TOWNSHIP OF

McGARRY

OFFICIAL PLAN

Prepared by:

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File P-1810

June 16, 2011

Being a By-law to adopt
An Official Plan

Corporation of the Township of McGarry

BY-LAW N° 2010-01

The Corporation of the Township of McGarry, under section 17 of the Planning Act, RSO 1990, as amended, hereby enacts as follows:

1. That the Official Plan and all amendments thereto for the Township of McGarry as originally approved by the Minister of Municipal Affairs and Housing on November 16, 1988, is hereby repealed.

2. That By-law No. 88-6 adopting the Official Plan on June 27, 1988, is hereby repealed.

3. That the Official Plan for the Township of McGarry consisting of the attached maps and explanatory text, is hereby adopted.

4. That this By-Law shall come into force and take effect on the day of the final passing thereof subject to the requirements of the Planning Act.

Read a first, second and third time and passed on the 12th day of January, 2010.

Clermont Lapointe
Reeve

Gary Cunnington
Clerk

Certified that the above is a true copy of By-Law N°. 2010-01 enacted and passed by the Corporation of the Township of McGarry on January 12th, 2010.

Gary Cunnington, Clerk, Township of McGarry

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TOWNSHIP OF MCGARRY
OFFICIAL PLAN

1 INTRODUCTION

McGarry (population 674 - 2006) is a culturally diverse community, whose vision is to: diversify and strengthen its economic base; improve and maintain the quality of community services and housing types; and develop a positive visual image while maintaining a high quality of life closely linked to its rural setting. The community recognizes the challenges associated with its northern location, small population and limited employment base. Transportation and utility costs are higher as a result of being a remote community. Residents must travel to other communities such as Kirkland Lake, Rouyn-Noranda and Temiskaming Shores for educational, commercial, social and medical services which cannot be provided locally. Human resources (volunteers) can easily be over-extended in organizing and sustaining community activities.

The community was historically dependent on the mining industry. While the industry declined for many years, renewed exploration and the potential for four mines in the area, one of which is in McGarry, could revitalize the local economy. The potential development of the Armistice Mine, west of Virginiatown and others in the area could generate a demand for more than 100 new jobs when these gold mines become operational. This provides an opportunity for McGarry to act as the host community for meeting the housing needs, other community services and filling part of the labour force requirements for the mine.

McGarry is a community very much oriented to the out-of-doors and whose visual image is enhanced by its scenic setting along the shoreline of the northeast arm of Larder Lake. The community enjoys an extensive system of snowmobile and ATV trails which connect to other communities. As a winter community, cross country skiing is also popular. Hunting and fishing are common activities and big game is very much evident in the area.

McGarry is a safe community for children and adults alike and this atmosphere is conducive to raising families.

The community has adequate capacity for municipal water and sewer services for twice the population and adequate waste disposal capacity for the next 9-10 years, as of the date of adoption of this Plan.

The Official Plan sets out the community's vision for the next 20 years. Vision 2025 is a blueprint for positive growth and development that builds on the aspirations of community leaders. Forecasted growth will increase the population to 1,000.

The Plan sets out the framework for economic diversification, supports the community's business retention strategy and provides for a flexible approach to home based businesses. Positive growth will require an adequate land supply. This will be met through the

development or redevelopment of existing lots of record within the three town sites (Virginiatown, North Virginiatown and Kearns). This includes lands needed to create an identifiable commercial core in Virginiatown and commercial areas along Highway 66. In providing for a balance of opportunities for residential development, the Plan establishes the framework for lakefront residential development on Larder Lake, Barber Lake and Bear Lake.

The Plan provides for a full range of housing types, with an emphasis on affordable housing. Affordable housing for seniors is viewed as essential in encouraging retirees to remain in the community.

Water is a precious resource for sustaining health and as an aesthetic attraction to community development. The Plan incorporates a wellhead protection strategy.

2 BASIS OF THE OFFICIAL PLAN

Growth and Settlement

The Plan is based on sustaining, at the very least, the existing population of 674, retaining existing businesses and the range of existing educational, social, health care, recreational and cultural services essential to a community of this size. With the operational start-up of the Armistice Mine just inside of the western boundary of the community, the potential for other mining development and initiatives to diversify the economic base through tourism, McGarry has the potential for positive population growth. A planned population target of 1,000 will suffice to accommodate a modest increase in employment in the mining sector of some 100 jobs. The target population can be fully supported by the surplus capacity the community has for water, sewer and waste disposal.

McGarry's settlement pattern is exclusively urban and this pattern will continue to predominate. Consideration will be given, however, to the feasibility of limited lakefront recreational development in the rural area.

Land Supply

A 20 year residential land supply of 150 lots consisting of 50 - 75 existing vacant serviced lots and 60 - 80 urban infill and lakefront lots will be adequate to meet the population target. The anticipated demand will require the release of lands owned by the private sector for development. Lakefront lots on Larder Lake, Barber Lake, Tourene Lake, and Bear Lake will be dependent on the release of lands owned by mining interests and the development of other privately owned lands. Residential development will include both cottage and permanent homes. The land supply for urban residential development is contiguous to existing development in predominantly residential neighbourhoods. The distribution of the existing vacant lot supply includes individual lots or clusters of lots with small frontages which can be consolidated into larger lots as follows: serviced lots including 25 - 40 lots in Kearns, 10 - 15 lots in North Virginiatown and 15 – 20 lots in Virginiatown. The shoreline between the Virginiatown town site and Larder Lake has the potential for 20-25 large lakefront lots which can be fully serviced. The balance of the residential lot supply of some 50 lots could be met through the development (by subdivision) of lands contiguous to 24th-27th Avenues, respectively in North Virginiatown and lands between Virginiatown and Kearns along the water and sewer utility corridors which have the potential to be brought on-stream on full services.

The long-term land supply for commercial development will be met through development on some 15-20 existing lots of record along Connel Avenue, Webster Street and at the intersection of Webster Street and Highway 66 in Virginiatown. The latter includes the redevelopment of a former public school site (bluefield) and a hydro site (brownfield). The commercial land supply also includes 18 vacant lots in Kearns along the Highway 66 corridor.

The community is well endowed with institutional and public service facilities (e.g. arena, library, medical centre/OPP, education and local government buildings). The community has developed parks or playgrounds and open space areas in each of the three urban centres and is working towards the development of a recreational trail system as a community asset. A boat launch and park facility on Larder Lake is gradually being upgraded to meet increased demands for water access. Additional institutional or public service facilities are not required to meet projected growth in the community in the short-term. However, with an aging population, the need for additional services for seniors will continue to evolve.

The basis for the industrial land supply would be met through the development of mine properties for mineral operations and other rural resource-based activities (e.g. forestry, mineral aggregates). Redevelopment of the former Kerr-Addison mine, considered to be a significant mine hazard and brownfield site may not be economically feasible and would create land use conflicts with the adjacent, largely residential town sites.

Housing

There is a limited range of housing types available in the community as (90.8% singles – 2006) and consequently, there is a need to increase the supply of medium and higher density housing to meet the needs of those entering the housing market and those retiring and downsizing. Housing for seniors is required. The basis of the Plan is to provide for a full range of housing types and densities to meet a range of income groups and to provide for a seniors residence. The housing supply will be met through a combination of residential intensification and contiguous compact development.

Infrastructure

The community has an adequate uncommitted capacity for municipal water (75% residual capacity) and sewage services (40% residual capacity) and waste disposal services with 9-10 years. With the exception of the rural resource-based industrial uses and rural-based waterfront development, all development will occur on full municipal water and sewer services. The network of 36 km of Township roads is adequate and is subject to a program of regular maintenance and reconstruction. Highway 66 serves as a main street for the community. However, given concerns over adjacent mine hazards, MTO is proposing to realign this provincial transportation route to the north of North Virginiatown. There are no private roads in the municipality which provide access to development nor is the Plan intended to make provision for private road development.

The Township is criss-crossed by numerous resource access roads (logging) which are not a municipal responsibility and are not intended to be designated as access routes to development.

Alternative 'green' energy sources will be investigated as a means to offset existing high energy costs in the community.

Public Service Facilities

The Municipality operates a fire service out of a fire station located in Virginiatown. A recently acquired new fire vehicle serves to upgrade the Township's fire suppression capabilities provided through a volunteer fire fighting force. Fire suppression is, however, a shared responsibility as embodied in a fire services agreement with the Ministry of Natural Resources. The Ministry is responsible for non-structural fire suppression of some 7,690 ha while the municipality provides services in the town sites, along Highway 66, the Raven Mountain Road and the Cheminis Road, an area of some 721 ha. The Township also has a mutual aid agreement with adjacent municipalities.

Strategic Plan

The Township has prepared a strategic plan which sets out a vision statement and the community's aspirations for its future. The Vision statement: 'A clean safe, thriving community, offering a rich quality of life.' is a useful guide to frame both land use planning and other initiatives.

Economic Development

The diversification of the economic base is essential to the long-term economic prosperity of McGarry. The Official Plan builds on the Township's Strategic Plan by reinforcing a number of initiatives including: community improvement and a property standards strategy designed to improve the visual image of the community; upgrading the municipal boat launch and development of a marina; developing the community as a tourism destination; providing a flexible approach to home-based business development in meeting the needs for local commercial services; encouraging mining development; and pursuing a business retention strategy.

Healthy Community

Healthy communities integrate the physical, social and economic needs of the community. The Official Plan sets out the policy framework for the physical and economic development of McGarry. The Plan also identifies programs, activities and other matters which are important to the social make-up of the community and contribute to a healthy community.

Natural Heritage

Living with nature is a fact of life in McGarry and the intent of the Plan is to protect significant natural heritage features or areas which have been identified as provincially or locally important. Features include Larder Lake as a cold water lake, numerous areas of moose habitat, a pervasive number of unclassified wetlands, fish spawning and nesting sites and the McGarry Forest Conservation Reserve.

Cultural Heritage

The basis of the Plan is to establish a protocol for conserving archaeological resources in the advent of development proposals and for the potential conservation of other built heritage resources and cultural heritage landscapes. This includes the conservation of the Pearl Beach aboriginal site, a provincially significant heritage feature. The municipality intends to identify buildings of mining heritage value that could be designated under the Ontario Heritage Act.

Resource Management

While the area has an abundance of natural resources i.e. forest, aggregates, mineral and water, existing development does not encroach on any of these resources. Well over 95% of the land base of the municipality has been identified as having high mineral potential, a reflection of the legacy of the community as a mining camp. An estimated 15% of the same land base is host to mineral aggregate resources of both high and low quality. Mineral aggregate resources are located along the eastern border and are remote from any development. Forestry activities are also evident in the Township. The Plan does identify areas of mineral potential, and areas of mineral aggregate resources and sets out a strategy for source protection of water given the dependence on groundwater for the domestic water supply and the location of the municipal well adjacent to the Ontario-Quebec border (e.g. much of the wellhead protection area is on the Quebec side of the border). While the Township acknowledges that the Official Plan does not apply to Crown Lands, which occupy some 30% of the land base, land use planning decisions by Crown agencies are expected to be undertaken in consultation with the Municipality.

Natural and Human-Made Hazards

No development has occurred within any known flood-plains or on lands with any significant development constraints or mine hazards. Past mining activities has left a legacy of some 19 mine hazards including two major tailings beds and mine workings associated with the former Kerr-Addison mine. The basis of the Plan is to ensure that reasonable setbacks are established for development adjacent to water bodies, to direct development away from steep slopes or unstable soils, and to establish suitable separation distances from conflicting land uses, and most particularly, to ensure that the development or redevelopment of lands near former mine sites are safe.

3 PURPOSE OF THE OFFICIAL PLAN

The purpose of this Official Plan is to set out goals, objectives, policies and implementation measures for development in the Township of McGarry for the next 20 years (2009-2029) while having regard for the effects on the social, economic and natural environment of the municipality.

4 GOALS OF THE OFFICIAL PLAN

To achieve a compact and energy efficient land use pattern that optimizes the use of available or planned infrastructure (roads, water, sewage, waste disposal, utilities) and public service facilities (schools, health care, recreation and cultural facilities, fire, police and emergency services).

To achieve densities and development standards which are cost effective and compatible with the prevailing and emerging character of the settlement areas in Kearns, Virginiatown and North Virginiatown and to provide an adequate supply of housing to meet a range of needs.

To provide for the long-term prosperity of McGarry through policies which encourage new business and tourism development, community improvement, the retention of existing businesses and which supports activities, programs and measures for sustaining a healthy community.

To provide policy direction on appropriate measures for the assessment and possible implementation of alternative sources of energy in conjunction with ensuring that measures are taken to improve air quality and the community's sustainability.

To manage the community's renewable, non-renewable, water, natural heritage and cultural heritage resources in a responsible manner through the development of policies, tools and practices designed to identify, protect, conserve, enhance or utilize these resources over the short and long-term and which provide for the transition to other land uses where a non-renewable resource has been depleted.

To safeguard the public and the natural environment from natural and human-made hazards (i.e. mine hazards) through the development of policies, tools and processes to identify, evaluate, prevent or protect against such hazards.

To make decisions affecting land use planning matters which are consistent with the Provincial Policy Statement.

5 OBJECTIVES OF THE OFFICIAL PLAN

To provide and maintain an adequate supply of land for residential uses, employment uses (commercial, industrial), institutional uses, public service facilities, parks and open space uses to meet projected growth and development demands for the planning period of 20 years (2008-2029).

To provide for a full range of housing types and densities to meet demographic and market requirements of current and future residents of McGarry while maintaining at all times at least a ten year supply of land designated and available for new residential development and a three year supply of lots in draft and/or registered plans.

To designate land uses in the urban settlement areas (three town sites) of McGarry which will accommodate development and redevelopment, having regard for the health, safety, convenience and needs of the present and future population.

To allow development where it can be adequately serviced within the existing capacity or planned expansion, upgrading or improvement of public service facilities (municipal administration, fire, police, health care, educational, health care, recreational, cultural and social services) and infrastructure (water, sewage, storm water, roads and waste disposal).

To protect sensitive land uses (dwellings, health care and educational facilities) from incompatible land uses and to avoid or resolve existing land use conflicts.

To protect the air quality of the community while encouraging alternative energy sources and a sustainable community.

To conserve and protect natural heritage features and areas and the attributes of the natural landscape in the design, development and maintenance of land uses and land use activities.

To provide the land use planning framework to sustain existing employment and encourage and stimulate new economic development.

To institute measures for the evaluation of known or potentially contaminated (brownfield) sites and their restoration to a condition suitable for reuse, development or redevelopment.

To protect and conserve cultural heritage resources, which includes archaeological sites, built heritage resources and cultural heritage landscapes.

6 COMMUNITY DEVELOPMENT

6.1 MCGARRY URBAN SETTLEMENT AREA

The Urban Settlement Areas of Virginiatown, North Virginiatown and Kearns as shown on the Land Use Plan, Schedule "A" shall be the focus of future growth, development and redevelopment within the community.

6.2 LAND USE PATTERN

The land use pattern shall be made up of a mix of land uses which consist of specific land use designations including a Residential Area, a Commercial Area, an Industrial Area, a Public Services Facility Area and a Parks and Open Space Area. Other land uses or features may be common to all land use categories depending on their characteristics or servicing requirements such as infrastructure and areas having natural hazards.

6.3 RESIDENTIAL AREA

6.3.1 Permitted Uses

On lands designated as Residential Area on the Land Use Plan, Schedule "A" Residential uses permitted shall include a full range of housing types and densities appropriate to a small urban-centered community. These include single and two-unit dwellings, mobile homes, row or town housing, boarding houses, apartments, retirement homes, group homes and crisis housing (e.g., temporary residence for persons requiring emergency shelter). Garden suites, as defined in the *Planning Act,* may be permitted by a temporary use by-law. In-law suites or an apartment-in-a-house may be permitted where appropriately zoned.

Accessory uses may include a bed and breakfast establishment and a home based business. Accessory buildings and structures to any of the foregoing uses shall be permitted. Other uses may include places of worship.

6.3.2 Planning Principles

6.3.2.1 The lot size and frontage must be adequate for the intended use.

6.3.2.2 The lot shall be serviced with municipal water, sewage, stormwater and waste disposal services having adequate capacity to service the development.

6.3.2.3 The lot shall have frontage on and direct access onto a public road constructed to municipal standards.

6.3.2.4 Housing types and densities may be segregated to maintain compatibility and consistency in the character of the area in which they are located. For example,

mobile homes should be grouped or clustered separately from other housing types. A senior's residence should be located closer to public service and commercial facilities. Approximately 70 % of the housing should be developed as low density (singles, two-unit and mobiles), while 30% should be allocated for medium and higher density. The municipality will endeavour to ensure that 25% of the housing is made affordable to low and moderate income households.

6.3.2.5 As a target, the available land supply for residential purposes should not be less than 50 lots/units at all times. The minimum supply target for the planning period is 150 lots/units. The municipality will maintain a minimum ten year supply of land available for residential development and a three year supply of land suitably zoned to facilitate immediate residential development.

6.3.2.6 Land development shall generally be by plan of subdivision. This shall not prevent land division by consent on infill lots or blocks or where consent will facilitate development within the urban settlement area (Virginiatown, North Virginiatown and Kearns).

6.3.2.7 Land development shall occur in a contiguous and compact fashion through infill on existing lots of record and by rounding out development on Greenfield areas. In Virginiatown, the urban settlement area includes the southerly extension of the town site to the shore of Larder Lake to provide for lakefront residential lots. In North Virginiatown the residential area will be rounded out through the northerly extension of 24th through 27th Avenues and by the easterly extension of the town site south of 27th Street along the water and sanitary sewer line corridors.

6.3.2.8 A bed and breakfast establishment may be permitted in a single detached dwelling provided there is an adequate area for parking and health unit approvals, where required, are obtained.

6.3.2.9 Home based businesses may be permitted as an accessory use in either the principle dwelling or an accessory building, provided that the use is legal, that the use is clearly secondary to the residential use and does not create a nuisance to neighbours (i.e. noise, traffic, signs), and that adequate parking is available.

6.3.2.10 Group homes are generally defined as a single housekeeping unit in which three to ten persons, excluding supervisory or operating staff, live together under responsible supervision and which is licensed and/or approved under provincial statutes and comply with municipal by-laws. The Township may establish a registry for group homes and may govern separation distances between group homes.

6.3.2.11 Retirement homes or continuum-of-care facilities may be established in the residential area as a measure to meet the housing needs for seniors in the community.

6.3.3 Implementation Measures

6.3.3.1 The Township will zone lands to control the types and densities of housing, accessory uses and non-residential uses in the Residential Area. The Township may use Section 39 of the *Planning Act* to enact a temporary use by-law for a garden suite. This *Act* may also be used to enter into an agreement to control the occupancy of the garden suite.

6.3.3.2 The Township may use site plan control for multiple housing projects, for group homes and for any lakefront residential development. Site plan and zoning controls may be used to mitigate the impacts of non-residential uses (i.e., public service uses) on adjacent residential uses (e.g., increased setbacks, landscaping, and screening).

6.3.3.3 The Township may take advantage of provincial and/or federal housing programs to facilitate the delivery of affordable housing.

6.3.3.4 All development shall meet the requirements of the Ontario Building Code.

6.3.3.5 Residential may occur through intensification and the redevelopment or retrofitting of non-residential buildings.

6.3.3.6 All residential development and other sensitive land uses will only be permitted where they are shown to be compatible with industrial land uses, waste and sewage disposal facilities and mineral aggregate operations as demonstrated through the application of the appropriate Ministry of the Environment Guidelines.

6.4 COMMERCIAL AREA

6.4.1 Permitted Uses

On lands designated as Commercial Area on the Land Use Plan, Schedule "A" permitted uses shall include a full range of retail, personal service uses, automotive, recreational and resort commercial uses.

Except for an automotive use, residential uses may be permitted in the same building as a permitted commercial use.

New residential uses may be permitted where compatible with commercial uses. Other uses may include places of worship. Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.4.2 Planning Principles

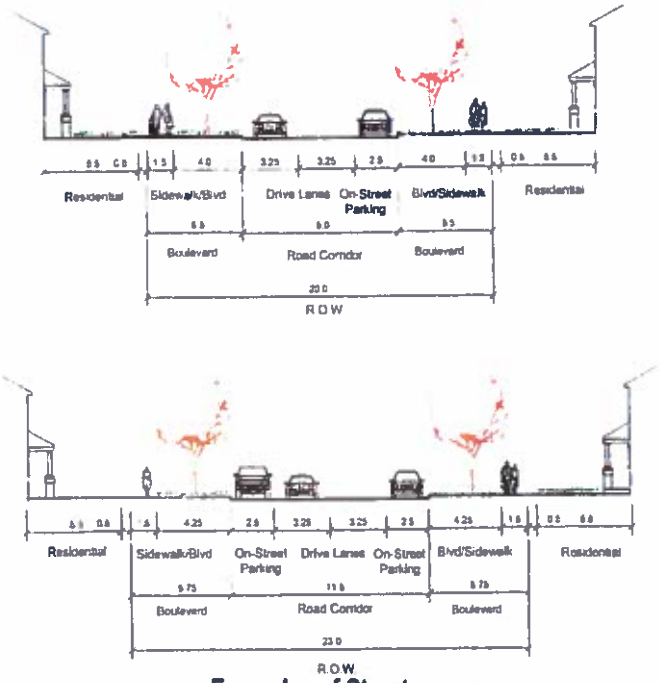
6.4.2.1 The lot size and frontage must be adequate for the intended use. This should include provision for parking, loading, landscaping, outside storage and potential future expansion of any commercial use.

6.4.2.2 The lot shall be serviced with municipal water, sewage, stormwater and waste disposal services having adequate capacity to service the development.

6.4.2.3 The lot shall have frontage on and direct access onto a public road constructed to municipal standards.

6.4.2.4 The intent of this Plan is to provide for the development of an identifiable downtown along Connel Avenue and Webster Streets in Virginiatown, to cluster commercial uses at the intersection of Webster Street and Highway 66 and to encourage a linear commercial area along Highway 66 in Kearns.

A compact form of development will be encouraged in the downtown of Virginiatown which has the character of a conventional 'main street' (e.g. zero lot line or mall style) and creates a sense of place that is inviting to the public.



Examples of Streetscape

The main street will be planned for vehicular and pedestrian access. Streetscaping may include on-street parking, wide sidewalks which are accessible for those with disabilities (barrier free access), street furniture (benches, waste receptacles), pedestrian-scale lighting and landscaping.

The emphasis on commercial development in the heart of the downtown should be at least 50% retail stores. Auto-oriented services should be directed to frontage on Highway 66.

6.4.2.5 Development along Highway 66 is subject to the approval of the Ministry of transportation. Studies may be required to assess traffic impacts, requirements for entrances, setbacks and storm drainage. Where lots have access to a Township Road, access will be directed to the Township Road.

6.4.3 Implementation Measures

6.4.3.1 The Township will zone lands to control the types and densities of commercial development.

6.4.3.2 The Township may use site plan control to ensure high quality development, to provide for on-site servicing and to provide for buffering or landscaping between commercial uses and residential uses.

6.4.3.3 Complete applications may include the requirements for studies to satisfy traffic safety and servicing concerns with respect to Provincial and Municipal interests.

6.5 INDUSTRIAL AREA

6.5.1 Permitted Uses

On lands designated Industrial Area on the Land Use Plan, Schedule "A" a full range of industrial uses including mineral mining operations are permitted. Industrial uses) will be restricted to areas which will not conflict with sensitive land uses per the Ministry of the Environment Guideline, D-6, Compatibility Between industrial Facilities and Sensitive Land Uses.

Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.5.2 Planning Principles

6.5.2.1 The intent of this Plan is to recognize existing industrial development such as the mineral mining operation immediately west of Virginiatown and the influence of a similar mineral mining operation just outside of the western boundary of McGarry Township in the Township of Larder Lake. The expansion or further development of mineral mining operations will be subject to the Mining and Environmental Assessment Acts, respectively and to the requirements of Guideline D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses, Ministry of the Environment. The Guideline will also apply to ancillary operations and uses to a mineral mining operation. The land use designation west of Virginiatown applies to the lands around the project site of the existing mineral mining operation (based on the mine's closure plan). Activities within the designation are expected to comply with provincial guidelines and approvals for this mining operation. Council recognizes that mining claims have been staked for a much larger area than the project site. Mining exploration activities are recognized where they are permitted under the *Mining Act*. Expansion of the mineral mining operations beyond the current area or the establishment of new operations will require an amendment to this Plan. The cessation of mining activities or changes of industrial uses will be subject to periodic review by the Township (i.e. five year review of the official plan) and may trigger an amendment to the Plan.

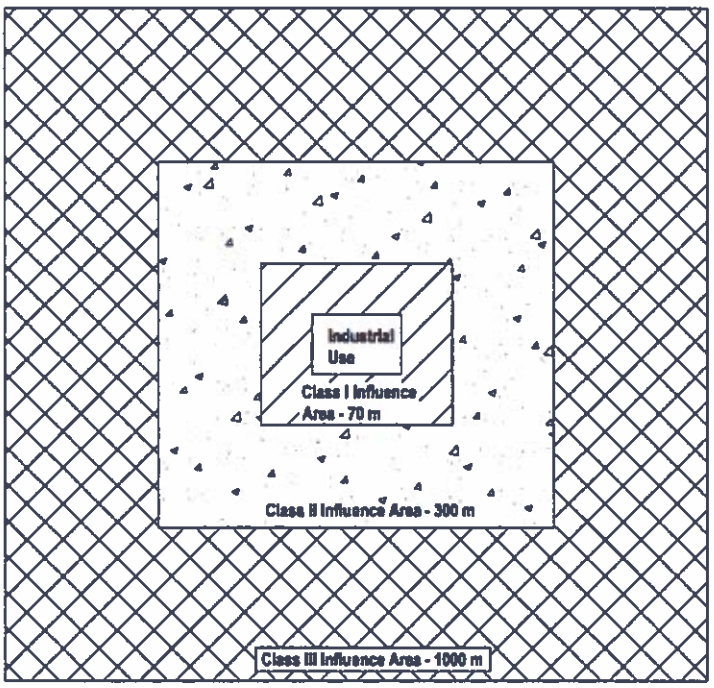
The intent of this Plan is to also establish policies for potential industrial development that might apply to a future area designated by amendment to the Plan.

6.5.2.2 The lot size and frontage must be adequate for the intended industrial and ancillary use(s). This should include provision for parking, loading, landscaping, outside storage and potential future expansion of any industrial use.

6.5.2.3 The lot shall be serviced with water, sewage, stormwater and waste disposal services having adequate capacity to service the development. The extension of municipal water and sewer services to service a rural-based industrial area will not be permitted.

6.5.2.4 The lot shall have frontage on and direct access onto a public road constructed to municipal or provincial standards, whichever is applicable.

Influence Area Surrounding Industrial Uses



6.5.2.5 New industrial development shall comply with the recommended minimum separation distances set out in D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses, Ministry of the Environment, namely: Class I - 20 m, Class II - 70 m and Class III - 300 m. Distances shall normally be measured between the lands designated as Industrial Area and the closest committed or proposed sensitive land use (i.e. residential, health care facility, educational facility). An exception may be made for an on-site separation distance on the industrial property where the intervening activities do not present an adverse effect on a sensitive land use (i.e. employee parking, landscaping, buffer area).

6.5.2.6 An influence area describes an area where an adverse effect from an industry may be experienced by a sensitive land use. Development of an industrial or sensitive land use within an influence area may only be permitted where technical studies (e.g. noise and vibration, air quality) indicate the absence of a problem or where it can be mitigated or (i.e. no adverse effect). The influence areas set out in the Ministry of the Environment guideline are: Class I - 70 m, Class II - 300 m and Class III - 1,000 m. In exceptional circumstances, separation distances greater than the outside limit of

potential influence areas identified in this Plan will be recommended. Studies may be required even if a separation distance beyond the potential influence area is proposed.

6.5.2.7 Outdoor storage, parking, loading, waste receptacles, lighting and signage shall be visually screened (e.g., fence, vegetation) or appropriately located in a way as to not negatively affect residential properties or other sensitive land uses.

6.5.2.8 No industrial uses shall be permitted in or within 1 km of the wellhead protection area as set out in Section 11.2 of this Plan.

6.5.3 Implementation Measures

6.5.3.1 The Township will zone lands to control the types and densities of industrial development.

6.5.3.2 The Township may use site plan control to ensure high quality development, to provide for on-site servicing and to provide for buffering or landscaping between industrial uses and other land uses.

6.5.3.3 All development shall comply with the Ontario Building Code.

6.5.3.4 The Township will establish a protocol for consultation with the Ministry of Northern Development and Mines on technical and other concerns related to mineral mining operations and their impacts on other land use activities in the municipality.

6.6 PUBLIC SERVICE FACILITIES AREA

6.6.1 Permitted Uses

On lands designated Public Service Facilities Area on the Land Use Plan, Schedule "A" the permitted uses shall include a public service facility (e.g. municipal administration building, fire station, police station, school, municipal recreational facility, health care facility).

Accessory buildings and structures to any of the foregoing uses shall be permitted.

The intent of the Plan is to recognize the variety of public service facilities in the community (i.e. municipal office, public works garage, school, arena/library/community hall, fire station/ambulance station, medical centre/OPP office, tourist centre). This Plan does not anticipate the expansion of current facilities or new facilities in the short term.

However, the following planning principles will apply to new or expanding facilities.

6.6.2 Planning Principles

6.6.2.1 The lot size and frontage must be adequate for the intended use. This should include provision for parking, on-site traffic circulation, loading, landscaping and potential future expansion of any public service facility. Parking facilities may be shared among two or more facilities.

6.6.2.2 The lot shall be serviced with municipal water, sewage, stormwater and waste disposal services having adequate capacity to service the development.

6.6.2.3 Points of access to a public road may be designed to serve one or more uses. Access points and on-site traffic movements should be designed to facilitate the flow of traffic and access for fire protection purposes. In designing the facilities, consideration should be given to pedestrian linkages in an attempt to encourage walking and cycling among and between facilities and the community, particularly for youth.

6.6.2.4 Facilities will be integrated with parks, open space areas and recreational trails wherever feasible.

6.6.2.4 The design of new facilities or expansions to existing facilities shall ensure that proper separation distances from incompatible land uses are maintained or adequately mitigated.

6.6.3 Implementation Measures

6.6.3.1 The Township will zone lands to control the types and densities of public service facilities.

6.6.3.2 The Township may use site plan control to ensure high quality development, to provide for on-site servicing and to provide for buffering or landscaping and the creation of a 'campus-like setting'.

6.6.3.3 All development shall comply with the Ontario Building Code.

6.7 PARKS AND OPEN SPACE AREA

6.7.1 Permitted Uses

Parks, playgrounds, sports fields and open spaces are areas designed and developed for the public for recreation, leisure, fitness and aesthetic appreciation. These areas may also serve as habitat areas and linkages for wild life. They are essential to a healthy community. Within lands designated as Parks and Open Space Area on the

Land Use Plan, Schedule "A" the scope of permitted uses shall include parks, playgrounds, sports fields, recreational trails, walkways, public beach areas, boat launches, marina, campgrounds, conservation areas and reserves, stormwater management facilities, cemeteries, golf courses and open space.

Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.7.2 Planning Principles

6.7.2.1 Parks and open space uses should be adequately sized to accommodate user needs with provision being made for their potential expansion. Where applicable, provision shall be made for adequate parking.

6.7.2.2 Where ancillary facilities to a park or open space area include the need for water or sewage disposal services, the lot shall be serviced with water and sewage services having adequate capacity to service the development. On-site individual water and sewage disposal may be permitted for parks and open space uses outside of the McGarry Urban Settlement Area where they comply with the relevant legislation i.e. Ontario Water Resources Act or Ontario Building Code. The lot shall also be designed for stormwater management and, where applicable, waste disposal services.

6.7.2.3 Facilities designed for public use should have access from a public road.

6.7.2.4 Lands for parks and open space uses may be acquired through parkland dedication and land acquisition (including the acquisition of Crown Land).

6.7.2.5 The intent of this Plan is to conserve and add to the system of recreational trails for single and multi-use. This includes the development of a walkway/trail connecting the three town sites. Single use passive trails for walking, hiking and cross-country skiing shall be restricted to non-motorized uses.

6.7.2.6 McGarry intends to be a snowmobile and 4-wheel off-road friendly community. Controls will be imposed, however, to protect residential areas from undue motorized traffic. Trail crossings of Highway 66 require the approval of the Ministry of Transportation.

6.7.2.7 It is the intent of this Plan that provision will be made for maintaining public access to water bodies.

6.7.2.8 The municipal boat launch is an important water access point to Larder Lake. Council's intent is to expand this facility to include a marina. The associated parking area may be designated for accommodating those who have water-access only lots on Larder Lake. The waterfront complex may also include commercial recreational uses oriented to aquatic activities.

6.7.2.9 Particular care will be taken to protect the water quality of Larder Lake in planning and developing lakefront services (e.g. marina, recreational commercial uses). Council may impose controls on fuel storage and refuelling activities and other activities which may have an impact on water quality.

6.7.3 Implementation Measures

6.7.3.1 Lands may be acquired through parkland dedication under the Planning Act (5% for residential or 2% for commercial/industrial).

6.7.3.2 Lands will be appropriately zoned to distinguish the types or use of permitted uses in the Parks and Open Space Area. Site Plan control may be used for the development of recreational commercial facilities, marinas and similar ventures.

6.7.3.3 All development shall comply with the Ontario Building Code.

6.8 MCGARRY RURAL AREA

The McGarry Rural Area as shown on the Land Use Plan, Schedule "A" shall be an area where the scope of permitted uses shall relate primarily to the management or use of resources, resource-based and other recreational activities (e.g. golf course), limited rural and lakefront residential development and other rural land uses typically located in a rural area. Since close to one-third of the rural area is Crown Land, the Province is largely responsible for resource management and the regulation of land use activity. New land development will be based on a cooperative and coordinated approach between the Province and the municipality where the disposition of Crown Land is required for future development purposes. Council will ensure that Aboriginal rights and interests are reflected in making land use decisions.

6.9 LAND USE PATTERN

The land use pattern shall be made up of a mix of land uses which consist of specific land use designations including Lakefront Recreational Area, Waste Management Area, Industrial Area and Natural Resources Area. Other land uses or features may be common to all land use categories depending on their characteristics or servicing requirements such as infrastructure and natural hazards. Limited residential development may be permitted by consent or on existing lots of record in the Rural Area along the Cheminis Road and Highway 66 provided such development does not conflict with the resource management policies of this Plan and complies with Section 12.5 with respect to provincial and local access requirements to a public road.

6.9.1 Hunt Camps and Fish Camps

Hunt and fish camps are considered to be structures for short term accommodation (i.e. weekends or during hunting and fishing season) and are distinguished from cottages which are intended for vacations and more extended periods of occupation. Hunt and fish camps

shall be permitted in the Rural Area of the municipality where arrangements are made for sewage disposal and where legal access can be obtained (i.e. public road, resource access road or right-of-way). Hunt Camps and fish camps may not be converted to a seasonal dwelling unless the lands are designated as Lakefront Recreational. Properties may be zoned to permit such uses. Council does not intend to provide services to hunt and fish camps.

6.10 LAKEFRONT RECREATIONAL AREA

6.10.1 Permitted Uses

On lands designated as Lakefront Recreational Area on the Land Use Plan, Schedule "A" the permitted uses may include seasonal and year-round residential uses, and recreational commercial uses such as commercial tourist and resort facilities (e.g., fly-in, water access or road access).

The intent of this Plan is to provide for lakefront recreational development on lands designated on Schedule "A" (e.g., lands within 300 m of the north shore of Bear Lake, Tourene Lake and Barber Lake and the south shore of Larder Lake) or through an official plan amendment where the planning principles for this type of development can be met. This type of development is viewed in part as an economic development initiative.

6.10.2 Planning Principles

6.10.2.1 As a condition of the development, Council may require a lake management plan. The lake management plan may be used to determine suitable areas for development based on any or all of the following components:

- Future development of designated Lakefront Recreational Areas shall be assessed using the Ontario Ministry of the Environment's Lakeshore Capacity Model which is based on phosphorous levels. Where determined capacity is met or exceeded, new development will not be supported, and any existing development will be encouraged to act to manage phosphorous contributions in order to maintain or to reduce phosphorous levels in the lake;
- Undertaking a shoreline assessment to determine the most suitable sites for residential lots i.e. slope, soil type and cover, vegetation cover, drainage, conservation of fish habitat and other sensitive habitat;
- Conserving natural heritage features and areas: An Impact Assessment will be required to assess the impact on any significant natural heritage feature or area;

- Lot size: Lot sizes shall not be less than 1 ha [2.47 ac];
- On-site water and sewage disposal: Lots shall be self sustaining from a servicing standpoint. Lots must be suitable for servicing over the long-term. The most up-to-date phosphorus removal technology will be required;
- Providing for access: The lot shall have frontage on and direct access onto a public road constructed to municipal standards;
- Determining the feasibility of providing utilities (i.e. hydro, telephone): Alternative energy systems will be permitted;
- Determining the demand for specific uses such as lakefront residential development;
- Conservation or protection of natural resources: The location of lakefront residential development should not interfere with the potential access to or development/extraction of natural resources such as minerals and mineral aggregates;
- If the subject lands contain known archaeological resources or areas of archaeological potential, lots developed by a plan of subdivision will be subject to an archaeological assessment; and
- Crown Land disposition shall be determined.

Other lands may be designated through an amendment to this Plan.

6.10.2.2 On lands designated for Lakefront Recreational on Schedule "A", the lot size and frontage must be adequate for the intended use. The minimum lot area for a residential lot shall be 1 ha [2.47 ac] and 2 ha [5 ac] for a commercial recreational venture. Multiple unit developments (e.g., fractional ownership, tourist chalets or similar uses) shall not exceed a density of one unit/0.6 ha [1.5 ac] or greater where determined by a hydrogeological study and terrain analysis. Sewage disposal systems shall be set back 30 m [98.4 ft] from the high water mark. Shoreline features and vegetation shall be left in their natural state for the first 30 m [98.4 ft] from the lake except for a pathway or access to the lake (e.g., to a dock). Pruning and maintenance of healthy vegetation is strongly encouraged. Larger shore activity areas may be established for recreational commercial uses provided that clearing along to shoreline does not exceed 30% of the shoreline frontage.

6.10.2.3 The lot shall be serviced with water and sewage disposal systems which are suitable for the long-term provision of such services. This may require a hydrogeological and water supply assessment study designed to assess the potential risk to groundwater. Reference shall be made to Ministry of the Environment, Guideline D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, in undertaking the appropriate assessment. Approval of new lots developed on individual on-site sewage services shall include sufficient off-site reserve sewage system treatment capacity for hauled sewage. Stormwater and waste disposal services having adequate capacity to service the development shall be required.

6.10.2.4 The characteristics of the physiology of the lot should include slopes not exceeding 6%, 60% mature vegetation coverage, soils and overburden suitable for the installation of a sub-surface sewage disposal system and locations which are directed away from significant fish habitat, wildlife habitat and wetland areas.

6.10.2.5 The lot may be developed as a water access only on Larder Lake, but shall otherwise have frontage on and direct access onto a public road constructed to municipal standards. Provisions shall be made for parking at a suitable water access point for water access lots through a lease, zoning or other long-term arrangements.

6.10.2.6 Development will be prohibited on lands adjacent to a water body where the water body has reached or may reach its development capacity (based on the Ministry of the Environment's Lakeshore Capacity Model) except where one or more of the following conditions exists:

- The tile fields on each new lot are set back at least 300 m [984 ft.] from the shoreline of the lake.
- The tile fields on each new lot are located such that it would drain into the drainage basin of another water body which is not at capacity.
- To separate existing, habitable buildings which were included in the original capacity calculation, each having a separate sewage disposal system, provided that the land use would not change, and

The proposed new use complies with Section 6.10.2.3 of this Plan.

6.10.3 Implementation Measures

6.10.3.1 Lands will be appropriately zoned to distinguish the types or use of permitted uses in the Lakefront recreational Area. Site Plan control may be used for the development of lakefront land uses.

6.10.3.2 All development shall comply with the Ontario Building Code including approvals for on-site sewage disposal systems or where require, the Environmental Protection Act.

6.10.3.3 Council may require studies to be undertaken in support of a complete application including lake capacity, lake management, a hydrogeological and water supply assessment, archaeological assessment, environmental impact statement.

6.11 WASTE MANAGEMENT AREA

6.11.1 Permitted Uses

On lands designated as Waste Management Area on the Land Use Plan, Schedule "A" the scope of permitted uses shall include landfill

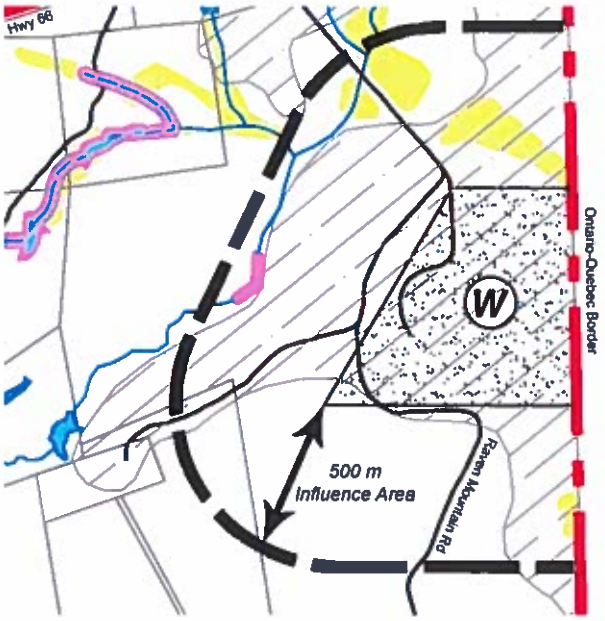
and recycling facilities and sites, septage haulage and disposal sites, waste materials haulage and disposal sites and nutrient management.

Accessory buildings and structures to any of the foregoing uses shall be permitted. It is the intent of this Plan that the municipality's landfill site be used for domestic waste disposal and that the licensed fill area be expanded in response to its diminishing capacity and new development proposals. It is also the intent of the municipality to move towards the formal establishment of a recycling program (see Ministry of Environment Guideline D-4 Land Use on or Near Landfills and Dumps).

6.11.2 Planning Principles

6.11.2.1 All waste must be disposed of at an approved waste management facility. Existing active or new sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. Site development shall make provision for the progressive rehabilitation and reuse of the site.

6.11.2.2 Waste management systems may include facilities for recycling, composting, hazardous waste control, transfer sites and ancillary activities operated in accordance with a valid Certificate of Approval. New sites, sites for septage disposal and transfer stations will require an amendment to this Plan and will require approval under the *Environmental Protection Act*. . Provincial and municipal approvals will be required for the hauling and disposal of waste materials and sewage and septage. Prohibited wastes shall include nuclear wastes, hazardous or pathological wastes. Sites may include transfer sites used for the temporary storage of waste materials. The municipality will monitor the impact of sites to ensure that there are no off-site adverse impacts (e.g., landfill generated gases, ground and surface water contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin, and visual impact).



6.11.2.3 The municipality will use a 500 m [1,640 ft] radius (see Land Use Plan, Schedule "A" for illustration) as the influence area for requiring impact studies and will establish provisions in the zoning by-law or use site plan control to establish an appropriate separation distance from an active or closed landfill site (i.e., 30 m [98.4 ft]) from the boundary of the licensed footprint. Within an influence area, which may be considered as a study area, factors to be considered in assessing whether development

proposals should be approved include, but are not limited to, landfill generated gases, ground and surface water contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin, and visual impact. These matters shall be addressed in a technical report.

6.11.2.4 Closed or inactive sites, whether public or private, may be used for other purposes subject to meeting requirements of the *Environmental Protection Act* (*Section 46 Order*). In general, no buildings or other uses may be permitted on lands used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment. Closure plans should provide for the progressive rehabilitation of the site.

6.11.2.5 As a condition of approval for any lakefront recreational development or other rural development which depends on individual on-site sewage disposal, the applicant shall demonstrate that there is adequate capacity for hauled sewage from the proposed development.

6.11.3 Implementation Measures

6.11.3.1 The municipality will maintain a valid Certificate of Approval for its landfill site and will monitor impacts as required by the Ministry of the Environment. The Township intends to investigate options for expanding capacity for waste management services beyond the end of the lifespan of the existing landfill site (e.g., 9-10 years or approximately 2018).

6.11.3.2 In support of a complete application, Council may require studies or technical information to assess the impact of a development proposal on the residual capacity of the Township's Waste Management Facility.

6.12 NATURAL RESOURCES AREA

6.12.1 Permitted Uses

The Natural Resources Area is predominantly made up of Crown Land. These lands are generally accessible and open to the public and are areas where mining exploration is prevalent. These are also areas in which reforestation has occurred and where the natural landscape is host to habitat for fish and wildlife. The intent of the Plan is to conserve these areas for their natural resource value. Resource-based land use activities in the Natural Resources Area includes: mineral aggregate resources, mineral resources, forestry and agriculture. Other features include natural heritage features and areas. Non-resource related activity will not be permitted except where qualified i.e. lakefront recreational development. Council will ensure that Aboriginal rights and interests are reflected in making land use decisions.

Permitted uses shall include resource uses subject to the following policies.

6.13 MINERAL AGGREGATE RESOURCE AREA

6.13.1 Permitted Uses

On lands designated as Mineral Aggregate Resource Area on the Land Use Plan, Schedule "A" the scope of permitted uses shall include a mineral aggregate operation, asphalt and concrete plants, mineral aggregate processing facilities and administration buildings or structures, wayside pits or quarries forestry use, conservation use, peat extraction and associated accessory uses.

Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.13.2 Planning Principles

6.13.2.1 On Crown Lands, approvals for pit and quarry operations, including wayside pits and quarries, shall remain within the jurisdiction of the Province.

6.13.2.2 Lands designated as Mineral Aggregate Resource Area on the Land Use Plan, Schedule "A" are lands identified by the Province as having granular material (sand and gravel), which have not been tested. The intent of the Plan is to ensure that they are protected for resource development in the future.

6.13.2.3 Mineral aggregate operations shall be subject to the requirements and approvals provided for under the applicable legislation. This shall include any separation distance from any sensitive land use that may be imposed under any license issued or a separation distance imposed from a mineral aggregate reserve Separation distances shall be calculated in accordance with the Ministry of the Environment's D-6 Guideline. Measurement of the separation distances shall be from the boundary of the Mineral Aggregate Resource Area designation shown on the Land Use Plan, Schedule "A" to the closest property line of a sensitive land use (i.e. residential, educational facility, health care facility).

6.13.2.4 Development may be permitted within an influence area (as determined by a study) where technical studies demonstrate that there will be no impact or that the impact of a mineral aggregate operation (noise, dust, vibration) can be mitigated to the level of a trivial impact, and that the quality and quantity of groundwater supplying the sensitive use will not be compromised.

6.13.2.5 Non-mineral aggregate resource uses will not be permitted adjacent to or in known deposits of mineral aggregate resources where they would preclude or hinder the establishment of new operations or access to the resource unless it is demonstrated that the resource use would not be feasible, or the proposed land use development serves a greater long-term interest and issues of public health, public safety and environmental impact are addressed.

6.13.2.6 Lands which are depleted shall be progressively rehabilitated to accommodate a subsequent land use or for a sequential natural resource use and shall take surrounding land uses into consideration.

6.13.2.7 Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted without the need for an official plan amendment or rezoning in the McGarry Rural Area except on lands with a particular environmental sensitivity (i.e., significant natural heritage feature or area) or in areas of existing development. Operators of aggregate processing equipment such as crushers and screening plants will require a Certificate of Approval from the Ministry of the Environment and location approval from the District office of the Ministry of the Environment.

6.13.2.8 No mineral aggregate operations shall be permitted within 1 km [0.6 miles] from a wellhead protection area.

6.13.3 Implementation Measures

6.13.3.1 Pits and quarries, licensed/authorized under the applicable legislation shall be rezoned for extraction and associated accessory uses in the zoning by-law, generally, to the extent of the licensed boundary. In the interim, lands within any Mineral Aggregate Resource Area designation which are not zoned for a pit or quarry will be placed in an appropriate zone category to protect the lands from sterilization by new development. Zoning standards shall include the relevant separation distances between pits and quarries and sensitive land uses.

6.13.3.2 In support of a complete application, Council may require studies or technical information to assess the impact of a mineral aggregate resource area on an alternative or sensitive land use, noise, traffic or to assess the commercial or economic value of the resource.

6.14 AGRICULTURAL USES

There are no lands utilized or identified as prime agricultural lands in the Natural Resources Area. The intent of this Plan is to permit agricultural uses, agriculture-related uses and secondary uses provided they do not conflict with a residential use.

The Minimum Distance Separation (MDS) Formulae I and II of the Ministry of Agriculture, Food and Rural Affairs shall be applied to reduce incompatibility concerns about odour from livestock facilities and/or manure storage facilities and any development. The MDS Formulae II will not apply to the rebuilding of a building destroyed by natural causes (e.g., fire, flood), provided that the rebuilding does not further diminish the applicable distance separation.

6.15 MINERALS

6.15.1 Mineral Potential

Areas of Mineral Potential are not shown on the Land Use Plan, Schedule "A" since the entire municipality is recognized as an area having provincially significant mineral potential. The intent of this Plan is to encourage geological surveys, exploration, development and mineral production within the areas of high mineral potential. In the mining sequence, it is also the intent to ensure the proper closure and rehabilitation of depleted mines or mineral mining operations prior to any subsequent land use. All mineral mining operations will be undertaken in compliance with the Mining Act and other relevant legislation.

Mineral mining operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. However, the Township will seek the cooperation of the mining industry in minimizing or avoiding adverse impacts of mineral mining operations in and around the built urban form or on lands designated for lakefront recreational uses and to this extent intends to achieve the best balance between the economic mining to McGarry and the development of a healthy, livable and safe community. More specifically, on lands designated as Residential Area, Commercial Area and Lakefront Recreational, mineral mining operations will be limited to exploration activities. Mineral mining operations involving the development and operation of a mine may only be permitted subject to an amendment to this Plan within these designations (if on private lands). In areas not designated for urban development, a technical report will be required to substantiate the need for non-resource related development within or adjacent to known areas of mineral potential.

New or expanded mining operations and exploration activities should incorporate reasonable operational protocols and mining techniques to mitigate the impacts of drilling, blasting, and other related activities on any adjacent sensitive land uses and other land uses. For the purposes of this Plan, mineral mining operations are considered to be a Class III industry and are subject to the Ministry of the Environment Guidelines D-1 and D-6 in applying separation distance and influence area requirements. The actual influence area will be determined by technical studies as required by the guidelines.

Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be undertaken where feasible (see also Mine Hazards)

6.15.2 Implementation Measures

6.15.2.1 The Municipality will establish appropriate standards in the zoning by-law to govern separation distances and setbacks for mineral mining operations.

6.16 NATURAL HERITAGE FEATURES AND AREAS

6.16.1 Scope

Natural Heritage Features and Areas are those features which are important for their environmental and social values as a legacy of the natural landscapes in the area. These include:

- Significant wetlands (provincially and locally significant);
- Fish habitat;
- Significant habitat of endangered and threatened species;
- Significant wildlife habitat;
- Significant areas of natural and scientific interest; and
- Species at risk

The Ministry of Natural Resources has identified areas of significant wildlife habitat for moose, waterfowl nesting sites and fish spawning areas. Larder Lake has been classified as a cold water lake and is an important lake trout lake. The landscape is also occupied by numerous unclassified wetlands that are also important to the ecological functions of the natural community. Highly sensitive features and species at risk are not illustrated although they are considered to be part of the natural environment and will be considered in reviewing development applications.

6.16.2 Planning Principles

6.16.2.1 The intent of this Plan is to provide appropriate measures for the protection of features which have been identified and to encourage further study and classification.

6.16.2.2 It is the intent of this Plan to protect and enhance natural heritage features and areas as part of the land use decision-making process.

6.16.2.3 Council, in association with the Ministry of Natural Resources and other interested parties, will continue to work towards the identification, classification, and evaluation of natural heritage features and areas.

6.16.2.4 Development and site alteration will not be permitted in the significant habitat of endangered and threatened species as may be identified from time-to-time.

6.16.2.5 Development and site alteration may be permitted in significant or unclassified wetlands, significant wildlife habitat and areas of natural and scientific interest where it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which an area or areas have been identified.

6.16.2.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

6.16.2.7 An Impact Assessment study may be required for any of the Natural Heritage Features which are shown on the Land Use Plan, Schedule "A" using the Significant Wildlife Habitat Technical Guide, (MNR, 2000) and other technical evaluation criteria, where appropriate.

6.16.2.8 The components of an Impact Assessment (IA) study are as follows:

- Description of the study area and landscape context;
- Description of the development proposal;
- Identification of those natural heritage features and functions likely to be affected by the development proposal;
- Assessment of the potential or cumulative impacts of the proposed development on key natural heritage features and functions;
- Identification of mitigation requirements and monitoring requirements, where applicable;
- Quantification of residual impacts (those that cannot be mitigated) if any; and
- Recommendations

6.16.3 Implementation Measures

6.16.3.1 Applicants for development shall submit a complete application as required under *The Planning Act* with supporting information to include the completion of an Impact Assessment study for any proposed development within or adjacent to a significant Natural Heritage Feature which may be shown on the Land Use Plan, Schedule "A" or otherwise identified as part of the development process.

6.16.3.2 Council may consult technical agencies for comments on the terms of reference or results of such studies. Council may also engage such professionals as are required for the purpose of reviewing an Impact Assessment study (peer review). Costs will normally be recovered from the applicant for development.

6.16.3.3 Council may use zoning or site plan control as a means to implement the requirements for conservation of natural heritage features and/or the mitigation of adverse impacts.

7 ECONOMIC DEVELOPMENT

7.1 Introduction

McGarry's size, its traditional reliance on a single industry and its strong cultural character provide it with a strong sense of community that offers a number of opportunities and some challenges for the community's goal of social and economic diversification. The intent of this Plan is to set a supportive framework for building community capacity to identify and seize diversification opportunities. The Official Plan builds on the community's Strategic Plan [1].

7.2 Vision Statement

The vision statement of the Strategic Plan is: 'A clean safe, thriving community, offering a rich quality of life.' is a useful guide to frame both land use planning and other initiatives.

7.3 Goals

The goals of the Strategic Plan are:

- Respect and build on its unique history;
- Maximize communication, cooperation and collaboration within the community;
- Work with surrounding communities in support of economic development efforts;
- Improve the economic outlook of the Township of McGarry;
- Promote the development of jobs in the community;
- Provide a range of affordable high quality services for people of all ages;
- Generate trust and unity throughout the community;
- Improve the lifestyle of residents; and
- Improve community infrastructure.

7.4 Diversification Initiatives

7.4.1 Structure for Economic Development

The Kirkland & District Community Development Corporation (KDCDC) (as an arm's length organization to municipal Council) will serve as an important organization to assist in the implementation of the diversification strategy. At the municipal level, several committees have been established to address economic development, provide recreational services and administer property standards

[1] The McGarry Community Strategic Plan 2005

7.4.2 Community Improvement

Community improvement will provide for the upgrade of municipal infrastructure (roads, water, sewer, sidewalks etc.) and public service facilities such as the Municipal Office as key public sector investments. Incentives may be provided to facilitate and encourage private sector investment in the rehabilitation and retrofitting of housing and commercial buildings. Property standards will be emphasized as a measure to improve the visual image of the community and as a means to sustain the assessment base.

7.4.3 Tourism and Related Business Opportunities

This strategy will provide for building a market which builds on the natural and developed attributes of the area such as Mount Cheminis (Mt. Chaudron), Tourist Centre, heritage walking trail, aboriginal heritage, sport fishery and aquatic activities on Larder Lake, snowmobiling and ATV trails and other services that will focus on the natural beauty and ecological attributes of the area such as the McGarry Township Forest Conservation Reserve as well as passive outdoor recreation (e.g. canoeing). In recognizing the importance of accommodation within the community this Plan supports the Bed & Breakfast industry and the expansion of accommodation services. Finally, the Township proposes to develop municipal facilities along the Larder Lake south of Virginiatown through improvements to the boat launch, development of a marina and the installation of public washrooms.

7.4.4 Motorized Recreational Activity Tourism

A well developed snowmobile industry and an evolving ATV/off-road vehicle industry use well established trail systems in and around McGarry. The intent of the Plan is to recognize the importance of the trail system for its tourism and economic value, keeping in mind issues of public health and safety and the protection of the environment.

7.4.5 Senior's Retirement Facilities

The strategy is to provide for the development of housing and services oriented to seniors.

7.4.6 Township Beautification Program

The visual image of a community has an indelible impact on visitors as well as residents. The strategy is to use property standards as a backdrop to encouraging community pride in maintaining properties, buildings and structures

7.4.7 Business Retention

The intent of this strategy is to retain the scope of existing businesses and services within the community and to encourage public support of the local business community (e.g. 'buy local' campaign).

7.4.8 Home Based Businesses

The policies of this Plan are intended to support entrepreneurs in developing home based businesses that can provide needed services to residents that cannot be supported in a conventional commercial setting.

7.4.9 Mining

Economic diversification includes McGarry continuing as a host community for mineral mining operations and also in providing housing, commercial, educational, health care, social and recreational services for other mineral mining operations in the area.

7.4.10 Lakefront Recreational Development

The potential exists for attracting retirees to the community through providing housing and services that focus on the cultural and scenic amenities of the area. This Plan provides the impetus for the development of this concept from a land use standpoint.

7.5 Implementation Measures

Implementation is dependent on community leadership through Council and the Regional Economic Development Association in carrying out these initiatives. The Community Development policies of this Plan are intended to provide the land base for supporting these and potentially other initiatives, although it is recognized that amendments may be required for unanticipated land use activities.

8.0 A HEALTHY COMMUNITY

8.1 Goal

To build on existing attributes in sustaining McGarry as a healthy and safe community.

8.2 Strategy for a Healthy Community

The following components make up the strategy for sustaining a healthy community for McGarry. These components will be considered by Council and the community in making land use and other decisions affecting the day-today life of the community.

Components of a healthy community consist of:

- Making recreational facilities available at affordable rates to users and instituting timetables that make those facilities most accessible to users, particularly the arena;
- Recognizing the importance and diversity of recreational and leisure services and working to maintain and improve the quality of these services in meeting the ongoing needs of the community;
- Developing a network of recreational trails and promoting their use for healthy activities such as walking, jogging, cross-country skiing;
- Maintaining and upgrading trails for snowmobiling and 4-wheel vehicles;
- Ensuring that buildings, services and activities are accessible to people with disabilities;
- Ensuring that police services provide 24/7 protection for all residents;
- Establishing Community Safety Zones in areas determined to need protection i.e. larger number of pedestrian traffic;
- Building into community decisions, the particular needs of youth, such as establishing a youth Council;
- Providing leadership in formulating solutions to community development by encouraging collaboration, communication, cooperation and commitment amongst community organizations;
- Encouraging residents of the community to support local commercial services through a "shop local" campaign;
- Building "community spirit" through consultation on community decisions and promoting decisions which strengthen the health and economic base of McGarry;
- Working to increase the range and variety of basic services for residents, e.g., pharmaceutical and medical supplies, retail and personal clothing services, home repair services (e.g., plumbing, heating, electrical and renovation);

- Protecting water resources used for domestic supply;
- Protecting vistas, natural shorelines, vegetation and the scenic qualities that make McGarry an attractive community to live in and to visit;
- Emphasizing the value and importance of seniors as a resource to the community and promoting inter-generational activities;
- Maintaining a safe community through maintaining programs for anti-bullying, neighbourhood watch and the safety of youth on the streets and public places;
- Promoting the maintenance and upkeep of public and private buildings and properties including the municipal beach;
- Promoting and making the use of community facilities such as the arena available to the community; and
- Protecting and conserving cultural heritage resources

8.3 Implementation Measures

8.3.1 Planning applications will be evaluated for their impact on sustaining a healthy community.

8.3.2 Advocating and seeking senior level government participation and funding.

9 NATURAL AND HUMAN-MADE HAZARDS

9.1 Flood Plains

9.1.1 No new buildings are permitted to be constructed within the flood plain except flood control structures, approved infrastructure e.g. storm water outlets and marine structures (e.g., dock, boat house, sea plane base). In particular, no use, building or structure which involves the storage of hazardous or toxic materials (e.g. ignitable, corrosive, reactive, radioactive or pathological materials) and sewage facilities, nor any institutional use or essential service shall be permitted to be constructed, enlarged or expanded in a flood plain.

9.1.2 The flood plain has not been determined for water bodies within the municipality. However, a flood elevation of 287 m [941.6 ft] has been established for Larder Lake based on the regulated flows in the lake. All development on the shoreline of Larder Lake, except as otherwise exempted, shall be constructed above the flood elevation of 287 m [941.6 ft]. In the absence of detailed mapping the setback on all other water bodies of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or high water mark shall be set back 30 m [98.4 ft]. The setback provisions may be reduced or be waived without amendment to this Plan where technical evidence is provided that establishes a flood plain elevation and that development will be located above the said elevation. Lands may be zoned to regulate development with respect to the flood elevation and to control setbacks on all other water bodies.

9.2 Physical Constraints

9.2.1 Development shall generally be directed away from lands having significant development constraints such as steep or unstable slopes, organic soils, marshy or low lying lands or unstable bedrock unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met and provided that no adverse environmental impact will result.

9.3 Contaminated Sites

9.3.1 Scope

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.

9.3.2 It is the intent of this Plan to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse such that there will be no adverse effect on subsequent land users.

9.3.3 Applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated shall be accompanied by a Ministry of the Environment acknowledged Record of Site Condition and if necessary, a site remediation plan prepared in accordance with the "Guidelines for Use at Contaminated Sites in Ontario".

Where the Record of Site Condition indicates that remediation work is necessary, the approval authority shall require as a condition of approval of development or redevelopment that appropriate action is taken to implement the components of the site remediation plan.

9.3.4 Site plan control may be used as a measure to enhance site decommissioning and remediation (see Section 13.2 - Site Plan Control).

9.3.5 Contaminated sites may be placed in a holding zone in the municipality's zoning By-law. Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition (see Section 13.3 - Holding Zones).

9.4 Noise and Vibration

9.4.1 Applications for development adjacent to major noise sources such as a railway, industry, mineral aggregate operation or highway will be subject to a noise and vibration study using criteria set out in the Ministry of the Environment's Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation. The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.

9.5 Mine Hazards

9.5.1 Description

Mine hazards are any feature of a mine defined in the Mining Act or any related disturbance of the ground that has not been rehabilitated. These mine hazards may pose a threat of injury or loss to the structures on the land and by people who use the land if they are not appropriately rehabilitated or mitigated in accordance with the Mining Act. It is recognized that the severity of the hazard varies, depending on past mining activity ranging from minor exploratory sampling to large mining operations (i.e., shafts, drifts, raises, open pits). As such, the risk of reuse of the property may range from negligible or to so severe that the property cannot be rehabilitated. There may also be circumstances where rehabilitation or remediation of a site is required subsequent to the closure and

development/redevelopment of the property by a non-mining owner. Ongoing chemical and/or geo-technical monitoring of rehabilitated mining hazards is also important since deterioration may occur. Examples include settling of sand used in filling a shaft or raise, subsidence, and mine tailings. Consequently, development on, abutting or adjacent to lands affected by mine hazards or former mineral mining operations will only be permitted if rehabilitation measures to address and mitigate known or suspected hazards are underway or complete, such that that no risk to public health and safety exists.

9.5.2 AMIS Data and Policies

The Ministry of Northern Development and Mines (MNDM) has conducted an evaluation (not interpreted to be a risk management assessment) of the hazard features associated with some 19 sites located within the Township and found in the Ministry's Abandoned Mines Information System (AMIS) database (which may not include other unknown or undocumented sites). The AMIS sites are illustrated on the Land Use Plan, Schedule 'A' and include an Area identified as an AMIS Zone, all of which are considered to be mine hazards. Any proposed development within one (1) km [0.6 miles] of any mine hazard feature except lands within the three town sites outside of the AMIS zone and any lands within the AMIS Zone will require review to determine the need for a detailed geo-technical evaluation. A technical review carried out by a duly qualified individual, typically a qualified professional engineer (although some risks may not be covered by an engineering discipline (i.e., chemical contamination) may be required to determine the risk to public health and safety posed by each location and also the degree to which recent or historic rehabilitation activity impacts upon that risk. The Township will consult with MNDM to determine when a technical study related to a ***mine hazard*** is required prior to approving any development, the requirements and scope for undertaking the study and the required qualifications of any professional required to undertake a study. Any required technical report will be at the cost of a mineral rights holder and/or the proponent of development and may be subject to a peer review. For lands within existing approved plans of subdivision in the three town sites, a technical study will not generally be required. Council may however, undertake a study to determine more precisely the lands within the three town sites that will not require a study prior to development or redevelopment.

The recommendations of any technical study or report required above may be in addition to other requirements that may need to be addressed before development can proceed. Reference shall be made to Schedule "A" with respect to the location of mine hazards including the AMIS Zone and mine tailings hazard lands. The Township will require that the procedures for site rehabilitation and mitigation of public health and safety hazards be underway or completed prior to approval of the development application.

Through studies and in consultation with MNDM and mining companies, the Township may refine the boundaries of sites. Proponents of development may be exempted from technical studies where prior studies have served to define the limits, rehabilitation, remedial and/or mitigation characteristics or requirements for a particular area or location. Studies may be required for a single development or for a major development such as a plan of subdivision.

Despite the above, a circumferential distance of one (1) km will apply to all known or future mine hazards for the purpose of determining the potential impact on development and any associated rehabilitation, remedial or mitigation requirements.

9.5.3 Implementation Measures

9.5.3.1 The Township will establish acceptable protocols for consultation with the Ministry of Northern Development and Mines including referrals by applicants for development and access to available literature or other technical documentation that may be of benefit to a proponent. Further, it is the intent of the Township to create a database of mine hazard information to be shared and enhanced in partnership with mining companies, MNDM and the public. These protocols may be appended to the Plan once available.

9.5.3.2 The Township may use site plan control or other to regulate development or monitor the long-term impacts of development on, abutting or adjacent to a mine hazard.

10 CULTURAL HERITAGE AND ARCHAEOLOGY

10.1 ***Heritage Conservation Intent:*** It is the intent of this Plan to manage heritage resources through the pro-active identification, recognition, documentation, protection, conservation and rescue of these resources and to conserve heritage resources when making development and infrastructure decisions which may affect those resources (an example includes the Pearl Beach aboriginal site). Heritage resources shall include built heritage resources, cultural heritage landscapes and archeological resources which are important to the community or area in which they are located or are recognized for their significance at a provincial or national level.

10.2 ***Application Review:*** In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or a multi-unit residential building; or subdivision; or in the undertaking of new infrastructure works (e.g., new road, road widening, communal water or sewer system, landfill site), consideration shall be given to the possible effects and impacts of such works on a known heritage resource or on an area of archeological potential (lands where there is a likelihood for the presence of archeological resources based on physiographic or historical features, such as along the shoreline of Larder Lake).

The municipal clerk shall maintain a register of all property designated under the Ontario Heritage Act. This register may also contain properties that are not designated but are considered by Council to be of cultural heritage value or interest and properties that have heritage conservation easements placed upon them. A heritage impact assessment report (prepared by a qualified professional) shall generally be required for development adjacent to a known heritage resource (local, provincial or federal).An archaeological assessment shall generally be required for an area of archeological potential e.g. site which is in close proximity to a lakeshore, within 250 m [820.2 ft] from a known archaeological site, water body (300 m [984 ft]) (current or ancient shorelines) or the confluence of major water courses, or within 200 m [656 ft] from a secondary water body), rolling topography, unusual landforms and locally know heritage areas such as portage routes or other places of past human settlement. These distances may be altered subject to the advice or guidelines of the Ministry of Culture. The report shall identify the characteristics and significance of the heritage resource(s), the development impacts and the measures or options for the conservation, mitigation or removal/rescue of the resource. This will include consideration of development on adjacent sites and their impact on any protected heritage property or heritage attributes.

10.3 ***Unmarked Burial Sites:*** Where, through development, a site is identified to contain an unmarked burial site or new archeological features, the municipality shall contact the Ministry of Culture, the Ontario Provincial Police and First Nations. The Ministry of Consumer Services – Cemeteries Regulations Unit shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the *Cemeteries Act*.

10.4 ***Heritage Resources Designation*** The Municipality may by by-law, designate properties (includes a building or structure) of historical or architectural value under *Part IV* of the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act.*

10.5 ***Heritage Committee***: The Municipality may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act.*

10.6 ***Heritage Conservation Incentives***: Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation.

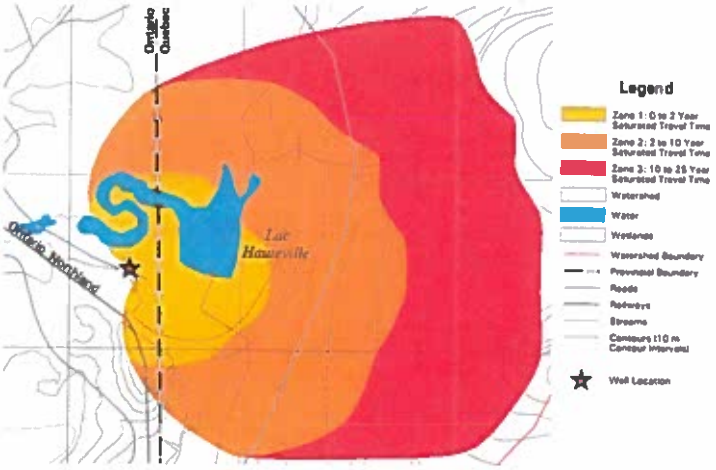
10.7 ***Development*** **and** ***site alteration*** including any public work, private development, consent or zoning by-law amendment, shall not be permitted on adjacent lands to a protected cultural heritage feature or property unless impacts on the cultural heritage feature have been evaluated and provisions are made to minimize or mitigate any impacts.

11 WELLHEAD PROTECTION

11.1 Scope

The Municipality recognizes the importance of its groundwater resource in maintaining the quality of life of residents. Council intends to provide for a sustainable supply of drinking water through an integrated and long-term approach to the protection, improvement or restoration of the quality and quantity of water. Council intends to prohibit, restrict or manage land uses to minimize the risk to potential contamination of the groundwater aquifer. These policies will apply to a Wellhead Protection Area (WHPA) shown on the Land Use Plan, Schedule "A".

A WHPA illustrates three time-related capture zones which were determined through a hydrogeological investigation. These include 0 days -2 years, 2-10 years and 10-25 years time-of-travel (TOT) with 0 days to 2 years being ranked as the highest level of sensitivity based on the importance of the well to the water supply and the other categories ranked on a descending basis of sensitivity.



A WHPA shall be considered as a special protection area within which certain land uses may or may not be permitted in accordance with the underlying land uses designation and the following policies.

A WHPA may be modified where the geographic extent of this area, or any of the time-related capture zone boundaries are modified through further study, or where a municipal well is abandoned. Establishment of a new WHPA shall be subject to an amendment to this Plan concurrently with the Class Environmental Assessment process.

11.2 Policies

11.2.1 For the purposes of this Plan new development shall only be permitted where such uses are permitted in the underlying land use designation and where a detailed hydrogeological study has been undertaken using protocols acceptable to the Ministry of the Environment. The study shall predict the net groundwater and/or surface water quality impacts likely to occur on down gradient properties and on the municipal well. The cumulative impacts of development in the WHPA will also be addressed in the report. The study report shall include mitigation measures, where necessary, for the design, construction and post-construction monitoring of the proposed use and where the impacts of the use cannot be adequately mitigated within an acceptable risk to groundwater and (surface water) quality to the satisfaction of the Municipality, the use

shall not be permitted. The cost of the disclosure report, the hydrogeological study and the spill prevention and contingency plan will be borne by the proponent.

11.2.2 The proponent may be required to prepare a spill prevention and contingency plan outlining design measures, facilities and procedures to avoid and mitigate the effects of spillage of any contaminants.

11.2.3 Despite the above policies, the municipality may limit other land uses outside of source protection areas, but in the general vicinity where they are considered to have a potential impact on source protection.

11.3 Implementation Measures

11.3.1 Zoning By-law

The zoning by-law shall incorporate appropriate requirements to implement the policies for wellhead protection. The zoning by-law may set out minimum distance separations between a municipal well and any land use, building or structure, whether the use is located within a WHPA or is in the vicinity of a WHPA.

11.3.2 Holding By-law

The Municipality may place any property in the wellhead protection area in a holding by-law for the purposes of meeting any of the performance criteria set out above. The Holding symbol 'H' may be lifted by an amendment, subject to meeting the performance standard.

11.3.3 Site Plan Control

Site plan control may be imposed as a condition of the approval of any use of land within a WHPA. Site plan control shall be used as a means of incorporating mitigating and remedial measures, proper siting, containment, handling, storage or disposal of materials, or design and development of facilities, landscaping or buffering, lot grading and drainage, and site design plans identified through the development review process. As a requirement of maintenance, the Municipality may require a spills contingency plan.

12 INFRASTRUCTURE

12.1 Scope

The intent of this Plan is to ensure that infrastructure is adequate and has the capacity to service existing and proposed development.

In general, municipal roads, road works and water and sewage works shall be planned in accordance with the Municipal Class Environmental Assessment process as approved under the *Environmental Assessment Act.*

In considering servicing options, Council's intent is to not permit private communal systems.

12.2 Municipal Water and Sewage Disposal

All development within the McGarry Urban Settlement Area shall be serviced with municipal water and sewage services or as per the policies of each designation.

The reserve sewage system capacity and reserve water system capacity is adequate for a population exceeding 1,000 and consequently can accommodate expected growth. Capacity calculations may be required from time to time to monitor and assess the reserves for water and sewage based on planning applications for community development.

12.3 Individual On-site Water and Sewage Services

Development in the McGarry Rural Area, where permitted by the policies of this Plan, may be serviced with individual on-site water and sewage systems. Water systems shall comply with *Ontario Regulation 903*, as amended with respect to the construction of water wells. Sewage systems shall conform to the applicable legislation i.e. *Ontario Water Resources Act, Building Code Act* or *Environmental Protection Act*, whichever is applicable. This may require a hydrogeological and water supply assessment study designed to assess the potential risk to groundwater. Reference shall be made to Ministry of the Environment, Guideline D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, in undertaking the appropriate assessment. Approval of new lots developed on individual on-site sewage services shall include sufficient off-site reserve sewage system treatment capacity for hauled sewage.

Development on individual on-site sewage and water services shall only be permitted where the water and sewage disposal systems are suitable for the long-term provision of such services.

12.4 Stormwater Management

12.4.1 Scope

Development in both urban and rural areas can change existing conditions such that the quantity and quality of storm water run-off is altered. Storm water management considers both water quantity and quality aspects of storm water run-off where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream corridors and erosion control along water courses are best approached through an integrated strategy and best management practices.

12.4.2 Storm water management shall be integrated as a component of the development approval process, particularly for subdivisions, multiple lot/unit residential development, commercial, industrial and public service facilities and in the design and implementation of storm water infrastructure.

12.4.3 Storm water management shall incorporate an ecosystem approach through the design, construction and post-construction phases. Ecological functions, particularly fish habitat, will be conserved or enhanced.

12.4.4 In the design and construction of storm water management infrastructure best management practices shall be used to ensure:

- That post-development flows, particularly in receiving streams, are maintained at pre-development levels and that the cumulative impacts of development are considered as part of storm water infrastructure design;
- The natural characteristics and quality of water of the receiving streams are maintained or enhanced including sediment control, riparian vegetation and thermal conditions;
- That there will not be any new or increased downstream flooding or erosion;
- That natural habitat areas are protected or enhanced or restored;
- That a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the ecological functions or other impacts on receiving waters during construction;
- That the post construction phase shall include rehabilitation, continued maintenance or infrastructure and preferably, a monitoring program. Storm water management infrastructure may be incorporated into parks and open space or green space within and between communities or may be integrated with a wetland complex; and
- Storm water management shall incorporate consideration for groundwater recharge and discharge and ensure that groundwater is not negatively impacted.

12.5 Transportation

12.5.1 Provincial Highways

Highway 66 is recognized as a controlled access provincial highway for through traffic. In addition to all the applicable municipal requirements, all proposed development located in the vicinity of Highway 66 will be subject to the Ministry of Transportation (MTO) approval under the *Public Transportation and Highway Improvement* Act. Any new areas in the municipality identified for future development that are located adjacent or in the vicinity of Highway 66 and/or intersection within MTO's permit control area under the *Public Transportation and Highway Improvement Act* will be subject to MTO's access management policies, standards and requirements. Direct access will be discouraged and often prohibited. Access to provincial highways is restricted and development shall only be permitted where the applicable approvals/permits have been obtained. This may include a traffic study. Any new roads proposed to be connected to a provincial highway are subject to provincial approval including spacing requirements between intersections. Noise and vibration studies may be required prior to considering whether development should be approved adjacent to Highway 66. No new provincial highways are anticipated during the life of this Plan. However, the potential realignment of Highway 66 may be required in response to public safety concerns over nearby mine hazards.

12.5.2 Municipal Roads

Standards for new road construction will include a minimum of 20 m [66 ft] right-of-way, engineered design and layout, appropriate drainage and construction. Roads on lands under plan of subdivision may be assumed by a municipality provided the standards for road construction have been satisfactorily met.

The Land Use Plan, Schedule "A" shows the network of municipal roads.

12.5.3 Private Roads

There are no development related private roads. Development on private roads is not permitted except for a condominium development. Roads constructed to service a condominium development (and where the road is incorporated as a common element to the condominium) shall meet a municipal construction standard.

12.5.4 Resource Access Roads

For the purposes of this Plan, resource access roads are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction and are not intended to provide access to residential or commercial land uses except a hunt or fish

camp. Resource roads are expected to be maintained by private enterprise under lease or other arrangements with the Crown. Resource access roads are shown on the Land Use Plan, Schedule "A". Resource access roads will not be maintained or assumed by the Municipality.

12.5.5 Transportation Corridors

It is the intent of this Plan that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors.

12.5.6 Infrastructure Corridors

It is the intent of this Plan that existing infrastructure corridors for utilities be protected from land use activities which may interfere with the function and safe operation of these corridors.

12.5.7 Rail

The rail corridor is recognized as an important economic and transportation linkage through and serving the municipality. Rail-related noise and vibration attenuation and/or the construction of crash barriers/berms (for public safety against derailments) shall be considered in land use decisions for development proposed adjacent to or in the vicinity of the corridor. The use of rail services for the transport of resource based materials (e.g. ore, timber, sand and gravel) and products is encouraged. This may include the construction of a spur line.

13 ENERGY, AIR QUALITY AND SUSTAINABILITY

13.1 Scope

The Municipality recognizes the importance of its air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Council intends to examine different approaches to reach environmental sustainability by encouraging the development of new sources of 'green energy' into the community, together with improving the air quality.

13.2 Planning Principles

13.2.1 The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy i.e., renewable resources (wind, water, solar, etc.,) in conjunction with ensuring that measures are taken to improve air quality. The provisions of this section are subject to the provisions set out in the *Green Energy and Green Economy Act, 2009*. As such, a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in subsection 1(1) of the *Planning Act* is exempt from the provisions of the *Planning Act* except as set out in subsection 62.0.2 of the *Act*. Council will encourage a consultative process in the installation of renewable energy systems. Development of renewable energy systems will be encouraged to have regard to safe access to a lot, setbacks that are consistent with zoning standards, adequate lot size, access to and conservation of other natural resources (i.e., agricultural land, minerals, mineral aggregates and natural heritage features and areas) and visual compatibility with surrounding land uses.

13.2.2 Renewable energy sources may include but are not limited to:

- Active solar energy: The sun can be used directly to heat water for pools, homes and industry, to provide space heating and to generate electricity. The sun's energy can also be used to distill water and cook food;
- Biomass energy: The sun's energy is stored in organic materials such as wood, grains and peat. Wood and peat are both burned to provide heat. Grains can be fermented into ethanol and used as a liquid fuel;
- Geothermal energy: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings;
- Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, e.g. window placement to heat retaining walls and floors;
- Small hydro: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams; and

- Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water. Wind Turbines require a certificate of approval (Noise) under Section 9 of the *Environmental Protection Act*. Additionally, wind turbine projects greater than or equal to 2 megawatts are made subject to the *Environmental Act* by the *Electricity Projects Regulation (O.Reg. 116/01)*.

13.2.3 Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock (i.e., upgrading of windows, fixtures, energy efficient furnaces, etc.).

13.2.4 It is a policy of Council to encourage non-vehicular movement (pedestrian) within the community.

13.2.5 It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc.

13.2.6 Council will encourage initiation of a recycling program within the community which may include: wastes, plastics, metals, wood, etc.

14 PLANNING TOOLS

14.1 Scope

Reference is made in this Plan to various planning tools such as site plan control, holding zones, temporary use by-laws and land division (consents and subdivision control). These tools may be used where they assist Council to enhance or provide for orderly development and to ensure compatibility with adjacent land uses.

14.2 Site Plan Control

For the purposes of Section 41 of the *Planning Act*, the entire Township of McGarry as illustrated on the Land Use Plan Schedule is designated as a site plan control area.
Where the use of site plan control is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement (which can be registered on title) to provide for any of the matters set out in Section 41 of *The Planning Act*. Site plan control will typically apply to new commercial, industrial or public service facilities.

Site plan control provides detailed control of the development of a particular site. Under this provision, Council may require a site plan agreement with a developer outlining details such as parking areas, elevations and grades, landscaping and buffering, storage of wastes, lighting, entrance and exits, road widening and services (water supply and sewage disposal services).

Site plan control may be used to require the conveyance of land for a road widening to achieve the minimum standards for road widths set out in this Plan provided the conveyance does not exceed 5 m [16.4 ft] on any one side. The conveyance will normally be along the length of the frontage of the property affected and shall be conveyed at no cost to the municipality.

14.3 Zoning

Council shall amend its Zoning By-law to regulate the use of land, buildings and structures within the municipality in accordance with the enabling authority of Section 34 of the *Planning Act*.

14.4 Holding Zones

The Zoning By-law may include holding provisions subject to the enabling authority of Section 36 of the *Planning Act*. Lands which are subject to a holding provision shall be denoted as 'h' following the zone symbol for a particular zone category.

Holding provisions may be applied when the uses that will be developed in the area will be known. However, Council may delay development until specified conditions have been met i.e. provision of services, remediation of contaminated sites, to control the phasing of development, to complete a Impact Assessment, Heritage Impact Assessment

statement, etc. The holding provision will indicate the future use and the use permitted on the site during which the holding provision is in place.

The holding provision shall be removed by amendment to the zoning by-law when Council determines that the conditions have been met.

14.5 Interim Control By-law

Where Council has, by by-law or resolution, directed that a study be undertaken regarding its land use policies for an area or areas within the Planning Area, it may pass an interim control by-law under Section 38 of the *Planning Act* prohibiting the use of the land, buildings or structures within the area defined, except for uses as are set out in the by-law. An interim control by-law shall apply for a limited period of time. When an interim control by-law expires, the prior zoning shall automatically apply, unless a new Zoning By-law is passed.

14.6 Temporary Use By-laws

Council may pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Zoning By-law. Council may, therefore, in a By-law passed under Section 39 of the *Planning Act*, authorize a temporary use of buildings or structures for any purpose set out therein. The period of time for a temporary use may be for a period of up to ten years for a garden suite and up to three years in all other cases, both of which are renewable. In considering applications for such temporary uses, Council shall ensure that:

- Such uses are temporary in nature, compatible with surrounding land uses, and will not interfere with the long term development of the area; and
- Appropriate controls are placed in the implementing by-law to adequately regulate the temporary use.

Any use introduced under such a temporary use by-law does not acquire the status as a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

14.7 Property Standards

Council will administer the property standards by-law under the *Building Code Act* with the objective of maintaining buildings, structures and properties (yards) in the municipality in a good state of repair.

The by-law may be reviewed from time-to-time with respect to the standards for maintenance of buildings and without limiting the foregoing, shall include consideration for:

- The maintenance of yards and accessory buildings;

- The maintenance of residential and non-residential buildings and structures;
- Occupancy standards;
- Notices and orders; and
- Administration and enforcement procedures

Council's strategy is to commence with the clean-up of yards and the removal of derelict vehicles and subsequently to address the rehabilitation of buildings and structures.

14.8 Land Division and Part-Lot Control

This Plan provides for land division using Part VI of the *Planning Act*. This includes land division by consent e.g. generally the creation of one or two lots, and by plan of subdivision e.g. division of land into multiple lots.

Where the use of land division is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement to satisfy any of the matters or conditions as may be provided for in Section 51 or 53 of the *Planning Act*.

An application for a consent or plan of subdivision shall be in accordance with the requirements of *The Planning Act*. Additional information may be required in assessing the appropriateness of the application. This may include the requirement for special studies such as noise and vibration, archaeological assessment, impact assessment for a natural heritage feature or area, minimum distance separation, influence area etc. Such studies shall be undertaken by the proponent at his/her cost and does not guarantee the approval of any application. Applications may not be further processed until such studies are submitted and deemed to be adequate.

Consents may be granted for the following purposes:

- To correct lot boundaries;
- To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;
- To clarify title to the land;
- To permit an easement; and
- To permit a severance for municipal or other government purposes. Consents for new lot creation may be permitted on a limit basis for rural residential development in accordance with Sections 6.8 and 6.9 of this Plan, provided that a maximum of three lots are created from an original land holding (excluding the retained lot) and that the lots comply with all of the applicable zoning standards in the zoning by-law. Any lots created shall also comply with the requirements of Section 12.3 for on-site individual water and sewage services.

Consents may be granted in the Townsites in support of the infill and intensification policies of Section 6.3.2.6 and 6.3.3.5 of this Plan.

Part-lot control may be used for existing plans of subdivision where it is necessary to re-align lot boundaries to clarify or grant title, exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot.

14.9 Community Improvement

14.9.1 Community improvement may be used as permitted under Section 28 of the Planning Act.

14.9.2 Community improvement may be used to improve or upgrade infrastructure, public service facilities and to maintain, restore or renew buildings and properties. Council may also use the sustainable community development features of the *Planning Act* such as the restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purpose or for improving energy efficiency, buildings, structures, works improvements or facilities.

Before and After Photos of a Renovated Home

14.9.3 The intent of this Plan is to recognize the entire municipality as a Community Improvement Area.

14.9.4 Within the Community Improvement Project Area, Council may undertake or provide for one or more projects through the preparation of a Community Improvement Project Area Plan.

14.9.5 Council will use a property standards by-law to provide for the upgrading, maintenance or restoration of buildings and properties.

14.9.6 Council may provide grants, loans or tax assistance towards eligible costs in conformity with the community improvement plan.

14.9.7 Brownfields

Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment. *Brownfield sites* are defined in the Provincial Policy Statement as: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. The intent of this Plan is to identify and provide for the rehabilitation of brownfields, wherever feasible as a component of community improvement plans.

14.10 Existing Uses

Nothing in this Plan shall affect the continuance of uses legally established under the provisions of any Zoning By-law in force on the date of approval of this the Plan or other legally established land uses including uses that do not conform with the land use designations as shown on the Land Use Plan, Schedule "A". Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses which are inadvertently destroyed by a natural cause e.g. fire, flood, earthquake nor prevent the maintenance, repair or strengthening of any building to a safe condition.

It is the intent of this Plan that non-conforming uses, where they exist, should eventually cease to exist. It may be desirable, however, to permit the extension, enlargement or change of a non-conforming use to a similar or more compatible use.

14.11 Lots of Record

Lots of record which are vacant may generally be used for building purposes provided they front on and have direct access to a publicly maintained road, or meet the access provisions of this Plan and can be adequately serviced with appropriate sewage disposal and water supply services. An absolute minimum lot size may be established in the Zoning By-law.

14.12 Complete Applications

Amendments to the Official Plan, the Zoning By-law may be initiated by application or by Council in compliance with the requirements of the *Planning Act*. Prior to filing an application, applicants will be required to meet with the Township to ascertain the requirements for the submission of applications (e.g. required studies and information, fees, peer review, agency and public consultation etc.). This may be in addition to any required statutory public meeting. Applications for development for an official plan amendment, a zoning by-law amendment, subdivision or consent shall be reviewed for completeness. The Township/approval authority will not consider an application

complete or may refuse an application where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. These studies or information may include, but are not limited to:

- ☐ A servicing options report
- ☐ A hydrogeological study and terrain analysis or water assessment report including an assessment of the carrying capacity or appropriate density of development
- ☐ A drainage and/or stormwater management report
- ☐ An Environmental Impact Assessment for a natural heritage feature or area
- ☐ An Environmental Impact Study for an alternative energy facility
- ☐ An Archaeological Assessment
- ☐ A resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area
- ☐ A traffic study
- ☐ A mine hazard rehabilitation assessment
- ☐ A contaminated site assessment report (environmental site audit/assessment)
- ☐ A noise and/or vibration study
- ☐ A source protection study including a groundwater impact and/or surface water impact study
- ☐ A MDS I or II calculation
- ☐ A minimum separation distance calculation for an industry, waste management facility, pit or quarry
- ☐ An off-site septage haulage report
- ☐ A geotechnical study
- ☐ A municipal servicing capacity report for water and/or sanitary sewage system
- ☐ A water supply assessment
- ☐ A market study
- ☐ A flood plain management/slope stability report
- ☐ A lake capacity assessment
- ☐ A shoreline capability assessment
- ☐ A boat capacity study
- ☐ A cost-benefit study and/or a justification report for a private road
- ☐ A renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility
- ☐ A visual impact assessment report for an alternative energy facility
- ☐ A heritage impact assessment

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 547/06.

Council/the approval authority may refuse to accept an application as complete in the absence of required studies in support of an Official Plan amendment, a zoning by-law amendment, a subdivision, or consent application.

14.13 Review and Consistency with the Planning Act

Council's intent is to review planning applications for conformity with this Plan and to ensure that applications are consistent with the provincial plans and the Provincial Policy Statement. This Plan will be reviewed every five years in accordance with the requirements of the *Planning Act*.

15 INTERPRETATION

15.1 It is intended that the boundaries of the land use designations shown on Land Use Plan, Schedule "A" be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the Land Use Plan, Schedule "A".

15.2 It is intended that all figures and numerical quantities herein shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.

15.3 For the purposes of this Plan, it is interpreted that the existing use refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.

15.4 Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.

15.5 Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act so named.

15.6 Reference shall be made to the Provincially Policy Statement, March 1, 2005 for terms defined and used in this Plan.

Township of McGarry

Zoning By-law

November 16, 2010

Tunnock Consulting Ltd.

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File P-2046
November 16, 2010

The Corporation of the Township of McGarry

By-law No. 2011 - 08

Being a By-law to regulate the use of land, buildings and structures within the Township of McGarry;

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

NOW THEREFORE the Council of the Corporation of the Township of McGarry enacts as follows:

1. That the Zoning By-Law for the Township of McGarry, consisting of text and schedules, being Schedule "A", attached to and forming part of this By-Law is hereby adopted.

2. That this By-Law shall come in force and take effect on the day of its passing subject to the requirements of the Planning Act

Read a first and second time, read a third time and passed this 8th day of March, 2011.

Reeve

Clerk-Treasurer

Certified that the above is a true copy of By-law No. 2011- 08 enacted and passed by the Council of the Corporation of the Township of McGarry on the 8th day of March, 2011.

Clerk-Treasurer

The Corporation of the Township of McGarry
Zoning By-Law №: 2011-08

Table of Contents

Explanatory Note

The purpose of this By-law is to implement the Official Plan of the Township of McGarry and to regulate the use of land and the character, location and use of buildings and structures in the Township of McGarry. This By-law applies to all land within the Township of McGarry.

The By-law is passed by the authority of the *Planning Act*. Its contents conform to the Official Plan for the Township of McGarry.

After the date of adoption of this By-law, any new development, redevelopment or alteration to an existing use or building must comply with the requirements of this By-law before a building permit can be issued. Applicants are encouraged to pre-consult with the Township on how the zoning requirements apply.

Changes to the requirements contained in this By-law may be made with prior approval from the Township as provided for under the *Planning Act*. Significant changes may require an amendment to the Zoning By-law. Minor variances to the By-law may be granted by the Township.

Minor Variances

Criteria for evaluating Minor Variances (section 45(1) of the *Planning Act*):

(1) The general intent and purpose of the Official Plan are maintained;
(2) The general intent and purpose of the Zoning By-law are maintained;
(3) The variance is minor; and
(4) The proposed use of land, building or structure is desirable for appropriate development.

Application must meet all four tests to be approved. Where a proposed variance is not minor or cannot satisfy the criteria for a minor variance, an amendment to this Zoning By-law may be required.

Zoning By-law Amendments

The Zoning By-law may be amended where the proposed amendment is consistent with the Township's Official Plan. In accordance with the requirements of Section 34 of the *Planning Act*, the usual procedure for amendments involves the following steps:

(1) The person or public body wishing to change the Zoning By-law consults with the municipality and then makes an application to the Council of the Corporation of the Township of McGarry to amend the By-law (subsection 34(10.0.1) of the *Planning Act*).

(2) Council determines whether the application is a 'complete' application. Additional information, reports or studies may be required to support the proposed amendment. Council has 30 days from the date of application to determine whether the application is complete (s. 34(10.1-10.3)).

(3) Once the application is considered complete, Council circulates to prescribed agencies and bodies a Notice of Complete Application (s. 34(10.4)). If Council deems an application incomplete or does not make a decision within 30 days from the date of application, the person or public body may appeal to the Ontario Municipal Board (OMB) to determine whether the application is complete (s. 34(10.5).

(4) If an application is considered complete, Council advertises that a Public Meeting will be held in order to consider the amendment to Zoning By-law. Advertisement is given 20 days in advance of the meeting (s. 34(12-13, 14.1)).

(5) Council holds a Public Meeting and evaluates the appropriateness of the proposed amendment. Council considers the proposal's conformity with the Official Plan, adequacy of services, conformity with the provisions of the requested zone, suitability of the proposed use in the proposed location, public opinion, etc. If the application is satisfactory, the amending by-law is passed by Council.

(6) Within 15 days of approval or refusal of the application, the Clerk will give written notice of the approval of the application by advertisement and to those who made written request to receive notice of a decision and the applicant (s. 34(10.9, 18)).

(7) If Council approves the application, any person who stated their opinion on record prior to the application being approved may appeal the decision of Council to the OMB within 20 days of notice being given of approval to the amendment to the Zoning By-law (s. 34(19)).

(8) If Council refuses to approve the application or Council does not make a decision within 120 days from the date the application is deemed complete, the person or public body may appeal to the OMB within 20 days of the notice of decision of refusal of the application or within 20 days of the lapsing of the 120-day period (s. 34(11, 11.0.2)).

(9) Amendment to the Zoning By-law comes into force if no appeal is filed within 20 days of the notice of decision notifying of the approval of the amendment (s. 34(21)).

(10) If a decision or lack of decision is appealed to the OMB, the Board can make any decision the Council of the Township had in regard to the specific application (s. 34(26)).

How to Use this By-law

Step 1 – Locate Your Property and Determine the Zone

Use the zoning schedules (maps) at the end of this document to locate the property you are interested in. Identify the zone symbol that applies to that property. Zone examples include R1, R2, R3, R4, TC, HC, RC, M, MX, I, OS, EP, NR and MM.

Step 2 – Determine What Uses are Permitted in the Zone

Use the Permitted Uses section of your Zone to determine what uses are permitted in the Zone you have identified. Run your finger down the list to find the use you are interested in. If you find the use you are interested in, it is permitted in the Zone. Otherwise, it is not permitted in that Zone.

Step 3 – Determine What Zone Requirements Apply

Once the use is determined to be permitted, move down to the Zone Requirements section. In this section it will indicate what the minimum requirements will be, i.e. minimum lot area, frontage etc. These standards will help you determine where you can locate a building or structure on your lot.

Step 4 – Determine if any General Provisions Apply

Development of the property may be affected by Section 4 (General Provisions). General Provisions can apply to any zone anywhere in the municipality. This section contains provisions that apply to such matters as Accessory Uses, Height Exceptions, Home Based Businesses, etc. Use this section to determine how a particular land use might be affected.

Step 5 – Clarify the Meaning of a Use

Throughout the by-law some words are shown in black italicized script. These words are defined in Section 3 (Definitions). If you are unsure as to what a particular word means or what the scope of a permitted use includes, then refer to the alphabetical list of definitions to assist you. This section also contains illustrations which are intended to help with understanding the definition.

The Corporation of the Township of McGarry

By-law No. 2011 - 08

Being a By-law to regulate the use of land, buildings and structures within the Township of McGarry;

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

NOW THEREFORE the Council of the Corporation of the Township of McGarry enacts as follows:

1. That the Zoning By-Law for the Township of McGarry, consisting of text and schedules, being Schedule "A", attached to and forming part of this By-Law is hereby adopted.

2. That this By-Law shall come in force and take effect on the day of its passing subject to the requirements of the Planning Act

Read a first and second time, read a third time and passed this 8th day of March, 2011.

Reeve

Clerk-Treasurer

Certified that the above is a true copy of By-law No. 2011- 08 enacted and passed by the Council of the Corporation of the Township of McGarry on the 8th day of March, 2011.

Clerk-Treasurer

Section 1 ADMINISTRATION

Explanatory Note

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

1.1 Title

This By-law shall be known as the Zoning By-law or By-law No.2011-08 of the Corporation of the Township of McGarry.

1.2 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

(a) The true shape, dimensions and/or legal description of the lot to be built upon or otherwise used;

(b) The proposed location, height and dimensions of any building, structure or use proposed for such lot;

(c) The proposed location, setback, height and dimensions of yards, landscaping, off-street parking spaces and off-street loading spaces required by this By-law;

(d) The location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures;

(e) A statement, signed by the owner disclosing the current use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

1.3 Defined Area

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

1.4 Effective Date

This By-Law shall come into full force and effect on the date of passing by Council, in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, as amended.

1.5 Enforcement

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

1.6 Inspection of Land, Buildings and Structures

(a) Subject to Sections 49 and 49.1 of the *Planning Act*, R.S.O. 1990, the Chief Building Official or other such person as may from time-to-time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-law.

(b) Notwithstanding any provisions of Section 1.6(a) hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the *Provincial Offenses Act*.

1.7 Penalty

(a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars ($25,000.00), on a first conviction, and Ten Thousand Dollars ($10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.

(b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars ($50,000.00) on a first conviction and Twenty Five Thousand Dollars ($25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.

(c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

1.8 Validity

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

1.9 Other By-laws, Licenses, Permits and Regulations

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other law and restrictions lawfully imposed or in force by an authority having jurisdiction to make such restrictions.

1.10 Conflict

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

1.11 Interpretation

(a) Interpretation

The *Legislation Act*, S.O. 2006 applies to this By-law.

(b) Definitions

Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

All terms shown in bold italicized font (e.g. ***hotel***, ***place of amusement***, ***alter***, ***interior side yard***, ***place***) in this By-law are defined in Section 3.

(c) Citation

This By-law may be cited by its long title ("A By-law to Regulate the Use of Land, Buildings and Structures within the Township of McGarry"), its short title ("Township of McGarry Zoning By-law") or its by-law number, and any such citation is to be taken as meaning the By-law as amended.

(d) Gender Neutrality

This By-law is gender neutral and, accordingly, any reference to one gender includes the other.

(e) Reference

Appendices, diagrams, glossaries, explanatory notes, headings, indices, marginal notes and references to former enactments or enabling legislation after a section or other division of the By-law, do not form part of the By-law and are inserted for convenience of reference only.

(f) Measurement

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. Imperial measurements are inserted for convenience of reference only. In this By-Law, the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future. Where linear distances other than those referring to vertical measurements are specified, such linear distances are to be measured on a horizontal plane.

Section 2 CONFORMITY REQUIREMENTS

Explanatory Note

This Section establishes the authority and legitimacy of the By-law. It is composed of statements which establish the primacy of the regulations stated within.

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

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

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

2.4 Committee of Adjustment

Pursuant to the provisions of Sections 44 and 45 of the *Planning Act*, a duly appointed Committee of Adjustment is authorized to grant relief to any provisions of the Zoning By-law of the Township of McGarry, by way of granting a minor variance or by giving a permission for the enlargement or extension of a non-conforming use or to permit a change of use to a similar or more compatible use or to authorize a use that conforms with those permitted in the By-law, despite that a use, building or structure may be defined in general terms.

Section 3 DEFINITIONS

Explanatory Note

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

General

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

3.A

Accessory

When used to describe a ***use***, ***building*** or ***structure***, means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same ***lot*** therewith. (See Figure 3-4) *(Examples of accessory buildings or structures are a detached garage, a storage shed, a sleep cabin or a swimming pool. Examples of accessory uses are a home based business or a retail outlet within a manufacturing plant.)*

Accessory Apartment – see **Dwelling – Apartment-in-a-House**

Accessory Building – see **Accessory**

Accessory Dwelling – see **Dwelling - Accessory**

Accessory Structure – see **Accessory**

Accessory Use – see **Accessory**

Adverse Effects

In accordance with the *Environmental Protection Act*, adverse effect shall mean one or more of:

(a) Impairment of the quality of the natural environment for any use that can be made of it;

(b) Injury or damage to property or plant and animal life;

(c) Harm or material discomfort to any person;

(d) An adverse affect on the health of any person;

(e) Impairment of the safety of any person;

(f) Rendering any property or plant or animal life unfit for human use;

(g) Loss of enjoyment of normal use of property; and

(h) Interference with normal conduct of business.

Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Agricultural Use

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

(a) The growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;

(b) Animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish (not including domestic animals such as dogs or cats), and all related activities such as breeding, training, feeding, manure storage and grazing;

(c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products; and

(d) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales, but may include the production and incidental sale of maple syrup.

Airfield, Private

Means land used for the purpose of landing, storing, taxiing or taking-off of private aircraft and ***uses***, ***buildings*** or ***structures accessory*** thereto, but shall not include a commercial airport or airport governed by the *Aeronautics Act*.

Aisle

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

Alter

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

- **i)** To change any one or more of the external dimensions of such building or structure; or
- **ii)** To change the type of construction of the exterior walls or roof of such building or structures; or
- **iii)** To change the use of such building or structure or the number or types of uses or ***dwelling units*** contained therein.

(b) When used in reference to a ***lot*** means:

- **i)** To change the boundary of such lot with respect to a ***street*** or ***lane***; or
- **ii)** To change any dimension or area, relating to such lot; or
- **iii)** To change the use of such lot or the number of uses located thereon.

(c) When used in reference to a ***shoreline***:

- **i)** Means to change, straighten, divert or interfere in any way with the channel of any ***watercourse*** or the lands surrounding the high water mark of a ***water body***.

Ambulance Facility

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

Apartment Building – see **Dwelling – Apartment**

Apartment-in-a-house – see **Dwelling – Apartment-in-a-House**

Art Gallery

Means a ***place*** where paintings, sculptures or other works of art are exhibited or sold.

Asphalt Plant

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

Attached

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

Auto Body Shop

Means a ***building*** or part thereof with a service bay, where painting, refinishing, restoration, alterations or repairs are made to ***motor vehicles*** and where the services are performed for gain or profit, but does not include a salvage yard.

Auto Repair Garage

Means a ***building*** used for the storage repair and servicing of ***motor vehicles***, having at least one (1) service bay where repairs essential to the actual operation of a ***motor vehicle*** are performed for gain or profit.

Automobile Service Station

Means a ***place*** or a clearly defined space on a ***lot*** where gasoline or other motor ***vehicle*** fuels and conveyance accessories are stored or kept for sale and where running repairs essential to the actual operation of motor vehicles are executed or performed, but shall not include any other automotive ***use*** defined in this By-law (see also ***Gasoline Bar***).

Automotive Sales Establishment

Means a ***place*** used principally for the display and sale of new and/or used ***motor vehicles*** and may include the servicing, repair, cleaning, body repair and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses (see also ***Recreational Vehicle Sales and Storage***).

3.B

Bake Shop

Means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

Bakery

Means a ***building*** or part thereof for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products and may include an ***accessory retail store*** which sells goods manufactured on the premises.

Bank

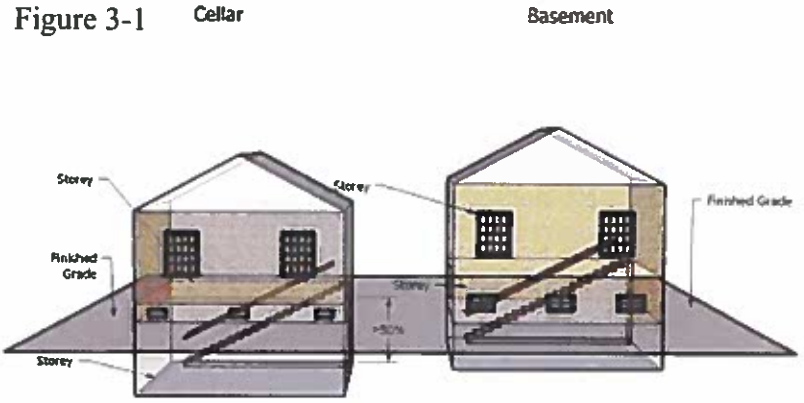
Means an establishment in a ***building*** or part thereof where money is deposited, kept, lent or exchanged.

Barrier-Free Parking Space – see **Parking Space, Barrier Free**

Basement

Means that portion of a ***building*** between two floors which is partly underground but which has at least one-half of its height from floor to ceiling above the adjacent finished grade (see Figure 3-1).

Figure 3-1



Bed and Breakfast Establishment

Means a ***single detached dwelling*** in which no more than four (4) ***guest rooms*** are made available for the temporary accommodation of the travelling or vacationing public. Such an establishment shall be occupied by the owner of the ***dwelling unit*** or the lessee of the entire unit and may offer meals to those guests residing in the establishment, but shall not offer services to non-guests.

Bingo Hall

Means a ***building*** or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal by-laws and approvals.

Boat House

Means a ***building*** or ***structure*** or part thereof not over 4.8 m [15.7 ft] in ***height***, used for the storage of private boats and equipment ***accessory*** to their ***use***, as an ***accessory use*** to a ***residential use***, no part of which shall be used for any residential or commercial purpose. Despite anything in the foregoing to the contrary, rooftop decks or patios and screened enclosures (i.e., ***gazebos***) shall be allowed provided that the total aggregate height of all boat house structures does not exceed the maximum height limit by more than 1.2 m [4.0 ft].

Boat Launch

Means an area of land adjacent to a ***water body*** or ***watercourse*** that is used to launch and remove small ***water vehicles*** from the water. Boat launches may be public or private.

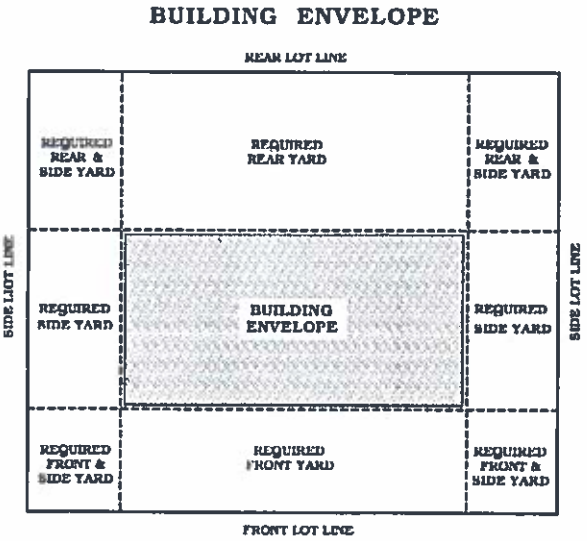
Boat Slip

Shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by a ***water vehicle***.

Buffer Strip

Means a landscaped or planted area reserved for the purpose of screening or obstructing the view of ***buildings***, land or ***structures*** or shielding or blocking noise, lights or other nuisances by the planting of trees and shrubs or ***fences*** (see Figure 3-2).

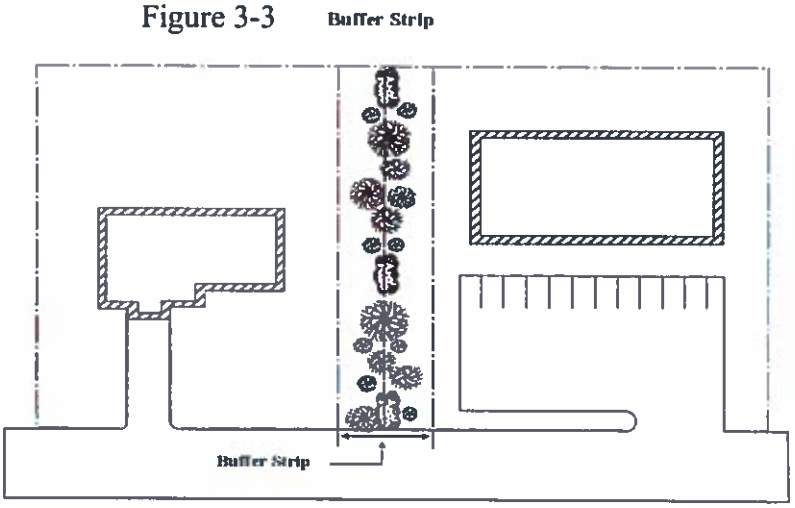
Figure 3-2



Building

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

Figure 3-3



Building Code

Means the *Ontario Building Code Act* and regulations thereunder, and any amendments thereto.

Building Envelope
Means the buildable area on a ***lot***, as defined by all of the required ***yards*** and ***setbacks*** and the maximum ***height*** provisions, within which a ***building*** can be ***erected*** (see Figure 3-3).

Building Height – see **Height**

Building Inspector – see **Chief Building Official**

Building, Main

Means a ***building*** in which is conducted the principle ***uses*** of the ***lot*** on which it is situated (see Figure 3-4).

Figure 3-4

Building, Mixed Use

Means a ***building*** containing more than one land ***use*** category (e.g., retail commercial and residential, ***office*** and residential, industrial and retail, etc) that are conceived and designed as a single ***structure***.

Building Official – see **Chief Building Official**

Building, Temporary

Means a ***building*** or ***structure*** intended for removal or demolition within a prescribed time not exceeding two (2) years or as set out in a building permit.

Building Supply Store

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

By-law Enforcement Officer

Means the officer or employee of the ***Township***, or an amalgam of municipalities of which the Township is a part of, charged with the duty of administering and enforcing the provisions of municipal by-laws.

3.C

Camp (Hunt Camp, Fishing Camp)

Means a ***building*** or ***structure***, having not more than 40 m^2 [430.5 ft^2] of ***gross floor area***, intended to provide basic shelter and accommodation on a short-term basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation.

The definition of camp shall not include a ***seasonal dwelling*** or any other ***dwelling*** defined herein.

Campground

Means an area of land, managed as a unit, providing short-term accommodation for tents, ***recreational vehicles*** or campers where a fee is charged for such accommodation, but shall not include ***mobile homes*** or a ***mobile home park***. A campground may include ***accessory uses***, ***buildings*** and ***structures*** such as a ***laundromat***, ***convenience store***, sale of propane fuels or others that are generally accessory to the operation of the campground.

Campsite

Means a plot or parcel of land within a ***campground*** intended for the exclusive temporary occupancy by a ***recreational vehicle***, tent or similar transportable accommodation together with all yards and open space and may include on-site services such as a fire pit, hydro, water and sewage disposal.

Car Port

Means a partially enclosed ***structure*** intended or which is used for the sheltering of one or more ***motor vehicles***. A car port attached to the ***main building*** is not an accessory structure (See Figure 3-5). A semi-detached car port is an ***accessory structure*** where divided vertically into two (2) separate car ports by a common wall, and where each separate private car port is located on separate, but adjoining ***lots***.

Car Shelter – see **Temporary Car Shelter**

Car Wash

Means a ***building*** or ***structure*** or portion thereof used for washing or cleaning of ***motor vehicles*** for gain, and may include the sale of fuel (e.g. gasoline, diesel, propane) and oil to its customers. A car wash may be an ***accessory use*** to a principle main use (e.g. ***automobile service station***).

Catering Establishment

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

Cellar

Means the portion of a ***building*** between two floors, which is partly underground and which has more than one-half of its height from floor to ceiling below the finished grade (see also ***Basement*** and Figure 3-1).

Cemetery

Means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other ***building*** or ***structure*** intended for the interment of human remains.

Chief Building Official

Means an officer or employee of the Corporation of the Township of McGarry or an amalgam of municipalities of which McGarry is a part of, appointed to enforce the provisions of the *Building Code Act.*

Chip Wagon - see **Licensed Refreshment Sales Vehicle**

Cinema – see **Theatre**

Clinic

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

Club - see **Private Club**

Commercial Floor Space

Means the sum of the areas of all floors of a ***building*** or part thereof used for commercial purposes measured between the internal faces of the exterior walls, excluding the furnace-room, laundry-room, washroom, stairwell or elevator shaft, or any area designed or used permanently for storage space.

Commercial Greenhouse

Means a commercial ***place*** used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

Commercial Use

Means the ***use*** of land, ***buildings*** and/or ***structures*** for the purposes of buying and selling of commodities and supplying of services, as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction. Commercial use also includes highway commercial use and those commercial uses which rely on the tourist population. Examples of commercial uses include ***retail stores***, ***offices***, ***automobile service stations***, etc.

Commercial Zone

Means the Townsite Centre (TC) Zone, the Highway Commercial (HC) Zone or the Recreational Commercial (RC) Zone.

Communal Services – see **Private Communal Sewage Services** and **Private Communal Water Services**

Communications Facility

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

Community Centre

Means ***place*** used for community activities, the ownership and/or maintenance of which is vested with the Township or other organization for non-commercial purposes. Without limiting the generality of the foregoing, community centres may include ***parks*** and open space, sports fields, skateboard parks, playgrounds, courts, gymnasiums, ***places of assembly***, ***swimming pools***, facilities for indoor and outdoor recreational, social or cultural activities.

Condominium

Means a ***building*** or buildings or part thereof which is held in separate private ownership and where common elements are owned by the tenants in common (e.g. recreational facilities, ***open space***, outdoor areas, etc) and which is administered and maintained by a corporation pursuant to the provisions of the *Condominium Act*. A condominium may be for a ***residential***, commercial or ***industrial use***.

Conservation Use

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

Construction Yard or Contractor's Yard

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

Continuum-of-Care Facility

Means a ***building*** or a group of ***buildings*** which may include a seniors citizens ***apartment building***, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve, the senior citizen population, such as clinics, recreation centres, cafeterias, and personal service establishments, and may also include independent senior's accommodation in separate structures/living units that share in services, such as meals, medical care services, or recreation that are provided by the facility. A continuum-of-care facility differentiates from a ***nursing home*** in that those lodged at a ***nursing home*** are not capable of living independently without nursing care.

Convenience Store

Shall mean a commercial establishment in a ***building*** or part thereof that sells convenience goods and items of day-to-day personal or household use or necessity including food, beverages, on-the-shelf pharmaceutical drugs, limited hardware products, tobacco products, periodicals and other such products.

Corporation

Means the Corporation of the Township of McGarry.

Council

Means the Council of the Corporation of the Township of McGarry.

Coverage – see **Lot Coverage**

Crisis Care Facility

Shall mean a residence that is licensed or funded by the Province of Ontario for the provision of short term accommodation (averaging one month or less) of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

Crisis Housing – see **Crisis Care Facility**

3.D

Day Care – see Day Nursery

Day Nursery

Means an establishment governed by the *Day Nurseries Act* that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

(a) Under eighteen years of age in the case of a day nursery for children with a developmental disability, and

(b) Under ten years of age in all other cases.

Deck

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

Detached

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

Development

Means the creation of a new ***lot***, a change in land ***use***, or the construction of ***buildings*** and ***structures*** requiring approval under the *Planning Act* and shall be taken to include ***redevelopment***, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands.

District

Means the District of Timiskaming.

Dock, Floating

Means an ***accessory structure*** used for the mooring of ***water vehicles*** which is designed to float freely on the surface of the ***water body*** and which may be secured to the ***shoreline***.

Dock, Permanent

Means an ***accessory structure*** used for the mooring of ***water vehicles*** which is secured to the ***shoreline*** and/or the bottom of the ***water body*** by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent ***structure***.

Driveway

Means a vehicular access connected to only one ***public street*** or ***private road*** or thoroughfare, which provides ingress to and/or egress from a ***lot***, and may include a shared ***driveway*** but shall not include a ***lane*** as defined herein.

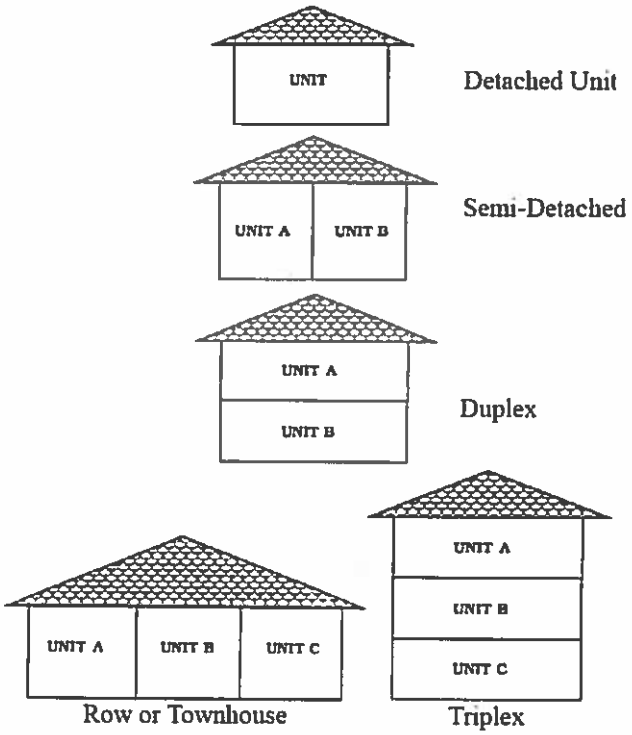
Dry Cleaning Establishment – see **Personal Service Establishment**

Duplex – see **Dwelling – Duplex**

Dwelling

Means any ***building*** that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals, but shall not include a ***hotel*** or ***motel***. ***Recreational vehicles*** and ***trailers*** shall not be considered dwellings except for the purposes of the ***Minimum Distance Separation***.

Figure 3-6



Dwelling – Accessory

Means a ***dwelling*** which is incidental, subordinate and exclusively devoted to a main use and is located on the same ***lot*** therewith.

Dwelling – Apartment

Means a building containing three (3) or more dwelling units but shall not include a ***row dwelling***.

Dwelling - Apartment-in-a-house

Means a separate and self-contained ***dwelling unit*** (i.e. includes cooking, sanitation and sleeping facilities) in a ***single detached dwelling*** or ***semi-detached dwelling*** and which has a separate entrance.

Dwelling – Converted

Means a ***dwelling*** altered to contain a greater number of ***dwelling units***, with each self-contained dwelling unit having a floor space of not less than 55 m^2 [592 ft^2].

Dwelling - Duplex

Means a ***building*** divided horizontally into two (2) ***dwelling units***, each unit of which has an independent entrance (see Figure 3-6).

Dwelling - Mobile Home - see **Mobile Home**

Dwelling - Park Model Trailer

Means a manufactured ***building*** designed and constructed in conformance with CAN/CSA-Z241 Series M "Park Model Trailer", as set out in the Ontario Building Code, and is used or intended to be used for seasonal accommodation.

Dwelling - Row or Townhouse

Means a ***building*** consisting of a series of three (3) or more ***dwelling units*** but not more than eight (8) units in a continuous row divided vertically into separate units by a common wall above grade, and where each unit has an independent entrance (see Figure 3-6).

Dwelling – Seasonal

Means a ***dwelling*** constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof (e.g., cottage).

Dwelling - Semi-detached

Means a ***building*** on a single foundation divided vertically into two (2) separate ***dwelling units*** by a common wall (see Figure 3-6).

Dwelling - Single-detached

Means a ***detached building*** containing one (1) ***dwelling unit***, and may include a ***modular home*** (see Figure 3-6).

Dwelling - Triplex

Shall mean the whole of a ***dwelling*** that is divided horizontally and/or vertically into three separate ***dwelling units*** each of which has an independent entrance either directly from the outside or through a common entrance (see Figure 3-6).

Dwelling Unit

Means a ***building*** or a portion thereof occupied or capable of being occupied as the home or residence of one (1) or more persons, where food preparation and sanitary facilities are provided, but shall not include any part of a boarding house, ***hotel***, ***motel***, rental cottage or cabin, ***garden suite***, ***sleep cabin*** or ***loft-above-a-garage*** or similar commercial use of a private or semi-private institution.

Dwelling Unit, Bachelor

Means a ***dwelling unit*** that does not have a specific room set aside for use as a bedroom. Such dwelling units are oriented towards accommodating one (1) resident such as young single people or senior citizens. The term 'bachelor dwelling unit' may be used to describe a particular dwelling unit (e.g., ***apartment-in-a-house***) rather than being classified as type of dwelling unit. Where a dwelling unit meets the definition of a bachelor dwelling unit but is an 'apartment-in-a-house' or a '***loft-above-a-garage***' according to the definitions of each in this By-law, then the dwelling unit will be considered as an apartment-in-a-house or a loft-above-a-garage instead of a bachelor dwelling unit for the purposes of this By-law.

3.E

Easement

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

Equestrian Establishment

Means an establishment engaged in the operation of a horse riding academy or horse riding stables.

Equipment Rental Establishment

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

Equipment and Vehicle Storage Yard – Industrial

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

Erect

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

Established Building Line

Means the average ***setback*** from the ***street line*** of existing ***buildings*** on one side of a continuous 50 m [164 ft] strip of land where three (3) or more of the ***lots*** having street ***frontage*** upon the said side of the street have been built upon (see Figure 3-7).

Figure 3-7

Established Grade

Means the average elevation of the finished level of the ground adjoining all of the walls of the ***building*** or ***structure*** exclusive of any artificial embankments or berms.

Existing

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

Exterior Side Lot Line – see **Lot Line - Exterior Side**

Exterior Side Yard – see **Yard, Exterior Side**

3.F

Fairground

Means land devoted to entertainment on a seasonal or temporary basis and may include grandstands, barns and other ***accessory buildings*** and ***structures*** normally associated with such a ***use***.

Farm

Means any ***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 produced on the premises, nurseries, orchards, riding stables, the raising of sheep or uses or enterprises as are customarily carried on in the field of general agriculture. Farm may include a ***single detached dwelling***, and such principle 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.

Farm Produce Outlet

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

Farmer's Market

Means ***place*** where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

Farming Use – see **Agricultural Use**

Fence

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

Fill Area

Means the area of a ***waste management facility*** set aside for landfilling or dumping.

Fish Habitat

Means the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

Fishing Camp – see **Camp (Hunt Camp, Fishing Camp)**

Flea Market

Means:

(a) A ***building*** or part thereof where goods are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined herein;

(b) An occasional or periodic market or sales event held in an open area, which may include a ***street***, or within a ***building*** or ***structure*** where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;

(c) A building or open area in which stalls or sales areas are set aside and which are intended for use by various unrelated individuals to sell goods; or

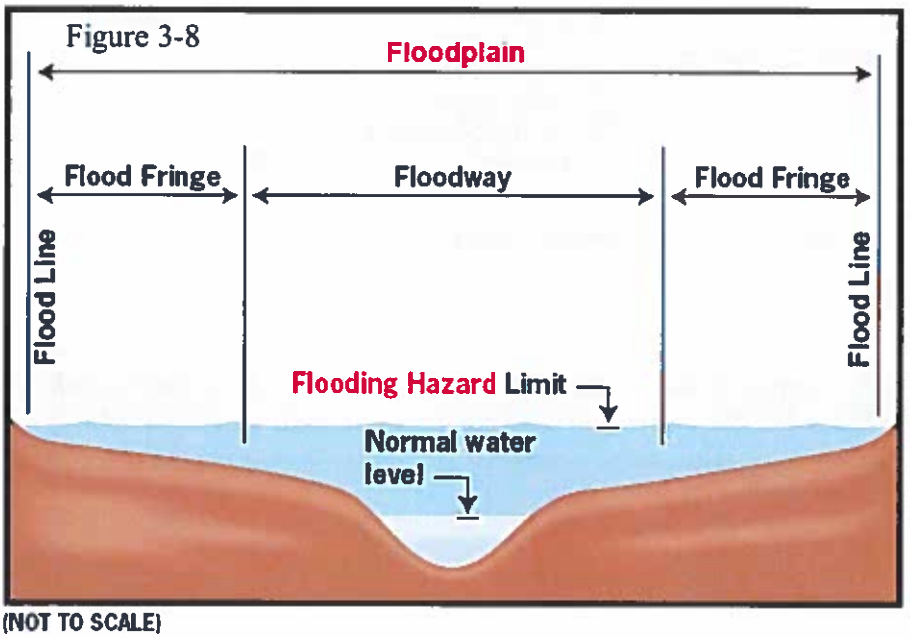
(d) A building or open area where food preserves or fresh produce or prepared foods are sold, but does not include a ***restaurant***.

Flood Elevation or Floodline

Means a line established by a one-in-one-hundred year storm as established by flood plain mapping or by the Ministry of Natural Resources (see Figure 3-8).

Flood Fringe

Means the outer portion of the ***flood plain*** between the ***floodway*** and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway (see Figure 3-8).



(NOT TO SCALE)

Flood Plain

Means, for river stream and small inland lake systems, the area, usually low lands adjoining a ***watercourse*** or ***water body***, which has been or may be subject to flooding hazards (see Figure 3-8).

Flood Proofing

Means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual ***buildings***, ***structures*** or properties subject to flooding so as to reduce or eliminate flood damages.

Floodway

Means the portion of the ***flood plain*** where ***development*** and ***site alteration*** would cause a danger to public health and safety or property damage (See Figure 3-8). Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or the area where flood depths and/or velocities are considered to be such that they pose a threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

Floor Area – Gross

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

Floor Area – Net

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

(a) Any ***private garage***, porch, veranda, and unfinished ***basement***, ***cellar*** or attic;

(b) Any part of the building or structure below grade which is used for building services, storage or laundry facilities;

(c) Any part of the building or structure used for the storage or parking of ***motor vehicles***.

(d) Any part of the building used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical room, and any automobile parking facilities provided within the building.

Forestry Use

Means the general raising, management and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silva culture practices.

Fractional Ownership

Means a form of tenureship where the title or deed of a property is divided into shares and those shares are owned by one or more individuals.

Frontage – see **Lot Frontage**

Fuel Depot

Means land, ***buildings*** or ***structures used*** for the bulk storage, distribution and sale of gasoline, propane, heating oil or motor oil.

Full Municipal Services – see **Sewage and Water Systems**

Funeral Home

Means a ***building*** or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, a chapel or parlour provided such activities are clearly secondary and incidental to the main undertaking service.

3.G

Garage – Private

Means an ***accessory building*** or portion of a ***main building***, including a ***carport***, which is designed or used for parking or storage of one (1) or more ***motor vehicles*** of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or ***commercial use***. A detached garage is a private garage that is not connected to a main building. A semi-detached garage is an ***accessory building*** divided vertically into two (2) separate private garages by a common wall where each separate private garage is located on separate, adjoining ***lots***.

Garden Centre

Means an outdoor area primarily ***used*** for the retail of gardening equipment, products and planting materials.

Garden Suite

Means a one-unit ***detached*** residential ***structure*** containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

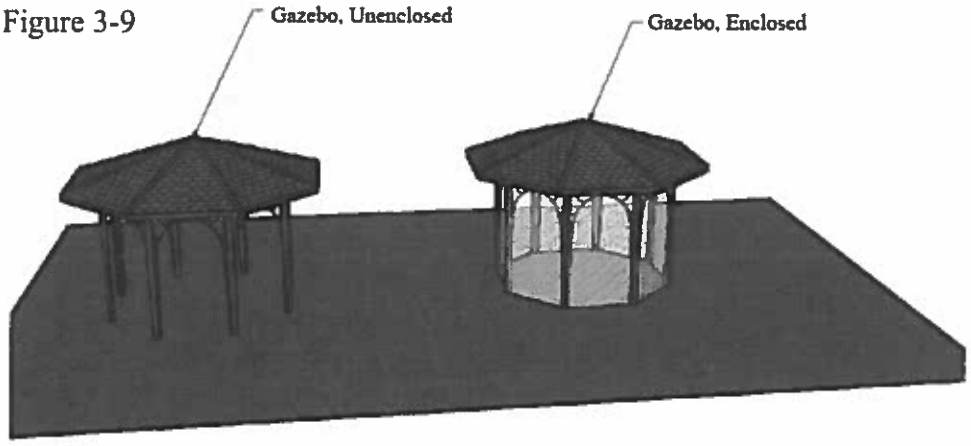
Gasoline Bar

Means one (1) or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a ***floor area*** of not more than 10 m^2 [107.6 ft^2] which shall not be used for the sale of any product other than liquids and small accessories required for the operation of ***motor vehicles***.

Gasoline Card Lock Facility

Means one (1) or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

Figure 3-9



Gazebo

Means a freestanding, roofed ***accessory structure*** which is not enclosed, except for transparent screening (e.g., glass, netting) and which is utilized for the purposes of relaxation in conjunction with a main use but shall not include any other use or activity otherwise defined or classified herein (see Figure 3-9).

Golf Course

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

Green Roof

Means a roof of a ***building*** where part of or the entire surface of the roof is intentionally covered with vegetative material.

Greenhouse

Means a ***building*** used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same ***lot*** containing such greenhouse.

Ground Floor

Means the floor that is level with or immediately above grade.

Group Home

Means a single housekeeping unit in a residential ***dwelling***, which is registered with the ***Municipality***, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws. (See also ***Crisis Care Facility***)

Guest Room

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

3.H

Habitable Room

Means a room in a ***dwelling*** or ***habitable building used*** or intended to be used primarily for human occupancy.

Hazardous Lands

Means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous Substances

Means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances

generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Hereafter

Means after the date of the passing of this By-law.

Height

Means the vertical distance between the average finished grade at the base of a ***building*** or ***structure*** and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof.

Heliport

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

Herein

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

High Water Mark

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

Highway

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

Holding Zone

Means a zone established under the enabling authority of Section 36 of the *Planning Act* where uses may be permitted subject to meeting certain conditions set out in the ***Official Plan***.

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

Home Based Business

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

Home Occupation – see **Home Based Business**

Hospital

Means any institution, ***building*** or other premises or place that is established for the purposes of the treatment of patients and that is approved under the *Public Hospitals Act* as a public hospital.

Hotel

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

Hunt Camp – see **Camp (Hunt Camp, Fishing Camp)**

3.I

Individual On-Site Systems – see **Sewage and Water Systems**

Industrial Uses, Light - Class I Industry

Means a place of business for a small scale, self contained plant or ***building*** which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions, e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply. 'Light Industrial Uses' or 'Class I Industry' is a classification and other uses defined in this By-law may be classified as such.

Industrial Uses, Medium - Class II Industry

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions, e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include dry cleaning services, magazine printing establishments, paint spray booths, welding shops, courier and transport services, heavy ***vehicle*** repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard. 'Medium Industrial Uses' or 'Class II Industry' is a classification and other uses defined in this By-law may be classified as such.

Industrial Uses, Heavy - Class III

Means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. Such uses are intended to be secluded from residential or other ***sensitive land uses*** in order to limit any potential ***adverse effects*** on the environment or the surrounding areas and public health. Examples include manufacturing of paint and varnish, breweries, soaps and detergent manufacturing, metal manufacturing, and solvent recovery plants. 'Heavy Industrial Uses' or 'Class III Industry' is a classification and other uses defined in this By-law may be classified as such.

Industrial Zone

Means the Industrial (I) Zone.

Influence Area

Means the area or areas at, above or below grade, associated with a facility that is subject to one or more ***adverse effects*** which may be of varying duration, frequency and distance of dispersal. This is an actual influence area. A potential influence area identifies where adverse effects are generally expected to occur. An influence area or potential influence area acts as a potential constraint for sensitive land use, or conversely, on the establishment of a facility, unless evidence is provided that adverse effects are not a problem, or can be satisfactorily mitigated to the level of trivial impact.

Institutional Use

Means any land, ***buildings*** or ***structures*** used for a non-commercial purpose by any organization, group or association for government, religious, educational, charitable or hospitable purposes and involving activities carried on for some public purpose and not for profit, but excluding a private club, mental hospital, or any place of detention or correction.

Interior Lot – see **Lot, Interior**

3.K

Kennel

Means a **building, structure** or premises or portion of any of the foregoing, used for the raising, housing, breeding or training of four (4) or more domesticated animals over the age of four (4) months. This definition shall not include a ***veterinary establishment***.

3.L

Landscaped Open Space

Means:

(a) A combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use;

(b) Does not include ***parking areas***, traffic ***aisles*** or ***driveways*** or ramps for ***vehicles***.

Lane

Means:

(a) A subsidiary thoroughfare providing vehicular access from within a ***lot***, principally from parking or ***loading spaces*** or from a lot to a ***public street***; or

(b) A subsidiary public thoroughfare for the sole use of pedestrians and connecting ***public streets***, ***open spaces*** or ***buildings***.

Laundromat

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

Library

Means a ***building*** or part thereof where educational material (e.g. books, films, music, audio-visual, magazines) are made available for public display and are lent to the public.

Licensed Refreshment Sales Vehicle

Means a ***vehicle*** which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling or sale of foodstuffs or beverages within or from the vehicle and may include exterior seating (e.g. picnic tables).

Livestock Facility

Means one or more barns or permanent ***structures*** with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

Livestock Sales Outlet

Means a ***building*** or ***structure*** where livestock such as cattle, goats, sheep, horses or the young thereof are bought and sold.

Loading Space

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

Loft-Above-a-Garage

Means the portion of a ***garage*** located above the garage portion of the ***structure*** and is used for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities. (See also ***Sleep Cabin***)

Long Term Care Facility – see **Continuum-of-Care Facility**

Lot

Means a parcel or tract of land, within a registered plan or subdivision or described in a deed or other legal document, that is capable of being legally conveyed.

Lot Area

Means the total horizontal area measured within the limits of the ***lot lines*** of the ***lot***.

Lot, Corner

Means a ***lot*** situated at an intersection of two (2) or more ***streets***, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one-hundred-and-thirty-five degrees (135°).

Where such street lines are curved, the angle of intersection of the ***street lines*** shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the ***side lot lines***. In the latter case, the corner of the ***lot*** shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents (See Figure 3-10).

Lot Coverage

Means the percentage of the ***lot area*** covered by the ground ***floor area*** of all ***buildings*** located on the ***lot***.

Lot Depth

Means the horizontal distance between the ***front*** and ***rear lot lines***. If the front and rear lot lines are not parallel, 'lot depth' means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the ***side lot lines*** (see Figure 3-13).

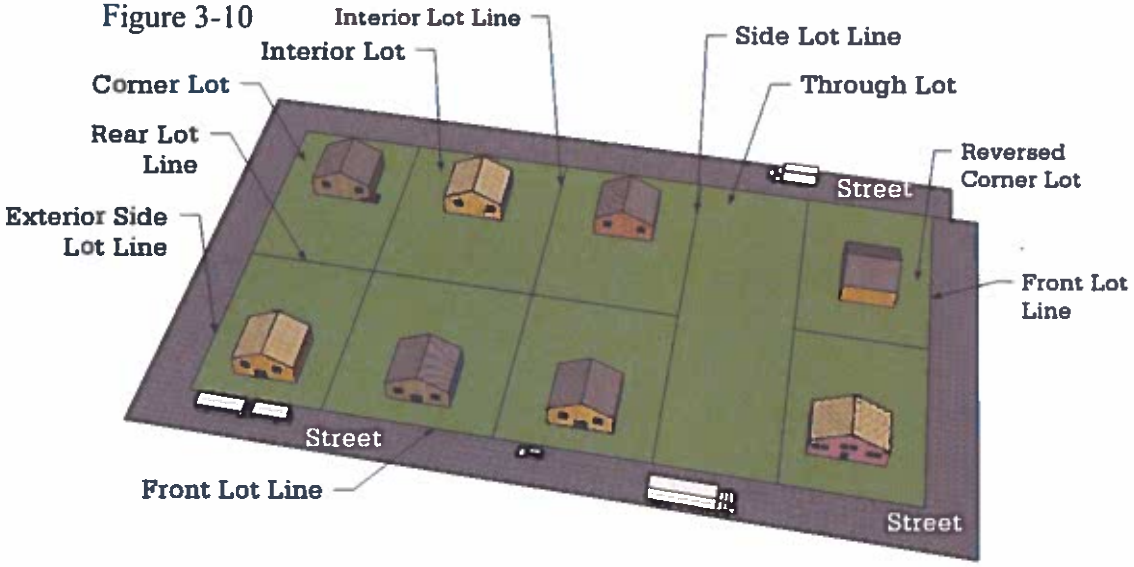
Lot Frontage

Means the horizontal distance between the ***side lot lines*** along the ***front lot line***. Where such side ***lot lines*** are not parallel, the lot frontage shall be the width of a ***lot*** measured between the intersections of the side lot lines with a line 7.5 m (24.6 ft.) back from and parallel or concentric to the ***front lot line***. Arc distances shall apply on curved lines (see Figure 3-13).

Lot, Interior

Means a ***lot*** other than a ***corner*** or a ***through lot*** which is situated between adjacent lots and has ***frontage*** on a ***street*** (see Figure 3-10).

Figure 3-10



Lot Line

Means a boundary line of a ***lot*** (see Figure 3-10).

Lot Line, Exterior Side

Means a ***lot line*** located between the ***front*** and ***rear lot lines*** and dividing the ***lot*** from a ***street*** (see Figure 3-10).

Lot Line, Front

Means:

(a) In the case of an ***interior lot***, the line dividing the ***lot*** from the street line, street allowance or ***private road*** (see Figure 3-10);

(b) In the case of a ***corner lot***, the shorter ***lot line*** abutting a ***street*** shall be deemed to be the front lot line. In such a case, the longer lot line abutting a street shall be deemed an exterior side lot line;

(c) In the case of a ***corner lot*** with two street lines of equal lengths, the ***lot line*** that abuts the wider ***street***, or abuts a Provincial highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the ***lot*** is provided shall be deemed to be the front lot line;

(d) In the case of a ***lot*** with water access only, the ***front lot line*** shall be on the water side. In the case of a through ***waterfront lot*** with water access only, the longest ***shoreline*** shall be deemed to be the front lot line;

(e) In case of a lot with frontage on a ***public street*** or ***private road*** and on a ***water body***, the ***lot line*** adjacent to the ***high water mark*** shall be deemed the front lot line;

(f) In the case of a ***corner lot*** abutting a 0.3 m [0.98 ft] reserve or other reserve, the ***lot line*** so abutting the reserve shall be deemed an ***exterior lot line*** and the other lot line abutting the street shall be deemed to be the ***rear lot line***;

(g) In the case of a lot with ***private road***, the ***lot line*** adjacent to the private road shall be deemed to be the front lot line; and

(h) In all other cases not described above, the front lot line shall be deemed to be where the principal access to the ***lot*** is approved.

Lot Line, Side Interior

Means a ***lot line*** other than a ***front***, ***rear*** or ***side exterior lot line*** (See Figure 3-10).

Lot Line, Rear

Means the ***lot line*** furthest from, and opposite to, the ***front lot line*** (See Figure 3-10).

Lot, Through

Means a ***lot*** having a ***frontage*** on two parallel or approximately parallel ***streets*** (see Figure 3-10).

Lot, Waterfront

Means a ***lot*** that abuts a navigable waterway or body of water.

Lot, Width

Means the average horizontal dimension between the two longest opposite sides.

Lumber Yard

Means lands, ***buildings*** and ***structures*** where the primary use is the storage of construction grade wood and building supplies for sale at retail or wholesale.

3.M

Main Building – see **Building, Main**

Main Use

Means the primary purpose for which the ***main building*** or ***structure*** on a lot is designed, arranged, occupied and maintained, or in the case of a lot where there is no ***building*** or structure, the primary purpose for which the lands are to be designed, arranged and maintained

Main Wall

Means any exterior wall of a ***building*** and all structural members essential to the support of a fully enclosed space or roof exclusive of permitted projections.

Manure or Material Storage

Means permanent storage, which may or may not be associated with a ***livestock facility*** containing liquid manure (<18% dry matter), solid manure (≥ 18% dry matter), or digestate (< 18% dry matter). Permanent storages may come in a variety of locations, materials, coverings, elevations, configurations and shapes.

Marina

Means a ***building*** or ***structure*** on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an ***accessory use*** may be provided.

Marine Facility

Means a non-commercial ***building*** or ***structure*** which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, ***dock*** or ***boathouse***, but does not include any building used for human habitation or a marina. A marine

facility shall also include a water intake facility and any flood or erosion control structure. No part of a marine facility may be used as a ***dwelling unit***.

Material Storage – see **Manure or Material Storage**

Mine Hazard

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

Mineral Aggregate Operation

Means:

(a) Lands under license or permit, other than for ***wayside pits*** and ***quarries***, issued in accordance with the *Aggregate Resources Act*, or successors thereto;

(b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Deposits

Means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present and future extraction.

Mineral Mining Operation

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

Miniature Golf Course

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

Minimum Distance Separation Formulae I and II

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

Mobile Home

Means any ***dwelling*** that is designed to be made mobile, and constructed or manufactured to provide either a permanent or seasonal residence for one (1) or more persons, and which is not

less than 3 m [9.84 ft] wide and the total area of which is not less than 46 m^2 [495.1 ft^2]. A mobile home does not include a travel trailer or tent trailer or ***trailer*** otherwise designed.

Mobile Home Park

Means lands which has been provided and designed for the location thereon of two (2) or more occupied ***mobile homes***.

Mobile Home Lot or Site

Means an area, similar to a ***lot***, located in a ***mobile home park***, intended to be or occupied by a ***mobile home*** or a permitted ***accessory use***.

Mobile Home Yard

Means a line similar to a ***front yard***, ***rear yard***, ***interior*** or ***exterior side yard*** as if it were applied to a ***Mobile Lot or Site***.

Modular Home

Means a ***single detached dwelling*** consisting of two (2) or more modules which has been prefabricated or manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a ***Mobile Home*** or Park Model Trailer as otherwise defined.

Motel

Means a ***building*** or ***buildings*** designed or used for the accommodation of the travelling or vacationing public, containing therein three (3) or more ***guest rooms***, each guest room having a separate entrance directly from outside and may include an accessory eating establishment or restaurant. (See also ***Hotel*** and ***Tourist Establishment***)

Motor Vehicle – see **Vehicle**

Municipal Sewage Services – See **Sewage Disposal and Water Systems**

Municipal Water Services – See **Sewage Disposal and Water Systems**

Municipality

Means the Corporation Township of McGarry.

Museum

Shall mean an institutional ***place*** 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 scientific, natural, artistic, or historical interest, or other interests.

3.N

Non-Conforming

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

Non-municipal Drinking Water System

Means a drinking water system that is not a ***municipal drinking water system***.

Nursery

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. (See also ***Commercial Greenhouse***)

Nursing Home – see **Continuum-of-Care Facility**

3.O

Obnoxious Use

Means any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of emissions from the said land or any part thereof or the creation thereon of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon, or an obnoxious use as defined in the in the *Health Protection and Promotion Act*.

Occupancy Permit

Means a permit issued under the authority of the *Planning Act* by the ***Chief Building Official*** which indicates that the proposed ***use*** of land or any ***building*** or ***structure*** on any such land is in conformity with this By-law.

Office

Means a ***building***, ***structure*** or part thereof ***used*** for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities (e.g. lawyer, doctor, dentist, architect, realtor, computer programming, consultant, etc), but shall not include the manufacturing of any product.

Official Plan

Means the Official Plan of the Township of McGarry planning area or parts thereof and amendments thereto that may take from place time-to-time.

Open Space

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

Open Storage

Means storage or display of goods, merchandise or equipment outside of a ***building*** or ***structure*** on a ***lot*** or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a ***lot***, a ***parking area*** or ***parking space*** or the ***outdoor display*** of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

Outdoor Display

Means an area set aside outside of a ***building*** or ***structure***, ***used*** in conjunction with a business located within the building or structure on the same property, for the display of sales or seasonal produce may include garden supplies and Christmas trees, new merchandise or the supply of services.

Owner

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

3.P

Park

Means an area of land, whether enclosed or not, maintained by the ***Municipality*** or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park or Conservation Area with or without campground facilities.

Parking Area

Means a ***lot*** or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of ***motor vehicles*** accessory or incidental to uses in all ***zones***, and shall not include the storage or parking of four (4) or more motor vehicles for hire and gain, display or for sale.

Parking Lot - Commercial

Means a ***lot*** or portion thereof used for the temporary storage or parking of four (4) or more ***vehicles*** for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles. A commercial parking lot may used in association with a ***commercial use*** for the purposes of this By-law and the parking lot may or may not be for hire or gain.

Parking Space

Means an area used for the temporary parking of one (1) ***motor vehicle*** that is not less than 16.2 m^2 [193.75 ft^2] measuring not less than 2.7 m [8.86 ft] in width by 6 m [19.7 ft] in length exclusive of driveways or aisles.

Parking Space, Barrier-Free

Means an ***parking space*** of not less than 22.2 m^2 [238.9 ft^2] measuring a minimum of 3.7 m [12.1 ft] in width by 6 m [19.6 ft] in length exclusive of driveway ***aisles***, for the temporary parking of a ***motor vehicle*** used by a handicapped or disabled person.

Partial Services – see **Sewage and Water Systems**

Person

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

Personal Service Establishment

Means a commercial ***place*** wherein a personal service is performed. This definition may include, but is not limited to, businesses or services such as a barber shop, hair styling salon, shoe repair shop, tattoo and piercing parlour, spa, tanning salon, dry cleaning outlet, tailor shop, dressmaker shop, massage therapy service, photofinishing, picture framing, publishing and photocopying, but excludes any manufacturing or fabrication of goods for sale.

Pharmacy – see **Retail Store**

Pit

Shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of open excavation and includes the processing thereof for commercial purposes including screening, sorting, wading, crushing and other similar operations together with required buildings and structures, but does not include a ***wayside pit***.

Place

Means lands, ***buildings*** and/or ***structures***.

Place of Amusement

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or arcade, billiard or pool room, pinball machines and video games but does not include an adult entertainment parlour, casino or ***bingo hall***. (See also ***Bingo Hall***)

Place of Assembly

Shall mean a ***place*** where facilities are provided for such purposes as meetings for civic, educational, political or social purposes, and without limiting the generality of the foregoing, may include such facilities as a banquet hall or private club, but shall not include a ***place of worship*** or ***community centre***.

Place of Worship

Shall mean a ***place*** or an open area dedicated to religious worship and may include a manse or rectory located on the same ***lot*** therewith, but does not include a manse or rectory that is established on a separate lot.

Playground

Means a ***park*** or part thereof which is equipped with active recreational facilities oriented to children.

Portable Asphalt/Concrete Plant

Means in the case of a portable asphalt plant a facility with equipment designed to mix or heat and dry aggregate and to mix aggregate with bituminous asphalt to produce concrete or asphalt paving materials, or in the case of a portable concrete plant equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete. Both uses may include stockpiling and storage of bulk materials used in the process. Either use shall not be of permanent construction but are designed to be dismantled and moved to another location as required.

Printing and Publishing Establishment

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

Private Airfield – see **Airfield, Private**

Private Communal Sewage Services – see **Sewage Disposal and Water Systems**

Private Communal Water Services – see **Sewage Disposal and Water Systems**

Private Road
Means a private right-of-way over private property which affords access to at least two (2) abutting ***lots*** and which is not maintained by a ***public authority***.

Private School – see **School, Private**

Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable ***water body***. (See also ***Marine Facility***)

Public Authority

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

Public Service Use

Means a ***building***, ***structure*** or ***lot*** used for public services by the Township of McGarry, and any Ministry, Department or Commission of the Governments of Ontario and Canada, any telephone, telegraph or railway company, any company supplying natural gas, HydroOne, and any public utilities company or similarly recognized agencies.

Public Storage – see **Self Storage Facility**

Public Street

Means a public or common roadway or ***highway*** affording the principal means of access to abutting properties which has been dedicated to and or assumed by a ***public authority***.

Public Use

Means the use of land, ***building*** or ***structures*** by civic, religious, educational, charitable, fraternal, social or recreational societies, agencies, boards or committees so long as the activity is not conducted for a profit, and any business is accessory to the main use.

Public Utility

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

3.Q

Quarry
Means a place where unconsolidated rock has been or is being removed by means of an open excavation and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing and other similar operations, required buildings and structures, but does not include a ***wayside quarry***.

3.R

Recreation Dwelling – see **Dwelling – Seasonal** or **Camp**

Recreational Commercial Establishment

Means an ***place*** where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasia, band shell or open theatre, and other similar uses but does not include a casino or ***bingo hall***. The definition of recreational commercial establishment shall not include ***golf courses***, m***iniature golf courses***, ***campgrounds***, ***marinas***, ***parks*** or cabins.

Recreational Vehicle

Means any ***vehicle*** so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home or a park model trailer, as defined. A recreational vehicle shall not be deemed to include a mobile home or a manufactured home. The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal water craft, snowmobiles, all terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot. Recreational vehicles shall be considered ***dwellings*** for the purposes of ***Minimum Distance Separation*** where one (1) or more persons are able to sleep and prepare and serve meals within the vehicle.

Recreational Vehicle Campground - see **Campground**

Recreational Vehicle Sales and Storage

Means a ***place*** which is used for the display, storage and/or sale of boats, ***trailers***, campers and other ***recreational vehicles*** or recreational equipment.

Recycling Depot or Transfer Station

Means a special ***waste management facility*** which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system (see also ***Waste Management Facility***).

Redevelopment

Means the removal or rehabilitation of ***buildings*** or ***structures*** from land and the construction, reconstruction or ***erection*** of other buildings or structures in their place.

Renovation

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

Residence – see **Dwelling Unit**

Residential Use

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

Residential Zone

For the purposes of this By-law, residential zone shall mean the General Residential (R1) Zone, Multiple Residential (R2) Zone, Rural Residential (R3) Zone and Lakefront Residential (R4) Zone.

Restaurant

Means a ***building*** or ***structure*** or part thereof where food is prepared and offered for sale to the public for consumption within or outside the building or structure or off the premises and may include an order board and drive-through facility.

Retail Store

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

Retirement Home

Means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided. Such a facility shall be for adults who are capable of living independently without nursing care. (See also ***Continuum-of-Care Facility***)

Right-of-Way

Means an area of land acquired for or devoted to the provision of a road.

Road – see **Public Street**

3.S

Salvage Yard

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

Satellite Dish

Means a ***structure*** designed and used for the reception of television signals related back to earth from a communications satellite.

Sawmill or Planing Mill

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

Sawmill, Portable

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

Sauna

Means an ***accessory building*** or ***structure*** not exceeding 10 m^2 (107.6 ft^2) wherein facilities are provided for the purpose of inducing perspiration and may include a change room and shower and may be constructed as part of a ***boat house***.

School

Shall mean an institutional ***place*** for the education or instruction of a body pupils by a body of teachers, and shall include an elementary or secondary school, adult education and English or French as a second language programs, but shall not include a ***studio***, ***museum***, post-secondary educational institution, any type of ***home based business***, or any other ***use*** defined herein.

Screening

Means the use of landscaping, walls, fences, hedges or other ornamental fixtures to shield the view from one (1) property to another.

Seating Capacity

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

Self Storage Facility

Means a commercial ***building*** or part of a building wherein items are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Semi-detached Garage – see **Garage - Private**

Sensitive Land Use

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

Setback

Means:

(a) With reference to a road or ***street***, the least horizontal distance between the ***front lot line*** and the nearest building line;

(b) With reference to a ***water body***, the least horizontal distance between the ***high water mark*** of the water body and the nearest building line; and

(c) With reference to a ***building***, ***structure*** or land ***use*** and not applicable under paragraph (a) or (b), shall mean the least horizontal distance from the ***building***, ***structure*** or land ***use*** in question.

Sewage Disposal and Water Systems

(a) Full Municipal Services

Means the combination of ***municipal sewage services*** and ***municipal water services***.

(b) Individual On-Site Systems

Shall mean individual autonomous water supply and sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five (5) residential units/lots.

(c) Partial Services

Means

(i) Municipal sewage services or private communal sewage services and individual on-site water services; or

(ii) Municipal water services or private communal water services and individual on-site sewage services.

(d) Municipal Sewage Services

Means a ***sewage works*** within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by the Municipality of McGarry.

(e) Municipal Water Services

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

(f) Private Communal Sewage Services

Means a ***sewage works*** that serves six (6) or more ***lots*** or private ***residences*** and is not owned by the Municipality of McGarry Lake.

(g) Private Communal Water Services

Means a ***non-municipal drinking water system*** that services six (6) or more ***lots*** or private ***residences***.

Sewage Disposal System – see **Sewage Disposal and Water Systems**

Sewage Lagoon

Means an area of land used for the discharge and disposal of sewage waste and that has a standing Certificate of Approval issued by the Ministry of the Environment.

Sewage Treatment Facility

Means a facility where sewage is collected, transmitted and treated and has a standing Certificate of Approval issued by the Ministry of the Environment.

Sewage Works

Means any works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the *Building Code Act* applies.

Shooting Range or Rifle Club

Means a ***place*** used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

Shoreline

Means a ***lot line*** or portion thereof which abuts or parallels the ***high water mark*** of a ***water body*** or ***watercourse***.

Shoreline Structure

Means a ***boat house*** (wet or dry), a boat port, a float plane hangar, a ***sauna*** or steam bath, a ***dock*** or wharf, a ***gazebo***, a utility or storage shed or a ***viewing deck***.

Side Exterior Yard – see **Yard, Side Exterior**

Side Interior Lot Line – see **Lot Line, Side Interior**

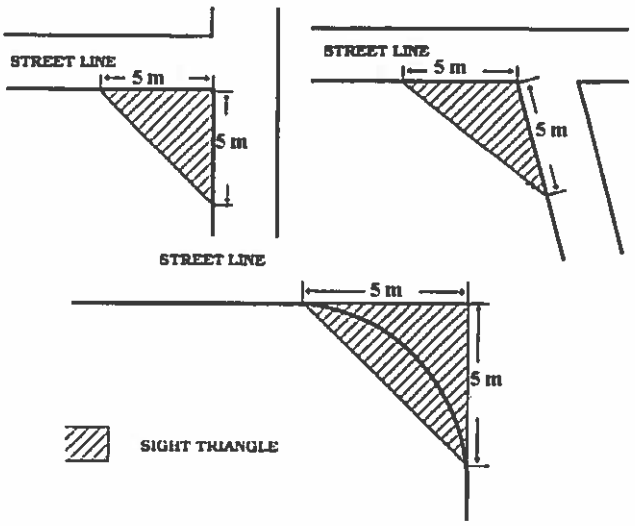
Side Interior Yard – see **Yard, Side Interior**

Side Yard – see **Yard, Side**

Sight Triangle

Means a triangular space formed by the street lines abutting a corner lot and a third line drawn from a point on a ***street line*** to another point on a street line, each such point being 5

Figure 3-11



m [16.4 ft] from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines [See Figure 3-11].

Sign

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

(a) Is a ***structure***, or part of a structure, or which is attached thereto or mounted thereon; and

(b) Which is used to advertise, inform, announce, claim, give publicity or attract attention.

Skateboard Park

Mean a ***building*** or ***structure*** or part thereof or an area of land occupied by structures used in skateboarding, roller skating, roller blading, BMX riding or other similar activities, such structures including ramps, half-pipes, rails, etc.

Sleep Cabin

Means an ***accessory building*** or ***structure***, located on the same ***lot*** as the principal ***building*** or ***structure***, the ***accessory use*** being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities. (See also ***Loft-Above-a-Garage***)

Solar Collector

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

Solid Waste Disposal Site – see **Waste Management Facility**

Solarium

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

Storey

Means that portion of a ***building*** other than a ***cellar*** or ***basement*** included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it (see Figure 3-12)

Figure 3-12

Street – see **Public Street, Private Road** or **Street Allowance**

Street Allowance

Shall have a corresponding meaning to that of ***Public Street*** or ***Private Road***.

Street Line

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

Structure

Means anything constructed or ***erected***, the use of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a ***recreational vehicle*** and a ***sewage disposal system*** but does not include a ***fence***.

Studio

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

(a) As the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale; or

(b) For the instruction of art, music, languages or similar disciplines.

Swimming Pool

Means an open or covered pool used for swimming, wading, diving or recreational bathing with a water depth of or potentially of at least 50 cm [19.6 in], and may include a hot tub, inflatable pool or whirlpool.

3.T

Tavern

Means a ***building*** or part thereof where liquor, beer or wine are served for consumption on the premises, with or without food, and is licensed under the *Liquor License Act*.

Temporary Building – see **Building, Temporary**

Theatre

Means a ***building*** or part thereof used for the presentation of motion pictures or staged entertainment. The definition of theatre shall not include drive-in theatres.

Theme Park

Means an entertainment or amusement facility or ***park*** developed around one or more themes.

Through Lot – see **Lot, Through**

Tourist Cabin – see **Sleep Cabin**

Tourist Cabin Establishment

Shall mean a ***place*** providing sleeping accommodation in rental cabins for the travelling or vacationing public. A tourist cabin establishment provides a minimum of four (4) cabin units for rent, and may include accessory facilities which support the ***use*** such as, without limiting the generality of the foregoing, administration offices but shall not include a ***restaurant*** that serves the general public.

Tourist Establishment

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

Tourist Outfitters Establishment

Means a ***place*** which operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or

services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Township

Means the Corporation of the Township of McGarry.

Trailer – see **Recreational Vehicle**

Transportation Depot

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

3.U

Use

Means the purpose for which any land, ***building***, ***structure*** or any combination thereof is designed, arranged, occupied or maintained.

3.V

Vehicle

Means a motor vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car.

Veterinary Establishment

Means an establishment located within a ***building*** or part of a building used by a veterinarian where animals are treated and where domestic animals may be kept for treatment within a building, but shall not include a commercial ***kennel***.

Video Rental Outlet

Means a ***building*** or part of a building wherein the primary ***use*** is the rental of video materials (e.g., DVDs, tapes, blu-ray discs, etc) and may include the rental of video cassette recorders, video cameras, video games and the sale of other such items related to audio-visual entertainment.

Viewing Deck

Means a ***structure*** that is designed and oriented on the ground to provide a view of a particular area of feature (e.g. lake, valley). A viewing deck shall not exceed 16.7 m^2 [1.7 ft^2] and may be screened-in but shall not be enclosed by walls. The definition of viewing deck does not include a ***gazebo***, ***deck***, patio or any other ***shoreline structures***, however, a viewing deck shall be considered a shoreline structure.

Viewing Platform – see **Viewing Deck**

3.W

Warehouse

Means a ***building*** or part thereof used primarily for the operation of general merchandise warehousing, cold storage or other storage facilities and includes a centre for distribution of wholesale goods and commodities for resale to retailers; to industrial, commercial, institutional or professional users, and/or to other wholesalers. (See also ***Self Storage Facility***)

Waste Management Facility

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

Watercourse

Means the natural channel for a perennial or intermittent creek, stream or river.

Waterfront

Means the lands adjacent to the common boundary of a ***water body*** or ***watercourse*** with an area of land.

Water Access Lot
Means a ***lot*** that is provided access by a navigable ***water body*** or ***watercourse***.

Water Body

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

Water Frontage

Means the strip of land comprising part of a ***lot*** that directly abuts a ***water body*** or ***watercourse***. When used as an adjective, means a lot or lands that has frontage on a ***water body*** or watercourse.

Water System – see **Sewage and Water Systems**

Water Vehicle

Means any ***vehicle*** drawn, propelled or driven by any kind of power, including muscular power, on water. The definition of water vehicle shall not include a snowmobile or any other vehicle that is capable of being propelled or driven on both land and water.

Wayside Pit

Means land from which unconsolidated aggregate is removed by means of open excavation for use in a public undertaking.

Wayside Quarry

Means a place from which consolidated aggregate is removed by means of open excavation for use in a public undertaking.

Welding Shop

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

Wetland

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

Wind Turbine, Small

Means a wind energy conversion ***structure*** consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kilowatts, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale. The definition of small wind turbine also includes vertical axis wind turbines which consist of blades rotating around a vertical motor shaft. For the purposes of this By-law, a small wind turbine shall be considered an ***accessory structure***.

Wind Turbine, Large

Means a wind energy conversion structure consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of 2 megawatts or greater, and

which is connected to the provincial electrical system and is which intended to generate electricity for sale off-site.

Workshop or Custom Workshop

Means a ***building***, ***structure*** or part thereof where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

Wrecking Yard – see **Salvage Yard**

3.Y

Yard

Means the area between a ***main wall*** of a ***building*** and a ***lot line*** that, except for landscaping or ***accessory buildings***, ***structures*** and ***uses*** and projections specifically permitted elsewhere in this By-law, is unobstructed above grade.

Yard Sale

Means the occasional or infrequent sale (e.g. one or two days annually for anyone household) of household goods, clothing, furniture, tools, recreational equipment or other secondhand articles or sundry items, usually by the households on an individual property, but may include a joint sale by neighbours on the same ***street*** or a joint sale at a ***school***, ***place of worship*** or other location. A yard sal shall not include a ***Flea Market*** as defined.

Yard, Front

Means the space extending across the full width of a ***lot*** between the ***front lot line*** and the nearest part of any ***main building*** or ***structure*** for which such ***yard*** is required (see Figure 3-13).

Yard, Rear

Means a space extending across the full width of a ***lot*** between the ***rear lot line*** and the nearest part of any ***main building*** or ***structure*** for which such a ***yard*** is required. Where there is no rear lot line, the rear yard shall be measured from the intersection of the ***side lot lines*** to the closest point of the main building (see

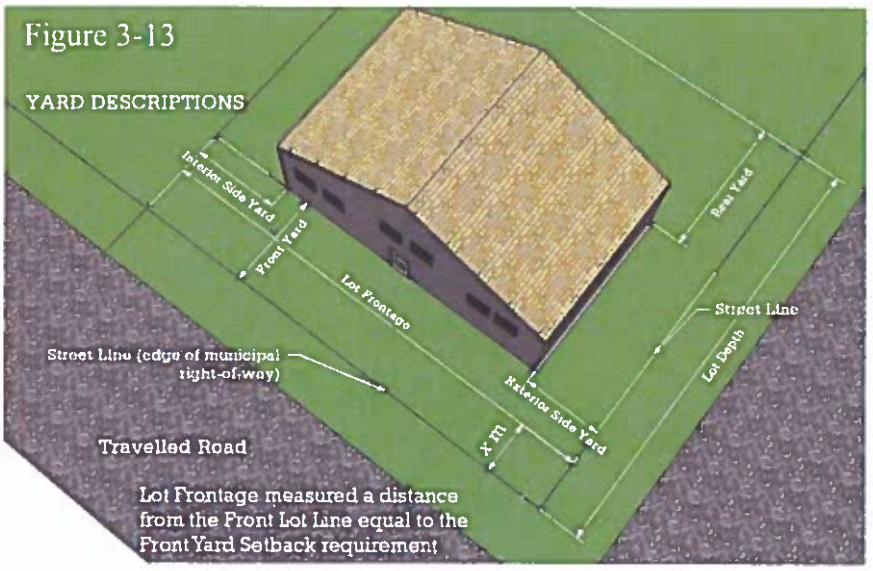


Figure 3-13).

Yard, Side

Means a space extending from the ***front yard*** to the ***rear yard*** between the ***side lot line*** and the nearest part of any ***main building*** or ***structure*** for which such a ***yard*** is required (see Figure 3-13).

Yard, Exterior Side

Means a ***side yard*** adjacent to a ***public street*** or ***private road*** (see Figure 3-13).

Yard, Interior Side

Means a ***side yard*** other than an ***exterior side yard*** (see Figure 3-13).

3.Z

Zone

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

Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law states the regulations which apply regardless of the specific zoning. Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.

4.1 Accessory Buildings, Structures and Uses

4.1.1 Where a ***lot*** is devoted to a permitted ***use***, customary ***accessory uses***, ***buildings*** and ***structures*** are permitted provided that:

(a) All ***accessory uses***, ***buildings*** and ***structures*** to a permitted main ***use*** shall be located on the same ***lot*** and in the same ***zone*** as the main use.

(b) The use of any ***accessory building*** or ***structure*** for human habitation is not permitted except where specified in this By-law.

(c) No accessory building or structure shall be erected closer to the ***front lot line*** or the ***exterior side lot line*** than the minimum ***front yard*** and ***external side yard*** setbacks required for the ***main building***. This provision shall be exempted:

- **(i)** For ***lots*** with ***water frontage***;
- **(ii)** For a partially enclosed shelter not exceeding 2.32 m^2 [25 ft^2] for use by children waiting for a school bus on ***lots*** equal to or greater than 0.4 ha [0.99 ac];
- **(iii)** For a gatehouse required to provide security to a premises or property;
- **(iv)** For detached garages and storage buildings and structures where the ***main building*** on the lot is setback twice the required ***front yard*** or ***exterior side yard setback*** (rural area zones only); and
- **(v)** For ***mineral mining operations*** and ***mineral aggregate operations***.

(d) In the case of a ***through lot*** that is not deemed to be a ***corner lot***, ***accessory buildings*** and ***structures*** are not ***erected*** closer to the ***rear lot line*** than the required ***front yard setback*** for those abutting ***lots*** that are not through lots;

(e) Any ***building*** or ***structure*** which is attached to the ***main building*** shall not be considered an ***accessory building*** or ***structure*** *(Examples: garage, carport, balcony, deck)*.

(f) Except where specified otherwise, no ***accessory building*** or ***structure*** shall be erected less than 1 m [3.28 ft] to any ***interior side lot line*** or ***rear lot line*** except for common ***semi-detached garages*** which may be centred on a mutual ***side lot***

line. No accessory building or structure shall be located less than 1 m [3.28 ft] from a ***main building*** or other accessory buildings or structures located on the same lot or on an adjacent lot.

(g) Despite paragraph (c), a ***boat house***, pump house, boat port, float plan hangar, ***dock*** or wharf may be located in the ***yard*** located between the ***shoreline*** and the main building where a lot abuts a navigable ***watercourse*** or ***water body***, provided that the approval of any government authority having jurisdiction has been obtained and provided that the boat house, pump house, boat port, float plane hangar, dock or wharf is located not closer than 3 m [9.24 ft] to the nearest adjacent ***lot line*** and does not encroach on the frontage of adjacent ***lots*** when the lot boundaries are extended into the water.

(h) Despite paragraph (c), a ***shoreline structure***, not including a boat house, pump house, boat port, float plane hangar, dock or wharf, or ***public service use*** shall be setback a minimum of 30 m [98.4 ft] from any ***high water mark*** or ***shoreline*** in any yard adjacent to a water body.

(j) ***Accessory uses***, ***buildings*** and ***structures*** shall not be ***erected*** or established prior to the erection or establishment of the ***main building*** or ***use***, except:

(i) Where it is necessary for the storage of tools and materials in connection with the construction of the main use, building or structure; and

(ii) Where a new main use, building or structure is to be erected or established on a lot thereby making the existing main use, building or structure the accessory use, building or structure upon erection or establishment of the new main use, building or structure;

4.1.2 Swimming Pools

Private swimming pools, both above-ground and in-ground, both open and covered, including inflatable pools, shall be permitted and shall be subject to any By-law of the Township regarding swimming pools and the following requirements:

(a) Outdoor Open Pools

(i) Open pool areas shall be totally enclosed by a fence constructed of suitable materials, having a minimum height of 1.52 m [5 ft] with a self-locking gate and shall be setback a minimum of 1.52 m [5 ft] from the pool. Where a pool is an above-ground pool, any combination of the pool wall and surrounding fence or structure totaling a minimum of 1.52 m [5 ft] in height shall be deemed to meet these fencing requirements provided that there is a self-locking gate of equivalent arrangement to prevent unauthorized entry. *(See also Section 4.10 of this By-law)*;

(ii) The maximum height of an above-ground pool shall not be more than 2 m [6.56 ft] above grade;

(iii) Any ***accessory building*** or ***structure*** required for changing clothing, for storage, for pumping or filtering or for any similar purposes, shall comply with all requirements of Section 4.1.1 and the ***zone*** in which it is located;

(iv) No outdoor swimming pool shall be located in any ***front yard*** or ***exterior side yard***;

(v) Despite paragraph (iv), outdoor swimming pools which are ***accessory*** to ***community centres***, ***hotels*** and ***motels*** may be located in the ***front yard*** or ***exterior side yard*** and shall meet all other requirements of this By-law; and

(vi) Outdoor swimming pools shall be setback a minimum of 1.52 m [5 ft] from all lot lines.

(b) Indoor Pools

Indoor or covered pools not located within or attached to a main building shall comply with the ***accessory building*** requirements of Section 4.1.1.

(c) Pools in the Flood Plain

The establishment of any swimming pool in an identified flood plain area shall be subject to the approval of the Ministry of Natural Resources or it's designate.

4.2 Accessory Residential Uses

(a) One (1) ***sleep cabin*** or one (1) ***loft-above-a-garage*** shall be permitted per lot as an ***accessory use*** to a permitted ***dwelling*** in the Lakefront Residential (R4) Zone. Lofts, where located above a garage, and sleep cabins shall not exceed 37 m² [400 ft²] in ***gross floor area***. The loft portion of a loft-above-a-garage structure shall not exceed one (1) storey;

(b) ***Sleep cabins*** and ***lofts-above-a-garage*** shall not be considered ***dwelling units*** and shall not be rented out to the public for gain or profit;

(c) ***Sleep cabins*** and ***lofts-above-a-garage*** shall not be erected on a ***lot*** on which a ***garden suite*** is located;

(d) Despite Section 4.1.1 of this By-law, no ***sleep cabin*** or ***loft-above-a-garage*** shall be ***erected*** closer than 3 m [9.84 ft] to any ***interior side lot line*** or ***rear lot line***. No sleep cabin or loft-above-a-garage shall be located less than 3 m [9.84 ft] from a ***main building***;

(e) The ***erection***, ***alteration***, enlargement or extension of any ***sleep cabin*** or ***loft-above-a-garage*** shall not exceed the maximum ***lot coverage*** requirement in the ***zone*** in which the sleep cabin or loft-above-a-garage is located;

(f) ***Apartments-in-a-house*** shall be permitted as an accessory use to a ***single detached*** or ***semi-detached dwelling*** located in the McGarry Urban Settlement

Area Boundary;

(g) ***Apartments-in-a-house*** shall be considered ***dwelling units*** for the purposes of this By-law;

(h) ***Apartments-in-a-house*** may be rented out to the public for gain or profit and may be subject to any licensing requirements of the Township of McGarry;

(i) Accessory residential uses described in this Section shall not be established unless the provisions for servicing under Section 4.33 and the provisions for parking under Section 4.24 can be met;

(j) Section 4.1 shall also apply to the establishment of accessory residential uses described in this Section;

(k) Where permitted by a temporary use by-law under Section 39 of the *Planning Act*, a ***garden suite*** shall be permitted as an ***accessory use*** to a main ***residential use*** in any ***residential zone*** except the Multiple Residential (R2) Zone provided:

- **(i)** The ***lot*** conforms with the zone requirements in which the garden suite is to be located;
- **(ii)** The maximum ***net floor area*** is 74 m² [800 ft²];
- **(iii)** Notwithstanding anything in this By-law to the contrary, the maximum ***height*** of the ***garden suite*** is 6 m [19.7 ft];
- **(iv)** The ***garden suite*** is located in a ***rear*** or ***interior side yard*** and meets the minimum ***yard*** and minimum ***accessory use lot coverage*** requirements set out in the corresponding ***zone***, and is set back a minimum of 3 m [9.8 ft] from any ***rear*** or ***side lot line***; and
- **(v)** The provisions for servicing under Section 4.33 and the provisions for parking under Section 4.23 can be met.

(l) Despite the definition of ***mobile home*** in this By-law, a mobile home shall be permitted as a garden suite where it meets all other requirements of this By-law;

(m) A ***garden suite*** shall not be considered a ***dwelling unit*** for the purposes of this By-law and shall not be rented out to the public for gain or profit;

(n) A garden suite shall not be erected on a ***lot*** on which a ***sleep cabin*** or ***loft-above-a-garage*** is also located; and

(o) ***Accessory dwellings*** may be permitted as accessory uses to commercial and industrial uses in accordance with the Additional Provisions of the respective ***zone***.

4.3 Automobile Service Stations and Gasoline Bars

Where ***automobile service stations*** and ***gasoline bars*** are permitted in this By-law, and notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply:

(a) The minimum ***lot frontage*** for any ***interior lot*** shall be 35 m [114.83 ft] and the minimum frontage for a ***corner lot*** shall be 40 m [131.23 ft] at the ***exterior side lot line*** and 35 m [114.83 ft] at the ***front lot line***;

(b) The minimum distance between any portion of the gasoline pump island and any ***lot line*** shall be 4.50 m [14.76 ft];

(c) Where the lot is a ***corner lot***, no portion of any gasoline pump island shall be located closer than 3.05 m [10 ft] to a ***sight triangle***;

(d) The width of any entrance or exit ***driveway*** or combined entrance or exit driveway measured at the front lot line or exterior side lot line shall not be greater than 9 m [29.53 ft] and there shall not be more than two (2) driveways per ***lot***;

(e) The minimum distance between ***driveways*** measured along the ***street line*** intersected by such driveways shall be 8 m [26.25 ft];

(f) The minimum distance between a ***driveway*** and intersection of street lines, measured along the street line intersected by such driveway, shall be 9 m [29.53 ft];

(g) The minimum distance between an ***interior side lot line*** and any ***driveway*** shall be 3 m [9.84 ft]; and

(h) A minimum of 1 m [3.28 ft] of ***landscaped open space*** shall be provided along any ***lot line*** abutting a ***street***, and such landscaped open space shall be continuous, except for ***driveways*** or walkways for accessing the ***lot***.

4.4 Bed and Breakfast Establishments

A ***bed and breakfast establishment*** shall be permitted as an ***accessory use*** to a permitted ***single detached dwelling*** in any ***zone*** subject to the following requirements:

(a) Bed and breakfast establishments are not subject to the ***home based business*** requirements of Section 4.14 of this By-law;

(b) The operation of a bed and breakfast establishment shall be incidental and secondary to the main ***use*** of the single detached dwelling. The use of the ***dwelling*** as a bed and breakfast establishment shall not change the residential character of the dwelling;

(c) The requirements for the provision of off-street ***parking spaces*** shall be met in accordance with Section 4.23;

(d) The requirements of the local Health Unit, where applicable, shall be met;

(e) One (1) ***sign*** may be permitted to advertise the bed and breakfast establishment. Such sign shall not exceed 1 m^2 [10.76 ft^2] in surface area and shall not be back-lit. The permitted sign may be a freestanding sign in a ***front*** or ***side yard*** or may be attached to a wall of a permitted ***building*** or ***structure***. The sign may be illuminated by lights where the illumination is directed directly onto the sign and does not create a glare on adjacent properties (see also Section 4.15). Signs may also be subject to any Sign By-law as may from time to time be enacted by the Township under the *Municipal Act*;

(f) The bed and breakfast establishment shall only employ or be operated by persons whose principal residence is the ***dwelling unit*** containing the bed and breakfast establishment;

(g) A breakfast service shall be provided to guests; and

(h) The building in which the bed and breakfast establishment is located shall comply with all applicable Building Code and Fire Code regulations.

4.5 Buildings to be Moved

A ***building*** or ***structure*** may be moved within or into the Township of McGarry provided a permit is first obtained from the ***Chief Building Official***, and the building or structure is a permitted ***use*** and meets all relevant requirements of this By-law.

4.6 Camps (Hunt Camps, Fishing Camps)

(a) Where a ***camp*** is to be established as an ***accessory use*** to a ***dwelling*** on the same ***lot***, the camp ***structure*** shall be separated from all dwellings on the same lot a minimum distance of 500 m [1,640.4 ft];

(b) Where a ***camp*** is to be established as the ***main use*** of a ***lot***, the camp shall be separated a minimum of 300 m [984.25 ft] from ***dwellings*** on adjacent lots;

(c) A ***camp*** shall not be serviced with electricity from a ***public utility*** or running water; and

(d) A ***camp*** shall not exceed a maximum ***gross floor area*** of 40 m^2 [430.5 ft^2].

4.7 Change of Use

The ***use*** of a ***lot***, ***building*** or ***structure*** which, under the provisions of this By-law, is not permitted within the ***zone*** in which such lot, building or structure is located, shall not be

changed except to a use which is permissible within such zone or as otherwise authorized by the Committee of Adjustment under Section 45(2) of the *Planning Act*.

4.8 Cumulative Standards

Notwithstanding anything in this By-law to the contrary, where any ***lot***, ***building*** or ***structure*** is ***used*** for more than one (1) purpose, the applicable provisions of this By-law which serve to regulate each use shall be complied with. *(When a lot, building or structure accommodates more than one use, the parking space requirements, loading space requirements and other such requirements related to each use shall be the sum of the requirements for the separate uses)*

4.9 Established Building Lines

Despite the ***yard*** and ***setback*** provisions of this By-law to the contrary, where a permitted ***building*** or ***structure*** is to be ***erected*** on a ***lot*** in a the McGarry Urban Settlement Area Boundary, where there is an ***established building line*** extending on both sides of the lot, such permitted building or structure may be erected closer to the ***street line*** than required by this By-law provided such permitted building or structure is not erected closer to the street line than the established building line. All other provisions of this By-law shall apply.

4.10 Fences

Any ***fence erected*** hereafter within the ***municipality*** shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the *Municipal Act*, or any provisions for fences set out in this By-law and as follows:

(a) Fences in a *residential zone*

- **(i)** The maximum ***height*** of a ***fence*** in the ***interior side*** or ***rear yard*** shall be 2 m [6.56 ft] measured from the ***average grade***;
- **(ii)** The maximum height of a fence in the ***front yard*** or ***exterior side yard*** shall be 1 m [3.28 ft] measured from the average grade;
- **(iii)** No fence shall be erected so as to obstruct a ***sight triangle***;
- **(iv)** An unpierced hedgerow or other unpierced planting in a front or exterior ***side yard*** shall be deemed to be a fence; and
- **(v)** The use of barb-wire, spire tips, sharp objects or any device for projecting an electric current in any fence construction is prohibited.

(b) Fences in non-*residential zones*

- **(i)** The maximum ***height*** of a ***fence*** in any ***yard*** of a non-residential use shall be limited to 2.5 m [8.2 ft] where the fence is a chain-link fence or other similar transparent construction material, or 2 m [6.56 ft] for any other materials;

(ii) No fence shall be erected so as to obstruct a ***sight triangle***; and

(iii) The use of barb-wire, spire tips, sharp objects or any device for projecting an electric current in any fence construction is prohibited unless permitted by regulation by a ***public authority***.

(c) Paragraph (b) shall not apply to fences required for ***public service uses*** or ***communication facilities***.

(d) Where there is a conflict between this By-law and a Fence By-law enacted under the *Municipal Act*, the provisions of the Fence By-law shall prevail.

4.11 Flood Plain

The following provisions shall apply to areas located below any engineered ***flood elevation***. The flood elevation of Larder Lake has been identified at 287 m [941.6 ft]. No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the ***flood plain*** except in accordance with the following provisions:

(a) Permitted Uses

(i) Buildings or structures intended for flood or erosion control or slope stabilization;
(ii) All buildings and structures in existence on the day of passing of this By-law;
(iii) A ***swimming pool*** except as approved by the Ministry of Natural Resources;
(iv) ***Conservation Uses***;
(v) ***Marine facilities***;
(vi) ***Parks***, not including buildings or structures associated with parks unless permitted elsewhere in this subsection *(Examples: gazebo permitted but not a storage building)*;
(vii) ***Landscaped open space***;
(viii) Hydro-electric generating facilities, not including the ***main building*** of such facility;
(ix) Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main building of such facility.

(b) Prohibited Uses

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

(i) An institutional use associated with ***hospitals***, ***day nurseries***, ***continuum-of-care facilities***, ***retirement homes*** and ***schools***, where there is a threat to

the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works or erosion;

(ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and

(iii) Uses associated with the disposal, manufacture, treatment or storage of ***hazardous substances***.

(c) Additional Provisions

(i) Any new ***building*** or ***structure*** or any enlargement of or addition to any buildings or structures permitted in the flood plain after the day of passing of this By-law shall incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage from erosion or unstable slopes.

(ii) Modification of the ***flood plain*** through dumping, filling, excavation or site grading of land or the diversion or alteration of any watercourse or the obstruction of the flood capacity by any means is prohibited unless otherwise permitted and/or approved by the agency having authority.

4.12 Frontage on Roads and Water

(a) No ***building*** or ***structure*** shall be ***erected*** in any ***zone*** unless the ***lot*** upon which such building or structure is to be erected has ***frontage*** onto and direct access to a publicly owned and maintained road that is open year-round, except:

(i) Existing lots of record created prior to the date of adoption of this By-law that are in the Lakefront Residential (R4) Zone where frontage may be on a private road or where the lot is an authorized ***water access lot*** in accordance with paragraph (a)(ii);

(ii) Authorized ***water access lots*** and islands where parking is available through a legal agreement on land that is accessible by ***motor vehicle*** (a legal agreement does not include a ***boat slip*** rented or leased from the ***municipality*** unless the agreement for the boat slip specifically states that the use of the boat slip may be used for access to a water access lot);

(iii) ***Camps***;

(iv) ***Buildings*** and/or ***structures*** associated with a ***mineral aggregate operation, mineral mining operation*** or ***forestry uses***, which may have frontage on a public road, private road or resource access road;

(v) A resource related ***use*** on Crown Land;

(vi) A ***wayside pit*** or ***quarry***;

(vii) Any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities;

(viii) ***Public utilities***.
(ix) Mineral exploration.

(b) Despite paragraph (a), where a maintenance or subdivision agreement exists between the ***municipality*** and a land owner and is registered on title, ***frontage*** on an unassumed, unopened or unmaintained right-of-way shall be deemed to conform to the provisions of this section, provided that such ***lot frontage*** is in conformity with the standards set out in the corresponding ***zone*** or any exception thereto.

(c) In addition to all the requirements of the Corporation of the Township of McGarry, the ***erection*** of all ***buildings*** and ***structures*** within the Ontario Ministry of Transportation's Permit Control Area is subject to the requirements and/or permits of the Ontario Ministry of Transportation.

4.13 Height Exceptions

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

- Air conditioning system
- Chimney
- ***Place-of-worship*** spire or belfry
- Clock tower
- Communications tower
- Drying tower
- Elevator or stairway enclosure
- Enclosed mechanical and electrical equipment penthouse
- Farm-related buildings and structures such as a silo or windmill, but not including a barn or dwelling
- Flag pole
- Headframe or hoist
- Hydro-electric transmission tower
- Lightning rod
- Ornamental dome or cupola
- Satellite dish
- Security Camera
- Skylight
- Solar collector panel
- Television or radio antennae
- Ventilating fan or skylight
- Water tower or tank
- Weathervane
- Wind turbine

4.14 Home Based Businesses

(a) The following ***home based businesses*** shall be permitted as ***accessory*** to any permitted ***residential use***:

(i) Professional and consulting services *(examples: architect, engineer, financial advisor, accountant, consultant, legal services, physician, teleworker)*;
(ii) Instructional services *(examples: music lessons, dance, art, academic tutoring)*;
(iii) Home craft businesses *(examples: quilter, potter, jeweler, painter/visual*

artist, small scale assembler);

(iv) ***Day nursery***;

(v) Distribution sales office or mail order sales *(examples: cosmetics, clothing or small household appliances)*;

(vi) Offices for contractors and trades *(examples: plumber, electrician)*;

(vii) Repair services *(examples: small appliances, computers)*;

(viii) High technology uses *(examples: internet services, office call centre services, desktop publishing, computer hardware and software development)*;

(ix) Personal care services *(examples: hairdresser, barber, massage therapist, esthetician)*;

(x) ***Catering establishment***;

(xi) ***Studio***;

(xii) Pet grooming, but not including overnight keeping of animals; and

(xiii) Sale of bait for recreational fishing purposes

(b) A ***restaurant***, ***clinic***, ***kennel***, any retail or wholesale store or vending outlet, laundry services, ***veterinary establishment***, multiple chair hairdresser or barber, ***place of amusement***, ***funeral parlour***, small engine repair, automobile repair, ***tourist establishment***, workshop, ***storage yard***, ***machine shop***, ***auto repair garage***, convalescent home, mortuary, or any ***use*** that cannot be categorized under paragraph (a) shall not be permitted as a home based business.

(c) ***Home based businesses*** may be permitted provided that:

(i) The ***use*** is clearly secondary to the use of the ***dwelling unit*** as a private residence and shall be located within the dwelling unit within the boundaries of the Urban Settlement Area as shown on the ***Official Plan***, but may also be permitted in an ***accessory building*** in a Rural Residential (R3) Zone;

(ii) Where instruction is carried on (e.g. instructional services), there shall not more than five (5) pupils accommodated at any given time;

(iii) No more than two (2) ***home bases businesses*** shall be permitted in any one (1) ***dwelling unit***;

(iv) Not more than 25% of the ***gross floor area*** of a ***dwelling unit***, up to a maximum of 50 m^2 [538.2 ft^2], may be used for ***home based business*** purposes. Where two (2) home based businesses exist within a single dwelling unit, the maximum gross floor area used for the combined businesses shall not exceed 25% of the dwelling unit up to a maximum of $50m^2$ [538.2 ft^2];

(v) The ***home based business*** shall be operated by the owner or occupant of the ***dwelling unit*** within which it is located and shall not employ more than one (1) non-household members who works on-site;

(vi) The ***use*** does not create nor become a public nuisance in regard to noise, traffic, parking or health safety, and shall not be a ***noxious use***, trade, business or activity;

(vii) There is no ***outdoor storage*** or ***display*** to indicate to persons outside that any part of the property is being used for a ***use*** other than ***residential***;

(viii) Only one (1) ***sign*** may be permitted to advertise the ***home based business***. Such sign shall not exceed 1 m^2 [10.76 ft^2] in surface area and shall not be back-lit. The permitted sign may be a freestanding sign in a ***front*** or ***side yard*** or may be attached to a wall of a permitted ***building*** or ***structure***. The sign may be illuminated by lights where the illumination is directed directly onto the sign and does not create a glare on adjacent properties (see also Section 4.15). Signs may also be subject to any Sign By-law as may from time to time be enacted by the Township under the *Municipal Act*.

(ix) No outside waste associated with the business shall be permitted;

(x) Parking is provided in accordance with Section 4.23 of this By-law;

(xi) The business does not generate excessive traffic and shall not create a traffic hazard;

(xii) The business does not receive clients or deliveries between the hours of 9:00 p.m. (2100 hours) and 7:00 a.m. (0700); and

(xiii) The business is legal and has obtained any necessary permits or licenses from the ***municipality*** and/or any other applicable government body having jurisdiction.

(d) ***Bed and breakfast establishments*** shall not be subject to this Section of the By-law. *(See Section 4.4 of this By-law)*

4.15 Illumination

Illumination of ***buildings***, ***structures***, grounds and ***yards*** shall be permitted provided that:

(a) The illumination does not cause direct or indirect glare on a ***street*** that may interfere with traffic or pedestrian safety;

(b) The illumination does not consist of a colour or be so designed or located that it may be confused with traffic signals; and

(c) The illumination does not cause direct or indirect glare on land or buildings in any ***zone*** in which ***residential uses*** are permitted.

4.16 Land Suitability for Use

Notwithstanding anything in this By-law to the contrary, no ***building*** or ***structure*** that is habitable, provides overnight accommodation, or is used for commercial, industrial or institutional purposes, shall be ***erected***, constructed or ***altered*** on land which, by reason of its, rocky, low-lying, marshy, unstable character which is in a flood plain or which is located or may be located on organic soil or steep slopes unless it can be demonstrated through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction can be met (see also Section 4.11)

4.17 Landscaped Open Space

(a) In any ***Residential***, ***Commercial*** or ***Industrial Zone***, any portion of any ***front*** or ***side yard*** which is not used for any other permitted purpose shall be devoted to ***landscaped open space***;

(b) Any land ***used*** for landscaped open space shall be included in the calculations for ***lot area*** requirements as set forth in this By-law;

(c) Where landscaped open space is required as buffering, such landscaping shall be continuous except for a ***lane***, ***driveway***, ***aisle*** or walkway which provides access to the ***lot***;

(d) A planting strip may form part of any required landscaped open space; and

(e) The provisions for landscaped open space as set out in this By-law shall not be deemed to limit the Township's authority to impose other landscaping measures through a site plan agreement.

4.18 Loading Space Requirements

For every ***building*** or ***structure erected*** after the date of passing of this By-law for a commercial, institutional and industrial use, involving the shipping, loading or unloading of persons, animals, wares, merchandise or other goods, ***loading*** facilities and ***spaces*** shall be provided and maintained in accordance with the following requirements:

(a) The ***loading space*** requirements stated in this Section shall not apply to buildings or structures in existence as of the date of passing of this By-law, but shall apply to floor areas added as part of any expansion or enlargement to such buildings or structures after the date of passing of this By-law;

(b) Each ***loading space*** shall have a minimum height clearance of 4.5 m [14.74 ft] and shall be at least 3.5 m [11.48 ft] in width by 10 m [32.81 ft] in length;

(c) ***Loading spaces*** shall be located in a building or structure, an open ***rear yard*** or an open ***side yard*** on the same ***lot*** on which the main ***use*** is located and the loading space is required, provided such a space is in an area whose distance from a ***lot line*** to the ***building*** or ***structure*** is not less than 7.5 m [24.6 ft] and shall have unobstructred access to and from a street by a ***driveway***, lane or ***aisle*** of a minimum width of 6 m [19.7 ft];

(c) The number of required loading spaces shall be based on net floor area of the building or structure as follows:

(i) Commercial Uses

Net Floor Area	Minimum Required Loading Spaces
0 - 200 m^2 [0 - 2,152.78 ft^2]	0
200.01 - 500 m^2 [2,152.89 - 5,381.96 ft^2]	1
over 500 m^2 [over 5,381.96 ft^2]	1 plus 1 additional space for each additional 300 m^2 [3,229.17 ft^2] of ***net floor area*** or part thereof

(ii) Industrial Uses, excluding mineral mining operations and mineral aggregate operations

Net Floor Area	Minimum Required Loading Spaces
0 - 350 m^2 [0 - 3,767.37 ft^2]	0
350.01 - 1,000 m^2 [3,767.48 - 10,763.91 ft^2]	1
over 1,000 m^2 [over 10,763.91 ft^2]	1 plus 1 additional space for each additional 1,000 m^2 [10,763.91 ft^2] of ***net floor area*** or part thereof

(d) Notwithstanding paragraphs (a), (b), (c) and (d), there shall be no minimum number of ***parking spaces*** required for non-residential use (not including non-residential uses that provide overnight accommodation, e.g., ***hotel***, ***motel***) in the Townsite Centre (TC) Zone.

4.19 More than One Zone Applying to a Lot

Where a ***lot*** is divided into more than one (1) ***zone***, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located.

4.20 Non-Conforming Uses, Buildings, Structures and Lots

(a) Continuation of Existing Uses

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

without permission from the Committee of Adjustment pursuant to the *Planning Act*.

(b) Prior Building Permits

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

(c) Road Widening

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

(d) Rebuilding, Repairs and Renovations

Where a ***building*** or ***structure*** was ***erected*** prior to the date of passing of this By-law on an undersized ***lot*** or where an existing building or structure is a legal ***non-conforming use***, building or structure, the said building or structure may be reconstructed, repaired or ***renovated*** provided that:

(i) The reconstruction, repair or renovation does not include any change of ***use*** of the land, building or structure except to a use which is permissible within the zone in which it is situated;

(ii) The reconstruction, repair or renovation does not further reduce the zone requirements of the zone which the building or structure does not comply with; and

(iii) All other requirements of this By-law are complied with.

(e) Existing Undersized Lots

(i) Notwithstanding anything else to the contrary in this By-law, where a vacant ***lot*** in the General Residential (R1) Zone having a lesser ***lot frontage*** and/or ***lot area*** than is required by this By-law is held under distinct and separate ownership from adjoining lots as of the date of passing of this By-law, the lot may be used for a purpose permitted in the ***zone*** in which it is situated provided all other requirements of this By-law are complied with; and

(ii) Notwithstanding anything else to the contrary in this By-law, where a vacant ***lot*** in the Rural Residential (R3) Zone or the Lakefront Residential Zone having a lesser ***lot area*** than is required by this By-law is held under distinct and separate ownership from adjoining lots as of the date of passing of this By-law, the lot may be used for a purpose permitted in the ***zone*** in which it is situated provided it has an absolute minimum lot area of 0.5 ha [1.24 ac] and all other requirements of this By-law are complied with.

(f) Act of God

If a non-conforming building or structure is damaged or destroyed by an act of God (e.g. fire, flood, earth quake), nothing in this By-law shall prevent such building or structure from being reconstructed, restored or strengthened to a safe condition, provided the height and size of the building or structure are not increased, approved flood proofing techniques are used (if required), and provided that reconstruction is commenced within twelve (12) months and completed within two (2) years from the date on which the damage took place.

4.21 Occupancy Restrictions

Human habitation shall not be permitted in any of the following ***buildings***, ***structures***, ***vehicles*** or parts thereof unless the building, structure or parts thereof meet all the requirements of the Fire Code, the Ontario Building Code and any other applicable regulations, policies or acts:

(a) Any private ***garage*** or other building which is ***accessory*** to a main use unless permitted in this By-law;

(b) Any truck, bus, coach or streetcar body, whether or not the same is mounted on wheels;

(c) Any cellar, as defined in this By-law; and

(d) Any ***dwelling*** before the ***main wall*** and roof have been ***erected***, application of exterior siding and roofing has been completed, and the kitchen, heating and sanitary conveniences have been installed.

4.22 Open Storage

Open storage shall be permitted in the Industrial (I) and Highway Commercial (HC) zones in accordance with the following:

(a) The open storage is ***accessory*** to the main ***use*** of the ***lot***;

(b) Open storage shall not be permitted within any ***front yard*** or any minimum ***side*** or ***rear yard*** where such ***yard*** abuts lands zoned General Residential (R1), Institutional (I) or Open Space (OS);

(c) Any area of open storage shall be enclosed by a ***fence***, or shall be surrounded by a planting strip in accordance with Section 4.25 of this By-law; and

(d) No open storage area shall occupy any required off-street ***parking*** or ***loading space*** so as to reduce the number of parking or loading spaces below the number required by Section 4.23 of this By-law.

4.23 Parking Requirements

(a) Except as provided herein, no ***vehicles*** shall be parked or stored in a ***zone*** in which ***residential uses*** are permitted unless the vehicle is located within a ***garage***, ***car port***, ***driveway***, ***parking space***, designated ***parking area*** or on a ***street*** as permitted by a By-law enacted by the ***municipality***;

(b) Notwithstanding anything in this By-law to the contrary, there shall be no minimum number of ***parking spaces*** required for non-residential uses (not including non-residential uses that provide overnight accommodation, e.g. ***hotel***, ***motel***) in the Townsite Centre (TC) Zone;

(c) No ***parking space*** in a ***zone*** in which ***residential uses*** are permitted shall be used for the outdoor parking or storage of a ***motor vehicle*** unless such vehicle is used in operations incidental to the ***main*** and ***accessory use*** of the ***lot*** on which it is parked or stored;

(d) Each standard ***parking space*** shall have a minimum width of 2.7 m [8.86 ft] and a minimum length of 6 m [19.7 ft]. Each ***barrier-free parking space*** shall have a minimum width of 3.7 m [12.1 ft] and a minimum length of 6 m [19.7 ft];

(e) Unless permitted elsewhere in this By-law, where two (2) or more ***uses*** are permitted in any one (1) ***building*** or on any one (1) lot, the total number of off-street ***parking spaces*** shall be calculated based on the sum of spaces required for each separate use. *(Example: Where a seasonal dwelling and a sleep cabin are constructed on a lot, the lot shall be provided with a minimum of three (3) parking spaces)*;

(f) The ***parking space*** requirements 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 said date, is not increased and no change in use occurs. If an addition is made to the ***building*** or ***structure*** which increases the gross floor area, or a change in use occurs, then parking spaces for the addition or area changed in use shall be provided. Additional parking spaces shall not be required where the ***gross floor area*** of a ***dwelling unit*** is increased;

(g) The following supplementary regulations shall apply to ***parking spaces*** and parking areas for ***single detached, semi-detached, duplex, triplex, converted, seasonal and row or townhouse dwellings***:

(i) The ***driveway*** and ***parking area*** shall be constructed of asphalt, concrete, paver stones, crushed stone or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones and similar potentially undesirable effects on adjoining properties; and

(ii) Any required ***front yard*** may be used for parking provided the width of the driveway and/or parking area does not exceed 7 m [22.9 ft].

(h) The following supplementary regulations shall apply to ***parking areas*** for five (5) or more vehicles:

(i) Any ***parking area*** shall be constructed of asphalt, concrete, paver stones, crushed stone or similar materials and shall be maintained and treated so as to reduce dust scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the ***Township***;

(ii) Ingress and egress directly to and from every ***parking space*** shall be by means of a ***driveway***, ***lane*** or ***aisle*** having a width of at least 6 m [19.7 ft] for two-way traffic and 3.5 m [11.5 ft] for one-way traffic where parking is angled;

(iii) A ***driveway*** or lane which does not provide ingress and egress directly to a ***parking space*** shall have a minimum width of 3.5 m [11.48 ft] where designed for one-way vehicular circulation or 6 m [19.7 ft] where designed for two-way vehicular circulation.

(iv) Barrier-Free Parking Requirements

Where five (5) or more parking spaces are required by this By-law, ***barrier-free parking*** shall be provided in accordance with the following table:

Number of Standard Parking Spaces Required by this By-law	**Number of Barrier-free Parking Spaces Required**
5-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
Over 200	4% of the number of standard parking spaces required

(i) Except where permitted elsewhere in this By-law, the required parking for ***residential uses*** in any ***zone*** shall be provided on the same ***lot*** as the ***dwelling unit***. For all other uses, the ***parking spaces*** shall be provided within 100 m [328.1 ft] of the building it is intended to serve, subject to an agreement, deed or renewable lease which provides for same. Parking for a permitted ***water access lot*** shall be provided at a public access point that is secured by a legal agreement and is on the same ***water body*** and is accessible by navigable water;

(j) Where five (5) or more required ***parking spaces*** in a non-residential zone lie adjacent to a ***residential zone*** or lands used for residential purposes, a continuous 3 m [9.84 ft] wide strip of landscaped open space shall be provided and maintained. Plant materials shall be trees and shrubs of not less than 3 m [9.8 ft] and 1 m [3.28 ft] in height respectively at the time of planting and whose heights at maturity will reach at least 9 m [29.5 ft] and 1.5 m [5 ft] respectively, and will be of a type which will provide an effective visual screen between the particular properties. Such plant materials may be combined with or replaced by landscaped berms and provide an effective visual screen;

(k) Despite paragraphs (h)(iv) and (l), if the calculation of the minimum ***parking space*** requirements results in a fraction, the minimum requirement shall be the next higher whole number. *(Example: 7.23 spaces shall be deemed to require 8 parking spaces)*;

(l) The owner of every ***building*** or ***structure erected***, enlarged or ***used*** for any of the purposes hereinafter set forth, except authorized ***water access lots***, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, off-street ***parking spaces*** and ***areas*** as follows:

Use	Minimum Number of Parking Spaces Required
Residential Uses:	
Single Detached Dwelling ***Semi-Detached Dwelling*** ***Duplex Dwelling*** ***Triplex Dwelling*** ***Converted Dwelling*** ***Seasonal Dwelling*** ***Row or Townhouse Dwelling*** ***Park Model Trailer***	2 spaces per ***dwelling unit***
Apartment Dwelling	1.5 spaces per ***dwelling unit*** (1 space per ***Bachelor Apartment Unit***), 15% of which shall be reserved as visitor parking

Use	Minimum Number of Parking Spaces Required
Apartment-in-a-House, Garden Suite, Loft-Above-a-Garage, Sleep Cabin, Retirement Home	1 space per unit
Bed and Breakfast	1 space for each ***guest room*** in addition to the required residential spaces
Home Based Business	1 space in addition to the required residential spaces plus 1 space per employee
Continuum-of-Care Facility	1 space for every 6 patient beds plus 1 space for every 4 employees.
Group Home, Crisis Care Facility	1 space for every 5 residents plus 1 space per employee
Other Uses:	
Ambulance Facility	1.5 spaces per employee
Art Gallery, Studio, Veterinary Establishment, Convenience Store, Personal Service Establishment	1 space per 45 m^2 [484.4 ft^2] of ***gross floor area***, minimum 3 spaces
Auto Body Shop, Automobile Repair Garage, Automobile Service Station, Gasoline Bar, Gasoline Card Lock Facility	3 spaces per service bay
Building Supply Store, Lumber Yard, Garden Centre, Nursery	1 space for every 20 m^2 [215.3 ft^2] of ***gross floor area*** of bulk storage
Camp	0 parking spaces
Campground	1 space per campsite plus the required spaces for any associated ***uses*** based on this table (e.g. ***restaurant***) but not including an administration office in relation to the campground
Car Wash (self service)	1 waiting spaces per wash bay excluding the wash bay
Car Wash (automatic service)	5 waiting spaces per wash bay excluding the wash bay
Clinic	1 space per 15 m^2 [161.5 ft^2], whichever is greater
Construction Yard or Contractor's Yard, Equipment and Vehicle Storage Yard, Equipment Rental Establishment, Portable Asphalt/Concrete Plant, Salvage Yard	Where ***use*** does not include ***buildings***, 1 space per hectare [2.47 ac]. Where use includes buildings, 1 space per 30 m^2 [322.9 ft^2] of ***gross floor area*** for retail, showroom and administration, plus 200 m^2 [2,152.8 ft^2] for warehousing and wholesaling, where applicable
Funeral Parlour	1 space per 20 m^2 [215.3 ft^2] of ***gross floor area***, minimum 3 spaces
Equestrian Establishment	3 spaces

Use	Minimum Number of Parking Spaces Required
Heliport, Private Airfield	1 space
Hotel, Motel, Tourist Establishment, Tourist Outfitters Establishment (with road access)	1 space per ***guest room*** or suite, plus the required spaces for any associated ***use*** (e.g. ***restaurant)***
Industrial Use, Sawmill or Planing Mill	1 space for every 100 m^2 [1,076.4 ft^2] of ***floor area*** up to 200 m^2 [2,152.9 ft^2], plus 1 additional space for every 200 m^2 [2,159.9 ft^2] of floor area thereafter
Library, Museum, Day Nursery	1 space per 40 m^2 [430.6 ft^2] of ***gross floor area***
Marina	1 space for every seasonal boat slip, plus 1 space for every 4 transient boat slip plus 1 trailer space for ever 10 boat slips
Miniature Golf Course	1.5 spaces per course
Public Service Use	1 space per 20 m^2 [215.3 ft^2] of ***gross floor area***, minimum 3 spaces
Place of Assembly, Place of Worship, Theatre	1 space per 4 persons accommodated according to the maximum permitted seating capacity, or 1 space per 10 m^2 [107.64 ft^2] where there are no fixed seats
Restaurant, Tavern	1 space per 10 m^2 [107.64 ft^2]
Retail Store, Bank, Flea Market (where contained within a ***building***)	1 space per 20 m^2 [215.3 ft^2] of ***gross floor area***, minimum 5 spaces
School (elementary)	1 space per classroom (includes portables)
School (secondary)	5 per classroom (includes portables)
School (post-secondary)	2 per 100 m^2 [1,076 ft^2]
Warehouse	1 space per 100 m^2 [1,076.4 ft^2] of ***gross floor area***
All other uses not listed above	1 space per 30 m^2 [322.9 ft^2] of ***gross floor area***

4.24 Permitted Encroachments in Yards

(a) Every part of any ***yard*** required by this By-law shall be open and unobstructed by any ***building*** or ***structure*** from the ground to the sky except those listed in the following table. These structures shall be permitted to project into the minimum yards required by this By-law for the following specified distances:

Structure	Maximum Projection into Required Yard
Chimney breasts, cornices, sills, pilasters, eaves or gutters, ***solar collectors*** (where attached to building), heat pumps, ventilators, shutters, cornices, parapets, pilasters or other ornamental structures	1 m [3.28 ft] into any ***front, rear*** or ***side yard***

Structure	Maximum Projection into Required Yard
Canopies which are at least 2.13 m [7 ft] in vertical clearance above the ***established grade***, with or without supporting posts	2 m [6.5 ft] into any ***yard***
Canopies for entrances to apartment buildings and commercial buildings	Notwithstanding any other provisions in this By-law, a canopy or portico over a major entrance to an ***apartment dwelling*** building or commercial building may project into the required ***yard*** a distance equal to one-half (50%) the setback of the ***building*** from the ***street line***
Window awnings, window bays	1 m [3.28 ft] into ***front, rear*** and ***exterior side yards***
Ramps for use by handicapped, steps and walkways	No maximum into any ***yard***
Unenclosed porch, uncovered platform landing, patio or deck, balconies or steps	3.0 m [9.8 ft], including eaves and cornices, into any ***front*** or ***rear yard***
Balconies	1 m [3.28ft] into any ***yard*** for ***apartment dwellings, duplex dwellings, row or townhouse dwellings, triplex dwellings,*** or similar dwellings containing multiple ***dwelling units***
Fire escapes, exterior stair cases	1 m [3.28 ft] into ***rear*** and ***exterior side yards***
Gate House in any Industrial Zone	Unlimited into any ***front*** or ***side yard***
Fences, hedges, shrubs, trees, freestanding walls, flagpoles, light standards, garden trellises, clothes lines and similar ***structures*** or features, security cameras	Unlimited in any ***yard***
Accessory building or ***structure***	As permitted by and as specified in this By-law

(b) No structure permitted to project into any required ***yard*** by paragraph (a) shall obstruct a ***sight triangle***.

4.25 Planting Strips

Where a ***lot used*** for a ***commercial*** or ***industrial use*** abuts a ***residential use*** or a ***residential zone***, or is separated from a residential use or residential zone by only a road or lane, a planting strip shall be provided on the ***lot*** occupied by the commercial or industrial use in accordance with this section:

(a) A planting strip shall consist of at least a continuous unpierced hedgerow of evergreens or shrubs, not less than 1 m [3.28 ft] in ***height***, immediately adjoining the ***lot line*** or portion thereof along which such planting strip is required hereunder, the remainder of the strip shall be planted with shrubs, flower beds, grass or a combination thereof;

(b) In such cases where the ***established grade*** of the land on which the planting strip is required is less than the established grade of the edge of the adjacent residential use or residential zone, the required height of the planting strip shall be increased in an amount equal to the difference in elevation;

(c) In such cases were the established grade of the land on the planting strip is required to be planted is greater than the established grade of the edge of the adjacent residential use or residential zone, the required height of the planting strip shall still apply;

(d) Where a planting strip is required, it shall have a minimum width of 3 m [9.84 ft] measured perpendicular from the lot line it adjoins;

(e) Paragraphs (a), (b), (c) and (d) may be substituted where provision is made for landscaping and planting strips in a site plan agreement;

(f) A planting strip may form part of any ***landscaped open space*** required by this By-law;

(g) Where planting strips are required, such planting strip shall be continuous except for ***lanes***, ***driveway***, ***aisles*** or walkways which provide access to the lot. It shall be permissible to interrupt the planting strip within 3 m [9.84 ft] of the edge of such driveway, lane or aisle, or within 1.5 m [4.92 ft] of the edge of such walkway;

(h) Notwithstanding anything to the contrary in this By-law, a planting strip shall not obstruct a ***sight triangle***. Where a required planting strip would obstruct a sight triangle, the strip shall instead abut the line drawn from a point on a ***street line*** to another point on a street line, each such point being 5 m [16.4 ft] from the point of intersection of the respective street lines (see Section 4.27); and

(i) The provisions for planting strips as set out in this By-law shall not be deemed to limit the Township's authority to impose other landscaping measures through a site plan agreement.

4.26 Public Uses Permitted

Any land may be ***used*** and any ***building*** or ***structure*** may be ***erected*** or used for the purpose of a public service by a ***public authority*** in any ***zone*** provided that:

(a) The ***lot coverage*** and ***yard*** requirements prescribed for the ***zone*** in which such land, ***building*** or ***structure*** is located are complied with;

(b) No goods, materials or equipment is stored in the open in a ***residential zone***;

(c) Any ***building erected*** in a ***residential zone*** under the authority of this Section shall be designed and maintained in general harmony with the residential buildings of the type permitted in the ***zone***; and

(d) Parking and loading requirements as contained in this By-law shall be complied with.

4.27 Sight Triangles

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

(i) A ***building***, ***structure*** or ***use*** which would obstruct the vision of drivers of motor ***vehicles***;

(ii) A ***fence*** or tree, hedge, bush or other vegetation, other than agricultural crops, the top of which exceed 1 m [3.28 ft] in ***height*** above the elevation of the centrelines of abutting ***streets***;

(iii) A ***parking area***; and

(iv) A finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 m [1.65 ft].

(b) **Railway Crossings and Sight Distances**

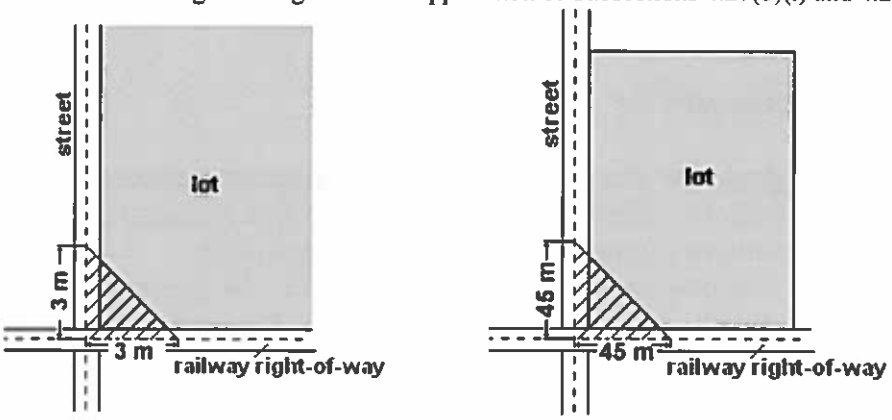
No obstruction to the vision of motor vehicle operators higher than 1 m [3.28 ft] above grade including, but not limited to, ***buildings***, ***structures***, ***parking spaces***, storage, vegetation or planting strips is permitted on any ***lot*** abutting an at-grade intersection of a ***street*** or ***private road*** and:

(i) A railway track where automatic signal protection is provided within the triangle formed by connecting to a point 3 m [9.84 ft] from the intersection of the centerline of the street and the centerline of the railway right-of-way; or

(ii) A railway track where automatic signal protection is not provided within the triangle formed by connecting to a point 45 m [147.64 ft] from the intersection of the centerline of the street and the centerline of the railway right-of-way.

(iii) For the purposes of this Section, an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction.

Figure 4-1 – Illustration of Rail Sight Triangles for the application of Subsections 4.27(b)(i) and 4.27(b)(ii)



4.28 Signs

Unless otherwise states in this By-law, signs shall be permitted in accordance with any applicable by-laws of the Corporation of the Township of McGarry.

4.29 Special Setbacks and Separation Distances

(a) Provincial Highway

Notwithstanding anything else to the contrary in this By-law, all ***buildings*** and ***structures*** in all ***zones*** of this By-law shall be setback from the right-of-way of a provincial ***highway*** a distance of 14 m [45.9 ft] for ***commercial uses*** and 8 m [26.2 ft] for ***residential uses***, or as otherwise prescribed by the Ontario Ministry of Transportation.

(b) Water Bodies and Watercourses

(i) All habitable ***buildings*** and ***structures*** (***dwellings***, ***sleep cabins***, ***garden suites***, ***recreational vehicle***, etc), non-residential buildings, saunas, detached ***garages***, ***sheds*** and storage buildings shall be setback a minimum of 25 m [82 ft] from the high water mark of any ***water body*** or ***watercourse.*** A ***on-site sewage disposal systems*** shall be setback a minimum of 30 m [98.4 ft] from the high water mark;

(ii) ***Shoreline structures*** (not including, boat houses, boat ports, float plane hangars, docks or wharfs) shall be setback a minimum of 15 m [49.2 ft] from the ***high water mark*** of any ***water body*** or ***watercourse***;

(iii) There shall be no setback from the high water mark of any water body or watercourse for boat houses, boat ports, float plane hangars, docks, wharfs or similar structures associated with the ***shoreline.*** All other setback requirements of Section 4.1.1 of this By-law shall apply; and

(iv) The setbacks required by paragraphs (b)(i), (b)(ii) and (b)(iii) shall be measured as the shortest horizontal distance from the nearest part of the ***building*** or ***structure*** or the edge of the filter bed/tile bed/leaching bed of a

sewage disposal system to the ***high water mark*** of the ***water body*** or ***watercourse***.

(c) Agricultural Uses

(i) Any new ***livestock facility*** or ***manure or material storage*** shall comply with the ***Minimum Distance Separation Formulae II*** as amended by the Province from time to time, where applicable;

(ii) Any new ***sensitive land use*** located on a lot greater than 1 ha [2.47 ac] shall comply with the ***Minimum Distance Separation Formulae I*** as amended by the Province from time to time, where applicable. The Minimum Distance Separation Formulae I shall not apply to ***lots*** located within the McGarry Urban Settlement Area Boundary;

(iii) A ***recreational vehicle*** where one (1) or more persons are able to sleep and prepare and serve meals within the vehicle shall be considered a ***dwelling*** for the purposes of the ***Minimum Distance Separation Formulae I and II***;

(iv) Nothing in this By-law shall prevent the reconstruction of any sensitive land use that does not comply with the Minimum Distance Separation Formulae I which is unintentionally damaged by fire or other natural cause, provided the ***height*** and bulk are not increased, the new building or structure is located no closer to a livestock facility than prior to the catastrophe, and provided that reconstruction is commenced within two (2) years from the date of destruction. The reconstruction of any non-conforming or non-complying building which is unintentionally damaged by fire or other natural cause shall be encouraged to occur on lands that meet the requirements of the Minimum Distance Separation Formulae I and all other requirements of this By-law; and

(v) The reconstruction of any non-conforming sensitive land use initiated by the owner of the non-conforming sensitive land use shall comply with all provisions of the Minimum Distance Separation Formulae I and all other requirements of this By-law.

(d) Industrial Uses

(i) The minimum separation distance between a ***sensitive land use*** and a ***Class I Industrial Use*** shall be 20 m [65.62 ft] and shall be measured from the nearest ***lot line*** of the sensitive land use to nearest ***lot line*** of the Class I Industrial Use, or vice versa;

(ii) The minimum separation distance between a ***sensitive land use*** and a ***Class II Industrial Use*** shall be 70 m [229.7 ft] and shall be measured from the nearest ***lot line*** of the sensitive land use to nearest ***lot line*** of the Class II Industrial Use, or vice versa;

(iii) The minimum separation distance between a ***sensitive land use*** and a ***Class III Industrial Use*** shall be 300 m [984.3 ft] and shall be measured from the nearest ***lot line*** of the sensitive land use to nearest ***lot line*** of the Class III Industrial Use, or vice versa; and

(iv) Paragraphs (i) to (iii) shall not apply to prevent the ***use*** of land and the ***erection*** of ***buildings*** and ***structures*** on lots of record in existence on the date of passing of this By-law; however, any expansion of an industrial use shall comply with the separation distances.

(e) Waste Management Facilities

(i) No ***buildings*** or ***structures*** shall be ***erected*** within 500 m [1,640.4 ft] of a ***waste management facility***; and

(ii) No ***use*** of land shall be permitted within 30 m [98.4 ft] of the ***fill area*** of an operating or closed ***waste management facility*** unless the use directly associated with the waste management facility.

(f) Sewage Lagoon

No land shall be ***used*** for a ***sensitive land use*** and no ***building*** or ***structure*** shall be ***erected*** for a ***sensitive land use*** less than 400 m [1,312.34 ft] of a ***sewage lagoon***.

(g) Rail Lines

No ***buildings*** or ***structure*** for a ***sensitive land use*** (e.g., ***dwelling***, ***day nursery***, etc) shall be ***erected*** within 75 m [246.06 ft] of the right-of-way of a rail line.

(h) Pits and Quarries

(i) No land shall be ***used*** for a ***sensitive land use*** and no ***building*** or ***structure*** shall be ***erected*** for a ***sensitive land use*** less than 300 m [984.25 ft] of an ***aggregate pit***;

(ii) No land shall be ***used*** for a ***sensitive land use*** and no ***building*** or ***structure*** shall be ***erected*** for a ***sensitive land use*** less than 1,000 m [3,280.84 ft] of a ***quarry***; and

(iii) No ***sensitive land use*** (e.g., ***dwelling***, ***day nursery***, etc) shall be ***erected*** within 500 m [1,640.4 ft] of lands zoned Mineral Aggregate Resource (MX) Zone.

(i) Group Homes

(i) Where ***group homes*** and ***crisis care facilities*** are permitted in this By-law, such group home shall be approved and/or licensed under Provincial statutes and shall be in compliance with any applicable municipal by-laws. Group homes shall be permitted in the McGarry Urban Settlement Area Boundary; and

(ii) No ***group home*** will be permitted closer than 400 m [1,312.3 ft] in a straight line distance of another group home. The separation distance shall be measured from the closest point of the ***lot*** occupied by the group home to the closest point of the lot occupied by the other group.

4.30 Streets, Paths and Parks

(a) Notwithstanding the list of permitted uses in each ***zone*** established by this By-law, ***parks***, recreational paths, walkways, ***streets***, lanes, ***highways***, monuments and heritage sites are permitted in all zones of this By-law;

(b) ***Uses*** listed in paragraph (a) shall not be subject to the ***lot area*** or ***lot frontage*** of the ***zone*** in which such use is located; and

(c) All ***buildings*** and ***structures erected*** as part of a ***use*** listed in paragraph (a) shall comply with all zone requirements of the ***zone*** in which such buildings or structures are located except the ***lot area*** and ***lot frontage***.

4.31 Temporary Construction Uses Permitted

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

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

(i) Approval is obtained pursuant to the matters contained herein; and
(ii) Such temporary accommodation is removed from the ***lot*** immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the ***municipality*** it is no longer required.

4.32 Water Supply and Sewage Disposal

(a) In the McGarry Urban Settlement Area Boundary, no person shall hereafter ***erect*** and ***use*** in whole or in part any ***building*** or ***structure*** without ***full municipal services*** for any purpose in any ***zone***, except for the Open Space (OS) and Industrial (M) zones, unless the use is exempted under the *Building Code Act*.

(b) For lands outside of the McGarry Urban Settlement Area Boundary, no person shall hereafter ***erect*** and ***use*** in whole or in part any ***building*** or ***structure*** unless the building or structure is properly connected to an approved ***water supply and a sewage disposal system*** under the *Ontario Water Resources Act* or the *Building Code Act* unless the use is exempted under the *Building Code Act*.

(c) Partial Services

Where a zone symbol is followed by a dash and the symbol 'p' *(e.g. 'R3-p')*, the lands so designated shall be subject to all of the provisions of the ***zone*** represented by the symbol contained in the prefix. The suffix '-p' provides provision that such lands may be used where serviced by ***partial services*** in the form of ***municipal water services*** and ***individual on-site sewage services***.

(d) Wellhead Protection Area

No development shall be permitted within 1 km of the wellhead protection zone (see also Section 5.16.3).

Section 5 ZONES

5.1 Zone Classification

For the purposes of this By-law, the Township of McGarry is divided into the following zones as named and described in the following sections, the boundaries of which are shown on the attached Zoning Schedule and which forms part of this By-law.

5.2 Zones

	Zone Symbol
General Residential Zone	R1
Multiple Residential Zone	R2
Rural Residential Zone	R3
Lakefront Residential Zone	R4
Townsite Centre Zone	TC
Highway Commercial Zone	HC
Recreational Commercial Zone	RC
Industrial Zone	M
Extractive Industrial Zone	MX
Institutional Zone	I
Open Space Zone	OS
Environmental Protection Zone	EP
Natural Resources Zone	NR
Mineral Mining Zone	MM

5.3 Interpretation of Zone Boundaries

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

(i) A boundary indicated as following a ***highway***, ***street*** or ***lane*** shall be the centre line of such highway, street or lane;

(ii) A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;

(iii) A boundary indicated as following the ***high water mark*** shall follow such ***shoreline***, and in the event of a change in the high water mark, the boundary shall be construed as moving with the actual high water mark;

(iv) A boundary indicated as approximately following ***lot lines*** shown on a Registered Plan of Subdivision, or Reference Plan, or Township ***lot lines*** shall follow such lot lines;

(v) Where a boundary is indicated as approximately parallel to a ***street line*** or other feature, indicated in paragraphs (i), (ii), and (iii) above, and the distance from such street line or other feature is not indicated, and paragraph (iv) above is not applicable, such boundary shall be construed

as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule;

(vi) A boundary indicated as following the limits of the ***Municipality*** shall follow such limits; and

(vii) In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way. If a closed street, lane or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way.

5.4 Use of Zone Symbols

The Symbols listed in Section 5.2 shall be used to refer to land, ***buildings*** and ***structures*** and the ***uses*** thereof permitted by this By-law in the said ***zones***, and wherever in this By-law the word 'zone' is used, preceded by any of the said symbols, such zones shall mean any area within the Township of McGarry delineated on the attached Zoning Schedule and designated therein by the said symbol.

(a) Exception Zones

Where the zone symbol designating certain lands is shown on the Zoning Schedule followed by a dash and a number (e.g., M-1), the special exception may be found in the By-law which deals with the particular zone. Lands zoned as such shall be subject to all regulations and requirements of the zone except as otherwise provided by the special exception provisions.

(b) Holding Provisions

Where a zone symbol on the Zoning Schedule is followed by the suffix "-h", the lands shall be deemed to be in a special Holding Zone. Lands in a Holding Zone may only be used for existing uses and shall be in accordance with the provisions of the applicable zone, not including Permitted Uses. The holding symbol may only be removed by a by-law passed by Council.

(c) Well Head Protection Areas

Where a zone symbol on the Zoning Schedule is followed by the suffix "-w", those lands are part of a Well Head Protection Area. Uses permitted on those lands with the suffix "-w" shall be limited only to those existing uses, and the "-w" shall only be removed when the policies of the ***Official Plan*** of the Township of McGarry regarding Well Head Protection are satisfied.

(d) Partial Services

Where a zone symbol on the Zoning Schedule is followed by the suffix "-p", those lands are serviced with ***partial services***, and Section 4.32(c) of this By-law shall apply.

5.5 GENERAL RESIDENTIAL (R1) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the General Residential (R1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.5.1 Permitted Uses

- Dwelling – Converted
- Dwelling – Duplex
- Dwelling – Semi-detached
- Dwelling – Single Detached
- Group Home *(See Section 4.30(j))*
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.5.2 Zone Requirements

(a) Single Detached Dwelling, Group Home

Minimum Lot Area .....415 m² [4,467.2 ft²]
Minimum Lot Frontage .....14 m [45.9 ft]
(*Note: despite the minimum lot area and minimum lot frontage, development is permitted on existing undersized lots provided the setbacks and other relevant provisions of the By-law are met.*)

Minimum Yard Requirements – Main Building

- Front Yard .....6 m [19.7 ft]
- Rear Yard .....6 m [19.79 ft]
- Interior Side Yard .....1 m [3.28 ft]
- Exterior Side Yard .....4 m [13.1 ft]

Maximum Building Height

- Main Building .....10 m [32.81 ft]
- Accessory Building .....6 m [19.69 ft]

Maximum Lot Coverage

- Main Building 40%
- Accessory Uses, Buildings and Structures 10%

Maximum Number of Dwelling Units per Lot 1

(b) Semi-detached Dwelling (where both dwelling units occupy the same lot), Duplex Dwelling, Converted Dwelling

Minimum Lot Area .....600 m² [6,458.56 ft²]

Minimum Lot Frontage.....20 m [65.62 ft]
(*Note: despite the minimum lot area and minimum lot frontage, development is permitted on existing undersized lots provided the setbacks and other relevant provisions of the By-law are met.*)

Minimum Yard Requirements – Main Building

- Front Yard .....6 m [19.7 ft]
- Rear Yard .....6 m [19.7 ft]
- Interior Side Yard .....1 m [3.28 ft]
- Exterior Side Yard .....4 m [19.7 ft]

Maximum Building Height

- Main Building.....10 m [32.81 ft]
- Accessory Building.....6 m [13.1 ft]

Maximum Lot Coverage

- Main Building.....40%
- Accessory Uses, Buildings and Structures.....10%

Maximum Number of Dwelling Units per Lot 2

(c) Semi-detached Dwelling (where one dwelling unit occupies a lot)

Minimum Lot Area ..... 300 m² [3,229.17 ft²] per dwelling unit
Minimum Lot Frontage.....10 m [32.81 ft] per dwelling unit
(*Note: despite the minimum lot area and minimum lot frontage, development is permitted on existing undersized lots provided the setbacks and other relevant provisions of the By-law are met.*)

Minimum Yard Requirements – Main Building

- Front Yard .....6 m [19.7 ft]
- Rear Yard .....6 m [19.79 ft]
- Interior Side Yard .....1 m [3.28 ft], or 0 m [0 ft] where abutting another semi-detached dwelling unit
- Exterior Side Yard .....4 m [13.1 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 6 m [19.69 ft]

Maximum Lot Coverage

- Main Building 40%
- Accessory Uses, Buildings and Structures 10%

Maximum Number of Dwelling Units per Lot 1

5.5.3 Additional Provisions

(a) Despite the Maximum Number of Dwellings Units per Lot allowed in the General Residential (R1) Zone, ***apartments-in-a-house*** shall be permitted in accordance with Section 4.2.

(b) ***Accessory uses***, ***buildings*** and ***structures***, accessory residential uses, ***bed and breakfast establishments, home based businesses***, servicing, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.5.4 Exception Zones

5.6 MULTIPLE RESIDENTIAL (R2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Multiple Residential (R2) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.6.1 Permitted Uses

- Continuum-of-Care Facility
- Dwelling – Apartment
- Dwelling – Converted
- Dwelling – Row or Townhouse
- Dwelling – Triplex
- Group Home *(See Section 4.30(j))*
- Retirement Home
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.6.2 Zone Requirements

(a) Apartment Dwelling, Continuum-of-Care Facility, Retirement Home

Minimum Lot Area (3 or less dwelling units) ..... 800 m^2 [8,611.41 ft^2]
Minimum Lot Area (4 or more dwelling units) ..... 800 m^2 [8,611.41 ft^2] + 200 m^2 [2,152.78 ft^2] per dwelling unit over 3
Minimum Lot Frontage ..... 25 m [82.02 ft]

Minimum Yard Requirements – Main Building

- Front Yard ..... 6 m [19.7 ft]
- Rear Yard ..... 7 m [22.97 ft]
- Interior Side Yard ..... 4 m [13.1 ft]
- Exterior Side Yard ..... 4 m [13.1 ft]

Maximum Building Height
- Main Building ..... 12 m [39.37 ft] or 3 storeys, whichever is lesser
- Accessory Building ..... 8 m [26.2 ft]

Maximum Lot Coverage
- Main Building 40%
- Accessory Use, Buildings and Structures 5%

Minimum Landscaped Open Space 25%

(b) Converted Dwelling

Minimum Lot Area ..... 600 m² [6,458.56 ft²]
Minimum Lot Frontage ..... 20 m [65.62 ft]

Minimum Yard Requirements – Main Building
- Front Yard ..... 6 m [19.7 ft]
- Rear Yard ..... 6 m [19.79 ft]
- Interior Side Yard ..... 1 m [3.28 ft]
- Exterior Side Yard ..... 4 m [13.1 ft]

Maximum Building Height
- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 6 m [19.69 ft]

Maximum Lot Coverage
- Main Building 35%
- Accessory Uses, Buildings and Structures 5%

Maximum Number of Dwelling Units per Lot 4

Minimum Landscaped Open Space 20%

(c) Row or Townhouse Dwelling (where only one row or townhouse dwelling unit occupies a lot)

Minimum Lot Area ..... 300 m² [3,229.28 ft²]] per dwelling unit
Minimum Lot Frontage ..... 10 m [32.81 ft] per dwelling unit

Minimum Yard Requirements – Main Building
- Front Yard ..... 6 m [19.7 ft]
- Rear Yard ..... 6 m [19.79 ft]
- Interior Side Yard ..... 2 m [6.56 ft], or 0 m [0 ft] where abutting another row or townhouse dwelling unit
- Exterior Side Yard ..... 4 m [13.1 ft]

Maximum Building Height
- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.2 ft)]

Maximum Lot Coverage
- Main Building 40%
- Accessory Use, Buildings and Structures 5%

Maximum Number of Dwelling Units per Lot 1

Minimum Landscaped Open Space 20%

(d) Row or Townhouse Dwelling (where two or more row or townhouse dwelling units occupy a lot)

Minimum Lot Area ..... 300 m^2 [3,229.17 ft^2] per dwelling unit
Minimum Lot Frontage ..... 10 m [32.81 ft] per dwelling unit

Minimum Yard Requirements – Main Building

- Front Yard 6 m [19.7.12 ft]
- Rear Yard 6 m [19.79 ft]
- Interior Side Yard 2 m [6.56 ft]
- Exterior Side Yard 4 m [13.1 ft]

Maximum Building Height
- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.2 ft]

Maximum Lot Coverage
- Main Building 40%
- Accessory Use, Buildings and Structures 5%

Minimum Landscaped Open Space 20%

(e) Triplex Dwelling

Minimum Lot Area ..... 600 m^2 [6,458.56 ft^2]
Minimum Lot Frontage ..... 20 m [5.62 ft]

Minimum Yard Requirements – Main Building
- Front Yard ..... 6 m [19.7 ft]
- Rear Yard ..... 6 m [19.7 ft]
- Interior Side Yard ..... 2 m [6.56 ft]
- Exterior Side Yard ..... 4 m [13.1 ft]

Maximum Building Height
- Main Building ..... 12 m [39.37 ft] or 3 storeys, whichever is lesser
- Accessory Building ..... 8 m [26.2 ft]

Maximum Lot Coverage
- Main Building 40%
- Accessory Use, Buildings and Structures 5%

Maximum Number of Dwelling Units per Lot 3

Minimum Landscaped Open Space 20%

5.6.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, ***garden suites***, ***home based businesses***, servicing, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.6.4 Exception Zones

5.7 RURAL RESIDENTIAL (R3) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Rural Residential (R3) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.7.1 Permitted Uses

- Dwelling – Single Detached
- Accessory uses, buildings and structures to the foregoing permitted uses *(see Section 4.1)*

5.7.2 Zone Requirements

Minimum Lot Area ..... 0.8 ha [1.98 ac]
Minimum Lot Frontage ..... 60 m [196.85 ft]

Minimum Yard Requirements – Main Building

- All Yards ..... 10 m [32.81 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 6 m [19.69 ft]

Maximum Lot Coverage

- Main Building 5%
- Accessory Uses, Buildings and Structures 2%

Maximum Number of Dwelling Units per Lot 1

5.7.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, accessory residential uses, ***bed and breakfast establishments***, ***home based businesses***, servicing, special setbacks, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law. Despite the above, the maximum floor area of a detached garage shall be 140 m^2 [1,506 ft^2] and shall be included in the maximum lot coverage.

(b) The minimum setback for any main building or accessory building from a private road shall be 6 m [19.7 ft].

5.7.4 Exception Zones

5.8 LAKEFRONT RESIDENTIAL (R4) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Lakefront Residential (R4) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.8.1 Permitted Uses

- Dwelling – Seasonal
- Dwelling – Single Detached
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.8.2 Zone Requirements

Minimum Lot Area ..... 0.8 ha [1.98 ac]
Minimum Lot Frontage ..... 60 m [196.85 ft]

Minimum Yard Requirements – Main Building
- All Yards ..... 10 m [32.81 ft]

Maximum Building Height
- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 6 m [19.69 ft]

Maximum Lot Coverage
- Main Building 5%
- Accessory Uses, Buildings and Structures 2%

Maximum Number of Dwelling Units per Lot 1

5.8.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, accessory residential uses, ***bed and breakfast establishments***, ***home based businesses***, servicing, special setbacks, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law. Despite the above, the maximum floor area of a detached garage shall be 140 m^2 [1,506 ft^2] and shall be included in the maximum lot coverage; and

(b) The minimum setback for any main building or accessory building from a private road shall be 6 m [19.7 ft].

5.8.4 Exception Zone

5.9 TOWNSITE CENTRE (TC) ZONE

No person shall use any land or erect, alter or use any building or structure in the Townsite Centre (TC) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.9.1 Permitted Uses

- Dwelling units above or behind ground floor commercial
- Art Gallery
- Bake Shop
- Bank
- Clinic
- Convenience Store
- Day Nursery
- Funeral Home
- Office
- Hotel
- Laundromat
- Library
- Museum
- Parking Lot – Commercial
- Personal Service Establishment
- Place of Assembly
- Place of Amusement
- Post Office
- Private Club
- Restaurant
- Retail Store
- Retirement Home
- Service Outlet
- Studio
- Tavern
- Theatre
- Veterinary Establishment
- Video Rental Outlet
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.9.2 Zone Requirements

Minimum Lot Area ..... 450 m^2 [4,844 ft^2]
Minimum Lot Frontage ..... 14 m [45.9 ft]
(*Note: despite the minimum lot area and minimum lot frontage, development is permitted on existing undersized lots provided the setbacks and other relevant provisions of the By-law are met.*)

Minimum Yard Requirements – Main Building

- Rear Yard ..... 6 m [19.69 ft]
- Exterior Side Yard ..... 4 m [13.1 ft]

Maximum Building Height

- Main Building ..... 12 m [39.37 ft] or 3 storeys, whichever is lesser
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage

- Main Building 80%
- Accessory Use, Buildings and Structures 5%

Maximum Number of Dwelling Units per Lot 8

5.9.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, servicing, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.9.4 Exception Zones

5.10 HIGHWAY COMMERCIAL (HC) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Highway Commercial (HC) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.10.1 Permitted Uses

- Ambulance Facility
- Auto Body Shop
- Auto Repair Garage
- Automobile Service Station *(See Section 4.3)*
- Automotive Sales Establishment
- Building Supply Store
- Car Wash
- Clinic
- Equipment Rental Establishment
- Farmer's Market
- Flea Market
- Funeral Home
- Garden Centre
- Gasoline Bar *(See Section 4.3)*
- Greenhouse
- Hotel
- Lumber Yard
- Motel
- Nursery
- Parking Lot – Commercial
- Place of Assembly
- Place of Worship
- Printing and Publishing Establishment
- Private Club
- Recreational Vehicle Sales and Storage
- Restaurant
- Retail Store
- Self Storage Facility
- Service Outlet
- Studio
- Tavern
- Theatre
- Transportation Depot
- Veterinary Establishment
- Welding Shop
- Workshop
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*
- Accessory dwelling unit

5.10.2 Zone Requirements

Minimum Lot Area .....900 m^2 [9,687.52 ft^2]
Minimum Lot Frontage .....30 m [98.4 ft]

Minimum Yard Requirements – Main Building

- Front Yard .....6 m [19.7 ft]
- Rear Yard .....6 m [19.69 ft]
- Interior Side Yard .....3 m [9.8 ft]

- Exterior Side Yard ..... 6 m [19.7 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage

- Main Building 55%
- Accessory Use, Buildings and Structures 10%

Maximum Number of Dwelling Units per Lot 1

Minimum Landscaped Open Space 25%

5.10.3 Additional Provisions

(a) One (1) ***dwelling unit*** shall be permitted as an ***accessory dwelling*** to a ***commercial use*** provided:

(i) The dwelling unit is included in and forms a subordinate part of the ***building*** containing the main use, unless the main use is a ***place of worship***, ***flea market***, ***garden centre***, ***lumber yard***, ***self storage facility*** or ***transportation depot***, in which case such dwelling unit may be located in a separate building;

(ii) The dwelling unit has a minimum ***floor area*** of 60 m^2 [645.8 ft^2] and does not represent more than 33% of the total floor area of the total combined area of the dwelling unit and the main use; and

(iii) The dwelling unit is not an accessory use to an ***automotive service station***, ***auto body shop***, ***auto repair garage***, ***gasoline bar*** or ***commercial parking lot***.

(b) ***Accessory uses***, ***buildings*** and ***structures***, servicing, automobile uses, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.10.4 Exception Zones

5.11 RECREATIONAL COMMERCIAL (RC) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Recreational Commercial (RC) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.11.1 Permitted Uses

- Campground
- Equestrian Establishment
- Marina
- Miniature Golf Course
- Tourist Cabin Establishment
- Tourist Establishment
- Tourist Outfitters Establishment
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.11.2 Zone Requirements

(a) Campground

Minimum Lot Area ..... 2 ha [4.94 ac]
Minimum Lot Frontage ..... 60 m [196.85 ft]

Minimum Yard Requirements – Main Building and Campsites

- Front Yard ..... 10 m [32.81 ft]
- Rear Yard ..... 10 m [32.81 ft]
- Interior Side Yard

Where interior side yard abuts a residential
or Institutional (I) Zone ..... 10 m [32.81 ft]

All other Cases ..... 5 m [14.76 ft]
- Exterior Side Yard ..... 10 m [32.81 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage

- Main Building 10%
- Accessory Use, Buildings and Structures 5%

Maximum Number of Dwelling Units per Lot 1

Minimum Landscaped Open Space 20%

(b) All Other Uses

Minimum Lot Area ..... 2 ha [4.94 ac]
Minimum Lot Frontage ..... 60 m [196.85 ft]

Minimum Yard Requirements – Main Building

- Front Yard ..... 10 m [32.81 ft]
- Rear Yard ..... 10 m [32.81 ft]
- Interior Side Yard

Where interior side yard abuts a residential
or Institutional (I) Zone ..... 7.5 m [24.61 ft]

All other Cases ..... 5 m [14.76 ft]
- Exterior Side Yard ..... 10 m [32.81 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft)]

Maximum Lot Coverage

- Main Building 5%
- Accessory Use, Buildings and Structures 2%

Maximum Number of Dwelling Units per Lot 1

Minimum Landscaped Open Space 20%

5.11.3 Additional Provisions

(a) Accessory Residential Use

One (1) ***dwelling unit*** shall be permitted as an ***accessory use*** to a permitted main ***use*** in the Recreational Commercial (RC) Zone. Such dwelling unit may be a

single detached dwelling or it may be part of another ***building*** on the ***lot***. Where the dwelling unit is part of another building, it shall not occupy more than 50% of such ***building***;

(b) ***Accessory uses***, ***buildings*** and ***structures***, servicing, special setbacks, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.11.4 Exception Zones

5.12 INDUSTRIAL (M) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Industrial (M) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.12.1 Permitted Uses

- Class I Industry (Light Industrial Uses) *(See Section 4.30(d))*
- Class II Industry (Medium Industrial Uses) *(See Section 4.30(d))*
- Class III Industry (Heavy Industrial Uses) *(See Section 4.30(d))*
- Construction Yard or Contractor's Yard
- Forest Products Processing Facility
- Lumber Yard
- Parking Lot – Commercial
- Portable Asphalt/Concrete Plant
- Self Storage Facility
- Transportation Depot
- Warehouse
- Welding Shop
- Workshop
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.12.2 Zone Requirements

Minimum Lot Area ..... 2 ha [4.94 ac]
Minimum Lot Frontage ..... 60 m [196.8 ft]

Minimum Yard Requirements – Main Building

- Front Yard ..... 7.5 m [24.6 ft]
- Rear Yard ..... 10 m [32.8 ft]
- Interior Side Yard ..... 5 m [16.4 ft]
- Exterior Side Yard ..... 7.5 m [24.6 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage

- Main Building 25%
- Accessory Use, Buildings and Structures 10%

Minimum Landscaped Open Space 20%

5.12.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, servicing, special separation distances, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.12.4 Exception Zones

(a) **Industrial Exception 1 (M-1) Zone: Waste Management Facility**

Notwithstanding anything in this By-law to the contrary, a waste management facility shall be the only use of lands permitted in the Industrial Exception 1 (M-1) Zone.

(b) **Industrial Exception 2 (M-2) Zone: Sewage Lagoon**

Notwithstanding anything in this By-law to the contrary, a municipal sewage lagoon shall be the only use of lands permitted in the Industrial Exception 2 (M-2) Zone.

(c) **Industrial Exception 3 (M-3): Salvage Yard**

Notwithstanding anything in this By-law to the contrary, a salvage yard shall be the only use permitted in the Industrial Exception 3 (M-3) Zone.

5.13 EXTRACTIVE INDUSTRIAL (MX) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Extractive Industrial (MX) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.13.1 Permitted Uses

- Pit
- Quarry
- Wayside Pit
- Wayside Quarry
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.13.2 Zone Requirements

All Buildings and Structures

All Yards ..... 10 m [32.81 ft]

5.13.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, special separation distances, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.13.4 Exception Zones

5.14 INSTITUTIONAL (I) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Institutional (I) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.14.1 Permitted Uses

- Community Centre
- Crisis Care Facility *(See Section 4.30(j))*
- Fire Station
- Library
- Medical Centre
- Municipal Office
- Museum
- Place of Worship
- Place of Assembly
- Public Works Facility
- School
- Tourist Information Centre
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.14.2 Zone Requirements

(a) School, Community Centre

Minimum Lot Area ..... 1,000 m² [10,763.91 ft²]
Minimum Lot Frontage ..... 30 m [98.43 ft]

Minimum Yard Requirements – Main Building

- Front Yard ..... 6 m [119.7 ft]
- Rear Yard ..... 10 m [19.69 ft]
- Interior Side Yard ..... 5 m [16.4 ft]
- Exterior Side Yard ..... 4 m [13.1 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage
- Main Building 40%
- Accessory Uses, Buildings and Structures 10%

Minimum Landscaped Open Space 20%

(b) All Other Uses

Minimum Lot Area ..... 600 m² [6,458.56 ft²]
Minimum Lot Frontage ..... 20 m [65.62 ft]

Minimum Yard Requirements – Main Building

- Front Yard ..... 6 m [19.7 ft]
- Rear Yard ..... 6 m [19.69 ft]
- Interior Side Yard ..... 4 m [13.12 ft]
- Exterior Side Yard ..... 6 m [19.7 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage

- Main Building 35%
- Accessory Uses, Buildings and Structures 10%

Minimum Landscaped Open Space 20%

5.14.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, servicing, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.14.4 Exception Zones

5.15 OPEN SPACE (OS) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Open Space (OS) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.15.1 Permitted Uses

- Cemetery
- Golf Course
- Marina
- Park
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.15.2 Zone Requirements

Minimum Yard Requirements – All Buildings

- All Yards .....5 m [16.4 ft]

All Buildings and Structures

- Maximum Height .....8 m [26.25 ft]
- Maximum Lot Coverage 10%

Minimum Landscaped Open Space 75%

5.15.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, servicing, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.15.4 Exception Zones

5.16 ENVIRONMENTAL PROTECTION (EP) ZONE

5.16.1 Permitted Uses

- Conservation Use
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.16.2 Zone Requirements

5.16.3 Additional Provisions

(a) No ***buildings*** or ***structures*** of any kind shall be ***erected*** in the Environmental Protection (EP) Zone.

5.16.4 Exception Zones

5.17 NATURAL RESOURCES (NR) ZONE

5.17.1 Permitted Uses

- Agricultural Use
- Camp *(See Section 4.6)*
- Conservation Use
- Forestry
- Mineral Exploration
- Existing Residential Uses
- Sawmill
- Single Detached dwelling subject to Section 5.17.3
- Existing Tourist Commercial Establishments
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.17.2 Zone Requirements

(a) Camps (see also Section 4.6)

Minimum Lot Area ..... 5 ha [12.35 ac]
Minimum Yard Requirements
- All Yards ..... 15 m [161.42 ft]

(b) Agricultural Use, Sawmill

Minimum Lot Area ..... 2 ha [4.94 ac]
Minimum Lot Frontage ..... 60 m [196.85 ft]

Minimum Yard Requirements – Main Building

- Front Yard ..... 10 m [32.81 ft]
- Rear Yard ..... 15 m [49.21 ft]
- Interior Side Yard ..... 15 m [32.81 ft]
- Exterior Side Yard ..... 15 m [49.21 ft]

Maximum Building Height

- Main Building ..... 10 m [32.81 ft]
- Accessory Building ..... 8 m [26.25 ft]

Maximum Lot Coverage

- Main Building 5%
- Accessory Uses, Buildings and Structures 2%

Maximum Number of Dwelling Units per Lot 1

(c) All Other Uses

Minimum Yard Requirements – All Buildings

- All Yards .....5 m [16.4 ft]

5.17.3 Additional Provisions

(a) Notwithstanding Section 5.17.2, reconstruction of existing residential uses in the Natural Resources (NR) Zone shall be subject to the zone requirements of Section 5.7 of this By-law (Rural Residential (R3) Zone Requirements);

(b) Notwithstanding Section 5.17.2, reconstruction of existing tourist commercial establishments in the Natural Resources (NR) Zone shall be subject to the zone requirements of Section 5.11 of this By-law (Recreational Commercial (RC) Zone Requirements);

(c) A ***camp*** shall be permitted as the main ***use*** or as an ***accessory use*** of a ***lot*** in the Natural Resources (NR) Zone;

(d) ***Accessory uses***, ***buildings*** and ***structures***, servicing, parking, street frontage, special separation distances, camp provisions and other general provisions shall be in accordance with Section 4 of this By-law; and

(e) Despite any other provisions of this by-law, a single detached dwelling shall have frontage on the Cheminis Road or Highway 66. The zone provisions of Section 5.8.2 shall apply to the construction of any dwelling and accessory building thereto. Accessory uses to a single detached dwelling shall include a home based business.

5.17.4 Exception Zones

5.18 MINERAL MINING (MM) ZONE

No person shall ***use*** any land or ***erect***, ***alter*** or use any ***building*** or ***structure*** in the Mineral Mining (MM) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.18.1 Permitted Uses

- Agricultural Use
- Conservation Use
- Forestry
- Mineral Exploration
- Mineral Mining Operation
- Accessory uses, buildings and structures to the foregoing permitted uses *(See Section 4.1)*

5.18.2 Zone Requirements

All Buildings and Structures
All Yards .....20 m [65.6 ft]

5.18.3 Additional Provisions

(a) ***Accessory uses***, ***buildings*** and ***structures***, special separation distances, parking, street frontage and other general provisions shall be in accordance with Section 4 of this By-law.

5.18.4 Exception Zones

(a) Mineral Mining Exception 1 (MM-1) Zone: Mining Hazard Zone

Notwithstanding anything in this By-law to the contrary, on lands zoned MM-1, no development shall be permitted except for the disposal or maintenance of mine wastes as authorized under the *Mining Act.*