- dwelling, duplex
- dwelling, semi-detached
- dwelling, single detached
- dwelling, townhouse
- dwelling, triplex
- dwelling unit, secondary
- home-based daycare
- home occupation
- park
- retirement home

#### 4.1.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.4 ha
Lot Frontage (minimum) (applies to both road and water frontages where applicable)	20.0 m
Yard Requirements (minimum)	
Front (abutting municipally maintained road)	7.5 m
Front (abutting a navigable waterway)	30.0 m
Rear	7.5 m
Interior Side	1.2 m
Exterior Side	7.5
Lot Coverage (maximum)	30%
Landscaped      Open Space	20%
Building Height (maximum)	10.5    m

#### 4.1.4 Special Provisions

1. Within the RTS Zone, an apartment dwelling, retirement home and townhouse dwelling will be subject to the following zone provisions:

Lot Area (minimum)	0.8 ha
Lot Frontage (minimum) (applies to both road and water frontages where applicable)	60.0 m
Yard Requirements (minimum)	
Front (abutting municipally maintained road)	10.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	10.0 m
Interior Side	7.5 m
Exterior Side	10.0 m
Lot Coverage (maximum)	30%
Landscaped Open Space (minimum)	30%
Building Height (maximum)	11.0 m

#### 4.1.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.1.2 to 4.1.4 shall apply.

##### 1. RTS-1 (32 Ayres St., Lot 35, Conc. XI, Kearney Townsite; By-law No 2005-06)

Notwithstanding the provisions of Section 4.1.3, to the contrary on the lands zoned RTS-1, the following provisions shall apply:

Lot Area (minimum)	2,281 m <sup>2</sup>
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##### 2. RTS-2 (1819 Hwy 518, Lot 35, Conc. XI, Kearney Townsite; By-law No 2005-05)

Notwithstanding the provisions of Section 4.1.3, to the contrary on the lands zoned RTS-2, the following provisions shall apply:

Lot Area (minimum)	2,520 m <sup>2</sup>
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##### 3. RTS-3 (Part Lot 35, Conc. XI, Kearney Townsite; By-law No 2007-52)

Notwithstanding the provisions of Section 4.1.3, to the contrary on the lands zoned RTS-3, the following provisions shall apply:

The minimum lot area and lot frontage shall be that which existing on the 30<sup>th</sup> day of November 2007.

##### 4. RTS-4 (Main Street, Part Lot 34, Conc. X, Kearney Townsite; By-law No 2013-61)

Notwithstanding the provisions of Section 4.1.2 and 4.1.3, to the contrary on the lands zoned RTS-4, the following provisions shall apply:

- a) The following uses shall be permitted in addition to the uses permitted under Section 4.1.2:
  - i) Townhouses
- b) The setback for all buildings, structures and septic facilities shall be 30 metres from the top bank of the stream.

**5. RTS-5 (Part of Lot 1, Conc. XI, Parts 4 & 5, 42R-16175, Bethune; By-law No 2016-25)**

Refused. Appealed. Withdrawn.

**6. RTS-6 (Part Lot 35, Conc. XI, Pt. 1 – 3, 42R9340, Perry; By-law No 2016-33)**

Not in effect.

**7. RTS-7 (Part Lot 35, Conc. XI, Pt. Lots 1 & 2, Plan 93, Perry; By-law No 2016-43)**

Notwithstanding the provisions of Section 4.1.3 of this By-law to the contrary, on lands within the Residential Townsite Exception Seven (RTS-7) Zone, the following provisions shall apply:

1. The Minimum Required Exterior Side Yard for the proposed covered porch shall be 2.1 metres.

**8. RTS-8 (Part Lot 35, Conc. XI, Pt. 1-3, 42R-9340, Perry; By-law No 2017-01)**

Notwithstanding the provisions of Section 4.1.3 and 3.28.5 of this By-law to the contrary, on lands within the Residential Townsite Exception Eight (RTS-8) Zone, the following provisions shall apply:

1. The Minimum Required Exterior Side Yard for the proposed addition to the existing cottage shall be 13.1 metres.
  2. The Minimum Required Rear Yard Setback for the proposed addition to the existing cottage shall be 1.35 metres.
  3. The Minimum Required Rear Yard Setback for the covered porch shall be 1.35 metres.
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## 4.2 RESIDENTIAL WATERFRONT (RWF) ZONE

### 4.2.1 General

No person shall within a Residential Waterfront (RWF) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.2.2 and 4.2.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.2.4 of this By-law.

### 4.2.2 Permitted Uses

- accessory guest cabin / bunkie
- dwelling, single detached
- dwelling unit, secondary
- home occupation
- park

### 4.2.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.4 ha
Lot Frontage (minimum)	60.0 m
Yard Requirements (minimum)	
Front (abutting a navigable waterway)	30.0 m
(abutting a municipally maintained road)	15.0 m
(abutting public/private roads)	7.5 m
Rear	7.5 m
Interior Side	5.0 m
Exterior Side	10.0 m
Lot Coverage (maximum)	30%
Building Height (maximum)	9.0 m

### 4.2.4 Special Provisions

1. Lot coverage within 60 m of the shoreline shall be based on the area of the lot within 60 m of the shoreline.
2. A minimum of seventy-five (75 %) per cent of the front yard of any waterfront lot shall be maintained as a natural vegetation area and shall be used and maintained only for the maintenance and preservation of indigenous trees, shrubs and other vegetation.
3. Notwithstanding the Zone requirements of this Section to the contrary, where the front lot line abuts an Original Shore Road Allowance of 20 metres or more in width, the required front yard shall be reduced by the width of the Original Shore Road Allowance above the normal original, present or existing controlled highwater mark.

### 4.2.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.2.2 to 4.2.4 shall apply.



**1. RWF-1 (PCL 24011 SS, Lot 8, Conc. VI, Bethune Twp; By-law 2005-46)**

Notwithstanding the zone requirements of Section 4.2.3 to the contrary, on lands within the RWF-1 Zone the following conditions shall apply prior to the issuance of building permits:

- i) The lowest finished floor elevation shall be no less than 77 cm above the highwater mark of Big Clam Lake as established by a Legal Survey for the front property line at the water's edge.
- ii) All existing cut slopes that have a slope of 2:1 or steeper shall be covered with at least 11 cm of top soil and vegetation for erosion protection.

**2. RWF-2**

**Not in Effect**

**3. RWF-3 (Lawson Dr.; Lot 4, Conc. VIII, Bethune Twp; By-law 2006-35; By-law 2007-42)**

Notwithstanding the zone requirements of Section 4.2.3 to the contrary, on the land zoned RWF-3, the following standards shall apply:

Lot Area (minimum)	1.2 ha
Lot Frontage (minimum)	131.0 m

**4. RWF-4 (Ostick Rd.; Lot 4, Conc. VIII, Bethune Twp; By-law 2006-35)**

Notwithstanding the zone requirements of section 4.2.3 to the contrary, on the land zoned RWF-4, the following standards shall apply:

Lot Area (minimum)	0.7 ha
Lot Frontage (minimum)	88.0 m

**5. RWF-5 (Ostick Rd.; Lot 4, Conc. VIII, Bethune Twp; By-law 2006-35)**

**Not in effect.**

**6. RWF-6 (Lawson Dr., Lot 4, Conc. VII, Bethune Twp; By-law 2006-34)**

Notwithstanding the zone requirements of Section 4.2.3 to the contrary, on the land zoned RWF-6, the following standards shall apply:

Lot Area (minimum)	1.5 ha
Lot Frontage (minimum)	142.0 m
Setback from Hazard (HZ) zone (minimum)	30.0 m

**7. RWF-7 (Loon Lake, Lot 9, Conc. VIII, Proudfoot Twp; By-law 2007-41)**

Notwithstanding the zone requirements of Section 4.2.3 to the contrary, on the land zoned RWF-7, the following standards shall apply:

Lot Area (minimum)	Existing on Sept 28, 2007
Lot Frontage (minimum)	Existing on Sept 28, 2007

In addition, the following provisions apply:

- i) 75% of the yard between the dwelling and the highwater mark shall be maintained in a naturally vegetated state. A minimum of one tree or shrub per 16.0 m<sup>2</sup> shall be maintained.
- ii) All septic related facilities including septic bed and tank shall be setback a minimum of 300.0 m from the highwater mark.

**8. RWF-8 (Friedland Subdivision, Lots 2 and 3, Conc. X11, Bethune Twp. By-law 2004-30)**

Notwithstanding the zone requirements of Section 4.2.3 to the contrary, on the land zoned RWF-8, the following standards shall apply:

Lot Area (minimum)	0.7 ha
Lot Frontage (minimum)	75.0 m
Setback from High Water Mark (minimum)	30.0 m

**9. RWF-9 (Lynx Lake; Lot 7, Conc. VIII, Bethune Twp.; By-law 2008-26)**

Notwithstanding the provisions of Section 4.2.2 to the contrary, on lands within the RWF-9 zone, the only permitted uses shall be:

- i) seasonal dwelling
- ii) guest cabin
- iii) home occupation

Notwithstanding the provisions of Section 4.2.3 to the contrary, for the permitted uses above, the following standards shall apply:

Lot Area (minimum)	Existing on June 26 <sup>th</sup> , 2008
Lot Frontage (minimum)	55.0 m Existing on June 26 <sup>th</sup> , 2008

In addition, the following provisions apply:

- i) 75% of the yard between the dwelling and the highwater mark shall be maintained in a naturally vegetated state. A minimum of one tree or shrub per 16.0 m<sup>2</sup> shall be maintained.
- ii) Access to the lots located in the RWF-9 Zone shall be provided by the private road.

**10. RWF-10 (Lynx Lake; Lot 7, Conc. VIII, Bethune Twp.; By-law 2008-26)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, for the permitted uses above, the following standards shall apply:

Lot Area (minimum)	Existing on June 26, 2008
Lot Frontage (minimum)	55.0 m Existing on June 26, 2008

In addition, the following provisions apply:

- i) 75% of the yard between the dwelling and the high water mark shall be maintained in a naturally vegetated state. A minimum of one tree or shrub per 16.0 m<sup>2</sup> shall be maintained.

**11. RWF-11 (North Shore Road; Lot 14, Conc. IV, Proudfoot Twp.; By-law 2009-24)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, for the permitted uses above, the following standards shall apply:

Lot Area (minimum)	0.3 ha
Lot Frontage (minimum)	35.0 m
Yard Requirements (minimum)	
Front for Existing Dwelling	1.5 m
Front for Existing Deck	0 m
Front from Lake for Existing Guest cabin	10.7
Front from Existing Accessory Shed	15.4 m
Interior Side from east property line for Existing Dwelling	5.2 m
Interior Side from West Property Line for an Existing Guest Cabin	0.6 m

The provisions only apply to the referenced structures as they existed as of March 26, 2009. The only permitted expansion in volume or area to a building or structure shall be an expansion that complies with the zone provisions of Section 4.2.3. The provisions of Sections 3.14.2 and 3.15.1 of this By-law shall not apply.

**12. RWF-12**

Not in effect.

**13. RWF-13**

Reserved.

**14. RWF-14 (60 Beaver Lake Lane; Lot 3, Con. 12, Bethune Twp.; By-law 2009-46)**

Notwithstanding the provisions of Sections 3.2 and 4.2.3 to the contrary, on the lands zoned RWF-14, the following provisions shall apply:

Accessory Building Coverage (maximum)	157.0 m <sup>2</sup>
Permitted Gazebo Size in the Front Yard (maximum)	19.0 m <sup>2</sup>
Permitted Guest Cabin Size (maximum)	24.0 m <sup>2</sup>

**15. RWF-15 (Lawson Rd.; Lot 4, Conc. VIII, Bethune Twp.; By-law 2010-37)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-15, the following provisions shall apply:

Lot Area (minimum)	0.88 ha
Lot Frontage (minimum)	66.7 m
Setback for Septic System from High Water Mark (minimum)	30.0 m

The lot line abutting Ostick Rd. shall be the rear lot line. The lot line abutting Lawson Dr. shall be the exterior side lot line.

**16. RWF-16 (Ostick Rd.; Lot 4, Conc. VIII, Bethune Twp.; By-law 2010-37)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-16, the following provisions shall apply:

Lot Area (minimum)	0.79 ha
Lot Frontage (minimum)	124.0 m
Setback for Septic System from High Water Mark (minimum)	30.0 m

The lot line abutting Ostick Rd. shall be the rear lot line.

**17. RWF-17 (Ostick Rd.; Lot 4, Conc. VIII, Bethune Twp.; By-law 2010-37)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-17, the following provisions shall apply:

Lot Area (minimum)	0.8 ha
Lot Frontage (minimum)	120.0 m
Setback for Septic System from High Water Mark (minimum)	30.0 m

The lot line abutting Ostick Rd. shall be the rear lot line.

**18. RWF-18**

Not in effect

**19. RWF-19 (Hillside Dr.; Lot 12 and 13, Con. VIII, Proudfoot Twp.; By-law 2011-37)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-19, the following provisions shall apply:

Lot Area (minimum)	0.261 ha
Lot Frontage on Loon Lake (minimum)	30.9 m
Lot Frontage on Hillside Dr. (minimum)	29.9 m
Yard Requirements (minimum)	
Front for Existing Dwelling	11.86 m
Front for Existing Deck	9.78 m

**20. RWF-20 (Rock Point Road.; Part of Lot 15, Conc. II, Proudfoot Twp.; By-law 2012- 14)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-20, the following provisions shall apply:

Lot Area (minimum)	1.1 ha
Lot Frontage on Sand Lake (minimum)	32 m
Yard Requirements (minimum)	
Front Yard Setback from the lake for the existing dwelling	12.2 m
Front Yard Setback from the lake for the existing seasonal room	12.8 m
Interior Side Yard Setback from the garage	0 m
Rear Yard Setback for the garage	0.53 m
Front Yard Setback from the lake for new Septic Systems	30.0 m

**21. RWF-21 (Rock Point Road.; Part of Lot 15, Conc. II, Proudfoot Twp.; By-law 2012- 14)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-21, the following provisions shall apply:

Lot Area (minimum)	0.24 ha
Lot Frontage on Sand Lake (minimum)	36.4 m
Lot Frontage on Rock Point Road	24.4 m
Yard Requirements (minimum)	
Front Yard Setback from the lake for Septic Systems	30.0 m

**22. RWF-22 (Part of Lot 22, Conc. IX, Proudfoot Twp.; By-law 2012-20)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-22, the following provisions shall apply:

Maximum area of guest cabin	23.78 m <sup>2</sup>
Minimum Required Front Yard Setback from the lake for the guest cabin	18.5 m
Minimum Required Front Yard Setback from the lake for the existing deck on the guest cabin	17.56 m
Minimum Required Front Yard Setback from the lake for the existing dwelling	8.66 m
Minimum Required Front Yard Setback from the lake for the deck on the existing dwelling	6.86 m
Minimum Required Front Yard Setback from the lake for the existing shed	0.30 m
Minimum Required Front Yard Setback from the lake for the deck on the existing shed	0.17 m
Minimum Required Front Yard Setback from the lake for the existing wood deck	0.12 m

**23. RWF-23 (North Shore Road, Part Lot 13, Conc. III, Proudfoot Twp.; By-law 2013-42)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-23, the following provisions shall apply:

Minimum Required Lot Frontage on North Shore Road	30.28 m
Minimum Required Lot Frontage on Sand Lake	30.78 m
Minimum Required Front Yard Setback from the lake for the existing dwelling	17.69 m
Minimum Required Side Yard Setback for the existing dwelling	1.4 m

**24. RWF-24 (North Shore Road, Part Lot 13, Conc. III, Proudfoot Twp.; By-law 2013-42)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-24, the following provisions shall apply:

Minimum Required Lot Frontage on North Shore Road	30.28 m
Minimum Required Lot Frontage on Sand Lake	31.53 m
Minimum Required Front Yard Setback from the lake for the existing dwelling	4 m
Minimum Required Side Yard Setback for the existing dwelling	4.3 m

**25. RWF-25 (Part Lot 7, Conc. VI, Proudfoot Twp.; By-law 2013-52)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-25, the following provisions shall apply:

Minimum Required Lot Area	.174 ha
Minimum Required Lot Frontage on Mason Lake	59.44 m

**26. RWF-26 (North Shore Road, Part Lot 14, Conc. IV, Proudfoot Twp.; By-law 2014-07)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-26, the following provisions shall apply:

Minimum Required Lot Area	.3 ha
Minimum Required Lot Frontage	35 m
Minimum Required Front Yard Setback	8.5 m

**27. RWF-27 (Part Lots 1 & 2, Conc. VIII, Bethune Twp.; By-law 2014-16)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-27, the following provisions shall apply:

Minimum Required Lot Frontage on the road	45.7 ha
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**28. RWF-28**

Reserved.

**29. RWF-29**

Not in effect.

**30. RWF-30**

Not in effect.

**31. RWF-31 (Part Lot 19, Conc. II, Proudfoot Twp.; By-law 2014-53)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-31, the following provisions shall apply:

Minimum Required Lot Area	.75 ha
Minimum Required Lot Frontage on Sand Lake	69 m
Minimum Required Front Yard Setback from the lake	30 m

**32. RWF-32 (Part Lot 19, Conc. II, Proudfoot Twp.; By-law 2014-53)**

Notwithstanding the provisions of Section 4.2.3 to the contrary, on the lands zoned RWF-32, the following provisions shall apply:

Minimum Required Lot Area	.85 ha
Minimum Required Lot Frontage on Sand Lake	69 m
Minimum Required Front Yard Setback from the lake	30 m

**33. RWF-33 (Part Lot 3, Conc. XII, Bethune Twp.; By-law 2014-60)**

Notwithstanding the provisions of Section 3.2.7 and 4.2.3 to the contrary, on the lands zoned RWF-33, the following provisions shall apply:

- i) Maximum permitted area of the existing guest cabin is 40.2 sq. m.
- ii) The existing guest cabin shall not be permitted to have cooking facilities or be connected to a sewage system and pressurized water system.

Minimum Required Front Yard Setback for the existing guest cabin	14.49 m
Minimum Required Interior Side Yard Setback for the existing guest cabin	1.34 m

**34. RWF-34 (Part Lots 1 & 2, Conc. XII, Bethune Twp.; OMB APPROVED: By-law 2015 - xx)**

The lands are subject to the OMB Minutes of Settlement dated January 21, 2015 as follows:

- i) Notwithstanding the provisions of Section 3.2.2 and 3.2.6 of this By-law to the contrary, on the lands zoned RWF-34, the following provisions shall apply:

Maximum height for a gazebo in the front yard	8.4 m
Maximum area of a gazebo in the front yard	38.8 m <sup>2</sup>
Maximum combined ground floor area for all accessory buildings	291 m <sup>2</sup>

- ii) Site Plan Agreement between Lawrence Victor Renaud and Iris Audrey Renaud and the Corporation of the Town of Kearney.

**35. RWF-35 (Part Lot 9, Conc. I, Proudfoot Twp.; By-law 2015-13)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned within the Residential Waterfront Exception Thirty-Five (RWF-35), Zone the following provisions shall apply:

Minimum Required Front Yard Setback from the lake for buildings	20 m
In areas of Type 1 Habitat, as identified in the EIS and addendum prepared by Fri Ecological Services, the Minimum Required Front Yard Setback for buildings shall be 30 metres from the location of the Type 1 habitat; <b>Alternatively for Units 1 &amp; 2</b> , the setback from the Type 1 habitat for buildings shall be 20 m where: i) the effective slope length has been increased using a continuous wattle staked in front of the clearing for the structure; and, ii) Any additional storm water from the roof of the proposed structure is diverted to the back of the structure into a soak-away pit beyond 30 metres from the water's edge.	30 m  <b>Units 1 &amp; 2:</b> 20 m with mitigation measures
Minimum Required Front Yard Setback from the lake for Sewage Systems	30 m

**36. RWF-36 (Part Lot 8, Conc. I, Part 4, PSR-238, Proudfoot Twp.; By-law 2015-39)**

Notwithstanding the provisions of Section 4.2.3 and Section 3.2.3 of this By-law to the contrary, on the lands zoned RWF-36, the following provisions shall apply:

Minimum Required Front Yard Setback from the lake for the existing deck	13.7 m
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**37. RWF-37 (Part Lot 25, Plan 178, Part 4, 42R-12071, Proudfoot Twp.; By-law 2016-24)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned RWF-37, the following provisions shall apply:

Minimum Required Interior Side Yard Setback for the proposed addition	2 m
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**38. RWF-38 (Part Lot 8, Conc. VI, Part Lots 15 & 16, Plan M-87, Parts 5 & 6, 42R-11067, Bethune Twp.; By-law 2016-29)**

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned RWF-38, the following provisions shall apply:

Minimum Required Setback from the Hazard Lands Zone for the proposed cottage	17 m
Minimum Required Setback from the Hazard Lands Zone for the Sewage Disposal System	23 m



**39. RWF-39 (Part Lot 9, Conc. I, Part 1, PSR-1347, Proudfoot Twp.; By-law 2017-65)**

Notwithstanding the provisions of Section 4.2.2 and 3.17 of this By-law to the contrary, on the lands zoned RWF-39, the following provisions shall apply:

A second single detached dwelling shall be permitted	Size 81 m <sup>2</sup>
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**40. RWF-40 (Part of Lot 15, Conc. VIII, Lot 12, Plan M-126, Proudfoot Twp.; By-law 2017-04)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned RWF-40, the following provisions shall apply:

- i) Lot 12, Plan M-126 and Part 3, 42R-20665 shall be considered to be one parcel of land for Planning Act purposes.

**41. RWF-41 (Part of Lot 14, Conc. II, Part 3, PSR-29 and Part 1, Plan 42R-7620, Proudfoot Twp.; By-law 2017-05)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned RWF-41, the following provisions shall apply:

Minimum Required Lot Frontage	13.07 m
Minimum Required Lot Area	0.1 ha
Minimum Required Interior Side Yard Setback for the existing dwelling	2.13 m

**42. RWF-42 (Part of Lot 14, Conc. II, Part 3, PSR-29 and Part 1, Plan 42R-7620, Proudfoot Twp.; By-law 2017-05)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned RWF-42, the following provisions shall apply:

Minimum Required Lot Frontage	13.07 m
Minimum Required Lot Area	0.1 ha
Minimum Required Interior Side Yard Setback for the existing deck	0.6 m
Minimum Required Interior Side Yard Setback for the existing dwelling from the west lot line	3.85 m
Minimum Required Interior Side Yard Setback for the existing dwelling from the east lot line	1.09 m

**43. RWF-43 (Part Lot 7, Conc. VIII, Part 5, Plan 42R-18118, Bethune Twp.; By-law No. 2017-52)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned RWF-43, the following provisions shall apply:

Minimum Required Lot Frontage	55 m
Minimum Lot Area and Frontage	As of July 14, 2017

In addition, the following provisions apply:

- i) 75% of the yard between the dwelling and the highwater mark shall be maintained in a naturally vegetated state. A minimum of one tree or shrub per 16.0 m<sup>2</sup> shall be maintained.

**44. RWF-44 (Part Lots 17 & 18, Conc. IX, Proudfoot Twp., Parts 1 & 5, 42R-18843 and Parts 2 & 4, 42R-18843)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on the lands zoned RWF-44, the following provisions shall apply:

- i) That Parts 1 and 5 on Plan 42R-18843 be dealt with as one parcel of land for land use purposes.
- ii) That Parts 2 and 4 on Plan 42R-18843 be dealt with as one parcel of land for land use purposes.
- iii) Sewage tile fields or any portion of the sewage system that discharges effluent into the environment shall be located not less than 300 metres from the shoreline of Grass Lake or as otherwise approved by the Province.

**45. RWF-45 (Part Lot 17, Conc. IX, Proudfoot Twp., Parts 1 & 2, 42R-17918, Parts 3 & 4, 42R-17918; By-law No. 2017-65)**

Notwithstanding the provisions of Sections 4.2.2 and 4.2.3 of this By-law to the contrary, on the lands zoned RWF-45, the following provisions shall apply:

- i) The permitted uses shall be limited to:
  - a) single detached dwelling
  - b) home occupation
- ii) Parts 1 & 2 on Plan 42R-17918 shall be dealt with as one parcel of land for land use purposes.
- iii) Parts 3 & 4 on Plan 42R-17918 shall be dealt with as one parcel of land for land use purposes.
- iv) The private sanitary sewage disposal system:
  - a) shall be setback 40 m from the highwater mark of Grass Lake with the use of a Waterloo EC-P system and B-Horizon soils laid down or such other comparable system as can be demonstrated, to the satisfaction of Council, that the technology will remove at least 98% of phosphorous, and a permit is issued by the NBMCA; or
  - b) should the Waterloo EC-P System or approved equal system not be used, any other private sanitary sewage disposal system will be setback 300 m from the highwater mark of Grass Lake.

**46. RWF-46 (Pt Lot 8, Conc. 6, Pt. Lots 5 & 6, M-87, Bethune Twp.; By-law No. 2017-70)**

Notwithstanding the provisions of Section 4.2.3 and 3.28.5 of this By-law to the contrary, on lands within the Residential Waterfront Exception Forty-six (RWF-46) Zone:

Minimum Required Front Yard Setback for the proposed addition to the existing dwelling	13.3 m
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**47. RWF-47 (Part Lot 9, Conc. 5, Lot 3, Plan M-452, Pts. 3 & 4, 42R-18014, Bethune Twp.; By-law No. 2018-23)**

Notwithstanding the provisions of Section 4.2.3 of this By-law to the contrary, on lands within the Residential Waterfront Exception Forty-seven (RWF-47) Zone:

Minimum Required Front Yard Setback for the proposed addition to the existing dwelling	17.47 m
Minimum Required Front Yard Setback for the proposed addition to the existing deck	14.86 m

**48. RWF-48 (Part Lots 1 & 2, Conc. 8, Pts 4 & 7, 42R-15733 & Parts 1 - 9, 42R-20991; Bethune Twp.; By-law No. 2018-30)**

Notwithstanding the provisions of Sections 4.2.3 and 3.28.5 of this By-law to the contrary, on lands within the Residential Waterfront Exception Forty-eight (RWF-48) Zone:

Minimum Required Front Yard Setback from the lake for all buildings and sewage disposal systems	30 m
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In addition, the following provisions apply:

- i) A 30 metre vegetative buffer from the shoreline must be maintained with the exception of limited shoreline structures and a pervious pathway to access the water.

**49. RWF-49 (Part Lots 2 & 3, Conc. 12, Lot 2, 42M-647; Bethune Twp.; By-law No. 2018-32)**

Notwithstanding the provisions of Sections 3.2.1, 3.2.2, 3.17, 4.2.2 and 4.2.3 of this By-law to the contrary, on lands within the Residential Waterfront Exception Forty-nine (RWF-49) Zone:

Minimum Required Lot Area	0.7 ha
Maximum height of the accessory building with a dwelling unit	7.92 m
Minimum Required Lot Frontage	75 m
Minimum Required Setback from the Highwater Mark	30 m

In addition, the following provisions apply:

- i) A secondary dwelling unit above an accessory building (garage) is permitted.

## 4.3 RURAL RESIDENTIAL (RR) ZONE

### 4.3.1 General

No person shall within a Rural Residential (RR) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.3.2 and 4.3.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.3.4 of this By-law.

### 4.3.2 Permitted Uses

- dwelling, single detached
- dwelling unit, secondary
- group home
- home industry
- home occupation

### 4.3.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.8 ha
Lot Frontage (minimum)	60.0 m
Yard Requirements (minimum)	
Front (Abutting a municipally maintained road)	15.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	7.5 m
Interior Side	7.5 m
Exterior Side	10.0 m
Lot Coverage (maximum)	15 %
Building Height (maximum)	9.0 m

### 4.3.4 Special Provisions

Reserved.

### 4.3.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.3.2 to 4.3.4 shall apply.

## 4.4 RURAL (RU) ZONE

### 4.4.1 General

No person shall within a Rural (RU) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.4.2 and 4.4.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.4.4 of this By-law.

### 4.4.2 Permitted Uses

- agricultural use
- animal care establishment
- animal hospital
- artist studio
- bed and breakfast
- cemetery
- commercial nursery or greenhouse
- dwelling, single detached
- dwelling unit, secondary
- equestrian establishment
- environmental preserve and educational area
- farm
- forestry operation
- golf course
- group home
- home industry
- home occupation
- home-based day care
- hunting or fishing camp (private)
- kennel
- mobile home
- portable saw mill
- resource management use

### 4.4.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	10 ha
Lot Frontage (minimum)	100.0 m
Yard Requirements (minimum)	
Front	30.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	15.0 m
Interior Side	15.0 m
Exterior Side	30.0 m
Lot Coverage (maximum)	10 %
Building Height (maximum)	12.0 m

### 4.4.4 Special Provisions

Reserved.

#### 4.4.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.4.2 to 4.4.4 shall apply.

**1. RU-1 (46 Rock Point Rd.; Lot 14, Conc. II, Proudfoot Twp; By-law 2003-15)**

Notwithstanding the requirements of section 4.4.3 to the contrary, within the RU- 1 zone, the following provisions shall apply:

Lot Area (minimum)	0.18 ha
Lot Frontage (minimum)	31.0 m
Yard Requirements (minimum)	
Interior Side	3.0 m

**2. RU-2 (Stoneway Rd.; Lot 6, Conc. XII, Bethune Twp; By-law 2005-24)**

Notwithstanding the provisions of section 4.4.2 to the contrary, within the RU-2 zone, the following use shall be permitted, in addition to the uses permitted under section 4.4.2:

- A maximum of four single detached dwellings.

**3. RU-3 (Lawson Rd.; Lot 4, Conc. VII, Bethune Twp.; By-law 2006-34)**

Notwithstanding the requirements of section 4.4.3 to the contrary, within the RU- 3 zone, the following provisions shall apply:

Lot Frontage (minimum)	21.0 m
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**4. RU-4 (Woodland Lane; Lots 1 and 2, Conc. IX, Bethune Twp.; By-law 2006-01)**

Notwithstanding the provisions of section 4.4.2 to the contrary, on lands within the RU-4 zone, the only permitted uses shall be:

- Single detached dwelling
- Guest cabin
- Home occupation

Notwithstanding the provisions of section 4.4.3 to the contrary, for the permitted uses above, the following standards shall apply:

Lot Area (minimum)	4,000 m <sup>2</sup>
Lot Frontage (minimum)	60.0 m
Yard Requirements (minimum)	
Front	20.0 m
Rear	7.5 m
Interior Side	5.0 m
Exterior Side	10.0 m
Lot Coverage (maximum)	30 %
Building Height (maximum)	9.0 m

**5. RU-5 (Lawson Dr.; Part of Lots 3 and 4, Conc. VIII, Bethune Twp.; By-law 2008-27)**

Notwithstanding the provisions of Section 4.4.2 to the contrary, on lands within the RU-5 zone, the only permitted uses shall be:

- i) Conservation uses
- ii) Farm
- iii) Home industry
- iv) Home occupation
- v) Outdoor recreation
- vi) Portable saw mill
- vii) Public park
- viii) Resource management activities
- ix) Single detached dwelling including a mobile home

Notwithstanding the provisions of section 4.4.3 to the contrary, for the permitted uses above, the following standards shall apply:

Lot Area (minimum)	3.0 ha
Lot Frontage (minimum)	90 m
Yard Requirements (minimum)	
Front	15.0 m

**6. RU-6 (593 Ahola's Rd.; Lot 24, Conc. X, Bethune Twp.; By-law 2009-61)**

Notwithstanding the provisions of section 4.4.2 to the contrary, on lands within the RU-6 zone, the only permitted uses shall be:

**Principle Uses**

- Conservation Uses
- Farm
- Portable saw mill
- Private park
- Private Recreational Camp
- Private Sporting Camp
- Resource management Use

**Accessory Uses**

- Accessory Kennel
- Accessory Target Range

For the purpose of the RU-6 Zone, a Private Sporting Camp means a property that is privately owned and used for hunting, fishing by the owner and invited guests. A maximum of one dwelling unit is permitted. Ammunition for use on the property may only be sold to invited guests, provided the appropriate regulatory approvals are in place. The commercial sale of other goods or services is not permitted from the site.

For the purposes of the RU-6 Zone a Target Range shall mean a location for the sighting in of firearms.

**7. RU-7 (Lawson Dr.; Part of Lot 4, Conc. IX, Bethune Twp.; By-law 2008-45)**

Notwithstanding the provisions of section 4.4.2 to the contrary, on lands within the RU-7 zone, the only permitted uses shall be:

- Conservation uses
- Farm
- Home industry
- Home occupation
- Outdoor recreation
- Public park
- Resource management activities
- Single detached dwelling including a mobile home

Notwithstanding the provisions of section 4.4.3 to the contrary, for the permitted uses above, the following standards shall apply:

Lot Area (minimum)	5.8 ha
Lot Frontage (minimum)	115 m
Yard Requirements (minimum)	
Front	15.0 m

**8. RU-8 (Lot 24, Conc. IV, Proudfoot Twp.; By-law 2011-59)**

Notwithstanding the provisions of Section 4.4.2 to the contrary, within the RU-8 zone, the following use shall be permitted, in addition to the uses permitted under Section 4.4.2:

- A maximum of two single detached dwellings.

**9. RU-9**

Reserved.

**10. RU-10 (Hwy 518, Part Lot 20, Concession II, Proudfoot Twp.; By-law 2014-31)**

Notwithstanding the provisions of section 4.4.3 to the contrary, on lands within the RU-10 Zone, the following standards shall apply:

Minimum Required Front Yard Setback for the dwelling and garage	1.93 m
Maximum permitted Lot Coverage	12.5 %

**11. RU-11 (Part Lot 1, Concession XIII, Bethune Twp.; By-law 2014-50)**

Notwithstanding the provisions of this By-law to the contrary, on lands within the RU-11 Zone, the following standards shall apply:

Minimum Required Setback from the Hazard Zone for the existing building and the proposed addition only.	0 m
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**12. RU-12 (Rain Lake Road, Part Lot 6, Concession XI, Bethune Twp.; By-law 2014-61)**

Notwithstanding the provisions of 4.4.2 to the contrary, the following uses shall be permitted in addition to the uses of Section 4.4.2:

- i) A multi-unit dwelling to a maximum of 3 Dwelling Units within the existing



principle building

- ii) A Business, Professional and Administrative Office within the existing accessory building.

**13. RU-13 (Part of Lot 15, Concession 8 (Part 1, 42R-13562), Proudfoot Twp.; By-law 2017-02)**

Notwithstanding the provisions of Section 4.4.3 of this By-law to the contrary, on lands within the Rural Exception Thirteen (RU-13) Zone:

- i) The tile fields for the sewage disposal systems shall be located such that the flow path is longer than 300 metres (984 ft.) to the shoreline of Grass and Loon Lakes as identified in the March 16, 2016 letter report prepared by GHD Limited.

**14. RU-14 (Part of Lot 15, Concession 8 (Part 1, 42R-13562), Proudfoot Twp.; By-law 2017-03)**

Notwithstanding the provisions of Section 4.4.3 of this By-law to the contrary, on lands within the Rural Exception Fourteen (RU-14) Zone:

- i) Part 3, 42R-20665 and Lot 12, Plan M-126 shall be considered to be one parcel of land for Planning Act purposes.
- ii) No buildings or structures shall be permitted.

**15. RU-15 (Part Lot 6, Concession 11, Bethune Twp.; By-law 2017-21)**

Notwithstanding the provisions of Sections 4.4 of this By-law to the contrary, on lands within the Rural Exception Fifteen (RU-15) Zone:

- i) All openings to habitable buildings and driveways shall be located above the 359.32 m ASL contour elevation and any portion of the structure or driveway below this elevation, must be flood proofed.
- ii) The Minimum Required Setback from the Hazard Zone shall be 0 metres.

**16. RU-16 (Part Lots 1, 2 & 3, Concession 6, Bethune Twp.; By-law 2017-41)**

Notwithstanding the provisions of Section 4.4 of this By-law to the contrary, on lands within the Rural Exception Sixteen (RU-16) Zone:

- i) The tile field for the sewage disposal system shall be located such that it is set back at least 300 metres (1,000 feet) from the shoreline of Emsdale Lake, or such that drainage from the tile field will flow at least 300 metres (1,000 feet) to the lake.

**17. RU-17 (Part Lots 12 & 13, Concession 5, Proudfoot Twp.; By-law 2018-13)**

Notwithstanding the provisions of Section 4.4.3 of this By-law to the contrary, on lands within the Rural Exception Seventeen (RU-17) Zone:

- i) The Minimum Required Lot Frontage shall be 30 metres.

## **4.5 COMMERCIAL TOWNSITE (CTS) ZONE**

### **4.5.1 General**

No person shall within a Commercial Townsite (CTS) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.5.2 and 4.5.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.5.4 of this By-law.

### **4.5.2 Permitted Uses**

- amusement centre
- animal care establishment
- animal hospital
- artist studio
- bakery
- bank, bank machine or financial institution
- banquet hall
- bar
- building supply and outlet store
- catering establishment
- clinic
- commercial school
- community centre
- convenience store
- crisis centre
- day care
- dwelling unit, accessory, on a floor above the first storey or on the first floor beside or behind the commercial use
- emergency services
- funeral home
- garden centre
- hotel
- laundromat
- library
- light equipment sales and rental establishment
- instructional facility
- marine facility
- medical facility
- motor vehicle fuel bar
- motor vehicle repair garage
- motor vehicle sales dealership
- motor vehicle service station
- motel
- nursing home
- office
- parking lot
- personal service business
- pharmacy
- place of assembly
- place of worship
- post office

- printing or publishing establishment
- private club
- recreational and athletic facility
- residential care facility
- restaurant
- retail store
- retail food store
- retirement home
- school
- service or repair shop
- theatre
- tavern
- taxi or bus depot
- tourist establishment
- tourist information centre

#### 4.5.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.4 ha
Lot Frontage (minimum)	30.0 m
Yard Requirements (minimum)	
Front (abutting a municipal road)	6.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	10.0 m
Interior Side	6.0 m
Exterior Side	6.0 m
Lot Coverage (maximum)	60 %
Building Height (maximum)	10.5 m

#### 4.5.4 Special Provisions

1. It should be noted that certain uses may require lot sizes larger than that necessary to meet zone provisions in order to accommodate the servicing systems capable of handling the increased levels of water consumption and sewage generation that may be associated with these uses.
2. Where a Commercial use abuts a Residential Zone, a planting strip in accordance with Section 3.20 shall be required.
3. Required front and corner side yards to be landscaped, except for driveways crossing the front or exterior side yard leading to a parking area.
4. Outdoor storage permitted in interior side and rear yard only; must be screened and concealed from view from abutting streets and from abutting non-commercial or non-industrial zones.

#### 4.5.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.5.2 to 4.5.4 shall apply.

##### 1. CTS-1 (Main St.; Lot 35, Conc. X, Perry Twp.; By-law 2005-21)

Notwithstanding the provisions of Section 4.5.2 to the contrary, on those lands zoned CTS-1, the following use shall be permitted in addition to those uses permitted under Section 4.5.2:

- A Microbrewery

**2. CTS-2 (Main St.; Lot 35, Conc. X, Perry Twp (Town of Kearney); By-law 2004-38)**

Notwithstanding the provisions of Section 4.5.2 to the contrary, on those lands described as Lot 3, Plan 116 and zoned CTS-2, the following use shall be permitted:

- Single detached dwelling

**3. CTS-3**

Reserved.

**4. CTS-4 (15 Main St.; Lot 34, Conc. XI, Perry Twp. (Town of Kearney); By-law 2011-77)**

a. Notwithstanding the provisions of Section 4.5.2 to the contrary, on those lands zoned CTS-4, the following uses shall be permitted in addition to those uses permitted under Section 4.5.2:

- i) Outfitters Store
- ii) Dwelling Unit
- iii) Tourist Establishment with a maximum of two accommodation units

In addition, the following provisions apply:

- i) The maximum number of parking spaces will be 10.
  - ii) Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface.
  - iii) The privacy fence on the abutting lands is permitted between the subject lands and the property to the east, instead of a 3 metre planting strip. It is the owner's responsibility to ensure that a privacy fence is maintained or is replaced with a planting strip as per Section 3.21.
-

## 4.6 RURAL COMMERCIAL (CR) ZONE

### 4.6.1 General

No person shall within a Rural Commercial (CR) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.6.2 and 4.6.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.6.4 of this By-law.

### 4.6.2 Permitted Uses

- amusement centre
- animal care establishment
- animal hospital
- artist studio
- auction barn
- building supply and lumber outlet
- commercial greenhouse/nursery sales
- convenience store
- dwelling, accessory (one only)
- farm-related commercial uses
- equipment sales/rental establishment
- golf course
- home-based manufacturing uses (such as pottery, repairs, or cabinet-making)
- hotel
- kennel
- marine or small engine sales and service establishment
- motel
- motor vehicle fuel bar or service station
- motor vehicle sales dealership
- public storage facilities
- real estate sales offices
- recreational vehicle sales and service operation
- restaurant or tavern
- warehouse
- workshop

### 4.6.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.4 ha
Lot Frontage (minimum)	30.0 m
Yard Requirements (minimum)	
Front (abutting a municipal road)	10.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	7.5 m
Interior Side	6 m (abutting a residential zone)
Exterior Side	6.0 m
Lot Coverage (maximum)	30%
Building Height (maximum)	11.0 m

#### **4.6.4 Special Provisions**

1. It should be noted that certain uses may require lot sizes larger than that necessary to meet zone provisions in order to accommodate the servicing systems capable of handling the increased levels of water consumption and sewage generation that may be associated with these uses.
2. In any yard abutting a residential zone, a landscaping strip of 30 metres or a 15 metre land scaping strip along with a row of shrubs, trees or other natural vegetation or a board fence having a minimum height of 1.5 metres shall be required.
3. Outdoor storage permitted in interior side and rear yard only; must be screened and concealed from view from abutting streets and from abutting non-commercial or non-industrial zones.
4. Required front and corner side yards to be landscaped, except for driveways crossing the front or exterior side yard leading to a parking area.

#### **4.6.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.6.2 to 4.6.4 shall apply.

**1. CR-1 (Hwy 518; Lot 12, Conc. XIV, Bethune Twp; By-law 2004-24)**

Notwithstanding the permitted uses in Section 4.6.2 to the contrary, in the CR-1 zone, the following uses shall be permitted

- Antique and collectable sales
- Meeting Room
- Retail Store

**2. CR-2 (4290 Chetwynd Rd.; Lot 16, Conc. V, Proudfoot Twp; By-law 2011-29)**

Notwithstanding the permitted uses in Section 4.6.2 to the contrary, in the CR-2 zone, the following uses shall be permitted:

- Accessory Dwelling Unit
  - Service Shop
  - Convenience Store
  - Mini Storage Commercial Units
  - Outfitters Store
-

## 4.7 TOURIST COMMERCIAL (CT) ZONE

### 4.7.1 General

No person shall within a Tourist Commercial (CT) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.7.2 and Section 4.7.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.7.4 of this By-law.

### 4.7.2 Permitted Uses

- accessory convenience store
- accessory marina
- assembly hall
- accessory retail sales
- cabin establishment
- camping establishment
- dwelling, accessory (one only)
- golf driving range
- hotel
- marina
- miniature golf
- motel
- motor vehicle service station
- outdoor recreation
- recreational establishment
- resort
- restaurant
- tourist establishment
- tourist information centre

### 4.7.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	1.6 ha
Lot Frontage (minimum)	60.0 m
Yard Requirements (minimum)	
Front	30.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	15.0 m
Interior Side	15.0 m
Exterior Side	15.0 m
Lot Coverage (maximum)	25.0 %
Building Height (maximum)	12 m

### 4.7.4 Special Provisions

1. Density of tourist commercial developments must be 8 metres of frontage per accommodation unit on the waterbody and a maximum density of 5 units per net hectare.
2. In any yard abutting a residential zone, a landscaping strip of 30 metres or a 15 metre land scaping strip along with a row of shrubs, trees or other natural

vegetation or a board fence having a minimum height of 1.5 metres shall be required.

3. Outdoor storage permitted in interior side and rear yard only; must be screened and concealed from view from abutting streets and from abutting non-commercial or non-industrial zones.
4. Required front and corner side yards to be landscaped, except for driveways crossing the front or exterior side yard leading to a parking area.

#### **4.7.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.7.2 to 4.7.4 shall apply.

**1. CT-1 (North Shore Rd.; Lot 15, Conc. IV, Proudfoot Twp)**

Notwithstanding the provisions of Section 4.7.2 of this By-law to the contrary, on lands within the Tourist Commercial Exception One (CT-1) Zone the following shall be permitted:

- a maximum of 53 accommodation units

**2. CT-2 (Hwy 518; Lot 20, Conc. III, Proudfoot Twp)**

Notwithstanding the provisions of Section 4.7.2 of this By-law to the contrary, on lands within the Tourist Commercial Exception Two (CT-2) Zone the following shall be permitted:

- i) a maximum of 130 accommodation units

**3. CT-3 (Hwy 518; Lot 19, Conc. III, Proudfoot Twp)**

Notwithstanding the provisions of Section 4.7.2 of this By-law to the contrary, on lands within the Tourist Commercial Exception Three (CT-3) Zone the following shall be permitted:

- i) a maximum of 10 accommodation units



## 4.8 INDUSTRIAL (M) ZONE

### 4.8.1 General

No person shall within an Industrial (M) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.8.2 and 4.8.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.8.4 of this By-law.

### 4.8.2 Permitted Uses

- animal hospital
- automobile body shop
- automobile dealership
- automobile service station
- building supply and lumber outlet
- dwelling unit, accessory
- gas bar
- hardware, home furnishings, office supply or wholesale sales
- heavy equipment sales, rental and servicing
- kennel
- light industrial uses
- manufacturing or processing within an enclosed building
- outside storage accessory to a permitted use
- retail sales accessory to a permitted use not exceeding 35 % of the total floor area
- sawmill
- service and repair shop
- self-storage facility
- transportation depot
- warehouse including self-storage
- workshop

### 4.8.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.8 ha
Lot Frontage (minimum)	90.0 m
Yard Requirements (minimum)	
Front	15.0 m
Front (abutting a navigable waterway)	30.0 m
Rear	15.0 m
Interior Side	30.0 m
Exterior Side	15.0 m
Lot Coverage (maximum)	50.0 %
Building Height (maximum)	12.0 m
Landscaped Open Space	20.0 %

### 4.8.4 Special Provisions

1. All yards except those yards abutting a Residential zone shall contain a planting strip of at least 15 m in width. In yards abutting a Residential Zone, the planting strip shall be at least 30 m in width.

2. Only uses that generate less than 4,500 litres per day of sewage effluent shall be permitted.
3. Outside storage is not permitted within any required front yard or exterior side yard.
4. Outside storage must be screened from abutting residential uses or zones and public streets by an opaque screen at least 1.8 m in height from finished grade.

#### **4.8.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.8.2 to 4.8.4 shall apply.

Reserved.

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## 4.9 MINERAL MINING (MM) ZONE

### 4.9.1 General

No person shall within a Mineral Mining (MM) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.9.2 and 4.9.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.9.4 of this By-law.

### 4.9.2 Permitted Uses

- mining
- mining-related uses
- mineral exploration
- peat extraction
- pits
- portable asphalt processing plant
- quarries
- smelting and refining uses
- wayside pits and quarries
- a business office, accessory to another MM use
- an equipment storage building, accessory to another MM use
- a maintenance garage, accessory to another MM use
- an open storage area, accessory to another MM use
- a private fuel pump island, accessory to another MM use
- a warehouse, accessory to another MM use

### 4.9.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	2.0 ha
Lot Frontage (minimum)	90.0 m
Yard Requirements (minimum – from limit of extraction or buildings or structures)	
Front	30.0 m
Rear	30.0 m
Interior Side	30.0 m
Exterior Side	30.0 m
Lot Coverage (maximum – buildings and structures)	10.0 %
Building Height (maximum)	20.0 m
Landscaped Open Space	10.0 %
Setback from a Residential Lot (minimum)	120.0 m

### 4.9.4 Special Provisions

1. All yards except those yards abutting a Residential zone shall contain a planting strip of at least 15 m in width. In yards abutting a Residential Zone, the planting strip shall be at least 30 m in width.
2. Required yards to be landscaped, except for driveways crossing the front or exterior side yard leading to a permitted use.
3. Notwithstanding the above yard requirements, no mineral mining activity will be established within 1,000 m of a sensitive use unless studies demonstrate no adverse impacts.

#### **4.9.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.9.2 to 4.9.4 shall apply.

Reserved.

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## 4.10 MINERAL AGGREGATE (MA) ZONE

### 4.10.1 General Provisions

No person shall within a Mineral Aggregate (MA) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.10.2 and 4.10.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.10.4 of this By-law.

### 4.10.2 Permitted Uses

- agricultural use excluding buildings
- asphalt plant
- concrete plant
- pit
- quarry
- a business office, accessory to another MA use
- an equipment storage building, accessory to another MA use
- a maintenance garage, accessory to another MA use
- an open storage area, accessory to another MA use
- a private fuel pump island, accessory to another MA use
- a warehouse, accessory to another MA use

### 4.10.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	2.0 ha
Lot Frontage (minimum)	90.0 m
Yard Requirements (minimum – from limit of extraction or buildings or structures)	
Front	30.0 m
Rear	30.0 m
Interior Side	30.0 m
Exterior Side	30.0 m
Lot Coverage (maximum – buildings and structures)	10.0 %
Building Height (maximum)	20.0 m
Landscaped Open Space	10.0 %
Setback from a Residential Lot (minimum)	120.0 m

### 4.10.4 Special Provisions

1. All yards except those yards abutting a Residential zone shall contain a planting strip of at least 15 m in width. In yards abutting a Residential Zone, the planting strip shall be at least 30 m in width.
2. Required yards to be landscaped, except for driveways crossing the front or exterior side yard leading to a permitted use.
3. Notwithstanding the above yard requirements, no mineral aggregate uses will be established within 1,000 m of a sensitive use unless studies demonstrate no adverse impacts.
4. Notwithstanding, mineral aggregate uses/operations shall not be permitted within the following distances:
  - i) within 150.0 m of a sensitive use on another lot (i.e. dwelling) when pit operation is above the water table;

- ii) within 300.0 m of a sensitive use on another lot when pit operation is below the water table; or
- iii) within 500.0 m of a sensitive use when a quarry operation is proposed.

#### **4.10.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.10.2 to 4.10.4 shall apply.

Reserved.

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## 4.11 WASTE DISPOSAL INDUSTRIAL (WD) ZONE

### 4.11.1 General

No person shall within a Waste Disposal Industrial (WD) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.11.2 and 4.11.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.11.4 of this By-law.

### 4.11.2 Permitted Uses

- recycling facility
- salvage yard
- sewage facility
- waste management facility

### 4.11.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	2.0 ha
Lot Frontage (minimum)	90.0 m
Yard Requirements (minimum)	
Front	30.0 m
Rear	30.0 m
Interior Side	30.0 m
Exterior Side	30.0 m
Lot Coverage – building (maximum)	50%
Building Height (maximum)	10.0 m
Landscaped Open Space	20.0 %

### 4.11.4 Special Provisions

1. Fill Area Location:  
No dumping or disposal of any waste material in a fill area of a landfill site shall be permitted within 30.0 m of any lot line.
2. Waste Stabilization Pond Location:  
No storage or treatment of any waste material in a waste stabilization pond of a sewage treatment facility shall be permitted within 150.0 m of any lot line.
3. Separation Distance from Residential Uses:  
Notwithstanding the above yard requirements, no Waste Management Zone will be established within 500.0 m of a sensitive use (i.e. dwelling unit).

### 4.11.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.11.2 to 4.11.4 shall apply.

Reserved.

## 4.12 INSTITUTIONAL (I) ZONE

### 4.12.1 General

No person shall within a Institutional (I) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.12.2 and 4.12.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.12.4 of this By-law.

### 4.12.2 Permitted Uses

- ambulance station
- arena
- art gallery
- assembly hall
- cemetery
- community centre
- community facility
- daycare centre
- emergency service facility
- Fitness centre
- Fire station
- government office
- group home
- hospital
- library
- long term care facility
- medical clinic
- municipal or provincial maintenance and storage yard
- museum
- nursing home
- place of worship
- private club
- professional and administrative offices
- retirement home
- school
- school, commercial
- tourist information centre

### 4.12.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.4 ha
Lot Frontage (minimum)	50.0 m
Yard Requirements (minimum)	
Front	7.5 m
Front (abutting a navigable waterway)	30.0 m
Rear	7.5 m
Interior Side	7.5 m
Exterior Side	7.5 m
Lot Coverage (maximum)	40.0 %
Building Height (maximum)	12.0 m
Landscaped Open Space	10.0 %



#### **4.12.4 Special Provisions**

1. Where an Institutional use abuts a Residential Zone, a planting strip in accordance with Section 3.20 shall be required.

#### **4.12.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.12.2 to 4.12.4 shall apply.

Reserved.

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## 4.13 OPEN SPACE (OS) ZONE

### 4.13.1 General

No person shall within an Open Space (OS) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.13.2 and 4.13.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.13.4 of this By-law.

### 4.13.2 Permitted Uses

- conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife
- parks, public and private
- recreation fields
- recreation trails
- resource management without any building or structure

### 4.13.3 Zone Provisions for Permitted Uses

Lot Area (minimum)	0.8 ha
Lot Frontage (minimum)	45.0 m
Yard Requirements (minimum)	
Front	6.0 m
Rear	7.5 m
Interior Side	3.0 m
Exterior Side	4.5 m
Lot Coverage (maximum)	25 %
Building Height (maximum)	12.0 m
Landscaped Open Space	50.0 %

### 4.13.4 Special Provisions

Reserved.

### 4.13.5 Exceptions

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.13.2 to 4.13.4 shall apply.

#### 1. OS-1 (Lawson Dr.; Lots 3 and 4, Conc. VIII, Bethune Twp.; By-law 2007-43)

Notwithstanding the provisions of Section 4.13.2 to the contrary, on the lands zoned OS-1, the permitted uses shall be limited to:

- Outdoor recreation

## **4.14 HAZARD LANDS (HZ) ZONE**

### **4.14.1 General**

No person shall within Hazard Lands (HZ) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.14.2 and 4.14.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.14.4 of this By-law.

### **4.14.2 Permitted Uses**

- agriculture use, excluding buildings
- conservation use, excluding buildings
- outdoor recreation
- recreational trail
- resource management activities

### **4.14.3 Zone Provisions for Permitted Uses**

No buildings or structures including accessory buildings or structures with the exception of marine facilities, pumphouses, and buildings and structures for flood and erosion are permitted in the Hazard Lands (HZ) Zone.

### **4.14.4 Special Provisions**

Reserved.

### **4.14.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.14.2 to 4.14.4 shall apply.

#### **1. HZ-1 (Part of Lot 1, Conc. VIII, Proudfoot Twp.; By-law 2012-19)**

In addition to the provisions of Section 4.14.3 of this By-law on lands within the Hazard Lands Exception One (HZ-1) Zone:

1. No vegetation shall be removed within the river valley except for pruning for safety purposes.

#### **2. HZ-2 (Part of Lot 19, Conc. 2, Part 1, 42R-3432, Proudfoot Twp.; By-law 2012-19)**

Notwithstanding the provisions of Section 4.14 of this By-law to the contrary, on lands within the Hazard Lands Exception Two (HZ-2) Zone:

1. An addition 55.74 m<sup>2</sup> in size shall be permitted to the existing dwelling.

## **4.15 ENVIRONMENTAL PROTECTION (EP) ZONE**

### **4.15.1 General**

No person shall within Environmental Protection (EP) Zone, use or permit the use of any land, or erect, alter, enlarge, use or maintain any building or structure other than as permitted in Section 4.15.2 and 4.15.3 of this By-law and in accordance with the standards contained in the General Provisions contained in Section 3 and the Special Provisions of Section 4.15.4 of this By-law.

### **4.15.2 Permitted Uses**

- conservation use without any building or structure
- environmental preserve and education area
- recreational trail
- resource management activities without any building or structure

### **4.15.3 Zone Provisions for Permitted Uses**

NIL

### **4.15.4 Special Provisions**

Reserved.

### **4.15.5 Exceptions**

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed below the following special provisions shall apply. In all other respects the provisions of Sections 4.15.2 to 4.15.4 shall apply.

Reserved.

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## 4.16 HOLDING PROVISIONS AND TEMPORARY USES

### 4.16.1 Holding Provisions

Holding zones are created by adding a upper-case “H” and a number to the zone code on the zoning maps, and that have the effect of allowing uses set out in the corresponding text of the By-law at some time in the future, when the holding symbol is removed by an amendment to the zoning by-law once specified conditions, which are identified in the exception provisions, are met (i.e. such as conditions related to environmental, transportation, servicing matters). For the purposes of this By-law, holding provisions will be set out in the following table.

**Table 1: Holding (H-) Provisions**

Symbol	Application	Property/Legal Description	Conditions for Removal	Date Enacted	Date Removed

### 4.16.2 Temporary Uses

Where on Schedules to this By-law, a symbol “T” and a number, identify a property that is subject to a temporary use permission, one or more additional but temporary uses are permitted on the lands noted, until the permission granted by the site specific Temporary Use By-law expires, in accordance with the policies of the Official Plan and Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. For the purposes of this By-law, Temporary Use Zones will be set out in the following table.

**Table 2: Temporary Uses**

Symbol	Zone Designation	Property/Legal Description	Temporary Use Permitted	Date Enacted	Expiry Date

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## **SECTION 5**

## **DEFINITIONS**

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### **ACCESSORY**

A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure.

### **AGRICULTURAL BUILDING**

Any building or structure customarily used in connection with a farm other than a residence.

### **AGRICULTURAL USE**

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises except specialized agricultural uses as defined herein.

### **AIRPORT**

The use of lands, buildings or structures for the purposes of air transportation services.

### **AMUSEMENT CENTRE**

A family entertainment centre, often abbreviated FEC in the entertainment industry, (also known as indoor amusement park or indoor theme park) is a small amusement park marketed towards families with small children to teenagers, and often entirely indoors or associated with a larger operation.

### **ANIMAL SHELTER**

Lands and buildings used for the keeping of animals, birds or other livestock and may include the premises of a veterinary surgeon.

### **ART GALLERY**

A building, place or area where paintings, sculptures or other works of art are exhibited or sold.

### **ASSEMBLY HALL**

A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a banquet hall, private club or fraternal organization.

### **ATTACHED**

A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings. This includes any structural or physical attachments or structures appertaining to adjacent buildings, but does not include decks, porches, breezeways, porticos, etc.

### **BACKLOT**

An individual lot which is physically separated from the shoreline by a legally conveyable parcel of patented land that has development potential. Backlots are usually located in a linear fashion along a road which generally is parallel to the shoreline, but backlots may also be located on a road which runs perpendicular to the shore.

**BALCONY**

A structure projecting from a building at a level above the first storey.

**BASEMENT**

That portion of a building below the first floor and which is partly underground.

**BED AND BREAKFAST**

A home occupation within a single detached dwelling wherein not more than two (2) rooms are rented and meals are served to overnight guests for commercial purposes.

Where expressly provided for as a permitted use, the maximum number of rooms shall be limited to five (5).

**BOARDING HOUSE**

A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for at least three (3) persons and not more than ten (10) persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel.

**BOAT SLIP**

A single parking space of at least 185 sq. m. for a boat or other marine vessel forming part of a dock, boathouse or other mooring facilities.

**BUILDING**

A structure consisting of walls, roof and floor, or any of the preceding elements, or a structural system serving the same purpose and including carports but does not include awnings.

**BUILDING SUPPLY AND LUMBER OUTLET**

A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.

**BULK FUEL DEPOT**

Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.

**BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE**

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

**CAMP SITE**

A parcel of land within a camping establishment that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

**CAMPER / TRAVEL TRAILER**

A travel trailer, truck camper, recreational vehicle, motor home and tent trailer which is capable of being used for human occupation but does not include a mobile home.

**CAMPING ESTABLISHMENT**

Lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

**CAR PORT**

A covered structure projecting from a building, used to shelter a vehicle, with at least sixty (60%) per cent open sides

**CELLAR**

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m. (6.0 ft.).

**CEMETERY**

The land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

**CHIEF BUILDING OFFICIAL**

The official employed by the Town appointed under the Building By-law or pursuant to the provisions of The Building Code Act, R.S.O., 1992 c.23 as amended, and shall include any Inspector who has the same powers and duties as the Chief Building Official.

**CLINIC**

An establishment used by two or more qualified health practitioners including physicians, dentists, chiropractors, physiotherapists and their staff for the purposes of consultation, diagnosis and office treatment.

**COMMERCIAL SCHOOL**

Premises used for the purpose of teaching, training or imparting of knowledge or skill.

**COMMUNITY CENTRE**

Any tract of land or building, or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

**COMMUNITY FACILITY**

Any facility, place or building which is maintained and operated to provide services for the residents of the community.

**CONSERVATION**

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

**CONTRACTOR'S YARD**

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.



**CONVENIENCE STORE**

A retail commercial establishment, not exceeding two hundred (200) square metres of gross floor area, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.

**CORPORATION**

The Corporation of the Town of Kearney.

**COUNCIL**

The Council of the Corporation of the Town of Kearney

**CRISIS CENTRE**

Crisis centre shall mean a single housekeeping unit licensed or funded by the Province of Ontario for the short term (averaging thirty (30) days or less) accommodation of three (3) to nine (9) persons, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

**DAY NURSERIES**

A day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, R.S.O., 1980, c.111 as amended.

**DECK**

Deck shall mean a structure above the ground cantilevered from a building or supported by the ground and open to the sky.

**DOCK**

A structure for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland.

**DWELLING**

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, or temporarily/seasonally.

**DWELLING, ACCESSORY**

A use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure.

**DWELLING, APARTMENT**

A separate building containing three (3) or more dwelling units sharing a common corridor or stair well.

**DWELLING, DUPLEX**

The whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**DWELLING, SEMI-DETACHED**

The whole of a building divided vertically into two separate dwelling units.

**DWELLING, SINGLE DETACHED**

A detached building containing one dwelling unit either year round or seasonal.

**DWELLING, SINGLE DETACHED SEASONAL**

A single detached dwelling that is not used for continuous habitation or as a permanent residence for the occupants.

**DWELLING, TOWNHOUSE**

A dwelling unit in a building divided vertically into no less than three (3) nor more than eight (8) dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

**DWELLING, TRIPLEX**

The whole of a building divided horizontally into three (3) separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**DWELLING UNIT**

A combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

**DWELLING UNIT, ACCESSORY**

A dwelling unit accessory to and located within or attached to a main building used for a permitted non-residential use on the same lot and occupied either by the owner of such lot or by a person employed thereon.

**DWELLING UNIT, SECONDARY**

A self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings.

**EQUESTRIAN ESTABLISHMENT**

An *equestrian* establishment is created and maintained for the purpose of accommodating, training or competing equids, especially horses. Based on their use may be known as a barn or stables, riding hall, and may include commercial operations described by terms such as a boarding stable, livery yard, or livery stable.

**ERECT**

To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**ESTABLISHED BUILDING LINE**

The average distance from the road line to existing adjacent buildings measured on either side of the lot where the frontage has been built upon, as of the date of passing of this By-law.

**EXISTING**

Legally existing, being a reality or an actuality as of the date of passing of this By-law. To be legal, the use must have been permitted on the lands in accordance with the previous Zoning By-laws for the Municipality.

**FARM**

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops;

breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. "Farm" includes a dwelling and such principal or main buildings and structures as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

**FINISHED GRADE**

The lowest elevation of the natural surface of the ground at ground level measured on any side of a building or structure.

**FIRST STOREY**

The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

**FLOOR AREA, GROSS**

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, or verandah.

**FLOOR AREA, GROUND**

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, or verandah.

**FUNERAL HOME**

A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

**GARAGE, PRIVATE**

A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

**GAZEBO**

A freestanding roofed accessory structure which is not enclosed, except for screening or glass and which is an accessory use to a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

**GOLF COURSE**

A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

**GROUP HOME**

A single housekeeping unit in a residential dwelling in which three (3) to nine (9) unrelated residents excluding staff or receiving family, live as a family under responsible supervision

consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Halfway Houses for the Socially Disadvantaged, in compliance with Municipal By-laws.

#### **GUEST CABIN**

A single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.

#### **HEAVY EQUIPMENT SALES AND RENTAL**

A building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

#### **HEIGHT OF BUILDINGS**

The vertical distance between the average grade around the perimeter of the building and

- i) the highest point of the roof surface, if a flat roof;
- ii) the deck line if a mansard roof;
- iii) the midpoint between the eaves and the ridge, if a hip, gable, shed or gambrel roof; or
- iv) the highest point of the building or structure in all other cases.

Accessory roof constructions, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building.

#### **HIGH WATER MARK SETBACK**

The setback will be measured from the normal controlled highwater mark of the lake or river.

#### **HOME FOR THE AGED**

A Home for the Aged as defined by the *Home for the Aged Act*.

#### **HOME INDUSTRY**

Any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling house, that includes processing, assembly, manufacturing or a workshop within an area not to exceed one hundred (100) square metres in gross floor area and shall not include outdoor storage.

#### **HOME OCCUPATION**

An occupation or profession related to the provision of services, carried on by the occupant of a dwelling within his/her dwelling as an accessory use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and no outdoor storage.

#### **HOSPITAL**

Any institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill persons.

**HOTEL**

A building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women.

**HUNTING OR FISHING CAMP**

A building or structure having a maximum area of forty-five (45) square metres consisting of one (1) or more rooms and may include facilities for the preparation of food and overnight accommodation but shall not include any other establishment or use as may be defined or classified in this By-law.

**IMPROVED PUBLIC ROAD**

A road or highway under the jurisdiction of the Province of Ontario or the Town or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.

**INSTRUCTIONAL FACILITY**

A building or structure where instruction, training or certification in a specific trade, service or skill are provided.

**KENNEL**

An establishment for the keeping, breeding and raising of domesticated animals for profit or gain but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and or recovery necessary to veterinary treatment.

**LANDSCAPED OPEN SPACE**

The open space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

**LAUNDROMAT**

A building or structure where the service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

**LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT**

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

**LOADING SPACE**

An off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise

or materials, and which abuts upon a street, lane or other appropriate means of access.

#### **LOT**

A parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- i) which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50 of The Planning Act, S.O., 1990, Cp.13, as amended; or
- ii) which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- iii) the description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 50 of The Planning Act, S.O., 1990, Cp.13, as amended;
- iv) which is the whole remnant retained by an owner or owners after a conveyance is made with final consent pursuant to Section 40 of The Planning Act, S.O., 1990, Cp.13, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Town of Kearney, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,
- v) which is the subject of an order of The Minister of Municipal Affairs pursuant to the provisions of Section 57 of The Planning Act., S.O., 1990, Cp.13, as amended.

#### **LOT AREA**

The total horizontal area within the lot lines of a lot or if an island, the area of land above the normal highwater mark.

#### **LOT, CORNER**

A lot situated at the intersection of two (2) or more streets, or at the intersection of a street and a railway right-of-way or navigable waterway, or a lot abutting on one (1) or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135°) degrees is contained, between the front and side lot lines abutting by the said street or streets.

#### **LOT COVERAGE**

The percent of the lot area covered by buildings or structures containing a roof excluding parking areas, driveways, decks and walkways but including structures and buildings constructed appertaining to the lot.

#### **LOT FRONTAGE**

The horizontal straight-line distance determined as follows:

- i) Where the front lot line is the highwater mark, the straight-line distance between the points where the side lot lines or their straight line projections intersect the high water mark;
- ii) Where there are no side lot lines, the greatest distance between any point on the front lot line and any point on the rear lot line;

- iii) Where there are two (2) front lot lines abutting a street or highwater mark, the longer of the two (2) front lot lines shall be used to measure frontage; or
- iv) In all cases other than those above, the distance between the points where the side lot lines intersect with the front lot line.

#### **LOT, INTERIOR**

A lot other than a corner lot.

#### **LOT LINE**

Any boundary of a lot. Where a lot line changes direction by less than 45° it shall be considered as one (1) line. Where a lot line changes direction by more than 45° it shall be considered a separate line.

#### **LOT LINE, EXTERIOR**

The side lot line which abuts the road on a corner lot.

#### **LOT LINE, FRONT**

The lot line that abuts the road, but in the case of any lot having water frontage or water access only, the front lot line shall be the lot line abutting the highwater mark of the navigable waterway.

Where a lot abuts a municipally maintained road and a navigable waterway, the lot line abutting the navigable waterway shall be deemed the front lot line. The lot line abutting the navigable waterway shall be the normal highwater mark as defined by an Ontario Land Surveyor.

In the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a road shall be deemed an exterior side lot line, but, in the case of a corner lot or through lot with two (2) lot lines of equal length abutting roads, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the roads are of equal width, both road lines shall be considered the front lot line.

In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.

#### **LOT LINE, REAR**

The lot line farthest from or opposite to the front lot line.

#### **LOT LINE, SIDE**

A lot line other than a front or rear lot line.

#### **LOT, THROUGH**

A lot bounded on opposite sides by streets or bounded on one (1) side by a street and on the other side by a waterbody

#### **MANUFACTURING, LIGHT**

The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of forty-five hundred (4500) litres per day, chemical by-products or utilize an area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

**MARINA**

A commercial establishment or premises, containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided.

**MARINE FACILITY**

An accessory building or structure which is used to take boats into or out of a navigable waterway, or to moor boats. This definition includes a launching ramp, boat lift, or dock but does not include any building used for human habitation.

**MEDICAL FACILITY**

A place where sick or injured people are given care or treatment (as a hospital, urgent care center, or a clinic).

**METAL STORAGE / SHIPPING CONTAINERS**

An enclosed metal container designed for storing and transporting cargo via ship, rail or truck, whether or not it is actually being used for such a purpose.

**MICROBREWERY**

A commercial operation where beer is produced at a small scale. A microbrewery may be permitted to sell the product that is produced on-site provided that there is no consumption of the purchased product on-site. A bar, pub or brewpub shall not be considered a microbrewery. A microbrewery may also sell retail items directly related to the operation onsite.

**MINI STORAGE COMMERCIAL UNITS**

A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, household items, materials and equipment and seasonal, recreational or commercial vehicles, boats, trailers, etc.

**MOBILE HOME**

Any dwelling that is designed to be mobile and constructed or manufactured to provide a permanent residence for one (1) or more persons in accordance with CSA Z240 or Z241 but does not include a motor home, travel trailer or tent trailer or trailer otherwise designed.

**MOBILE HOME SITE**

A parcel of land within a mobile home park which is serviced and used for the exclusive purposes of one (1) mobile home.

**MOBILE HOME PARK**

A lot under single management for the placement of three (3) or more mobile homes.

**MODULAR HOME**

Any dwelling that is designed in more than one (1) unit and is designed to be made mobile on a temporary basis and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet C.S.A. A-277 standards.



**MOTEL**

A structure containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the parking area to the individual units.

**MOTOR VEHICLE**

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

**MOTOR VEHICLE, COMMERCIAL**

Any commercial motor vehicle within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

**MOTOR VEHICLE BODY SHOP**

A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.

**MOTOR VEHICLE DEALERSHIP**

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

**MOTOR VEHICLE FUEL BAR**

One (1) or more pump islands, each consisting of one (1) or more motor vehicle fuel pumps, and a shelter, which shall include the sale of oils, antifreeze, gasoline additives, propane, natural gas and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing.

**MOTOR VEHICLE REPAIR GARAGE**

A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

**MOTOR VEHICLE SERVICE STATION**

A building or structure where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.

**MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD**

Any land, building and/or structure owned by the Corporation of the Town of Kearney, Public Utilities Commission or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

**MUSEUM**

An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

**NON-COMPLYING**

A lot, building or structure that does not fulfill the requirements of the zone provisions for the zone in which the lot, building or structure is located.

**NON-CONFORMING**

An existing use or activity of any land, building or structure which does not conform with the permitted uses or activities permitted by this By-law for the Zone in which such existing land, building or structure is located.

**NURSERY OR GREENHOUSE, COMMERCIAL**

A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

**NURSING HOME**

Any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, R.S.O., 1980, c.302, as amended.

**OUTFITTERS STORE**

A retail establishment that deals primarily with sports, leisure time and other customary recreational type merchandise which is offered for sale, rented or sold to the public and may include the maintenance and serving of such goods and merchandise.

**OUTSIDE STORAGE**

Any accessory storage outside of a principal or main building or structure on the lot.

**PARK, PRIVATE RECREATIONAL**

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one (1) or more of the following facilities or activities:

- a) areas for walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields but shall not include facilities, structures or equipment for outdoor performances of amplified music.
- c) an accessory club house or storage building of a maximum of seventy-five (75) square metres; and,
- d) parking lots accessory to the foregoing.

**PARK, PUBLIC**

Any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one (1) or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

**PARKING AREA**

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles.

**PARKING LOT**

A parking area forming the principal use of a lot.

**PARKING SPACE**

An area having a minimum width of three (3) metres and a minimum area of eighteen and one half (18.5) square metres, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles.

**PATIO**

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.

**PERSON**

Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.

**PERSONAL SERVICE BUSINESS**

A business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe accessories and may include a barber shop, beauty salon, shoe repair shop, dry cleaning depot or similar uses.

**PIT**

A place where unconsolidated gravel, stone, sand, earth, clay, fill, peat or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

**PLACES OF WORSHIP**

Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

**PLACE OF AMUSEMENT**

Any building or separate part of a building wherein for profit or gain, two (2) or more amusement machines are provided for use by the public.

**PLANTING STRIP**

An open space free of buildings or structures which is used for the growing and

maintenance of and unpierced row of shrubs, trees or other natural vegetation having a minimum height of one and one half (1.5) metres.

**PORCH/VERANDA**

A covered structure projecting from the first storey of a building, with at least one (1) side that is open and unenclosed.

**PORTABLE PROCESSING PLANT**

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

**PRINCIPAL OR MAIN BUILDING**

Any building which is carried on the principal purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.

**PRIVATE CLUB**

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

**PRIVATE RECREATIONAL CAMP**

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities on lands where camp sites, sleeping cabins, dining halls and other accessory buildings and structures may also be included.

**PRIVATE ROAD**

A private right-of-way over private property or a forest access road over Crown Land which affords access to abutting lots and is not maintained by a public body.

**PROVINCIAL HIGHWAY**

A public improved road under the jurisdiction of the Ministry of Transportation.

**PUBLIC AUTHORITY**

Any Federal, Provincial, District or Municipal agency and includes any commission, board, authority or department established by such agency and shall include Ontario Hydro and Bell Canada.

**QUARRY**

A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

**RECREATIONAL ACCOMMODATION UNIT**

Shall include any of the following whether occupied or not;

- i) a tent site,
- ii) a trailer site,
- iii) a rental cottage or condominium or
- iv) a room in a hotel, motel, or resort.

**RECREATION, OUTDOOR**

The use of lands for recreational activities that do not require buildings, structures or major alteration of the landscape, including trails, private camp sites, horseback riding hunting

and fishing.

#### **RECREATIONAL ESTABLISHMENT**

Premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three (3) or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course and all other similar places of amusement.

#### **RESIDENTIAL CARE FACILITY**

A Facility that provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.

#### **RESORT**

A tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises and accommodation facilities for staff.

#### **RESOURCE MANAGEMENT USE**

The preservation, protection and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's uses, both in the present and the future. Resource Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

#### **RESTAURANT**

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

#### **RETAIL STORE**

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

#### **RETIREMENT HOME**

A retirement home – sometimes called an old people's home or old age home – is a multi-residence housing facility intended for senior citizens. Typically, each person or couple in the home has an apartment-style room or suite of rooms.

#### **RIDING SCHOOL OR BOARDING STABLE**

An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

#### **SALVAGE OR WRECKING YARD**

A place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are stored for sale or resale.

**SCHOOL**

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

**SERVICE SHOP**

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.

**SETBACK**

The horizontal distance from the centre line of the street right-of-way, or defined physical feature measured at right angles to such centre line, to the nearest part of any building or structure on the lot.

**SEWAGE**

The waste water and matter from any use.

**SEWAGE SERVICES OR FACILITY**

Any works by a public authority for the collection, transmission, storage, treatment and disposal of sewage.

**STOREY**

A storey is that part of a building between the surface of one (1) floor and the ceiling above. However, a cellar does not count as a storey.

**STREET LINE**

The limit of the street or road allowance and is the dividing line between a lot and street or road.

**STRUCTURE**

Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.

**TAVERN**

A tavern or public house as defined by The Liquor License Act, but does not include a hotel or restaurant.

**TENT**

Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

**TOURIST ESTABLISHMENT**

Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:

- i) A camp operated by a charitable corporation approved under *The Charitable Institutions Act, R.S.O., 1980, c.64*, as amended;
- ii) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, S.O., 1983, as amended;
- iii) A club owned by its own members and operated without profit or gain; or
- iv) A tent and trailer park.

**TRAILER**

A vehicle not designed to transport people, which is drawn by a motor vehicle, which is licensed and capable of being mobile.

**TRANSPORTATION DEPOT**

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

**USE**

Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,

Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

**VEHICLE**

A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

**VESSEL**

A craft designed to float on the water including a boat, a barge or a ship.

**VETERINARY HOSPITAL**

The premises of a veterinary surgeon where animals are treated or kept.

**WAREHOUSE**

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed ten (10) per cent of the gross floor area, but shall not include a truck or transport terminal or yard.

**WASTE DISPOSAL AREA**

A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.

**WATERCOURSE**

A waterbody or the natural channel for a perennial or intermittent stream of water including a river or stream.

**WATER SERVICES OR FACILITY**

Any works by a public authority for the treatment, storage, supply or distribution of water.

**WAYSIDE PIT OR QUARRY**

A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**WORKSHOP**

A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating/air conditioning contractor's shop, a commercial welder's shop, or similar uses.

**YARD**

Any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line.

**YARD, EXTERIOR SIDE**

A side yard immediately adjacent to an exterior lot line.

**YARD, FRONT**

A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot for which the yard is required.

On islands where there is only one (1) lot, all yards shall be considered as the front yard.

On lots having frontage on a navigable waterway and a maintained municipal or unassumed municipal road, the front yard for building setbacks is the front on the navigable water.

Where there is a Crown Reserve or Shoreline Road Allowance the front yard requirement shall include the abutting Crown Reserve or Shoreline Road Allowance.

On lands abutting a waterway, lake or river, the required front yard shall be measured from the normal high water mark as defined by an Ontario land Surveyor.

**YARD, REAR**

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.

**YARD, REQUIRED**

The minimum yard required by the provisions of the By-law.

**YARD, SIDE**

A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

**YARD, SIDE EXTERIOR**

A side yard immediately adjoining a public street.

**YARD, SIDE INTERIOR**

A side yard other than an exterior side yard.

**YARD, SIDE**

The least horizontal distance between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or edge or rim or excavation on the lot.

**ZONE**

The category of use or activity of land, buildings, structures or activities permitted by this By-law.

**ZONE PROVISIONS**

The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other Zone provisions as set out within the By-law for the respective Zones.



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**SECTION 6****ENACTMENT**

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**FORCE AND EFFECT**

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Kearney subject to the applicable provisions of The Planning Act, R.S.O. 1990, c P.13, as amended.

**READINGS BY COUNCIL**

THIS BY-LAW READ A FIRST TIME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

THIS BY-LAW READ A SECOND TIME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

MAYOR: \_\_\_\_\_

(MUNICIPAL SEAL)

CLERK: \_\_\_\_\_

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of Zoning By-law No. 2018-xx as enacted by the Council of the Corporation of the Town of Kearney, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CLERK: \_\_\_\_\_