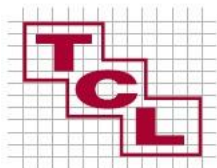




**Municipality of Mattawan
Zoning By-law 2003-009,
Consolidated with Amendments
December 16, 2021**



Tunnock Consulting Ltd.

287 Three Bay Road
PERTH ON K7H 3C7
gtunnock@tunnockconsulting.ca

MUNICIPALITY OF MATTAWAN

ZONING BY-LAW

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* Disclaimer: Photographs, illustrations, diagrams and clip art are inserted to make the document more user-friendly but are not intended to be a legal component of the Zoning By-law.

The Corporation of the Municipality of Mattawan Comprehensive Zoning By-law

Foreword

*This Zoning By-law affects all lands within the Municipality of Mattawan. To use this By-law, locate the subject property on the map schedules provided and determine the zone(s) which affects the land. Then review the specific regulations relating to the zone(s) in **Section 5: Zones**. It is also important to review **Section 4: General Provisions** and any applicable definitions in **Section 3: Definitions**.*

Changes to the requirements contained in this By-law may be made with prior approval by the Municipality as provided for under the Planning Act. Significant changes may be made through the zoning by-law amendment process. Minor variations may be granted by the Municipal Committee of Adjustment. Both processes require formal applications to be submitted to the Municipality and both involve mandatory public notification.

Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Municipal Office 705-744-5680.

This By-law is an office consolidation of the following by-laws:

| | |
|------------------------|--------------------------|
| By-law 2003-009 | July 31, 2003 |
| By-law 2010-007 | March 18, 2010 |
| By-Law 2021-014 | December 16, 2021 |

Explanatory Note

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

The By-law is passed by the authority of Section 34 of the *Planning Act*. The By-law conforms to the Official Plan for the Municipality of Mattawan.

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 regulations of this By-law before a building permit can be issued. Applicants are encouraged to pre-consult with the Township on how the zoning regulations apply.

Changes to the regulations contained in this By-law may be made with prior approval from the Township as provided for under the *Planning Act*. Changes may require an amendment to the Zoning By-law.

Zoning By-law Amendments

The Zoning By-law may be amended where the proposed amendment complies with the Township's Official Plan (East Nipissing 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 amend the Zoning By-law must consult with the municipality before making an application. The application may then be made to the Clerk of the Corporation of the Municipality of Mattawan to amend the By-law under (subsection 34(10.0.1) of the *Planning Act*). Applications are available from the Township office (947 Highway 533, MATTAWA ON P0H 1V0) or on the Township's email address admin@mattawan.ca
2. Designated staff will determine whether the application is a 'complete' application. Additional information, reports or studies may be required to support the proposed amendment before the application is considered complete. Applicants are required to submit a public consultation strategy as part of the application. Council has 30 days from the date of application to determine whether the application is complete (s. 34(10.1-10.3)). A complete application also requires that the Township's application fee is paid.
3. Once the application is considered complete, staff circulates to the applicant and 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 Land Tribunal (OLT) to determine whether the application is complete (s. 34(10.5)).
4. If an application is considered complete, staff advertises that a Public Meeting will be held in order to consider an amendment to the Zoning By-law. Advertisement is given 20 days in advance of the public meeting (s. 34(12-13, 14.1)). The advertisement may be placed in the local newspaper, or may be mailed, faxed or emailed to all property owners within 120 m of the property affected by the application. Where the notice is mailed, the applicant must also post a notice in a location on the property to be zoned that is visible from the adjacent street.

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 input, etc. The application must also be consistent with the Provincial Policy Statement and must also comply with the Growth Plan for Northern Ontario. If the application is considered satisfactory, the amending By-law is passed by Council.
6. Within 15 days of the passing of the by-law, the Clerk will give written notice of the decision of Council through a notice by mail, fax or email to the applicant, to the Ministry of Municipal Affairs and Housing and to anyone who made a written request to receive notice of the decision (s. 34(10.9, 18)).
7. If Council refuses the application and does not amend the zoning by-law, the Clerk must give written notice with reasons to the applicant. The notice must be given within 15 days of Council's decision.
8. Any person who gave their opinion at a public meeting or who submitted their concerns in writing to the Clerk before the by-law was passed may appeal the decision of Council to the Ontario Land Tribunal. The appeal must be filed with the clerk within the 20 day appeal period set out in the notice of the passing of the Zoning By-law amendment (s. 34(19)) and must include a cheque for \$300 payable to the Minister of Finance. If a person does not make an oral or written submission prior to Council passing the by-law, they may not appeal Council's decision.
9. If Council refuses to approve the application or Council does not make a decision within 150 days from the date the application the person or public body may appeal to the Ontario Land Tribunal (s. 34(11)). An appeal of a refusal must be made within 20 days of the date of the decision or within 20 days of the lapsing of the 150-day period (s. 34(11, 11.0.2)).
10. Where an appeal is made, Council may opt for mediation or dispute resolution to resolve the objection by giving notice to the appellant(s) (s. 34 (20.2)). Participation by the appellant(s) is voluntary but where agreed to, the period for mediation is 75 days.
11. An amendment to the Zoning By-law takes effect on the day the by-law was passed by Council provided no appeal is filed.
12. If a decision or lack of a decision is appealed to the Ontario Land Tribunal, the Tribunal can make any decision the Council of the Township had in regard to the specific application (s. 34(26)). In other words, the OLT can approve, or refuse the application or approve the application in part.

How long does a zoning By-law amendment take to be approved?

Upon the receipt of a complete application (including any required supporting studies), a zoning By-law amendment usually takes 2-3 months to complete. The level of complexity and issues related to the proposal will affect the time line.

Minor Variances

A minor variance may be granted to the zoning by-law where the size or shape or other conditions prevent an applicant from meeting the zoning standards provided the criteria can be met. Criteria for evaluating of Minor Variances are set out in 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.

An application for a minor variance must meet all of the above four tests to be approved in addition to any other criteria that the Township has established. 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. Applications for a minor variance are available from the Township office (947 Highway 533, MATTAWA, ON POP 1V0) or on the Township's website www.mattawan.ca

How long does a minor variance application take to be approved?

Upon the receipt of a complete application a minor variance application usually takes 1-2 months to complete. The level of complexity and issues related to the proposal will affect the time line.

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 R, CR, and M1 etc.

Step 2 – Verify status of any Zoning By-law Amendments

A Zoning by-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law Amendment. While the Township strives to keep the By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Township staff will be able to assist you to confirm if your property has been the subject of a more recent amendment.

Step 3 – Determine What Uses are Permitted in the Zone

Use the Permitted Uses section of the Zone to determine what use(s) is/are permitted in the Zone. 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 4 – Determine What Zone Regulations Apply

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

Step 5 – 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, parking etc. Use this section to determine how a particular land use might be affected.

For example, Section 4.25 provides the parking requirements for all uses permitted in the Township. If you are considering changing the use of your property or adding a new use to your property, you should review Section 4.25 to ensure that you are aware of the parking requirements.

Step 6 – 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 Municipality of Mattawan ONT

By-law No. 2003-009

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

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 Municipality of Mattawan ONT enacts as follows:

(Text of Zoning By-law)

Read a first and second time this 11 day of SEPTEMBER, 2003.

Read a third time and adopted this 20 day of NOVEMBER, 2003.



Reeve



Clerk

Certified that the above is a true copy of By-law No. 2003-009 as enacted and passed by the Council of the Corporation of the Municipality of Mattawan ONT on the 20 day of NOVEMBER, 2003.



Clerk

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.2003-009 of the *Corporation* of the *Municipality* of Mattawan.

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:

1. The true dimensions and/or legal description of the **lot** to be built upon or otherwise used;
2. The proposed location, height and dimensions of any **building, structure** or use proposed for such **lot**;
3. The proposed location, height and dimensions of **yards, landscaping, parking areas** and **loading spaces** required by this By-law;
4. The location of all **existing buildings** or **structures** on the **lot**, including the **lot area, lot coverage** of **existing** and proposed **structures**; and
5. A statement, signed by the **owner** disclosing the exact 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 *Municipality* of Mattawan.

1.4 Enforcement

This By-law shall be administered by the **Chief Building Official** 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.

1.5 Inspection of Land, Buildings and Structures

1. Subject to Sections 49 and 49.1 of the *Planning Act*, 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 inspecting a property of which he or she believes a contravention of this By-law is occurring;
2. Notwithstanding any provisions of **Section 1.5 (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*; and
3. No **person** shall obstruct or attempt to obstruct an officer or **person** acting under the officer's instructions in the exercise of a power authorized under the *Planning Act*.

1.6 Penalty

1. 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, add 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;
2. 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; and
3. 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.

1.7 Repeal and Relationship to Former By-laws

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the *Planning Act*, 1990, or its predecessor, are hereby repealed.

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

1.8 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 in force from time to time.

1.10 Conflict

In the event of 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

1. Legislation Act

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

2. 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;

3. 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 *Municipality* of Mattawan”), its short title (“*Municipality* of Mattawan Zoning By-law”) or its by-law number, and any such citation is to be taken as meaning the By-law as amended;

4. Gender Neutrality

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

5. Plural and Singular

In this By-law, words in the singular include the plural, and words in the plural include the singular;

6. References

Appendices, footnotes, glossaries, 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; and

7. Measurement Units

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement.

1.12 Effective Date

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

1.13 Technical Revisions to the Zoning By-law

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

1. Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of the By-law.
2. Adding or revising technical information on the zoning maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends or title blocks.
3. Changes to appendices, headings indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers or headers, which do not form part of this By-law and are editorially inserted for convenience or reference only.

Section 2 CONFORMITY REQUIREMENTS

Explanatory Note

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

2.1 Compliance

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

2.2 Compliance of Severances

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

2.3 Application to Building

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

2.4 Committee of Adjustment and Minor Variances

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 of the provisions of this By-Law, 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 of a non-conforming use to a similar or more compatible use. In addition to the criteria set out in Section 43 (1) of the *Planning Act*, the following additional criteria shall apply to the review of applications for a minor variance for a shoreline property:

1. Development must generally conform to policies and zoning regulations for a shoreline vegetation buffer.

Explanatory Note

The Committee of Adjustment, as appointed by Council, is duly authorized under Section 45 of the Planning Act, upon the application of the owner of any land, building or structure affected by this by-law, to grant a minor variance from the provisions of this by-law as in its opinion is desirable for the appropriate use of the land, building or structure if the general intent of the Zoning By-Law and Official Plan are maintained. Minor variances may, for example, be granted to the lot area, lot frontage, setbacks, height of buildings, parking provisions or any other standard set out in this By-Law. Minor generally means a variation that is less than a 25% difference to a zoning standard and does not include a change in any of the permitted uses in a zone.

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".

Abattoir

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

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 illustration).



Adventure Game

Means an outdoor sport or recreation operated commercially in which participants attempt to capture a flag or some other object and return it to their home base, and may carry one or more of the following equipment: paint pellet pistols with a CO₂ cartridge, paint pellets, safety goggles to prevent pellets from striking participants' eyes, and armbands to identify team participants.

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

Shall mean 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 material 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, and all related activities such as breeding, training, feeding, *manure or material 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.

Airfield

Means any land, *lot* or *buildings* used for the purpose of landing, storing, taxiing or taking off of private or commercial aircraft pursuant to the regulations of the appropriate authority.

Aisle

Means the travelled way by which motor vehicles enter and depart *parking spaces* (see illustration).



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:
- To change the boundary of such **lot** with respect to a street or lane; or
- To change any dimension or area, relating to such **lot**; or
- 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.

Ambulance Facility

Means a **building** or part of a **building** where professional paramedics are stationed and their vehicles and equipment are kept.

Animal Day Care Establishment

Means a commercial premise used for a day care service for domestic pets, but shall not include an **animal shelter** or **kennel**.

Animal Shelter

Means a **building, structure** where animals, birds or other livestock are examined or treated and which may be kept on a short-term basis, and may include the premises of a veterinarian or veterinary surgeon.

Antique Store

Means a **retail store** selling any old and authentic objects of personal property which were made, fabricated or manufactured sixty or more years earlier and which have a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand had attained a value in a recognized commercial market which is in excess of its original value.

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* with a service bay, where painting, refinishing, restoration or repairs to the coach works of motor vehicles are performed for gain or profit and may include the exterior storage of damaged vehicles [see 4.24 (f)].

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.

Auto Service Station

Means a place for supplying fuel, oil and minor accessories for motor vehicles at retail, direct to the consumer and having at least one (1) service bay where repairs to the actual operation of motor vehicles may be performed. If more than two (2) motor vehicles are kept on the premises for the purpose of selling such vehicles, then such establishment shall also be classified as an *automotive sales establishment*.

Automotive Sales Establishment

Means a *building* and/or *lot* 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.

Barrier Free

Means that which can be approached, entered and used by *persons* with physical or sensory disabilities.

Basement

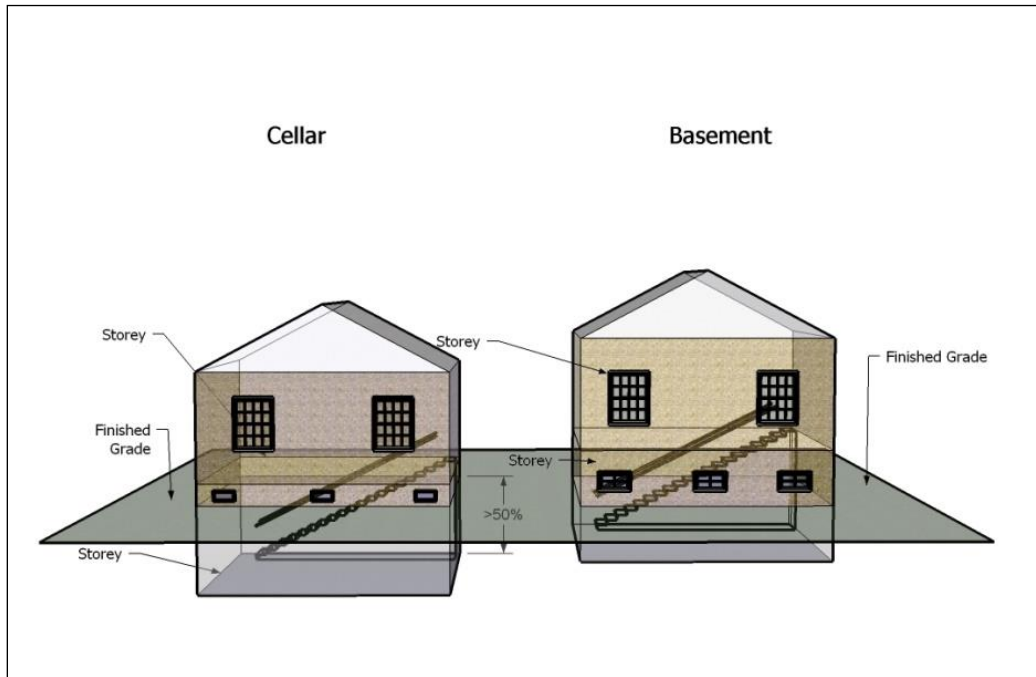
Means a *storey* or *storeys* of a *building* located below the first *storey*. The first *storey* is the *storey* with its floor closest to grade and having its ceiling more than 1.8 m [5 ft. 11 in] above grade (see illustration).

Batch Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of required equipment.

Bed and Breakfast Establishment

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



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** for 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 a use of land adjacent to a **water body** that is used to launch and remove boats, marine vessels and watercraft.

Boat Slip

Means a single mooring space for a boat, marine vessel or watercraft forming part of a **dock**, **boat house** or other mooring facility.

Brewery or Winery

Means a **building** used primarily for the manufacturing, processing and distribution of beer, cider and wine and may include an **accessory** retail outlet.

Building

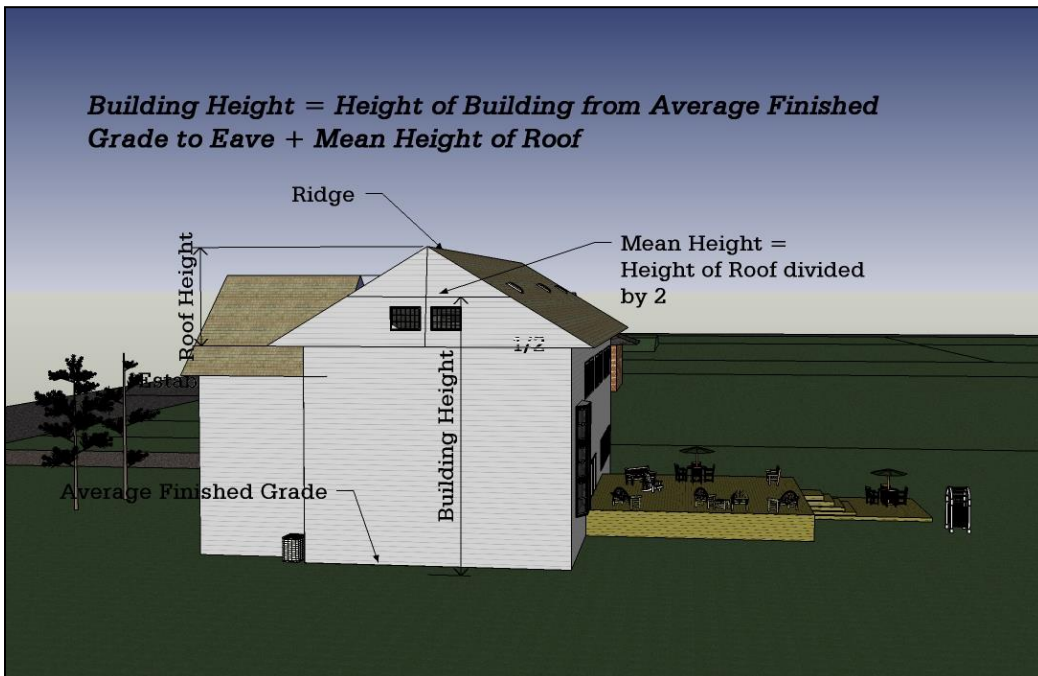
Means any **structure** used or intended for sheltering any use or occupancy. The word "**building**" shall include the whole of such **structure** or part thereof.

Building Height

Means the vertical distance between the average **established grade** at the base of the **building** 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 (see illustrations).

Illustration of Building Height



Building, Main

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



Building, Mixed Use

Means a **building** containing more than one land use (e.g., retail commercial and residential, **office** and residential, industrial and retail) that is designed and constructed as a single **building**.

Building Supply Store

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

Camp (Hunt Camp, Fishing Camp)

Means a **building** or **structure** intended to provide basic shelter and accommodation on a temporary basis (i.e., weekend, vacation) for **persons** engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation.

Camp, logging

Means an area of land including **buildings** and **structures** specifically designed as non-permanent living quarters for **persons** employed in the removal, cutting, debarking or harvesting of timber for commercial purposes or ancillary services and may include a dormitory, lodging or sleeping facilities, sanitary and eating facilities and **accessory** uses directly related to meeting the needs of occupants including but not limited to a **laundromat**, recreational facilities, concession selling personal effects and food stuffs and parking.

Camp, Temporary Work

Means an area of land including *buildings* and *structures* constructed on a temporary basis during the construction or decommissioning of a major *building*, logging operation, industrial complex, hydroelectric project or other large scale construction project and such camp may include a field *office*, storage area, storage *buildings*, living quarters including sanitary and eating facilities provided that such a camp is removed once the facility is was designed to serve is completed.

Campground - Private

Means an area of land providing short term accommodation for tents, trailers, recreation vehicles or campers where no fee is charged or paid for such accommodation.

Campground - Recreational

Means an area of land containing sleeping accommodations and facilities for three or more campsites which are used to provide short term accommodation for *persons* engaged in passive or active recreation or leisure, which without limiting the generality of the foregoing, shall include, but shall not be limited to the following: children's camp or establishment, religious camp, institutional camp, or other like or similar camp or establishment, but shall not include a *tourist establishment*.

Campground - Tourist

Means an area of land providing short term accommodation for three or more tents, tent trailers, *recreational vehicles* or campers and may include *accessory* uses such as a *Laundromat*, *convenience store*, sale of propane fuels and recreational uses for *persons* using the campground where a fee is charged or paid for such accommodation.

Cannabis

Means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained.

Cannabis Retail Store or Dispensary

Means any use of land, *building*, *structure* or part thereof used for the retail sale of cannabis or any product or substance produced in whole or part from cannabis, and shall be deemed to include a licensed Ontario Cannabis Retailer under the *Ontario Cannabis Retail Corporation Act, 2017*.

Car Port

Means a *structure* open on at least two sides and intended to be used for the sheltering of one or more motor vehicles (see illustration).

Car Washing Establishment

Means a *building* or portion thereof used for washing or cleaning of motor vehicles for gain, and may include the sale of gas and oil to its customers.

Catering Establishment

Means a commercial establishment 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.

Cemetery

Means a *cemetery* within the meaning and as regulated by the Funeral, Burial and Cremation Services Act, 2002 and includes a mausoleum, columbarium or other *building* or *structure* intended for the interment of human remains.

Cemetery – Pet

Means a use of land for the internment of animal remains of a domestic pet.

Chief Building Official

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

Clinic

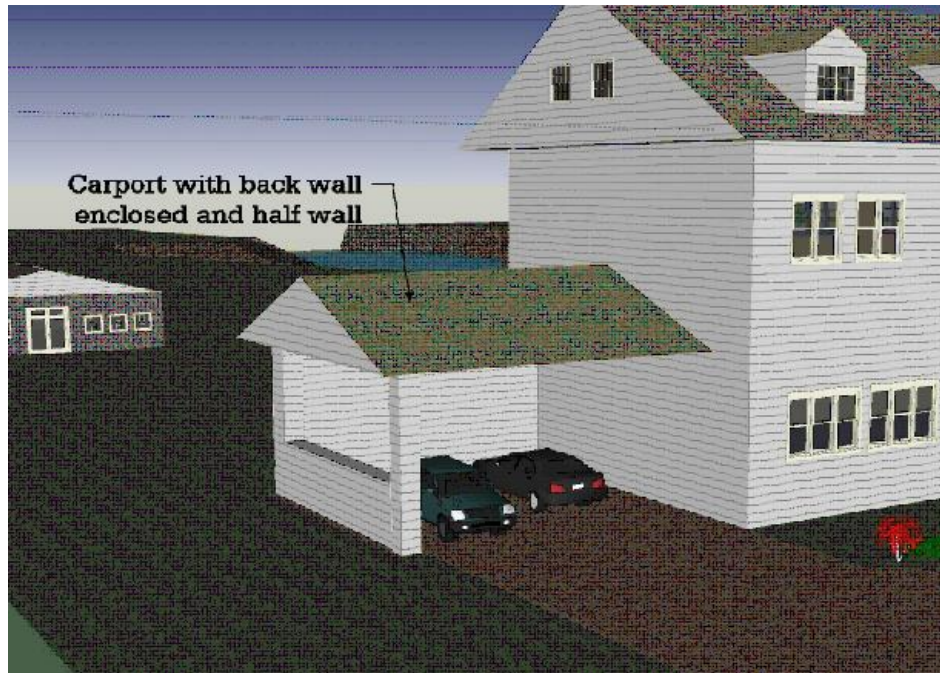
Means a *building* used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified physicians, dentists, optometrists, chiropractors, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality 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.

Commercial Fishing or Hunting Camp

Means *buildings* or premises or a *structure* intended to provide basic accommodation on an occasional basis for hunting and/or fishing purposes including a fish farm for angling and which buildings are constructed in accordance with the Building Code standards for cottages.

Commercial Greenhouse

Means a *building 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 or *cannabis*.



Commercial Vehicle

Means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police

patrols, motor buses and tractors used for hauling purposes on the highway.

Communications Facility

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

Community Centre

Means any parcel of land or *building*(s) used for community activities whether used for commercial purposes or not, and the control of which is vested in the *municipality*, a local board or agent thereof.

Condominium

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

Conservation Authority

Means the North Bay-Mattawa Conservation Authority.

Conservation Use

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

Construction Yard or Contractor's Yard

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

Continuum-of-Care Facility

Means a facility which may include a senior 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 citizens apartment building, nursing home, long-term care facility, home for the aged, such as hospitals, *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.

Convenience Store

Means a *building* or part of a *building* used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise as is required to fulfil the day-to-day needs of the surrounding community.

Corporation

Means the Corporation of the *Municipality* of Mattawan.

Council

Means the *Council* of the *Corporation* of the *Municipality* of Mattawan.

Crisis Care Facility

Means a residential facility that is licensed and funded by the Province of Ontario, Government of Canada or an appointed agency, for the short term, temporary care of *persons* requiring immediate emergency shelter and aid who are 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 wellbeing.

Day Nursery - Licensed

Means an establishment for pre-school-aged children governed by the *Child Care and Early Years Act*.

Day Care - Private Home

Means the use of a *dwelling unit* operated commercially for the temporary care of children.

Deck

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

Detached

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

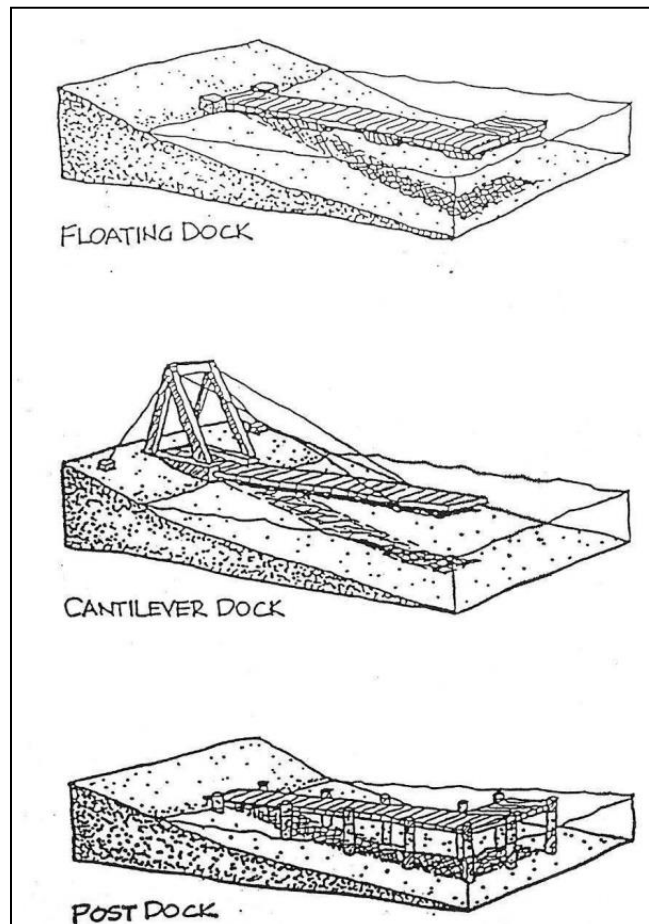
Development

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 (Provincial Policy Statement).

Dock

Means an *accessory structure* used for the mooring of marine vessels which is designed to float freely (floating dock) on the surface

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of the *water body* or which is secured to the *shoreline* (permanent or cantilever dock) 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* either of which may be secured to the *shoreline* (see illustration).

Drive-Through Facility

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

Driveway

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

Dwelling

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

Dwelling - Apartment

Means a building containing four (4) or more dwelling units.

Dwelling Unit

Means a *building* occupied or capable of being occupied as the home or residence of one or more *persons*, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, *motel*, rental cottage or cabin or similar commercial use of a private or semi-private institution. A *recreational vehicle* shall not constitute a *dwelling unit*.

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 - Additional Residential Unit

Means an additional dwelling unit within a permitted single detached dwelling, semi-detached dwelling, or row house that does not otherwise contain an ancillary residential unit, and includes a dwelling unit in a detached building or structure ancillary to a detached house, semi-detached house or row house or up to three dwelling units in total (see illustrations).

Dwelling, Apartment-in-a-House (Granny Suite)

Means an ancillary *dwelling unit* in a *single detached dwelling* that may have an internal shared entrance or an independent entrance and does not exceed 49% of the *net floor area* of the main floor of a *single detached dwelling* up to a maximum of 75 m² [807.3 ft.²].

Dwelling - Converted

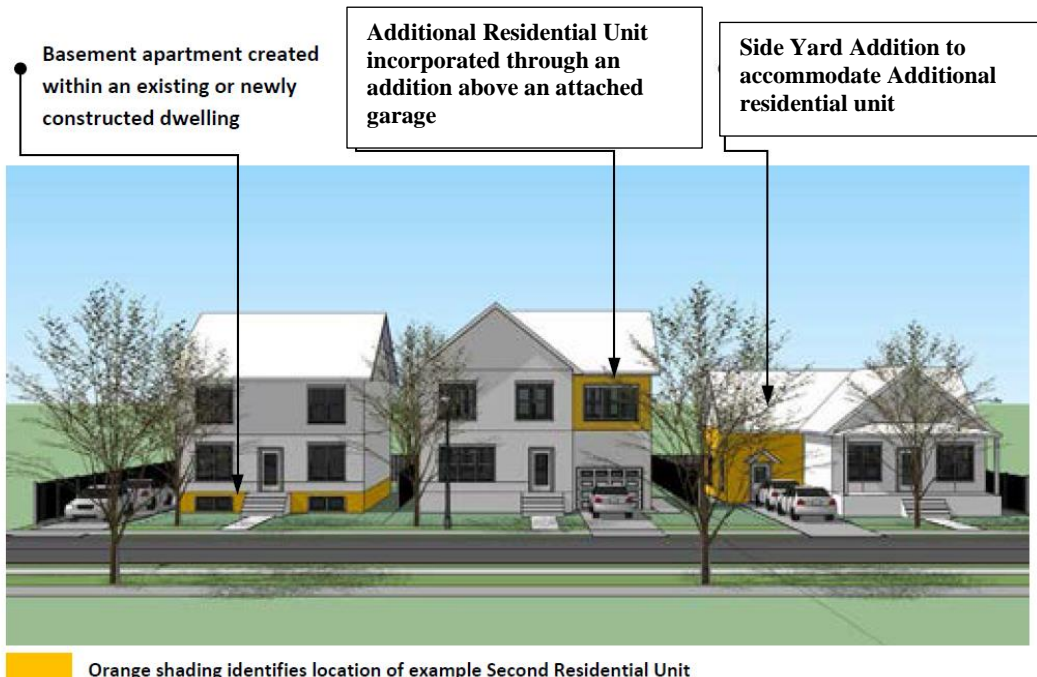
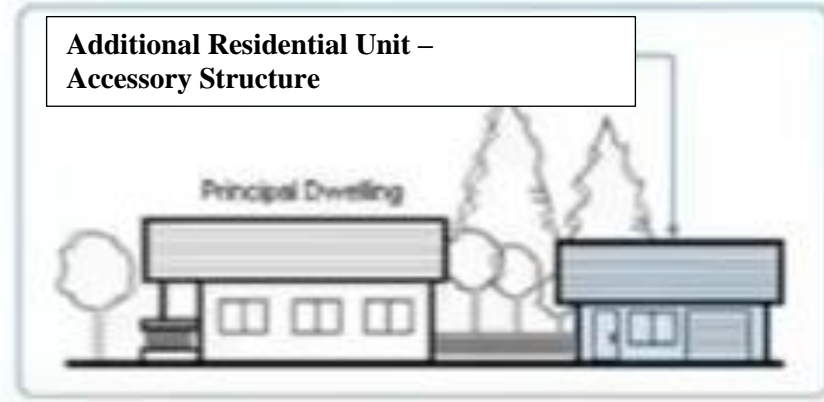
Means a *dwelling* altered to contain a greater number of *dwelling units*, with each self-contained *dwelling unit* having a floor space of not less than 55m² [592.0 ft.²]. This definition may include an apartment in a house.

Dwelling - Duplex

Means a *building* divided horizontally into two (2) *dwelling units*.



Additional Residential Unit – Accessory Structure



Orange shading identifies location of example Second Residential Unit

Dwelling, Mobile Home - See **Mobile Home Unit**

Dwelling, Park Model Trailer

Means a manufactured *building* designed and constructed in conformance with CAN/CSA-Z241 Series “Park Model Trailer”, as set out in the *Building Code*, and is used or intended to be used as a seasonal recreational *building* of residential occupancy

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. A *seasonal dwelling* shall include a *Park Model Trailer Dwelling*.

Dwelling - Semi-detached

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

Dwelling - Single-detached

Means a *detached building* containing one (1) *dwelling unit*, and shall include a *modular home* (see illustrations).

Dwelling – Tiny House or Small House

Means a *dwelling* having a *gross floor area* of not less than 27.8 m² [300 ft.²] and not more than 41.8 m² [450 ft.²] and is erected on a foundation (see photo).



Dwelling - Triplex

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

Dwelling Unit – Accessory

Means a *dwelling unit* within a non-residential *building*.

Easement

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

Entrance

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

Equestrian Establishment

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

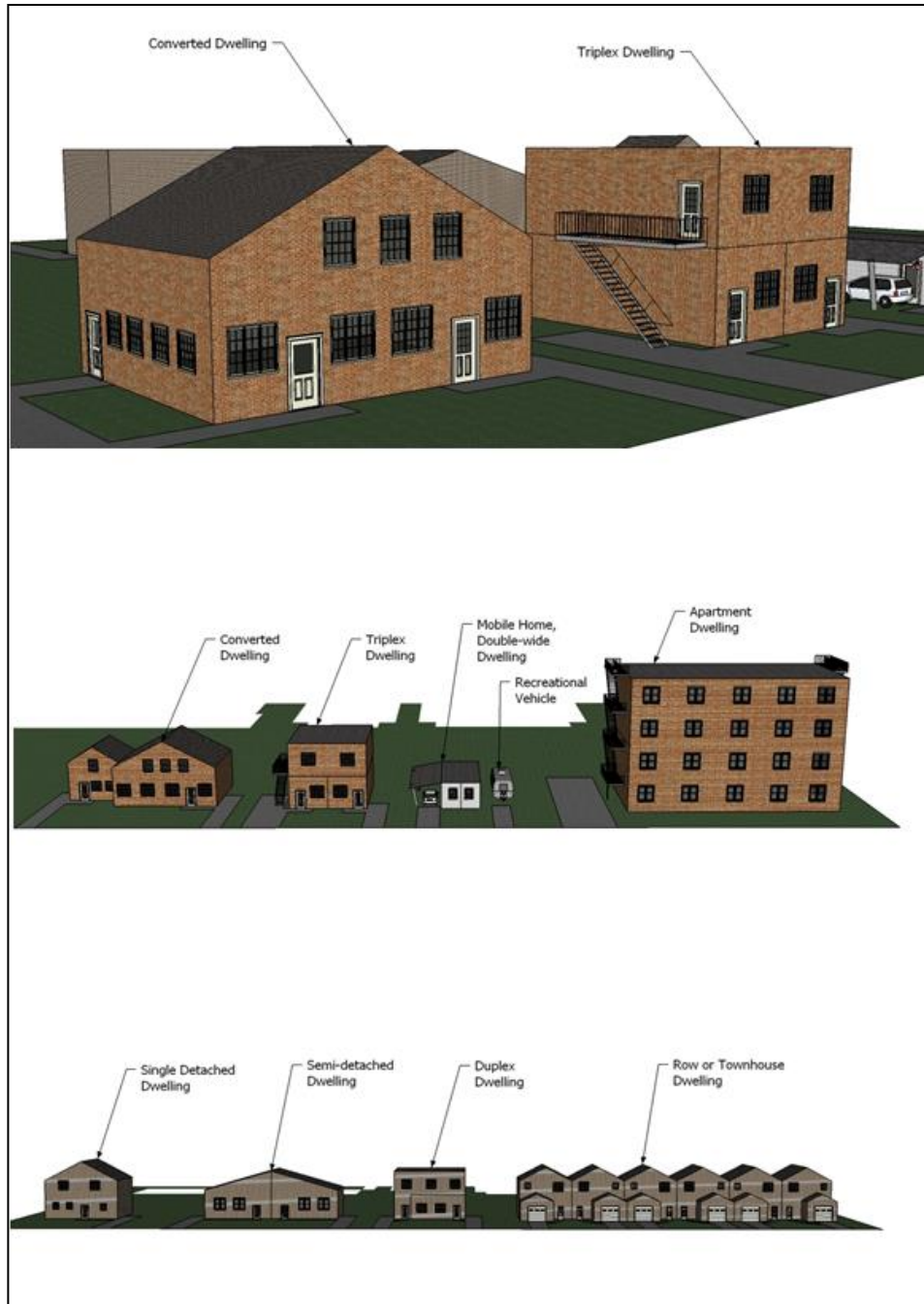
Equipment Rental Establishment

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 Sales, Service and Repair Establishment - Industrial

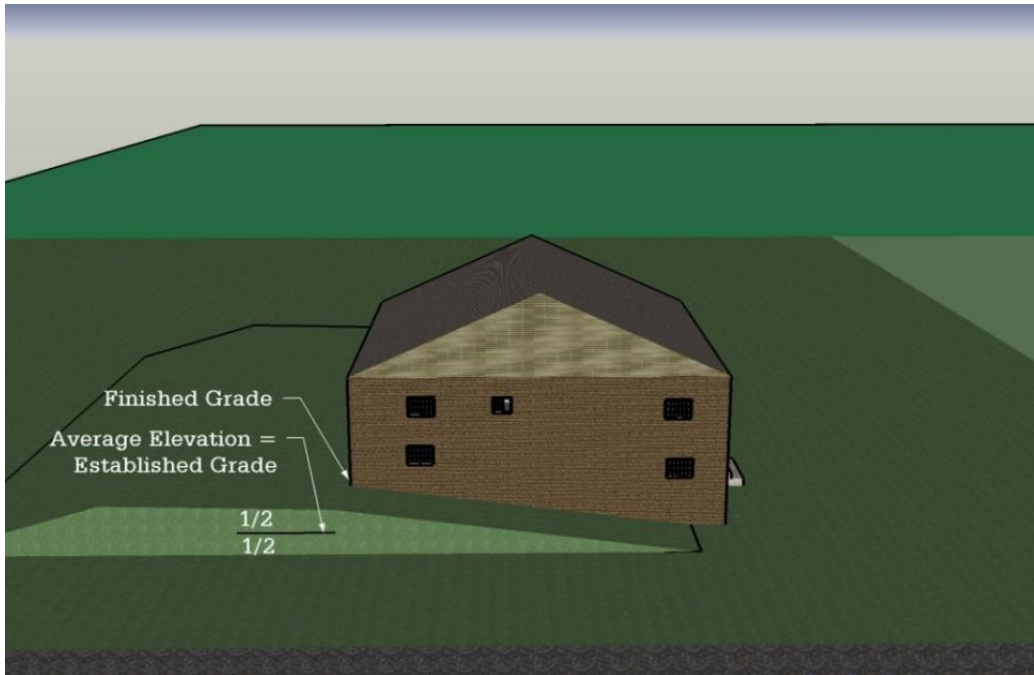
Means a *building* or part of a *building* where any industrial equipment or vehicle, including *commercial vehicles*, and/or trailers may be sold, serviced, washed or repaired and may include an *auto body shop*.

Illustration of Dwelling Types



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 Grade

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

Existing

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

Farm

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

Farm – Hobby

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

Farm Produce Outlet

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

Farm Vacation Establishment

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

Farmer's Market

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

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.

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.

Fitness Centre

Means a commercial *building* or part of a *building* in which facilities are provided for recreational or health related activities including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and *saunas*, a day spa, an administrative *office*, a cafeteria and an *accessory* retail outlet for fitness-related attire, equipment and dietary supplements.

Flea Market

Means a street market composed of a series of individual retailer's booths or tables where sundry, new or second-hand articles, fresh produce or preserves are offered for sale.

Floodline

Means a line established by a one in one hundred year storm which is determined by the flood plain mapping of the appropriate Conservation Authority.

Flooding Hazards

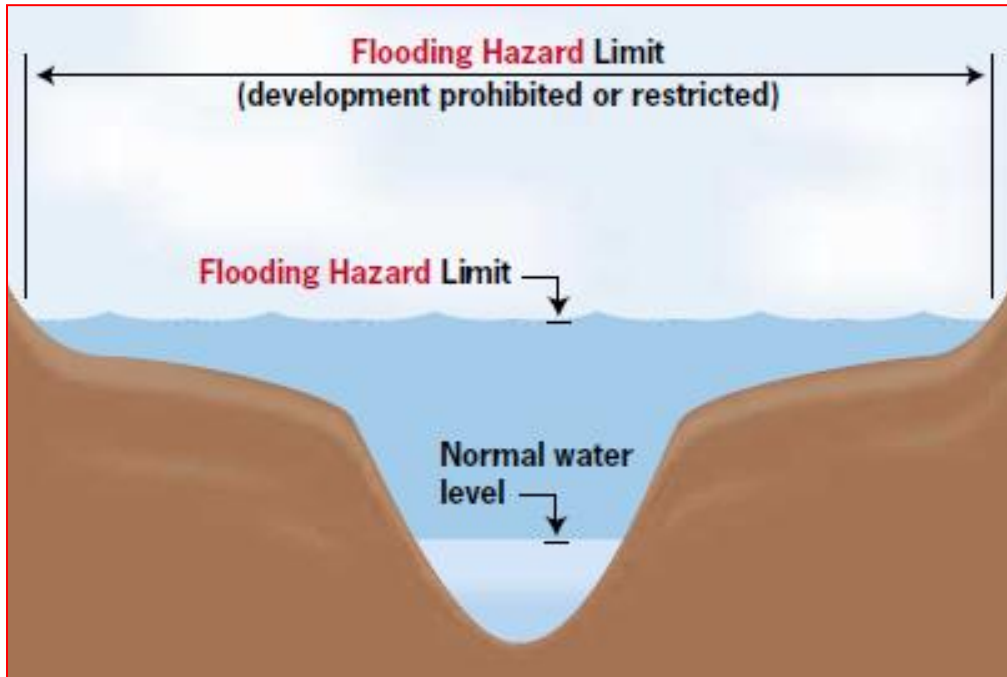
Means the inundation of areas to a *shoreline* or a river or stream system and not ordinarily covered by water and is described as the one hundred year flood or major storm such as the Timmins Storm (1961) transposed over a specific watershed (see illustration).

Flood Plain

Means the area, usually low lands, adjoining a watercourse which has been, or may be subject to *flooding hazards*.

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.



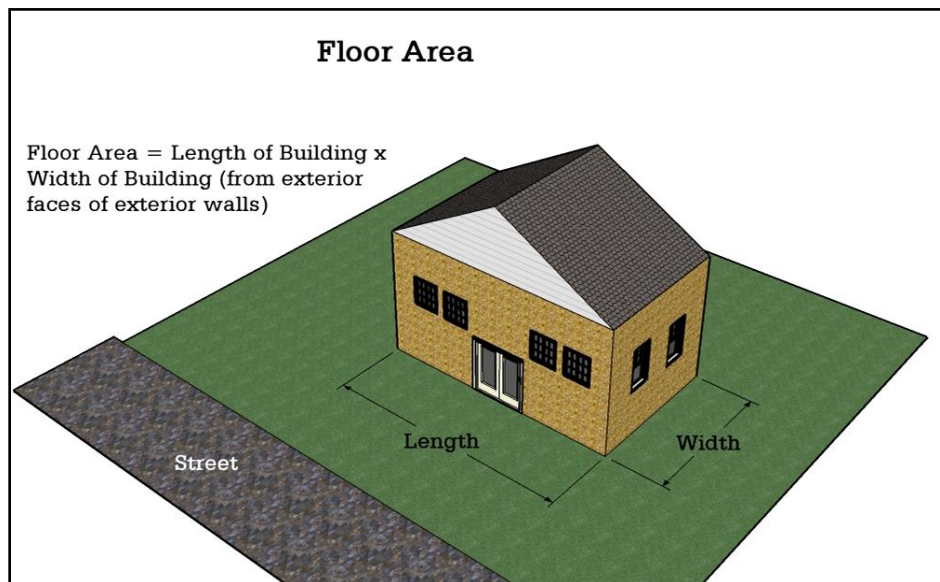
Floor Area - Gross

Means the total area of each floor 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 (see illustration).

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



Forestry Use

Means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silviculture practices.

Fuel Depot

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

Funeral Parlour

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 provided such activities are clearly secondary and incidental to the main undertaking service.

Garage - Municipal

Means a *building* which is used for the storage or servicing or minor repairs of equipment essential to the actual operation of motor vehicles owned and maintained by the *Municipality* of Mattawan and any Ministry or department of the Government of Ontario or Canada.

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 motor vehicles of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garden Centre

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

Garden Suite

Shall mean a one-unit *detached* residential *building* containing bathroom and kitchen facilities that is *accessory* to an *existing* permanent residential *structure* and that is designed to be portable, but does not include a *recreational vehicle*. A *mobile home* or *modular home* may be installed and used as a *garden suite*.

Gasoline Bar

Means one or more pump islands, each consisting of one or more gasoline pumps, and an *accessory building* or *structure* used for transacting sales and may include the sale of automotive accessories and related products, tobacco, snacks and beverages, lottery tickets, newspapers and may include other *accessory* features such as a comfort station, ATM and propane exchange facility.

Gasoline Card Lock Facility

Means one 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.

Gazebo

Means a freestanding, roofed *accessory structure* which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation, normally in conjunction with a residential *dwelling* but shall not include any other use or activity otherwise defined or classified in this By-law.

Geothermal Power Facility

Means a heating facility such as a heat pump whose energy source is naturally created from the earth's crust.

Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 *golf course*, driving range, putting green, club house but does not include a miniature course and similar use operated for commercial purposes.

Green Energy Industries

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

Group Home

Means a single housekeeping unit in a residential *dwelling*, which is registered with the *Municipality*, in which *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.

Guest Room

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

Habitable Room

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

Hazardous Lands

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

Hazardous Substances

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

Helipad

Means a landing area or pad used for the landing and take-off of helicopters as further governed under the Canadian Aviation Regulation 325 under the Aeronautics Act.

Heliport

Means a landing area or pad used for the landing and take-off of helicopters and shall include all necessary and incidental **structures**, service facilities, fuelling facilities, passenger and cargo facilities and as further set out under the Canadian Aviation Regulation 325 under the Aeronautics Act.

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. Features will also include a natural line or mark impressed on the bank or shore or rock, or other distinctive physical characteristics.

Home Based Business

Means any privately operated legal occupation, enterprise or business which is carried out as a use clearly **accessory** or secondary to the main agricultural or **residential use** of a property and which is compatible with the character of surrounding residential **buildings** or setting and is owned and operated only by a **person** or **persons** residing on the property.

Industrial Use

Means the use of land, **building** or **structures** for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of **building** and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services.

Class I Industry - Light Industrial Uses

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.

Class II Industry - Medium Industrial Uses

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, printing establishments, paint spray booths, **welding shops**, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (e.g., aggregates, logs/lumber), warehousing, **contractor's yard**.

Class III - Heavy Industrial Uses

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include *sawmills*, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other *sensitive land uses* in order to limit and potential adverse effects on the environment or the surrounding areas and public health.

Institutional Use

Means land, *building*, *structure* or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, Public Medical Centres, benevolent objectives or public service and which is not operated for profit or gain.

Kennel

Means a *building* or *structure* where animals, birds or other livestock intended or used as domestic household pets or for working or sporting purposes and are kept or boarded.

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

Laundromat

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

Licensed Cannabis Production Facility

Means the use of land, *buildings* or *structures* for the cultivation, processing, testing, destructions, packaging and shipping of marijuana used for medical purposes as approved and regulated by Health Canada.

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 and 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 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 **public street**.

Log Hauling Operation

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

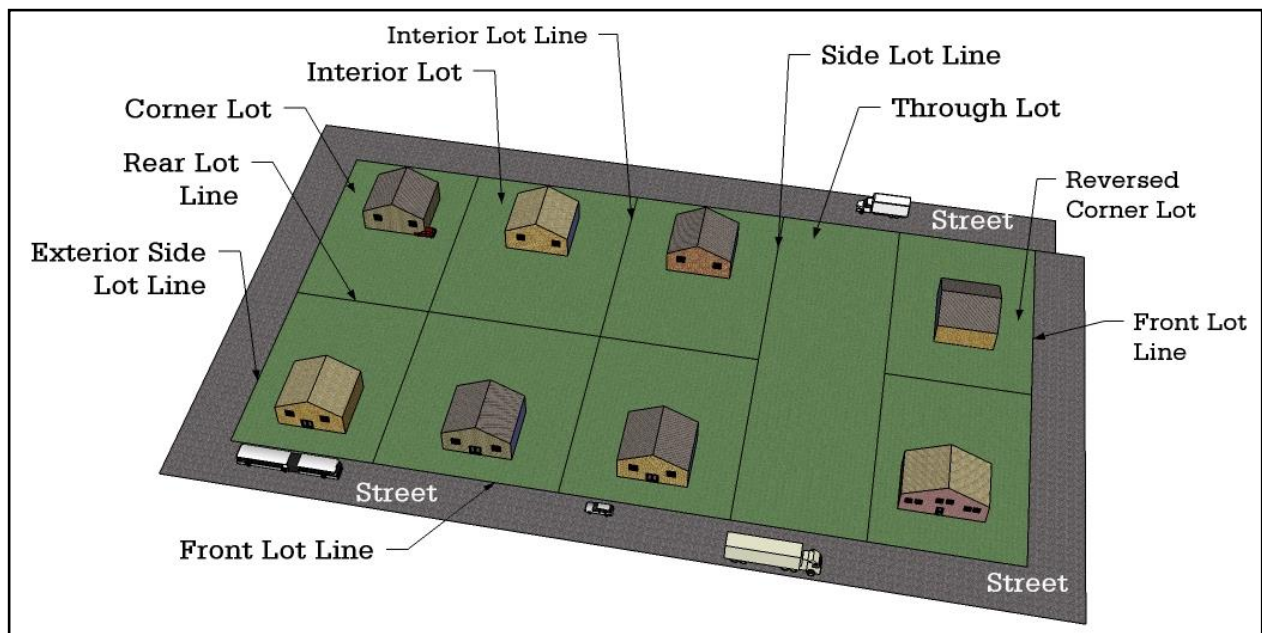
Logging Yard

Means the use of land and accessory buildings and structures for the storage, packaging, sizing, splitting, grading and sorting, cutting, trucking, equipment repairing, shipping and receiving of commercial timber, sawdust and bark.

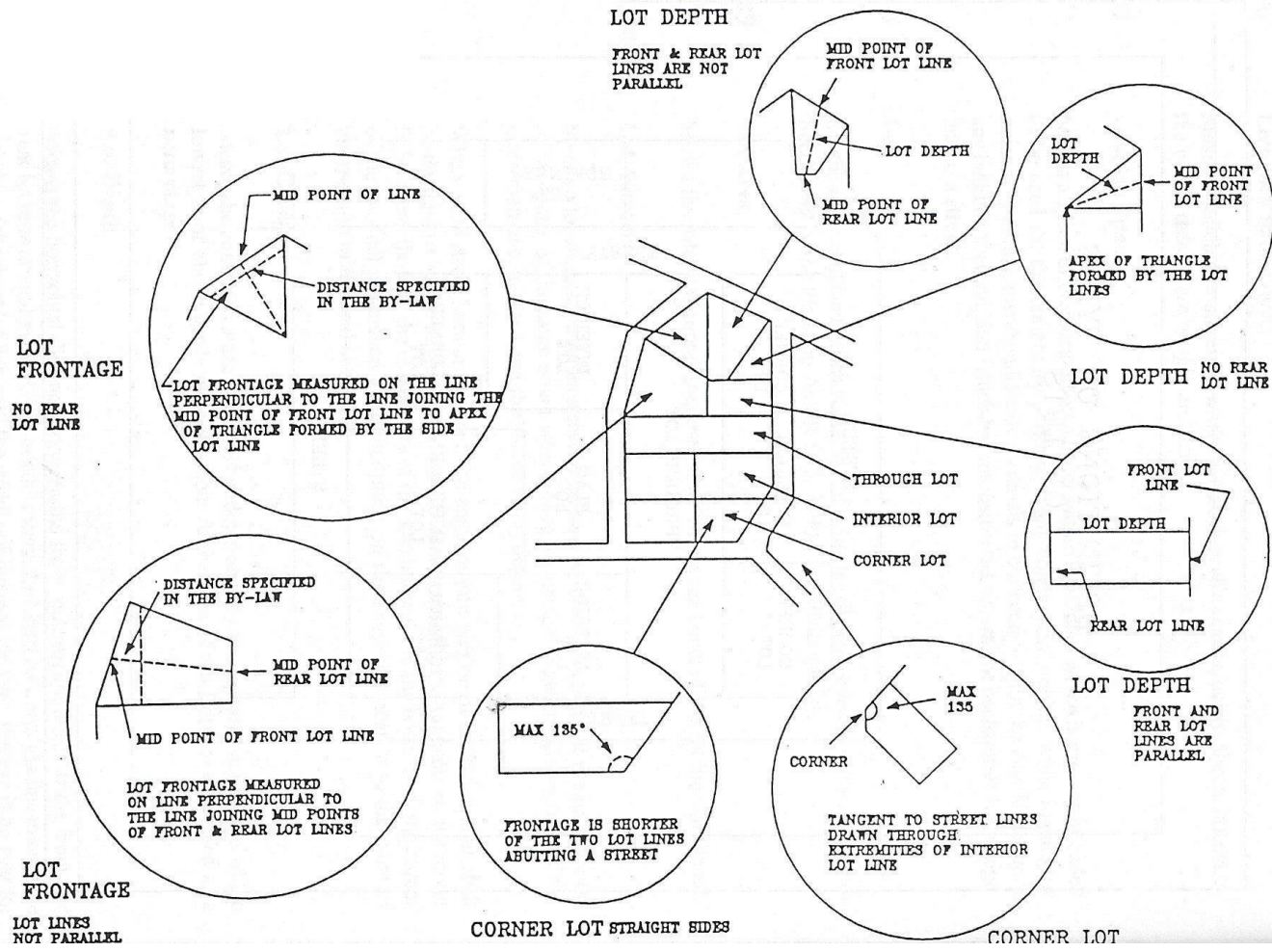
Lot

Means a parcel of land which is capable of being legally conveyed in accordance with Section 49 of the Planning Act, R.S.O. 1990 (see illustrations).

Definition of Lot Types



Examples of Lot Definitions



Lot Area

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

Lot, Corner

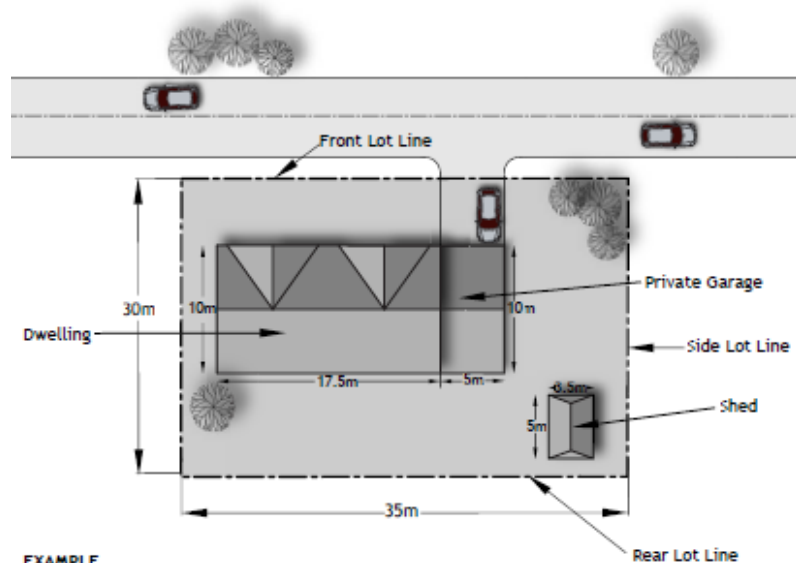
Means a *lot* situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees.

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

Lot Coverage

Means the combined areas of all the *buildings* on the *lot* measured at the level of the lowest floor above grade in relationship to the area of the *lot* and expressed as a percentage (see illustration).

Illustration of Lot Coverage



EXAMPLE

$$\text{LOT AREA : } 30.0\text{m} \times 35.0\text{m} = 1050.0\text{m}^2$$

$$\text{DWELLING : } 10.0\text{m} \times 17.5\text{m} = 175.0\text{m}^2$$

$$\text{PRIVATE GARAGE : } 5.0\text{m} \times 10.0\text{m} = 50.0\text{m}^2$$

$$\text{SHED : } 5.0\text{m} \times 3.5\text{m} = 17.5\text{m}^2$$

$$\text{TOTAL} = 242.5\text{m}^2$$

$$\text{LOT COVERAGE : } \frac{242.5\text{m}^2 \text{ (Building Coverage)}}{1050.0\text{m}^2 \text{ (Lot Area)}} \times 100\%$$

$$= 23.1\%$$

Lot Depth

Means the horizontal distance between the *front lot lines* and *rear lot lines*. If the *front lot lines* 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 illustration).

Lot Frontage

Means the horizontal distance between the *side lot lines*. Where such *side lot lines* are not parallel, it shall be the width of a *lot* measured between the intersections of the *side lot lines* with a line 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 illustration).

Lot Interior

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

Lot Line

Means a boundary line of a *lot*.

Lot Line - Exterior Side

Means a *lot line* located between the *front lot lines* and *rear lot lines* and dividing the *lot* from a street.

Lot Line, Front

Means:

- (a) In the case of an *interior lot*, the line dividing the *lot* from the *street line*;
- (b) In the case of a *corner lot*, the shorter *lot line* abutting a street shall be deemed to be the *front 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 in 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*; and
- (e) In case of a *lot* with frontage on a *public street* or *private road* and on a *water body*, the *front lot line* shall be measured both on the *street line* and on the water side (see illustration).

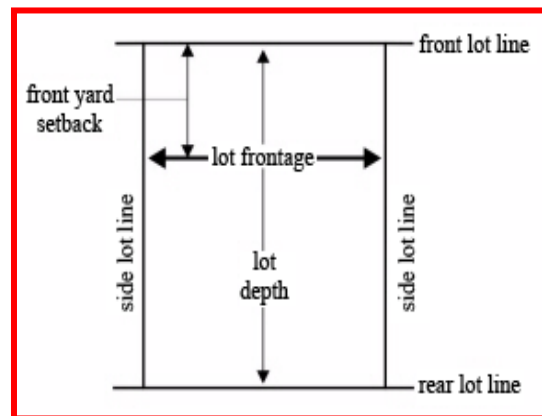
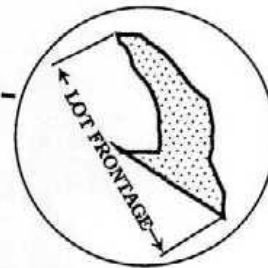
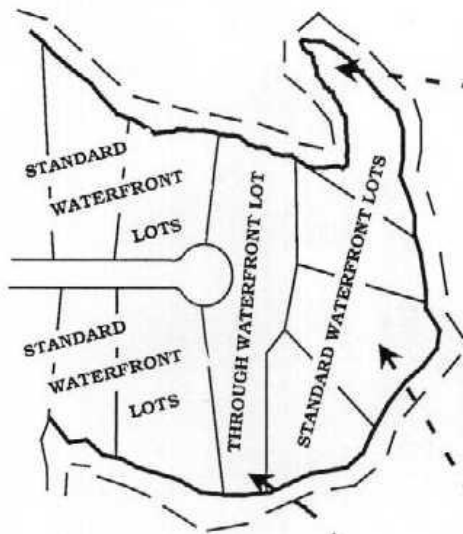


ILLUSTRATION OF DEFINITIONS RELATED TO WATERFRONT LOTS

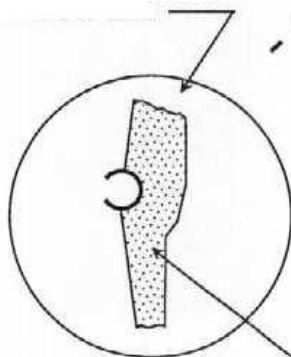


LOT FRONTAGE

MEANS THE STRAIGHT LINE HORIZONTAL DISTANCE BETWEEN THE 2 MOST WIDELY SEPARATED POINTS ON THE FRONT LOT LINE

LOT LINE, FRONT

In the case of a through waterfront lot, the longer shoreline shall be deemed to be the Front Lot Line

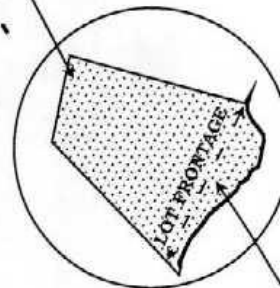


LOT, THROUGH WATERFRONT

MEANS A LOT WHICH HAS WATER ACCESS ON MORE THAN ONE SHORELINE

LOT, STANDARD WATERFRONT

MEANS A LOT WHICH HAS WATER ACCESS ON ONE SHORELINE ONLY



LOT LINE, FRONT

IN THE CASE OF A STANDARD WATERFRONT LOT, THE SHORELINE SHALL BE DEEMED TO BE THE FRONT LOT LINE

Lot Line, Rear

Means the *lot* line furthest from, and opposite to, the *front lot line* (see illustration).

Lot Line, Side Interior

Means a *lot line* other than a *front lot line*, *rear lot line* or *exterior side lot line*.

Lot, Through

Means a *lot* having a frontage on two parallel or approximately parallel streets.

Lot, Width

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

Lumber Yard

Means a *lot* and *accessory buildings* where the primary use is the storage of construction grade wood and building supplies for sale at retail or wholesale.

Main Building

Means the *building* designed or used for the principal use on the *lot*.

Main Wall

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

Manure or Material Storage

Means permanent storages, 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 include any of: locations (under, within, nearby, or remote from a barn), materials (concrete, earthen, steel, wood), coverings (open top, roof tarp, or other materials), configurations and shapes or elevations (above, below or partially above grade).

Marina

Means a *lot*, *building*, *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 and lubricants, bait, as well as the sale of foods, provisions or supplies as an *accessory* use may be provided. Sewage pump-out facilities for pleasure craft are *permitted*.

Marine Facility

Means a non-commercial *building* or *structure* which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, a float hangar, *dock* or boathouse, but does not include any *building* used for human habitation or a *marina*. A *marine facility* shall also include a water intake facility and any flood or erosion control *structure*.

Medical Marijuana Facility

Means a premise approved and regulated under the *Access to Cannabis for Medical Purposes Regulations*.

Microbrewery

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

Micro-cultivation

Means the small scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Mine

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

Mine Hazard

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

Mineral Deposits

Means an unusually large or rich concentration of valuable minerals identified within a small part of the Earth's crust.

Minimum Distance Separation Formulae I and II

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

Mobile Home Lot or Site

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

Mobile Home Park

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

Mobile Home Unit

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

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 home lot* or Site.

Modular Home

Means a *single detached dwelling* consisting of one or more modules which meets CSA standard Z240.2.1 – Zone 2 or CSA Standard A277 – Zone 2 and 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**, **Recreational Vehicle**, 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.

Motocross Circuit

Means an off-road racing facility conducted on an outdoor enclosed dirt circuit over primarily natural, outdoor terrain and may include spectator facilities such as grandstands or concourses and fast-food concessions.

Municipality

Means the **Municipality** of Mattawan.

Natural Heritage Features

Means features and areas, such as significant **wetlands**, **fish habitat**, significant portions of the habitat of endangered and threatened species, significant **wildlife habitat** and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Negative Impacts

Means:

- (a) In regard to **fish habitat**, the harmful alteration, disruption or destruction of **fish habitat**, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- (b) In regard to other **natural heritage features** and areas, the loss of the natural features or ecological functions for which an area is identified.

Non-Complying

Means any **existing** use, **building**, **structure** or **lot** which does not conform with the **zone** requirements and standards of this By-law (see also **Non-Conforming**).

Non-Conforming

Means any **existing** use, **building**, **structure** or **lot** which does not conform with the **permitted use** provisions of any **Zone** in this By-law (see also **Non-Complying**).

Non-Residential Use

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

Nutrient Unit

Means an amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation

267/03 made under the Nutrient Management Act) and correlates to the number of types of livestock for a given *nutrient unit*.

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.

Official Plan

Means the *Official Plan* of the East Nipissing Planning Area or parts thereof and amendments thereto.

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.

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*.

Outdoor Display

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

Owner

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

Park

Means an area of land, whether enclosed or not, 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 with tourist campground facilities.

Park - Private (see Recreational Commercial Establishment)

Park Model Trailer (see Dwelling - Park Model Trailer)

Parking Area

Means a *lot* or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles *accessory* or incidental to uses in all *zones* but shall not include a *commercial parking lot*.

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.

Parking Space

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

Parking Space - Barrier Free

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



Permitted

Means *permitted* by this By-law.

Permitted Use

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

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 an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, shoe repair, photographic store, *laundromat* or a drycleaning distribution station or a similar use.

Pit

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

Place of Amusement

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or penny arcade, billiard or pool room, pinball machines and video games but shall not include a drive-in theatre.

Place of Assembly

Means a *building* specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

Place of Worship

Means a *building* or an open area primarily dedicated to religious worship but may be used for other supportive uses such as a centre for the arts, a community hall, an *accessory residential use*, a library and similar uses.

Planning Board

Means the East Nipissing *Planning Board*.

Playground

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

Portable Asphalt Plant

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction but is designed to be dismantled and moved to another location as required. *Portable asphalt plants* must comply with the applicable *separation distances* and/or an environmental compliance approval.

Portable Concrete Plant

Means a *building* or *structure*:

- (a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- (b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Printing and Publishing Establishment

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

Private Club

Means a *building* or part of a *building* used as a meeting place by an association of *persons* who are bona fide members, which owns, hires or leases the *building* or part thereof, the use of such

premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

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**.

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*.

Public Authority

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

Public Street

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

Public Service Use

Means a *building, structure or lot* used for public services by the **Municipality** of Mattawan and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, or railway company, any company supplying natural gas, Hydro One, any telecommunications.

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 or telecommunications system, scientific research system, and includes any lands, *buildings* or equipment required for the administration or operation of any such system and is operated by a public authority or publicly governed company.

Quarry

Means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the *erection* of a *building or structure* for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

Recreational Commercial Establishment

Means an establishment, premises, or *building* where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, *golf courses*, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses.

Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating accommodation of *persons*. The term *recreational vehicle* includes the following: motor homes, travel trailers, tent trailers, campers, motor homes but does not include recreational equipment such as boats, snowmobiles, personal water craft, all- terrain vehicles or other equipment used for recreational purposes (see photos).



Recreational Vehicle Sales and Storage and Repair

Means a *building* and/or *lot* which are used for the repair, display, storage and/or sale of boats, trailers, campers, snowmobiles and other *recreational vehicles*.

Redevelopment

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

Renewable Energy System

Means a system that generates electricity, heat and/or cooling from a renewable energy source.

Registered Plan

Means a plan legally registered as per the Registry Act or the Land Titles Act.

Residential Use

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

Restaurant

Means a *building* or *structure* where food is prepared and offered for sale or sold to the public primarily to be consumed on the premises and may include catered or table service and picnic facilities.

Restaurant, Take-Out

Means a *building* or *structure* where food is prepared and offered for sale to the public to be taken out and/or delivered for consumption off the premises.

Retail Outlet

Means a single retail store which is accessory to a permitted commercial use.

Retail Store

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

Road (See Public Street)

Rural Zone

Means a LSR, CR, M1, MX, or R *zone*.

Salvage Yard

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

Satellite Dish/Receiver

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

Sauna

Means an *accessory building* or *structure* wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a *boat house*.

Sawmill or Planing Mill

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

School

Shall mean a public educational establishment operated by a Board of Education.

School, Private

Means an educational establishment, other than a *school*, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized *school* conducted for gain, and also includes such fields as a *studio* for photography and arts and crafts.

Seating Capacity

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

Self-Storage Facility

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

Sensitive Land Use

Shall mean a *building*, amenity area or outdoor space where routine or normal activities occurring at reasonably expected times would experience 1 or more adverse effect(s) from contaminant discharges generated by the nearby facility. The *sensitive land use* may be a part of the natural or built environment.

Separation Distance

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

Service Outlet

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

Setback

Shall mean:

- (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*.
- (c) With reference to a *building, structure* or land *use* and not applicable under paragraph (1) or (2), shall mean the least horizontal distance from the *building, structure* or land *use* in question;
- (d) With reference to a *private road*, shall mean the least horizontal distance between the edge of the travelled portion of the road and any *building* or *structure*, or the limit of the road as shown and measured on a survey.

Sewage and Water Systems

(a) **Full Municipal Sewage and Water Services:**

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

(b) **Communal Services**

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

(i) Are not connected to full municipal sewage and water services;

(ii) Are for the common use of more than five residential units/*lots*;

(iii) Are owned, operated, and managed by a municipality or, another public body, or a *condominium* corporation or single *owner* which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the *owner*.

(c) **Individual On-Site Systems**

Means 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 residential units/*lots*.

(d) **Partial Services**

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Shooting Range or Rifle Club

Means land, *buildings*, *structures* or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and are operated by a club or organization.

Shoreline

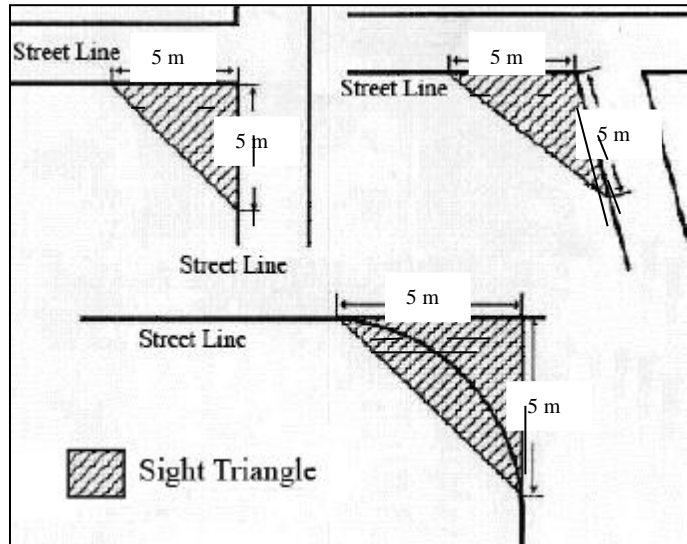
Means those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Shoreline Buffer Zone

Means a natural area, adjacent to a *shoreline*, maintained or re-established in its natural pre-development state, with the exception of minimal pruning of vegetation, the removal of trees for safety reasons, for the purpose of protecting natural habitat and water quality and minimizing the visual impact of *buildings* or *structures* on a *lot*, and may include the installation of a pathway or trail providing water access.

Sight Triangle

Means a triangular space, free of *buildings, structures* and obstructions, formed by the *street lines* abutting a *corner lot* and a third line drawn from a point on a *street line* to another point on a *street line*, each such point being the required sight distance from the point of intersection of the *street lines* as specified in this by-law (see illustration).



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.

Sleep Cabin

Means an *accessory building* or *structure*, not exceeding 37 m⁵ (400 ft.⁵) in gross floor area, 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.

Solar Collector

Means a ground mounted or rooftop mounted or wall mounted device under the with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun (see photo).



Solar Collector, Commercial

Means a ground mounted device with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun (see photo).

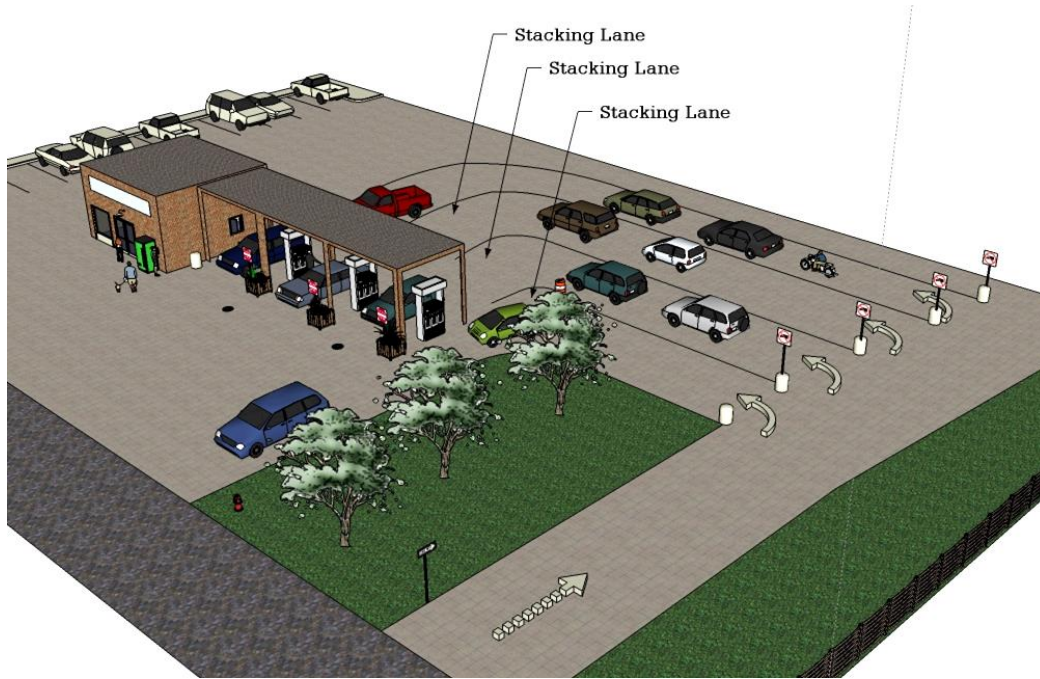
Solarium

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



Stacking Lane

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



Stacking Space

Means a portion of a *stacking lane* which provides standing room for motor vehicles in a queue for a *drive-through facility* while the occupants are awaiting service (see diagram).

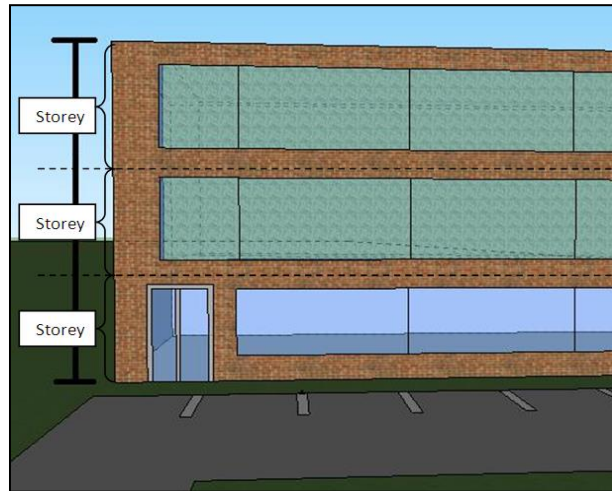
Storage Container

Means a pre-fabricated metal or steel *accessory building* used for the transport and and/or storage of goods and materials but shall not include the body of a transport trailer, strait truck box or motor vehicle (see photos).



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 illustration).



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 trailer but does not include a **fence**.

Studio

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

- (a) As the workplace of a photographer, artist, or artisan; or
- (b) For the instruction of art, music, languages or similar disciplines.

Swimming Pool

Means an open or covered pool which is at least 50 cm [19.6 in] in depth, and may include a hot tub or whirlpool.

Tavern or Roadhouse

Shall mean a "tavern" as defined by the Liquor License Act.

Temporary Building

Means a **building** or **structure** intended for removal or demolition within a prescribed time as set out in a building permit.

Temporary Car Shelter

Means a prefabricated temporary **structure** usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover used primarily for the storage of a motor vehicle or other equipment and is designed to be dismantled or removed (see photo).



Top of Bank

Means the first significant lake ward break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 measured perpendicularly from the break.

Tourist Establishment

Means land, buildings or structures used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a motel, lodge or bed and breakfast establishment, and rental cottages or cabins where more than three such rental units or guest rooms occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses and which such establishment complies with all applicable Airbnb requirements.

Tourist Outfitters Establishment

Means an establishment 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 *Municipality* of Mattawan.

Trailer (see Recreational Vehicle)

Transportation Depot

Means land, or a *structure* or a *building* 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.

Transfer Station

Means land, *buildings* or parts of *buildings* used for the temporary storage, and subsequent dispersal of garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste or hazardous waste.

Use or Used

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

Veterinary Establishment

Means a *building* or part of a *building* used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment and may include a kennel.

Video Rental Outlet

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

Warehouse

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

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* and recycling depots.

Water Access Lot

Means a *lot* that is accessed by a navigable *water body* only.

Water Body

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

Water Frontage

Means a *lot* which has one or more *lot lines* abutting a navigable watercourse, bay or lake.

Wayside Pit and Quarry

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

Welding Shop

Shall mean 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.

Wildlife Habitat

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

Wind Farm

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

Wind Turbine

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

Wind Turbine, Commercial

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

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.

Yard

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

Yard, Front

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

Yard, Rear

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

Yard, Side

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

Yard, Side Exterior

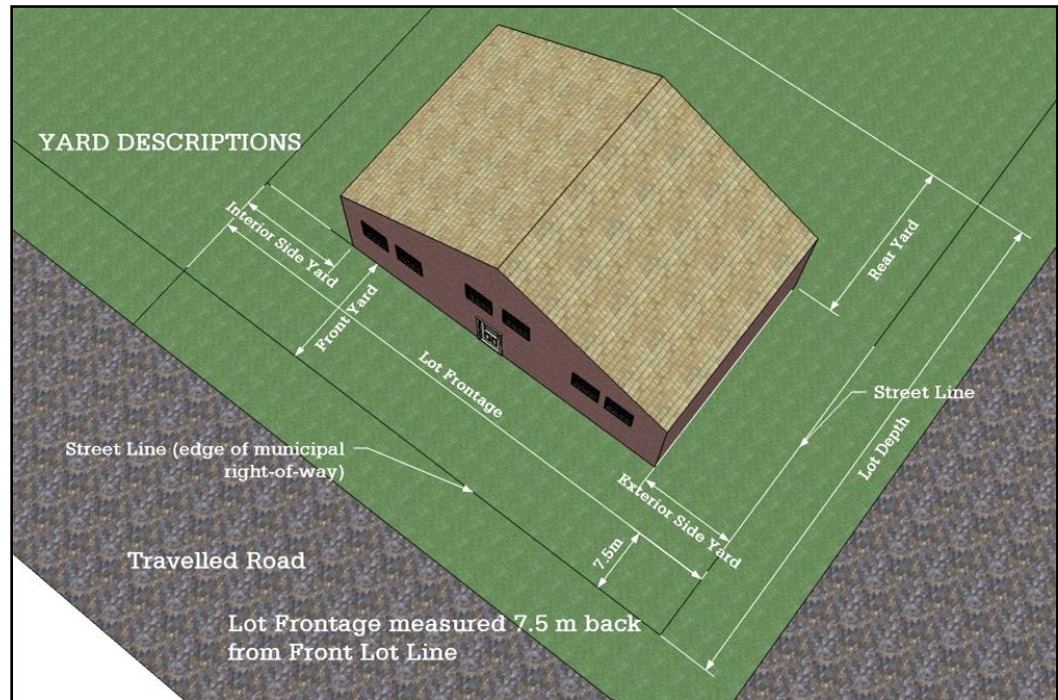
Means a *side yard* adjacent to a *public street* (see illustration).

Yard, Side - Interior

Means a *side yard* other than an *exterior side yard* (see illustration).

Yurt

Means a circular domed tent-like *structure* usually consisting of a wooden frame covered by material and capable of being used on a recreational basis for temporary accommodation.



Zone

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

Zone Regulation or Zone Requirement

Means any provision of this By-law which is listed under the heading "Zone Regulations" or referred to as a zoning regulation and governs the *erection* of any *building* or *structure* or the use of land.

Zoning Administrator

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

Section 4 GENERAL PROVISIONS

Explanatory Note

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

4.1 Accessory Buildings, Structures and Uses

4.1.1 General

Where a *lot* is devoted to a *permitted use*, customary *accessory* uses, *buildings* and *structures* are authorized provided that (see illustration):

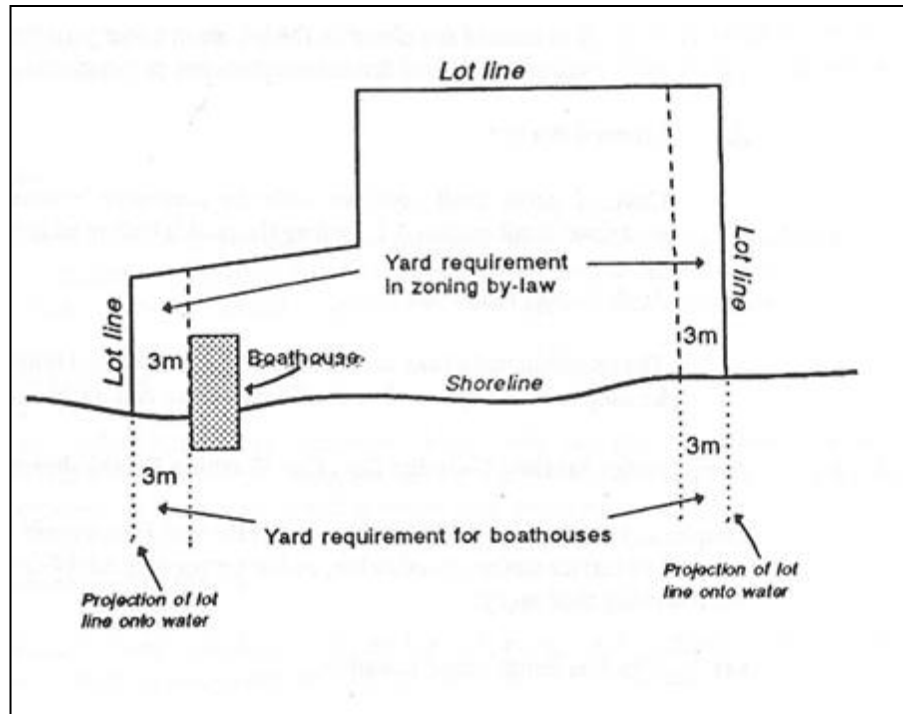
- (a) All *accessory* uses, *buildings* and *structures* to a *permitted* principal use shall be located on the same *lot* and in the same *zone* as the principal use. No *accessory building* shall be *erected* prior to the *erection* of the *main building* on the same *lot*, except where it is necessary for the storage of the tools, and materials for the use in connection with the construction of the *main building* or *structure*, and no such *accessory building* shall, prior to the *erection* of the *main building*, be used for any purpose other than storage and shall not be used for habitation unless otherwise *permitted* by this By-law;
- (b) The use of any *accessory building* or *structure* for human habitation is not *permitted* except where an *accessory dwelling* is specifically listed as a *permitted use*. An *additional residential unit* shall be permitted as an accessory use to a *single detached dwelling* or a *semi-detached dwelling* or a row or a *townhouse* dwelling except where the *additional residential unit* cannot be adequately serviced with an individual on-site sewage system;
- (c) No *accessory* use shall be *erected* closer to the front 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 for use by children waiting for a school bus, if such use is located in a *rural zone* and provided the *front yard setback* for the shelter is 3 m [9.84 ft.];
- iii) For any *farm produce outlet* having a gross floor area of less than 9.5 m² [102.2 ft.²], if such use is located in a *rural zone*;

- iv) For a *lot* in a *rural zone* to the extent that *accessory* uses, *buildings* and *structures* may be located in the *front yard* provided that the minimum *front yard* depth for the *main building* shall be double the front yard depth otherwise required for the zone, provided that the *accessory* uses, *buildings* or *structures* shall be in compliance with the *front yard*, *interior* and *exterior side yard* requirements for the *main buildings* or *structures* in the *zone* and provided that all other relevant provisions of this By-law are complied with;
 - v) For open or *outdoor storage*, where *permitted* in this By-law;
 - vi) For a *temporary car shelter*; and
 - vii) For a gate house used for security for a gated residential complex, or a *permitted non-residential use* provided the *front yard setback* for the gate-house is 3 m [9.84 ft.].
- (d) Except where specified otherwise, no *accessory* building shall be *erected* closer than 2 m [6.56 ft.] to any interior *side lot line*, *rear lot line* or the *main building*;
- (e) *Accessory* uses, excluding open *swimming pools*, shall not cover more than 5 % of the *lot* area in any *zone*. This shall be calculated as part of the maximum *lot* coverage *permitted* in any *zone*;

Boathouse Setback



- (f) Despite **Section 4.1.1** (c) and (d) above, a *boat house*, *dock* or wharf may be located in the *front yard*, *side yard* or *rear yard* where a *lot* abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the *boat house*, *dock* or wharf is located not closer than 3.0 m [9.8 ft.] to the nearest adjacent *lot line* and does not

encroach on adjacent frontage when the *lot* boundaries are extended into the water (see illustration);

4.1.2 Swimming Pools

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

(a) Open Pools

- i) Open Pool areas shall be totally enclosed by a *fence* constructed of suitable materials, having a minimum height of 1.21 m [4 ft.] with a self-locking gate;
- ii) Where a pool is an above-ground pool, any combination of the pool wall, surrounding *fence* or *structure* totalling a minimum of 1.21 m [4 ft.] in height shall be deemed to meet the fencing requirements;
- iii) The maximum height of an above-ground pool shall not be more than 2 m [6.56 ft.] above grade;
- iv) Any *building* or *structure*, other than a *dwelling*, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting *accessory* uses and *structures*; and
- v) No part of an Open Pool including an associated apron or platform which is in a *front yard* or *side yard* shall be constructed closer to a *street line* than the requirements for a *main building* in the *zone* within which it is located nor closer to the *lot line* in a *rear yard* than the minimum distance required for an *accessory* use or *structure*.

(b) Covered Pools

Covered pools shall conform with the *accessory building* requirements contained in **Section 4.1.1** where the pool is built in an *accessory building*.

(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 Conservation Authority.

Example of Accessory Building and Use



4.1.3 Bed and Breakfast

A *bed and breakfast establishment* shall be *permitted* in any residential zone in a *single detached dwelling* subject to the following requirements:

- (a) A *bed and breakfast establishment* shall be *permitted* as an *accessory use* to any *permitted single detached dwelling*.
- (b) A maximum of four (4) *guest rooms* shall be *permitted* for any one *bed and breakfast establishment*.
- (c) The *use* of the *dwelling* as a *bed and breakfast* establishment shall not change the residential character of the *dwelling*.
- (d) *Bed and breakfast establishments* shall not be subject to the *home based business* regulations of **Section 4.15** of this By-law.
- (e) The *bed and breakfast establishment* shall comply with any applicable requirements of the local Health Unit, the *Building Code*, and the *Fire Code*.
- (f) One (1) *sign* only not exceeding 1.2 m² [12.9 ft²] in surface area nor exceeding 1.5 m [4.92 ft.] in *height* and which does not flash or oscillate shall be *permitted* to advertise a *bed and breakfast establishment*. 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*, but shall not obstruct any *sight triangle*. A minimum *setback* from any *lot line* of 1 meter [3.28 ft.] shall apply.

- (g) A breakfast service shall be available to guests.
- (h) A **bed and breakfast establishment** shall comply with the applicable parking regulations of **Section 4.25** of this By-law.
- (i) A **bed and breakfast establishment** shall require proper licensing from the **municipality** where applicable and shall comply with any applicable Airbnb regulation.

4.1.4 Accessory Residential Units

- (a) One (1) **guest cabin** or one (1) **loft-above-a-garage** above a detached garage shall be **permitted** per **lot** as an **accessory use** to a **permitted dwelling**. A guest cabin shall not exceed 37 m² [398.3 ft²] in gross floor area.
- (b) No **guest cabin** or **loft-above-a garage** above a detached garage shall be located less than 3 m [9.84 ft.] to any **interior lot line** or **rear lot line** or **main building**.
- (c) No **guest cabin** or **loft-above-a garage** shall be **permitted** on a **lot** occupied by a **garden suite**.
- (d) An **additional residential unit** shall be **permitted** as an **accessory use** to a **single detached dwelling** or a **semi-detached dwelling** or a **row** or a **townhouse dwelling** in any **zone** where the additional residential unit can be adequately serviced with an **individual on-site sewage system**.

4.1.5 Storage Containers in a Residential Zone

No **person** shall place a **storage container** in any Rural or Limited Service Rural (LSR) **zone** except in accordance with the following:

- (a) Up to two (2) **storage containers** shall be permitted on a residential lot.
- (b) The dimensions of a **storage container** shall not exceed 6 m [19.6 ft.] in length, 2.4 m [7.8 ft.] in width or 3 m [9.8 ft.] in height. No stacking of **storage containers** shall be permitted.
- (c) No single **storage container** shall be used for human habitation.
- (d) A **storage container** shall be located in the **rear yard** only.

- (e) The minimum **separation distance** of a **storage container** from any other **building** shall be 3 m [9.8 ft.].
- (f) A **storage container** shall comply with all other **yard setbacks** in the **zone** in which the **storage container** is located.
- (g) A **storage container** shall not be used for the purpose of display or advertising or as a component of a **fence**.
- (h) A **storage container** not exceeding the dimensions in clause 4.1.10.2 shall be permitted in a **driveway** on a residential property for a period not to exceed five (5) days and only for the purpose of loading or unloading household items during the process of moving, but in no case shall encroach upon a public sidewalk or create a site line obstruction to traffic.
- (i) A **storage container** shall not be used for the storage of fuels or hazardous materials.
- (j) Any **storage container** shall meet the requirements of the *Ontario Building Code*.

4.1.6 Storage Containers in a Rural Zone – Non-Residential

- (a) Up to two (2) storage containers shall be permitted for a residential or non-residential use in a Rural (RU) zone; however, no limit in the number of storage containers shall apply to an Agricultural Use or to a CR, M1 or MX Zone.
- (b) The dimensions of any **storage container** shall not exceed 13.8 m [45.2 ft.] in length, 2.45 m [8.0 ft.] in width or 3.1 m [10.1 ft.] in height. No stacking of **storage containers** shall be permitted.
- (c) No **storage container** shall be used for human habitation unless the construction meets the requirements of the *Ontario Building Code* for residential occupancy.
- (d) A **storage container** shall be located in an **interior side** yard or the **rear yard** only.
- (e) No **storage container** shall be located on a designated **parking space, aisle** or access **driveway**.
- (f) The minimum **separation distance** from any other **building** other than another **storage container** shall be 2 m [6.5 ft.].

- (g) A **storage container** shall comply with all other **yard setbacks** in the **zone** in which the **storage container** is located.
- (h) A **storage container** shall not be used for the purpose of display or advertising or as a component of a **fence**.
- (i) A **storage container** shall not be used for the storage of fuel or hazardous substances.
- (j) Any **storage container** shall meet the requirements of the *Ontario Building Code*.

4.2 Auto Service Station, Gasoline Bar, Car Washing Establishment

Despite any other provisions contained in this By-law, for all **zones** within which an automobile service station, gasoline bar, and/or *car washing establishment* is **permitted** the following shall apply:

- (a) **Gasoline Pump Island Location**
The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 5.0 m [16.4 ft.] from any **lot** and **street line**.
- (b) **Separation of Propane Tanks and Natural Gas Tanks**
No **person** shall **erect** or use a tank for the storage of propane for sale at an automobile service station or gas bar or on any other property where vehicle fuel may be dispensed unless a license has been obtained from the Ministry of Consumer and Commercial Relations and the location is in compliance with the requirements under the *Ontario Propane Code*, and the *Gasoline Handling Act*.
- (c) The width of any **entrance** or exit combined **entrance** or exit measured at the **front lot line** or exterior **side lot line** shall not be greater than 9 m [29.5 ft.] and there shall not be more than 2 accesses from any one street which adjoins the **lot**.
- (d) The minimum distance of any access from a street intersection shall be 12 m [39.4 ft.] and the minimum distance between accesses shall be 9 m [29.5 ft.].

4.3 Buildings to be Moved

No **building** or **structure** shall be moved within the limits of the **Township** or shall be moved from outside the **Township** into the **Township** unless the **building** or **structure** is a **permitted use** and satisfies all the requirements of the **zone** in which it is to be located and then only after a permit has been obtained from the **Chief Building Official**.

4.4 Camp

A **permitted camp** may be located on any **lot** of record provided such **building** is set back a minimum of 500 m [1,640.4 ft.] from any **existing** residential **dwelling unit** on the same **lot**. No minimum **lot** area or frontage requirements shall apply to a permitted camp.

4.5 Change of Use

A use of **lot**, **building** or **structure** which, under the provisions hereof is not permissible within the **zone** in which such **lot**, **building** or **structure** is located, shall not be changed except to a use which is permissible within such **zone**.

4.6 Cumulative Standards

Despite anything contained in this By-law, where any land, **building** or **structure** is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, but no **dwelling** shall be located within 3.0 m (9.8 ft.) of any other **building** on the **lot** except a **building accessory** to such **dwelling**.

4.7 Day Nurseries

Private home day nurseries are **permitted** in all **zones** where **residential uses** are **permitted** as a principal use. Such day nurseries shall comply with the provisions of the *Child Care and Early Years Act*.

4.8 Exception Zone

Where a **zone** symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that **zone** for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply.

A number after the "-X" (e.g., R-X1) indicates the order of the various exception **zones**.

4.9 Farm Use

Nothing contained in this By-law shall prevent the continued use of any land, **building** or **structure** for farming or agricultural purposes as defined, or any extension or addition of such use provided that any additions or extensions of such use shall comply with the requirements of the Minimum Distance Formulae I and II of this By-law and the applicable requirements of the Rural (R) **Zone**.

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 the provisions of the *Line Fences Act*.

4.11 Flood Plain, Fill and Construction Requirements

The following provisions shall apply to areas located below any engineered or photo interpreted flood line as determined by the Conservation Authority or the agency having jurisdiction and without limiting the following, shall include any lands within the following flood lines (***flood plain***):

- (a) Chant Plein at Hurdman Dam (Mattawa River) – 160.78 m
- (b) Ottawa River – 156.6 m (excluding floodway for Town of Mattawa)

4.11.1 General

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:

4.11.2 Permitted Uses

- (a) ***Buildings*** or ***structures*** Intended for Flood or Erosion Control or Slope Stabilization;
- (b) All ***buildings*** and ***structures*** in Existence on the Day of the Passing of this By-law;
- (c) ***Conservation Uses***;
- (d) ***Forestry Uses***;
- (e) Parks without ***Buildings*** or ***Structures***;
- (f) Hydro-electric generating facilities subject to **Section 4.10.3**;
- (g) Marine Facilities, and;
- (h) Marina

4.11.3 Prohibited Uses

- (a) Any ***institutional use***;
- (b) Any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of ***flood proofing*** measures and/or protection works and/or erosion; and
- (c) Any ***building, structure*** or use which involves the disposal, manufacture, treatment or storage of ***hazardous substances*** defined as materials that are

ignitable, corrosive, reactive, radioactive or pathological and would normally pose a danger to public health, safety and the environment.

4.11.4 Additional Provisions

- (a) Any new **building** or **structure** or any expansion of or addition to any **buildings** or **structures permitted** in the **flood plain** after the day of the passing of this By-law must incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage or damage from unstable slopes. The specific approval of the Conservation Authority must be obtained prior to the issuance of a building permit; and
- (b) Modification of the **flood plain** through the placing or dumping of fill, excavation, changing the channel of any water body or diverting a water course within the prescribed limits of the fill lines is prohibited unless otherwise **permitted** by the Conservation Authority.

NOTE: See Minimum Distance Separation (Special Setbacks), Section 4.18 for setback requirements from water bodies and the provisions of Section 5.11 - Environmental Protection Constraint (EP) Area.

4.12 Frontage on a Public Street or Private Road

4.12.1 General

No **person** shall **erect** any **building** or **structure** in any **zone** unless the **lot** upon which such **building** or **structure** is to be **erected** has sufficient frontage on a **public street** within which the **lot** is situated except:

- (a) For any **permitted use** on an island provided a **public access point** is available on the main land;
- (b) Infill on a **private road existing** on the day of the passing of this by-law;
- (c) A camp;
- (d) A resource related use on Crown Land;
- (e) A **communications facility**;
- (f) A **public utility**;
- (g) A **wayside pit** or **quarry**;
- (h) Any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.
- (i) An **existing** use or an **existing lot** on an **existing private road**; and

- (j) A *lot* within a plan of *condominium* located on an internal *private road*.
- (k) A farm field;
- (l) For a water access lot other than an island; and
- (m) Provided all other applicable zone regulations are met.

4.12.2 Exception for Existing Agreements

- (a) Despite **Section 4.11.1**, where a maintenance agreement exists between the *municipality* and a land owner and is registered on title, frontage on an unopened or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the standards set out in the corresponding *zone* or any exception thereto;
- (b) Despite **Section 4.11.1**, where an access agreement registered on title between or amongst landowners provides for a right-of-way to an *existing lot* of record, or the *lot* of record has water access only, the access requirements shall be deemed to conform with the provisions for access of this By-Law.

4.12.3 Ministry of Transportation Access Requirements

In addition to all the requirements of the *Corporation*, all development adjacent to any Provincial Highway is also subject to the requirements and permits of the Ministry of Transportation.

4.13 Garden Suites

Subject to the, the passing of Site Specific Temporary Use By-law under Section 39 of the Planning Act, a *garden suite* shall be *permitted* as a separate *dwelling unit* to a *permitted* main *residential use* provided that *Individual On-Site Systems* have the capacity to service the additional *dwelling unit*, that the maximum net floor area is 49% of the net floor area of the main floor of the main residential *building* up to a maximum of 75 m² [807.3 ft²], that the maximum height of the *garden suite* is 6 m [19.7 ft.] or the average height of the main *buildings* on the subject and abutting *lots*, whichever is the lesser, that the *garden suite* is located in a *rear yard* or *interior side yard* and meets the minimum yard and *lot coverage* requirements set out in the corresponding *zone* and is set back a minimum of 3 m [9.8 ft.] from any *rear lot line* or *side lot line*.

4.14 Group Homes

Group homes shall be *permitted* in all *zones* that allow *residential uses*, except the Limited Service Rural Zone, provided that they are licensed by the Province.

4.15 Helipad, Heliport

Where a **helipad** or **heliport** is **permitted** in this By-law, the following provisions shall apply:

- (a) The **setback** between the edge of the **helipad** and the main wall or receptor of a **sensitive land use** shall be determined by a noise and vibration study undertaken by a professional competent in undertaking such studies. Reference shall be made to Ministry of the Environment, Conservation and Parks Noise Guideline NPC-300;
- (b) The **setback** between the edge of the **helipad** and any **non-residential use** not classified as a **sensitive land use** shall be 200 m [656.2 ft.]; and
- (c) The classification, design, construction and operation of a **heliport** shall comply with Standard 325, Heliports, Part III, Canadian Aviation Regulations issued under the Aeronautics Act, administered by Transport Canada.

4.16 Home Based Businesses

The following uses shall be considered **home based businesses**:

- (a) Professional and consulting services (*e.g., architect, engineer, financial advisor, accountant, insurance agency, consultant, legal services, physician, teleworking, surveyor*);
- (b) Instructional services (*e.g., music lessons, dance, art, and academic tutoring*);
- (c) Home craft businesses (*e.g., quilting, pottery, jewellery, visual arts, small scale assembly*);
- (d) Private daycare;
- (e) Distribution sales **offices** or mail order sales (*e.g., cosmetics, clothing or small household supplies*);
- (f) **Offices** for contractors and trades (*e.g., plumbing, heating, electrician*);
- (g) Repair services (*e.g., small appliance, computers*);
- (h) High technology uses (*e.g., internet services, office call centre services, desktop publishing, hardware and software development*);
- (i) Personal care services shall be limited to providing service to a single client or patron at a time (*e.g., hairdressing/cutting, massage therapist, aesthetician*);
- (j) A **farm produce outlet**;
- (k) **Workshop** (*e.g., workshops for woodworkers, welders, painters, plumbers or other members of the trades*);

- (l) A machine or auto repair shop;
- (m) Sale of bait for recreational fishing purposes;
- (n) Pet grooming, but not including overnight keeping of animals;
- (o) A *Catering establishment*;
- (p) A *Studio*;
- (q) Seed sales;
- (r) Gun repairs;
- (s) Repair of household appliances;
- (t) The sale of fuel wood sales in a *rural zone* only;
- (u) *Home based businesses* shall not include a *cannabis retail store or dispensary* or a *licensed cannabis production facility*.

4.16.1 Zone Regulations for Home Based Businesses

- (a) The *home based business* shall be clearly *accessory* to the main *permitted residential use*.
- (b) A maximum of two (2) *home based businesses* shall be *permitted* in a *dwelling*.
- (c) The residential external character of the *dwelling* shall not be changed.
- (d) The business(es) may be conducted entirely within the *dwelling* or may be conducted in an *accessory building* provided that the *home based business* does not occupy more than 140 m² [1,506 ft.²] of the *accessory building* or *structure*. The *home based business(es)* shall cumulatively not occupy more than 25% of the net floor area of the *dwelling*.
- (e) The *home based business* shall be operated by the *owner* or occupant of the *dwelling* on the *lot* on which the *home based business* is operated.
- (f) The *home based business* shall not create a public nuisance in regard to noise, traffic, parking or health safety.
- (g) The business (es) shall be legal and must have obtained the necessary permits or licenses from the *Corporation* and any other applicable government body having jurisdiction. Any licenses shall be deemed to expire on the 31st of December of each calendar year and shall be renewed annually.

- (h) No outdoor storage shall be *permitted* except where the *home based business* is established for the sale of firewood.
- (i) Only one (1) *sign* shall be *permitted* to advertise the *home based business(es)*. The *sign* shall not exceed 1 m² in surface area. The *permitted sign* may be a free standing *sign* in a front or exterior *side yard* or may be *attached* to the wall of a *permitted building* or *structure*. The *sign* may be illuminated where the illumination is directed onto the *sign* and complies with Section 4.17 of this By-law. *Signs* may also be subject to any *sign* By-law enacted by the *Municipality* under the Municipal Act.
- (j) Parking for *home based business(es)* shall comply with Section 4.26 of this By-law.

4.17 Illumination

Illumination of *buildings* and grounds shall be *permitted* provided that:

- (a) Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety;
- (b) Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals; and
- (c) Illumination shall not cause direct or indirect glare on land or *buildings* in any *zone* in which *residential uses* are *permitted*.

4.18 Land Suitability for Use and Organic Soils

Despite any other provision of this By-Law, no habitable *building* or *structure* shall be constructed, *erected*, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate 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 and the requirements of the *Ontario Water Resources Act* and the *Ontario Building Code* with respect to the installation of an individual on-site sewage and water system can be met.

4.19 Licenses, Permits and Other By-laws

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

4.20 Mine Hazards

No lands identified as having a *mine hazard* shall be used unless the *mine hazard* has been rehabilitated or measures taken to mitigate known or suspected hazards. Any required rehabilitation or mitigation measures shall be undertaken using acceptable engineering practices.

4.21 Minimum Distance Separation, Influence Areas and Special Setbacks

No *person* shall use any land, *building* or *structure* for a sensitive use (e.g., *residential use*, daycare centre, educational or health facility) unless it complies with the following *minimum distance separations*, influence areas or special *setbacks* except where such distances have been waived or reduced by a *public authority*, where upon the revised distance, influence area or *setback* shall apply. Distances, influences areas or *setbacks* shall be measured as set out for the respective requirement.

(a) Sewage Treatment Plant

The minimum *separation distance* between the Town of Mattawa Waste Water Treatment Plant and any *sensitive land uses* surrounding this facility shall be 100 m [328 ft.]. The distance separation shall be measured from the nearest edge of any active waste stabilization pond to the nearest property boundary of a land to be *used* for a *sensitive land use* or, where the minimum distance encroaches onto the *lot* of land for a *sensitive land use*, the *setback* from the *lot line* to the nearest *main wall* of the *sensitive land use*. An environmental impact statement shall be required prior to permitting the reduction of the distance to less than 100 m [328 ft.], provided it is demonstrated that there are no adverse effects and in no case shall the minimum *separation distance* be reduced to less than 50 m [164 ft.].

(b) Waste Management Facility

- i) The influence area shall be 500 m [1,640 ft.] from a *sensitive land use* (e.g. *residential use*, daycare centre, educational or health facility) measured from the boundary of the (licensed) fill area to the nearest property line of the sensitive use. Within the influence area, no *sensitive land use* shall be *permitted* unless an Environmental Impact Assessment is undertaken, to the satisfaction of the approval authority, to demonstrate that the proposed development will not negatively be impacted by the *waste management facility* (e.g., leachate migration, methane gas, rodents, vectors, vermin, odour, litter, noise, etc.);
- ii) No development or land use shall be *permitted* within 30 m [98.4 ft.] of the (licensed) fill area of an active *waste management facility*; and
- iii) No *waste management facility* shall be *permitted* within 30 m [98.4 ft.] from any watercourse, lake or pond.

In addition, no *waste management facility* shall be *permitted* on land covered by water or in any area subject to flooding (see **Section 4.11.3**);

(c) Pits and Quarries:

The minimum separation distance between a *sensitive land use* (e.g., *residential use*, daycare centre, educational or health facility) and the boundary of a Mineral Aggregate Resource Area of a *pit* shall be 70 m [230 ft.] or 300 m [984 ft.] for a *quarry*.

(d) Industrial Uses:

- i)** Class I Industrial: Includes light *industrial uses* defined as a place of business for a small scale, self-contained plant or *building* which produces/stores a product which is contained in a package and has low probability of fugitive emissions e.g. noise, dust, odour and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging and crafting services. The minimum separation distance from a *sensitive land use* (e.g., *residential use*, daycare centre, educational or health facility) shall be 20 m [65.6 ft.] measured from property line to property line while the influence area shall be 70 m [230 ft.];
- ii)** Class II Industrial: Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and or periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are *permitted* and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include feed packing plant, paint spray booths, dry cleaning services, electrical production manufacturing. The minimum separation distance for this industrial classification from a *sensitive land use* (e.g., *residential use*, daycare centre, educational or health facility) shall be 70 m [230 ft.] while the influence area shall be 300 m [984 ft.]; and
- iii)** Class III Industrial: Describes large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions (e.g., noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated). Examples of heavy industries include refineries, *salvage yard*, pulp and paper mill etc. The minimum *separation distance* for this industrial classification from a *sensitive land use* (e.g., *residential use*, daycare centre, educational or health facility) shall be 300 m [984 ft.] while the influence area shall be 1,000 m [3,280 ft.].
- iv)** Where an industrial use or sensitive land use is an existing use and an expansion or extension is proposed, the minimum separation distance for a Class I, II or III Industry shall be measured from the

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

- v) The minimum separation distance from a sensitive land may be located on the property of the industrial use where the building or processing component of the industrial use is setback the required minimum separation distance from the property line abutting the sensitive land use.

(e) **Agricultural Use:**

The minimum *separation distance* shall comply with the Ministry of Agriculture, Food and Rural Affairs *Minimum Distance Separation Formulae I and II*; and

(f) **Water Bodies**

- i) Subject to Section 4.11, the minimum setback from the high water mark for a dwelling, a non-residential or accessory building or structure on an individual on-site sewage disposal service shall be 30 m [98.4 ft.] except for a boat house, dock, wharf or low impact accessory structure such as a steam or sauna bath, gazebo, storage shed, a deck, a marine facility or marina. The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building or the edge of the filter/tile bed to the high water mark. The setback from an intermittent creek may be reduced to 15 m [49.2 ft.].

Shoreline Buffer Zone

- ii) A shoreline buffer zone shall be maintained between the high water mark and any permitted use, building or structure except a marine facility in a R, LSR and CR Zone. A shoreline buffer zone may be interrupted to provide an access way or pathway to a water body or to provide for a viewscape of the adjacent or abutting water body provided that a clearing of the shoreline buffer zone shall not exceed 25% of the shoreline frontage of a lot occupied by a residential use or 50% for a commercial recreational use.

Wetland

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

(g) Ministry of Transportation

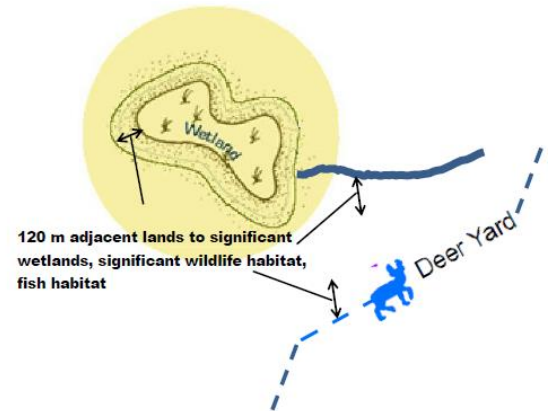
The minimum setback from a provincial highway or highway intersection with a provincial highway for a building, structure, sign, open storage, outdoor display, a patrol yard or land use including a snowmobile or ATV recreational trail shall be as required by the Ministry of Transportation.

4.22 Natural Heritage Features

4.22.1 Deer Yards

In cases where a winter deer habitat (deer yard) is indicated on the *Zone* Schedule as being on or adjacent to a property that is the subject of a development application, the following standards will apply:

- (a) In narrow conifer fringe habitats that occur along lake *shorelines*, larger frontages are required due to the restricted nature of this critical habitat feature. *Shorelines* tend to be the most highly disturbed area during development. A minimum of 120 m [400 ft.] frontage for *lots* is required; and
- (b) In areas where critical conifer habitat is distributed in larger patches throughout the landscape and not restricted only to *shorelines*, a minimum *lot* width and depth of 90 m [300 ft.] is required.



4.22.2 Requirements for Natural Heritage Features

No use of land, *buildings* or *structures* except a *conservation use* shall be *permitted* within the distances prescribed below of an identified natural heritage feature as shown on the *Zone* Schedules to this By-Law except where an Impact Assessment and/or mitigating measures or conservation practices are implemented as approved by the public body having jurisdiction:

Feature or Area

- (a) Habitat of Endangered & Threatened Species 120m [393.7 ft.]
- (b) Significant *Wetlands* 120m [393.7 ft.]
- (c) *Fish Habitat* 120m [393.7 ft.]
- (d) Significant *Wildlife Habitat* 120m [393.7 ft.]
- (e) Areas of Natural and Scientific Interest 120 m from a significant area of natural or scientific interest – life science and 50 m [164 ft.] for a significant area of natural or scientific interest – earth science.

4.23 Non-Conforming and Non-Complying Uses

(a) **Continuance of Existing Uses**

Nothing in this By-law shall apply to prevent the use of any land, **building** or **structure** for any purpose prohibited by the By-law if such land, **building** or **structure** was lawfully used for such purpose on the day of the passing of the By-law so long as it continues to be used for that purpose. The **non-conforming** use of any land, **building** or **structure** shall not be changed except to a use which is in conformity with the provisions of the **zone** in which the land, **building** or **structure** is located, without permission from the Committee of Adjustment pursuant to the *Planning Act*;

(b) **Prior Building Permits**

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

(c) **Road Widenings**

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 *Municipality* of Mattawan and the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with;

(d) **Reconstruction of Existing Use**

Nothing in this By-law shall prevent the reconstruction or strengthening to a safer condition of any **non-conforming** or **non-complying building** or **structure** which is unintentionally damaged by fire or other natural cause provided the height and bulk are not increased, approved **flood proofing** techniques are used (if required) and provided that reconstruction is commenced within two (2) years;

(e) **Addition to Existing Building or Structure**

Nothing in this By-law shall prevent the renovation, extension or addition to a **building, structure** or private sanitary sewage disposal system which is used for a purpose specifically **permitted** within the **zone** in which such **building** or **structure** is located and which **building** or **structure** existed at the date of passing of this By-law but which **building** or **structure** does not comply with one or more of the **zone requirements** of this By-law, provided such renovation, extension or addition does not further reduce the requirements of this By-law and does not contravene any other requirements of this By-law or any requirements of Ministries and agencies; and

(f) Existing Undersized Lots

Despite anything else contained in this By-law, where a vacant *lot* having a lesser frontage and/or area than is required by this By-law is held under distinct and separate ownership from adjoining *lots*, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be used for a purpose *permitted* in the *zone* in which the said *lot* is located, provided it can be adequately serviced with an individual on-site sewage and water system, has an absolute *lot area* of not less than 0.3 ha [0.75 ac] and provided all other applicable provisions in this By-law are complied with. The following lots may be developed as undersized lots.

| <u>Roll No.</u> | <u>Location</u> | <u>Roll</u> | <u>Location</u> |
|-----------------|-----------------|-------------|-----------------------|
| 19606 | M-536, Lot 4 | 32644 | M-584, Lot 18 |
| 28174 | M-518, Lot 9 | 32646 | M-584, Lot 19 |
| 32616 | M-584, Lot 7 | 367 | Part of Lot 8, Con 8 |
| 32618 | M-584, Lot 6 | 579 | Part of Lot 1, Con 14 |
| 32620 | M-584, Lot 5 | 580 | Part of Lot 1, Con 14 |
| 32622 | M-584, Lot 4 | 581 | Part of Lot 1, Con 14 |
| | | 582 | Part of Lot 1, Con 14 |

4.24 Occupancy Restrictions

Human habitation shall not be *permitted* in any of the following *buildings, structures*, or parts thereof unless the *building, structure*, or parts thereof meet all 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 residential use except where the building or structure is converted to an additional residential unit in compliance with Section 4.1.4 (d) of this By-law.
- (b) Any truck, bus, *recreational vehicle*, coach or streetcar body whether or not the same is mounted on wheels; and
- (c) Any *dwelling* before the main wall and roof have been *erected*, the finished roofing material has been installed and the kitchen, heating and sanitary conveniences have been installed and are operating.

4.25 Outside Storage, Sales and Display

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

- (a) Outside storage shall not be *permitted* within any required *front yard* and no closer than 5.0 m [16.4 ft.] to any *side lot line* or *rear lot line*;

- (b) Where outside storage areas abut a *zone* in which *residential uses* are *permitted*, the required *setback* of the outside storage area shall be increased to 10.0 [32.8 ft.] and must also be visually screened from any *zone* in which *residential uses* are *permitted*;
- (c) Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law;
- (d) These provisions shall not apply to a garage or yard sale; and
- (e) An *outdoor display* area shall be *permitted* as an *accessory* use to any *permitted* commercial use, *industrial use* or public service use provided that the *outdoor display* area does not reduce any required *parking area* or *loading space* area required by this By-law. All *outdoor display* areas shall be *setback* a minimum of 3 m [9.84 ft.] from any *front lot line* or *interior side lot line*. Despite the above, seasonal sales of Christmas trees or a temporary (i.e. weekend) or a yard sale shall be *permitted* to occupy a designated *parking area* but shall be subject to any restrictions otherwise imposed by license or permit by the *Municipality*.
- (f) **Auto Body Shop**

The outside storage of damaged vehicles shall be visually obscured from any adjacent land used or zoned to permit a residential *dwelling*.
- (g) **Salvage Yard**

The outside storage of vehicles, equipment or other commodities in an authorized *salvage yard* shall be visually obscured from any adjacent public road or land used or zoned to permit a residential *dwelling* with a solid *fence* having a minimum height of not less than 2 m [5.65 ft.].

4.26 Parking and Storage of Vehicles

- (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, carport, *driveway*, designated *parking area* or on a street as *permitted* by Municipal By-law;
- (b) 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 *permitted use* of the *lot* on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid;
- (c) Each standard *parking space* shall have a minimum width of 2.7 m [8.9 ft.] and a minimum length of 6.0 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 6.0 m [19.7 ft.];

- (d) Unless *permitted* elsewhere in this By-law, where two or more uses are *permitted* in any one *building* or on any one *lot*, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street *parking spaces* so calculated shall be provided;
- (e) 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 such date, is not increased and no change in use occurs. If an addition is made to the *building* or *structure* which increases the *gross floor area*, or a change in use occurs than *parking spaces* for the addition or area changed in use shall be provided;
- (f) Unless otherwise specifically provided elsewhere in this By-law, no *driveway* which provides ingress and egress to and from any *lot* or *parking space* shall pass through *zones* other than the one containing the *permitted use*;
- (g) *Parking area* for more than four vehicles, supplementary regulations:
 - i) The *parking area* shall be constructed of crushed stone, asphalt paving, concrete, paver stones, 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 *Corporation*;
 - 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 6.0 m [19.7 ft.] for two-way traffic and 3.5 m [11.5 ft.] for one-way traffic where parking is angled; and
 - 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 [11.5 ft.] where designed for one-way vehicular circulation or 6.0 m [19.7 ft.] where designed for two-way vehicular circulation.
- (h) **Barrier Free (Handicapped Parking)**

Wherever barrier-free access to a *building* is required under the Building Code, one barrier-free *parking space* shall be provided for every 20 standard *parking spaces* or part thereof and shall be included in the total number of *parking spaces* required under the Schedule for Parking Requirements;
- (i) Except where *permitted* elsewhere in this By-law, the required parking for *residential uses* of land shall be provided on the same *lot* as the *dwelling unit*. In all other *zones*, parking shall be provided within 100 m [328 ft.] of the *building* or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same;
- (j) Despite **Section 4.25**, if the calculation of the minimum *parking space* requirement results in a fraction, the minimum requirement shall be the next higher whole number.

(k) Drive-Through Facilities

Despite any other *zone regulation* in this By-law, where a use of land, *building* or *structure* incorporates a *drive-through facility*, the following *zone regulations* shall apply:

- (i) A *drive-through facility* shall be a *permitted use* in the CR and M1 zones.
- (ii) A *drive-through facility* is a principle use in combination with another *permitted use* and shall comply with the *zone regulations* in the *zone* in which the *drive-through facility* is located.
- (iii) The minimum dimensions of a *stacking space* in a *stacking lane* shall be 2.6 m by 5.5 m [8.5 ft. x 18 ft.].
- (iv) No part of any order station shall be located closer than 10 m [32.8 ft.] from the property boundary of any property or *lot* occupied or zoned for a *residential use*.
- (v) All drive-through facilities shall comply with the *zone regulations* for parking as set out in Schedule for Parking requirements of this By-law.
- (vi) *Stacking lanes* for any *drive-through facility* shall be designed to accommodate a minimum of six (6) motor vehicles.

4.27 Schedule for Parking Requirements

In any *zone*, the *owner* or occupant of any *building* or *structure erected*, enlarged or changed in use after the date of passing of this By-law shall provide off-street parking in accordance with the following provisions (see **Table 4.27**):

Table 4.27 Schedule for Parking Requirements:

| USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|--|--|
| Residential: <ul style="list-style-type: none"> • <i>Single-detached dwelling</i> • <i>Duplex dwelling</i> • <i>Accessory Dwelling</i> • Mobile Home • <i>Park model trailer</i> • Seasonal • <i>Converted dwelling</i> • <i>Semi-detached dwelling</i> • <i>Additional Residential Unit</i> • <i>Tiny House</i> | 1 space plus 1 space for boat trailer parking per <i>dwelling unit</i> on water access only properties |
| Residential: | |

| USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|--|---|
| <ul style="list-style-type: none"> Apartment dwellings | 1 space per <i>dwelling unit</i> , 15% of which shall be reserved as visitor parking |
| <i>Auto body shop</i> , auto repair shop, <i>auto service station</i> , gas bar | 3 spaces per service bay plus 1 space per employee |
| Assembly hall, auditorium, dance hall, stadium, theatre and similar places of public assembly | 1 space for every 4 seats, fixed or otherwise and where there are no seats, 1 space for every 10 m ² [107.6 ft ²] assembly space |
| <i>Building supply store</i> , lumber yard, <i>garden centre</i> , nursery | 1 space for each 20 m ² [215.2 ft ²] of <i>gross floor area</i> and 1 space for each 35 m ² [376.7 ft ²] of <i>open storage</i> |
| <i>Clinic</i> | 6 spaces per doctor |
| Day nursery - licensed | 1 space per employee and 1 space per 5 children |
| General business, <i>retail store</i> , convenience store, grocery store, commercial and <i>personal service establishment</i> , bank, <i>office</i> , meeting rooms, professional <i>office</i> or <i>funeral parlour</i> | 1 space per 20m ² [215.2 ft ²] of <i>gross floor area</i> , minimum 5 spaces |
| <i>Home Based Business</i> | 2 spaces plus 1 space for each employee |
| Hotel, <i>motel</i> , tourist outfitters (with road access) | 1 space per guest unit, plus 1 space for each 6 <i>persons</i> of designated <i>seating capacity</i> of any <i>accessory</i> eating establishment |
| Manufacturing, industrial storage or wholesale, warehouse | 1 space per 95 m ² [1022.6 ft ²] of <i>gross floor area</i> plus 1 space per every 3 employees per shift |
| Nursing home, convalescent home, home for the aged | 1 space for every 6 patient beds plus 1 space for every 4 employees |
| <i>Place of worship</i> | 1 space for every 5 seats, fixed or otherwise |
| <i>Restaurant</i> , <i>restaurant-drive-in</i> , beverage establishment, <i>tavern</i> , <i>road house</i> | 1 space per 10 m ² [107.6 ft ²] of <i>gross floor area</i> |
| <i>School</i> | 2 spaces per classroom |
| <i>School - Private</i> | 4 spaces per classroom |
| All other uses not listed above | 1 space per 30 m ² [322.9 ft ²] of <i>gross floor area</i> |

4.28 Parts of Buildings or Structures Permitted Above Height Level

The height regulations herein set forth shall not apply to any of the following:

- (a) Air conditioning system
- (b) Chimney
- (c) Church spire or belfry
- (d) Drying tower
- (e) Elevator or stairway enclosure
- (f) Enclosed mechanical and electrical equipment
- (g) *Farm buildings* and *structures* such as a barn, silo or windmill

- (h) Flag pole
- (i) Hydro electric transmission tower
- (j) Mine Headframe
- (k) Receiving and transmitting antenna
- (l) Receiving stations
- (m) *Satellite dish/receiver*
- (n) Smoke Stack or Emissions Stack
- (o) Solar panels
- (p) Ventilating fan or skylight
- (q) Water tower or tank
- (r) *Wind Turbine*

4.29 Permitted Projections

Every part of any *yard* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky except that those *structures* listed in the following table shall be *permitted* to project into the minimum *yards* required by this By-law for the following specified distances (see **Table 4.29**):

| Table 4.29 – Permitted Projections | |
|---|---|
| STRUCTURE | MAXIMUM PROJECTION INTO REQUIRED YARD |
| Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters, solar collectors where attached to a building, shutters cornices, parapets or other ornamental structures | 0.75 m [2.46 ft.] into any required <i>front yard, rear yard</i> or <i>interior side yard</i> |
| Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the <i>established grade</i> , with or without supporting posts | 2 m [6.5 ft.] into any required <i>yard</i> |
| Canopies for entrances to apartment buildings and commercial buildings | Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required <i>yard</i> a distance equal to one-half (½) the setback of the building from the <i>street line</i> |
| Window awnings | 1.2 m [3.9 ft.] into any required <i>yard</i> |
| Steps, ramps and walkways for use by persons with disabilities | No maximum into any required <i>yard</i> provided they are no closer than 0.5 m [1.6 ft.] to any <i>lot line</i> |
| <i>Porch</i> , uncovered platform landing, <i>patio</i> or <i>deck</i> , balconies or steps | No maximum into any side yard provided they are no closer than 0.5 m [1.6 ft.] to any <i>lot line</i> and 3 m [9.8 ft.] into any required <i>front or rear yard</i> |
| Air conditioner | 0.5 m [1.6 ft.] into any <i>yard</i> |
| Fire escapes, exterior stair cases from a building having two storeys or more above grade | 1.5 m [4.92 ft.] into an <i>interior side</i> or <i>rear yard</i> only |
| Heat pump or <i>geothermal power facility</i> | 1.5 m [5 ft.] into an <i>interior side yard</i> or <i>rear yard</i> |
| <i>Accessory building</i> | As <i>permitted</i> by and as specified in this By-law |

| Table 4.29 – Permitted Projections | |
|---|--|
| STRUCTURE | MAXIMUM PROJECTION INTO REQUIRED YARD |
| <i>Fences</i> , hedges, shrubs, trees, freestanding walls and retaining walls, flagpoles, light standards, garden trellises, clothes lines, bicycle racks and similar <i>structures</i> or features | No maximum into any yard except with respect to the <i>zone regulations for a sight triangle</i> |
| <i>Solar collector, wind turbine,</i> | No maximum into any <i>rear yard</i> only provided they are no closer than 3 m [9.8 ft.] to an <i>interior side yard</i> or <i>rear yard lot line</i> |
| <i>Commercial Solar Collector, commercial wind turbine</i> | No maximum into any <i>yard</i> provided they are no closer than 3 m [9.8 ft.] to an <i>interior side yard</i> or <i>rear yard lot line</i> or 10 m [32.8 ft.] from a <i>street line</i> |

4.30 Prohibited Uses

The following **uses** are prohibited in any **zone**, unless otherwise permitted by this by-law:

- (a) Adult Entertainment Parlour and Body Rub Parlour; and
- (b) The **use** of any **accessory building** or **structure, boathouse** or **storage container** for human habitation except as **permitted** in **Section 4.1.4.**; and
- (c) The storage of inoperative rail cars, streetcars, buses, truck bodies or trailers without wheels; and
- (d) The parking or storage of commercial **motor vehicles** or inoperative farm vehicles on a vacant **lot**; and
- (e) The outdoor storage of partially dismantled and/or unlicensed **motor vehicles** or **recreational vehicles**, or trailers or **motor vehicle** or trailer parts; and
- (f) Obnoxious uses; and
- (g) Smelters, ethanol plants, the manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, coal oil, creosote, explosives, fireworks, glue, petroleum, tar or other gases; and

- (h) The bulk storage of industrial chemicals, and hazardous waste, or liquid industrial waste as defined under the *Environmental Protection Act*, R.S.O., c. E.19, as amended.

4.31 Recreational Vehicles

No *recreational vehicle* shall be used in the Rural (R) or Limited Service Rural (LSR) *Zones* except in accordance with the following requirements and standards:

- (a) A *recreational vehicle* shall not be used as a *dwelling unit* or for permanent occupancy;
- (b) A *recreational vehicle* shall be *permitted* within a *recreational vehicle* park, *private campground*, *recreational campground* or a *tourist campground*;
- (c) One *recreational vehicle* only may be stored on a *lot* occupied by a *seasonal dwelling* or a permanent *dwelling* and may be used for short term accommodation for a period not exceeding a total accumulated period of 30 days in a calendar year;
- (d) One *recreational vehicle* only may be stored on a vacant *lot* of record provided all of the *zone regulations* for the respective *zone* are complied with (i.e., *lot area* and *lot frontage*, *yard setbacks* and *shoreline setbacks*);
- (e) One *recreational vehicle* only may be used on a vacant *lot* of record for leisure or vacation purposes provided:
 - i) The period of occupancy does not exceed a total accumulated period of 60 days in a calendar year; and
 - ii) The *lot* is serviced with an approved sewage disposal system; and
 - iii) Except for a *deck*, no enclosures, roof-overs, extensions or additions are constructed unless such *structures* have been specifically designed or pre-engineered for the *recreational vehicle* by the manufacturer or after-market manufacturer and are capable of being removed. No such *structures* shall be *permitted* which have the effect of rendering the *recreational vehicle* as a permanent *structure* or permanent residential *dwelling* on a *lot* or site; and
 - iv) One only *detached private garage* or *accessory storage building* or *structure* may be constructed; and
 - v) All of the *zone regulations* for the respective *zone* are complied with (i.e., *lot area* and *lot frontage*, *yard setbacks* and *shoreline setbacks*).
- (f) The *Municipality* may impose a license fee as *permitted* pursuant to the Municipal Act for the use of any *recreational vehicle(s)* on a vacant *lot* of record.

On a vacant *lot* of record exceeding 5 ha [12.3 ac], one additional *recreational vehicle* shall be *permitted* to be used for a period not exceeding a total accumulated period of 30 days in a calendar year.

4.32 Sight Triangles

On a *corner lot* no obstruction higher than 0.75 m [2.5 ft.] (except a chain link *fence* for a *school* or *park*) shall be *permitted* on that part of a *lot* at the street corner composed of a triangle having sides 5.0 m [16.4 ft.] in length along each *street line* measured from the street corner formed by the *lot lines*, or by the straight line projection of *lot lines* when *lot lines* are connected by a curved line.

4.33 Signs

Unless otherwise stated in this By-law, signs shall be permitted only in accordance with the applicable by-law(s) of the Township.

4.34 Streets and Parks

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

4.35 Temporary Buildings or Structures During Construction

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

In addition, temporary accommodation for a business 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, relocatable, portable or transportable *building* provided:

- (a) Approval is obtained pursuant to the matters contained herein; and
- (a) 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 *Corporation* it is no longer required.

4.36 Use by Public Authority or Public Utility

The provisions of this By-law shall not apply to the use of any land or to the *erection* or use of any utility installation for the purpose of public service by the *Municipality* of Mattawan and/or any *public authority*, any department of the Government of Ontario or Canada, including any Hydro One facilities pursuant to the Planning Act, or publicly

licensed authority provided that where such land, **building** or **structure** is located in or abutting a **zone** in which **residential uses** of land are **permitted**:

- (a) No goods, materials or equipment shall be stored in the open;
- (b) The **lot coverage** and **setback** regulations of the **zone** in which such land, **building** or above ground **structure** is located shall be complied with; and
- (c) Parking and loading requirements as contained in this By-law shall be complied with.

A **communications facility** established by a public or private authority shall be **permitted** in any Rural (R) Zone or Limited Service Rural (LSR) Zone, provided the construction standard complies with the applicable provincial and federal statutes and regulations and provided that the base of any freestanding tower is set back a minimum of 30 m [98.4 ft.] from any **lot line**.

4.37 Water and Sewage Disposal Systems

No **person** shall hereafter **erect** or use in whole or in part, any **building** or **structure** for any residential, commercial or industrial purposes on any land unless the use, **building** or **structure** is properly connected to an approved water supply and sewage disposal system or the applicant possesses a valid Environmental Compliance Approval for same.

4.38 Wind Turbine and Renewable Energy Undertaking

The minimum **setback** for any wind turbine shall be 10 m [32.8 ft.].

4.39 Zones Applying to More than One Property

Where a **lot** is divided into more than one **zone**, each such portion of the **lot** shall be used in accordance with the provisions of this By-Law for the **zone** where such portion of the **lot** is located. Each such portion of the **lot** shall be considered as a separate **lot** for the purposes of determining **zone** provisions.

Section 5 ZONES

5.1 ZONE CLASSIFICATION

For the purposes of this By-law, the Municipality of Mattawan is divided into the following *zones* as named and described in the following sections, the boundaries of which are shown on Schedule "A" which is attached and forms part of this By-law.

5.2 ZONES

Zone Symbol

- Rural R
- Limited Service Rural LSR
- Commercial/Recreational..... CR
- General Industrial..... M1
- Mineral Aggregate Resource MX
- Sewage Treatment Plant.....STP

Constraint Areas

- Environmental Protection Constraint Area EP

5.3 INTERPRETATION OF ZONE BOUNDARIES

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

- (a) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- (b) 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;
- (c) A boundary indicated as following the **shoreline** shall follow such **shoreline**, and in the event of a change in the **shoreline**, the boundary shall be construed as moving with the actual **shoreline**;
- (d) 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**;
- (e) Where a boundary is indicated as approximately parallel to a **street line** or other feature, indicated in clause (a), (b), and (c) above, and the distance from such **street line** or other feature is not indicated, and clause (d) 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;
- (f) A boundary indicated as following the limits of the **Municipality** shall follow such limits;
- (g) 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; and
- (h) In the event a **zone** boundary, **setback** or dimension cannot be determined by any of the above means, a scale bar may be used to calculate the affected dimension.

5.4 RURAL - R

No *person* shall use any land or *erect, alter* or use any *building* or *structure* in the Rural - R *zone* except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.4.1 Permitted Uses

- *Airfield*
- *Agricultural Use*
- *Ambulance Facility*
- *Animal Day Care Establishment*
- *Animal Shelter*
- *Antique Store*
- *Brewery or Winery*
- *Camp*
- *Campground – Private*
- *Campground - Recreational*
- *Catering Establishment*
- *Cemetery*
- *Commercial Greenhouse*
- *Commercial Solar Collector*
- *Communications Facility*
- *Community centre*
- *Construction Yard or Contractor’s Yard*
- *Continuum-of-Care Facility*
- *Convenience Store*
- *Crisis Care Facility*
- *Day Nursery (licensed)*
- *Dwelling – Duplex*
- *Dwelling – Park Model Trailer*
- *Dwelling – Seasonal*
- *Dwelling – Semi-detached*
- *Dwelling – Single Detached*
- *Dwelling – Tiny House*
- *Equestrian Establishment*
- *Farmer’s Market*
- *Forestry Uses*
- *Garage – Municipal*
- *Geothermal Power Facility*
- *Green Energy Industries*
- *Golf Course*
- *Group Home*
- *Helipad*
- *Heliport*
- *Hobby Farm*
- *Institutional Use*
- *Livestock Facility*
- *Livestock Sales Outlet*
- *Log Hauling Operation*
- *Logging Camp*
- *Marine Facility*
- *Mobile Home*
- *Outdoor Recreation Use*
- *Park*
- *Parking Area*
- *Place of Worship*
- *Place of Assembly*
- *Portable Asphalt/Concrete Plant*
- *Private Club*
- *Public Access Point*
- *Public Service Use*
- *Public Utility*
- *Renewable Energy System*
- *School*
- *Temporary Work Camp*
- *Veterinary Establishment*
- *Wayside Pit or Quarry*
- *Wind Turbine*
- *Wind Farm*
- *Workshop or Custom Workshop*

Permitted Accessory Uses

- *Accessory Use, building or structure* (see 4.1.1)
- *Additional Residential Unit* (see 4.1.4)
- *Bed and Breakfast Establishment* (see 4.1.3)

- **Boat House** (see 4.1.1 (e))
- **Day Care** for Children (Private Home) (see 4.7)
- **Dock**
- **Dwelling, Apartment-in-a-House** (Granny Suite)
- **Farm Produce Outlet**
- **Farm Vacation Establishment**
- **Fence**
- **Garage**
- **Garden Suite**
- **Guest Cabin** (see 4.1.4)
- **On-Farm Diversified Uses for an Agricultural Use**
- **Home Based Business** (see 4.16)
- **Recreational Vehicle** (see 4.31)
- **Solar collector**
- **Storage Container** (see 4.1.5, 4.1.6)
- **Studio**
- **Swimming Pool** (see 4.1.2)
- **Temporary Car Shelter**
- **Wind turbine**

5.4.2 Zone Requirements

(a) **Kennel, Veterinary Establishment with a Kennel and Hobby Farm**

| | |
|--|------------------|
| Minimum Lot Area | 4 ha [9.8 ac.] |
| Minimum Lot Area – Hobby Farm | 2 ha [4.9] |
| Minimum Lot Frontage | 92 m [301.8 ft.] |

Minimum **Yard** Requirements

- **All Yards** 30 m [98.4 ft.]

| | |
|---|-----------------|
| Maximum Building Height | 10 m [32.8 ft.] |
| Maximum Building Height - Accessory Building | 6 m [19.7 ft.] |

| | |
|---|---------------|
| Minimum Separation Distance Between a Main Building and an Accessory Building | 2 m [6.4 ft.] |
|---|---------------|

(b) **Residential**

| | |
|---|-------------------|
| Minimum Lot Area per Dwelling Unit | 0.8 ha [1.97 ac.] |
| Minimum Lot Frontage | 30 m [98.4 ft.] |

Minimum **Yard** Requirements:

- **Front Yard** 7.5 m [24.6 ft.]
- **Rear Yard** 7.5 m [24.6 ft.]
- **Interior Side Yard** 3 m [9.8 ft.]
- **Exterior Side Yard** 6 m [19.6 ft.]

Maximum **Building Height**:

- **Main Building**..... 11 m [36 ft.]
- **Accessory Building** 6 m [19.6 ft.]

Maximum **Lot Coverage**..... 10 %

Maximum No. of **Dwellings** per **Lot**:

- **Single detached dwelling, seasonal dwelling, mobile home, park model trailer** 1
- **Duplex dwelling, Semi-detached dwelling, converted dwelling** 1

Minimum **Separation Distance** between the Main Wall of Adjacent **Detached Dwelling Units**..... 6 m [19.6 ft.]

Minimum **Separation Distance** Between a **Main Building** and an **Accessory Building**..... 2 m [6.4 ft.]

(c) **All Other Uses**

Minimum **Lot Area** 0.8 ha [1.96 ac.]

Minimum **Lot Frontage** 45 m [147.6 ft.]

Minimum **Yard** Requirements:

- **Front Yard** 15 m [49.2 ft.]
- All Other **Yards** 10 m [32.8 ft.]

Maximum **Lot Coverage**..... 25%

Maximum **Building Height - Main Building** 11 m [36 ft.]

Maximum **Building Height - Accessory Building** 6 m [19.6 ft.]

Minimum **Separation Distance** Between a **Main Building** and an **Accessory Building**..... 2 m [6.4 ft.]

5.4.3 Additional Provisions

- (a) New development and land uses and new or expanding livestock facilities in the **Rural zone** will comply with the **Minimum Distance Separation Formulae I and II**;
- (b) No part of any **kennel** may be located closer than 100 m [328 ft.] to a **dwelling unit** on another **lot**;
- (c) **Parks** shall not be subject to minimum **lot area** or **lot frontage** requirements but shall comply with the **setback** requirements of **Section 5.4.2 (c)**;
- (d) Cemeteries shall not be governed by the above standards but shall conform with the Funeral, Burial and Cremation Services Act, 2002;

- (e) Despite anything in Section 5.4.2 (c) to the contrary, **Communications Facilities, Wayside Pits and Wayside Quarries** shall be subject only to a minimum *yard* requirement of 15 m [49.2 ft.];
- (f) A *garden suite* shall be *permitted* subject to **Section 4.12**;
- (g) The minimum *interior side yard* shall not apply to the party wall of a *semi-detached dwelling*;
- (h) A *lot* occupied by a *dwelling unit* other than an *agricultural use* may be used for the keeping of livestock up to one (1) *nutrient unit* provided the minimum *lot area* shall be 4 ha [9.88 ac] and provided any associated *livestock facility* or *manure or material storage* complies with the Minimum Distance Formula I.
- (i) All applicable *zone regulations* of Section 4 – General Provisions shall apply.

5.4.4 Exception Zones

- (a) Part of Lot 35, Concession 6, Township of Mattawan (By-law 304)
AND

Part of Lot 35, Concession 7, Township of Mattawan, Remainder of Parcel 3640, Parcel 25186 (being Lot 1, Plan M-518) and Parcel 2682, Nipissing
(By-law 536-86)

On Part of Lot 35, Concession 6, AND ON Part of Lot 35, Concession 7, Township of Mattawan, Remainder of Parcel 3640, Parcel 25186 (being Lot 1, Plan M-518) and Parcel 2682, Nipissing, the following exceptions to this By-law shall apply:

| | |
|---|---|
| Minimum Lot Area | 2,861 m ² [30,800 ft. ²] |
| Minimum Lot Depth | 67 m [220 ft.] |
| Minimum Lot Frontage | 42.6 m [140 ft.] |
| Minimum Front Yard | 15.2 m [50 ft.] |
| Minimum Interior Side Yard | 6.09 m [20 ft.] |
| Minimum Rear Yard | 7.62 m [25 ft.] |
| Maximum Building Height | 10.66 m [35 ft.] |
| Maximum Lot Coverage | 25% |
| Minimum Floor Area | 55.74 m ² [600 ft. ²] |
| Minimum Interior Side Yard or Rear Yard for an Accessory Building | 3.04 m [10 ft.] |
| Maximum Height - Accessory Building | 4.57 m [15 ft.] |
| Maximum Floor Area - Accessory Building | 55.74 m ² [600 ft. ²] |

- (b) **Part of Broken Lot 38, Concession 4, Township of Mattawan (By-law 311)**
(Carol Sue Subdivision)

On Part of Broken Lot 38, Concession 4, Township of Mattawan, the following exceptions to this By-law shall apply:

Permitted Uses

- *Single Detached Dwelling* (SF on Exhibit 1)
- *Seasonal Dwelling* (S.R. on Exhibit 1)
- Open Space

Despite Exhibit 1, a *single detached dwelling* or *seasonal dwelling* may be erected on any residential *lot*.

Prohibited Uses

- *Mobile Home*
- *Recreational Vehicle*

Zone Requirements

| | |
|---|---|
| Minimum Lot Area | <i>Existing Lot Area</i> of any <i>Lot</i> in Subdivision |
| Minimum <i>Lot Frontage</i> | As set out in Exhibit 1 |
| Minimum <i>Front Yard</i> | 8 m [26.2 ft.] |
| Minimum <i>Interior Side Yard - Main Building</i> | 3 m [9.84 ft.] |
| - <i>Accessory Building</i> | 2 m [6.56 ft.] |
| Minimum <i>Exterior Side Yard</i> | 8 m [26.2 ft.] |
| Minimum <i>Rear Yard - Main Building</i> | 11 m [36 ft.] |
| - <i>Accessory Building</i> | 2 m [6.56 ft.] |
| Maximum <i>Height - Main Building</i> | 11 m [36 ft.] |
| - <i>Accessory Building</i> | 5 m [16.4 ft.] |
| Maximum <i>Lot Coverage - Main Building</i> | 35% |
| - <i>Accessory Building</i> | 8% |
| Minimum <i>Floor Area</i> | 70 m ² [753.4 ft. ²] |
| Minimum <i>Setback</i> from Drainage course between Lots 7 and 8..... | |
| | 15 m [49.2 ft.] |
| Minimum <i>Setback</i> from Pond and Drainage Course in Lot 11 | |
| | 30 m [98.4 ft.] |
| Maximum No. Dwellings per <i>Lot</i> | 1 |

Additional Zone Provisions

No buildings or structures shall be constructed on any property shown as >R= on Exhibit 1.

Permitted uses on lands shown as >O= on Exhibit 1 include a *park*, play area, conservation area, yards associated with adjacent dwellings, but no *building* or *structure* shall be erected which may interfere with the safe and efficient use of the power transmission corridor.

An *accessory use* to a *permitted dwelling* may only be constructed in a side or *rear yard*.

Exhibit 1



(a) Despite the provisions of **Section 5.4.2(b)** and **Section 4.21 (f)**, the following lots shall be deemed to comply with the minimum lot area:

- Part of Lot 32, Concession 8, Parcel 16577, Roll # 481900000136700, 0.17 ac.
- Part of Lot 1, Concession 14, Parcel 19693 NI, Roll # 481900000158100, 0.22 ac.
- Part of Lot 1, Concession 14, SR Loc TT-95, Roll \$ 481900000158200, 0.32 ac.
- Part of Lot 1, Concession 14, Parcel 19644 NI, Roll # 481900000157900, 0.34 ac.
- Part of Lot 1, Concession 14, Parcel 19978 NI, Roll # 481900000158000, 0.35 ac.
- Argos Road, Roll # 481900000145320, 0.45 ac.
- Laurentian Cres., Roll # 481900000132644, 0.62 ac.
- Laurentian Cres., Roll # 481900000132646, 0.63 ac.
- Mount Antoine Road, Roll # 481900000132622, 0.68 ac.
- Plan M536, Lot 4, Roll # 481900000119606, 0.68 ac.
- Mount Antoine Road, Roll # 481900000, 0.7 ac.
- Part Lot 22, Concession 11, Parcel 14016 N, Roll # 481900000150200, 0.71 ac.
- Antoinette Drive, Roll # 481900000128174, 0.71 ac.
- Mount Antoine Road, Roll # 481900000132616, 0.74 ac.
- Mount Antoine Road, Roll # 481900000132618, 0.74 ac.
- Antoinette Road, Roll # 481900000128180, 0.75 ac.
- Antoinette Road, Roll # 481900000128162, 0.75 ac.
- Antoinette Road, Roll # 481900000128182, 0.75 ac.
- Laurentian Cres., Roll # 481900000132632, 0.78 ac.
- Laurentian Cres., Roll # 481900000132634, 0.78 ac.
- Antoinette Drive, Roll # 481900000128170, 0.82 ac.
- Mount Antoinette, Roll # 481900000132610, 0.85 ac.
- Antoinette Drive, Roll # 481900000128176, 0.86 ac.
- Antoinette Drive, Roll # 481900000128184, 0.86 ac.
- Plan M536, Lot 3, Roll # 481900000119604, 0.86 ac.
- Antoinette Drive, Roll # 481900000128172, 0.86 ac.
- Antoinette Drive, Roll \$ 481900000128178, 0.86 ac.

5.5 LIMITED SERVICE RURAL - LSR

(This explanatory note does not form part of the By-law. The limited service **zone** identifies land which does not have access to frontage on an opened and maintained **public street** or a year round maintained **public street** and means that municipal services which may normally be provided will not be guaranteed including, but not limited to, snow ploughing, road upgrading, school bussing, garbage pick-up, access by emergency vehicles.)

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Limited Service Rural - LSR **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

- **Agricultural Use**
- **Camp**
- **Campground – Private**
- **Communications Facility**
- **Dwelling – Duplex**
- **Dwelling – Seasonal**
- **Dwelling - Semi-detached**
- **Dwelling - Single Detached**
- **Dwelling – Tiny House**
- **Forestry Uses**
- **Logging Operation**
- **Marine Facility**
- **Mobile Home**
- **Park**
- **Parking Area**
- **Public Service Use**
- **Wayside Pit**
- **Wayside Quarry**

Permitted Accessory Uses

- **Accessory Use, building or structure** (see 4.1.1)
- **Additional Residential Unit** (see 4.1.4)
- **Bed and Breakfast Establishment** (see 4.1.3)
- **Boat House** (see 4.1.1 (e))
- **Dock**
- **Dwelling, Apartment-in-a-House** (Granny Suite)
- **Farm Produce Outlet** (see 4.1.1)
- **Farm Vacation Establishment**
- **Fence**
- **Garage**
- **Garden Suite**
- **Guest Cabin** (see 4.1.4)
- **Home Based Business** (see 4.16)
- **On-farm Diversified uses for an Agricultural Use**
- **Recreational Vehicle** (see 4.31)
- **Solar Collector**
- **Storage Container** (see 4.1.5, 4.1.6)
- **Studio**
- **Swimming Pool** (see 4.1.2)

- **Temporary Car Shelter**
- **Wind Turbine**

5.5.2 Zone Requirements

(a) Residential

Minimum **Lot Area** per **Dwelling Unit**.....0.8 ha [1.96 ac.]
 Minimum **Lot Frontage**..... 30 m [98.4 ft.]

Minimum **Yard** Requirements

- **Front Yard**..... 7.5 m [24.6 ft.]
- **Rear Yard**..... 7.5 m [24.6 ft.]
- **Interior Side Yard**..... 3 m [9.8 ft.]
- **Exterior Side Yard**..... 6 m [19.6 ft.]

Maximum **Building Height**

- **Main Building** 11 m [36 ft.]
- **Accessory Building**..... 6 m [19.6 ft.]

Maximum **Lot Coverage**..... 10 %

Maximum No. of **Dwelling Units** per **Lot**:

- **Single detached dwelling, seasonal dwelling, mobile home**1
- **Duplex dwelling, Semi-detached dwelling, converted dwelling**1

Minimum **Separation Distance** Between a **Main Building**
 and an **Accessory Building**..... 2 m [6.4 ft.]

(b) All Other Uses

Minimum **Lot Area**.....0.8 ha [1.96 ac.]
 Minimum **Lot Frontage**..... 45 m [147.6 ft.]

Minimum **Yard** Requirements

- **Front Yard** 15 m [49.2 ft.]
- **All Other Yards** 10 m [32.8 ft.]

Maximum **Lot Coverage**..... 25%

Maximum **Building Height - Main Building** 11 m [36 ft.]
 Maximum **Building Height - Accessory Building**..... 6 m [19.6 ft.]

Minimum **Separation Distance** Between a **Main Building**
 and an **Accessory Building**..... 2 m [6.4 ft.]

5.5.3 Additional Provisions

- (a) New development and land uses and new or expanding livestock facilities in the LSR *zone* will comply with the *minimum distance separation* formulae;
- (b) *Parks* shall not be subject to minimum *lot area* or *lot frontage* requirements but shall comply with the *setback* requirements of **Section 5.5.2 (b)**;
- (c) Despite anything in **Section 5.5.2 (b)** to the contrary, *Communications Facilities*, *Wayside Pits and Wayside Quarries* shall be subject only to a minimum *yard* requirement of 15 m [49.2 ft.];
- (d) All islands are zoned Limited Service Rural (LSR) unless otherwise noted;
- (e) The minimum *interior side yard* shall not apply to the party wall of a *semi-detached dwelling*;
- (f) A *lot* occupied by a *dwelling unit*, other than an *agricultural use* may be used for the keeping of livestock up to one (1) *nutrient unit* provided the minimum *lot area* shall be 4 ha [9.88 ac] and provided any associated *livestock facility* or *manure or material storage* complies with the Minimum Distance Formulae I; and
- (g) All applicable *zone regulations* of Section 4 – General Provisions shall apply.

5.6 COMMERCIAL/RECREATIONAL - CR

No *person* shall use any land or *erect, alter* or use any *building* or *structure* in the Commercial Recreational - CR *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

- *Adventure Game*
 - *Animal Day Care Establishment*
 - *Auto Body Shop*
 - *Auto Service Station*
 - *Automotive Sales Establishment*
 - *Brewery or Winery*
 - *Building Supply Store*
 - *Camp*
 - *Campground - Recreational*
 - *Campground – Tourist*
 - *Car Washing Establishment*
 - *Clinic*
 - *Communications Facility*
 - *Convenience Store*
 - *Drive-through Facility* (see 4.26 (k))
 - *Equestrian Establishment*
 - *Equipment Rental Establishment*
 - *Existing Dwelling*
 - *Farmer's Market*
 - *Fitness Centre*
 - *Flea Market*
 - *Funeral Parlour*
 - *Institutional Use*
 - *Laundromat*
 - *Lumber Yard*
 - *Marina*
 - *Marine Facility*
 - *Microbrewery*
 - *Office*
 - *Parking Area*
 - *Parking Lot – Commercial*
 - *Personal Service Establishment*
 - *Propane Bar*
 - *Public Service Use*
 - *Printing and Publishing Establishment*
 - *Private Club*
 - *Recreational Commercial Establishment*
 - *Restaurant, Restaurant - Take out*
 - *Retail Store*
 - *Self-storage Facility*
 - *Service Outlet*
 - *Shooting Range or Rifle Club*
 - *Solar Collector – Commercial*
 - *Studio*
 - *Tavern or Roadhouse*
 - *Tourist Establishment*
 - *Tourist Outfitters Establishment*
 - *Warehouse*
- Permitted Accessory Uses**
- *Accessory Dwelling*
 - *Accessory Use, building or structure*
 - *Fence*
 - *Garage*
 - *Recreational Vehicle* (see 4.30)
 - *Storage Container* (see 4.1.5, 4.1.6)
 - *Swimming Pool* (see 4.1.2)
 - *Temporary Car Shelter*
 - *Wind Turbine*

5.6.2 Zone Provisions

Minimum *Lot Area*

- Per *Dwelling*0.8 ha [1.96 ac.]
- Other *Uses*1 ha [2.47 ac.]

Minimum *Lot Frontage* 45 m [147.6 ft.]

Minimum *Yard* Requirements

- *Front Yard* 10 m [32.8 ft.]
- *Rear Yard* 7.5 m [24.6 ft.]
- *Side Yard Interior* 7.5 m [24.6 ft.]
- *Side Yard Exterior* 7.5 m [24.6 ft.]

Maximum *Building Height*

- *Main Building* 11 m [32.8 ft.]
- *Accessory Building* 6 m [19.6 ft.]

Maximum *Lot Coverage*

- *Residential Use* only 10 %
- Other *uses* 25 %

Maximum No. of *Dwellings* per *Lot*1

Minimum *Separation Distance* between the
Main Wall of Adjacent, *Detached Dwelling Units* 6 m [19.6 ft.]

Minimum *Separation Distance* Between a *Main Building*
and an *Accessory Building* 2 m [6.4 ft.]

5.6.3 Additional Provisions

- (a) *Development* on lands within the Commercial Recreational (CR) Zone shall be on *lots* with frontage on a *public street*;
- (b) The provision for frontage on a *public street* may be exempted for a campground-tourist, *marina, marine facility, recreational commercial establishment* or *tourist establishment* which has water access only, provided that there is public access to the lake, that the public access fronts onto a *public street* and that there is adequate parking for the *permitted* recreational use at the *public access point*;
- (c) Indicates uses which shall only be *permitted* along the Highway 17 corridor and within 200 m [656 ft.];
- (d) Where a commercial *zone* abuts a residential *zone* or a *residential use* or a *sensitive land use* on an adjacent *lot*, a landscaped strip of not less than 1.5 m [4.92 ft.] in width shall be provided along the abutting *lot line(s)*;

- (e) Where a commercial *zone* abuts a residential *zone* or a *residential use* on an adjacent *lot*, the *setback* on the abutting *yard* shall be a minimum of 7.5 m [24.6 ft.]; and
- (f) All applicable *zone regulations* of Section 4 – General Provisions shall apply.

5.7 GENERAL INDUSTRIAL - M1

No *person* shall use any land or *erect, alter* or use any *building* or *structure* in the General Industrial - M1 *zone* except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.7.1 Permitted Uses

- *Accessory Dwelling Unit*
- *Accessory Use*
- *Agriculture Related Use*
- *Auto Body Shop*
- *Auto Service Station*
- *Building Supply Store*
- *Communications Facility*
- *Convenience Store*
- *Drive-through Facility* (see 4.26 (k))
- *Fuel Depot*
- Furniture and Home
- *Garden Centre*
- *Gasoline Bar*
- *Gasoline Card Lock Facility*
- *Industrial Use* (Class I & II)
- *Logging Yard*
- *Lumber Yard*
- *Microbrewery*
- *Office*
- *Parking Area*
- *Parking Lot – Commercial*
- *Public Service Use*
- *Restaurant*
- *Transportation Depot*
- Vehicle Towing Establishment
- *Warehouse*
- *Welding Shop*
- *Workshop or Custom Workshop*

5.7.2 Zone Requirements

Minimum *Lot Area*1 ha [2.47 ac.]
Minimum *Lot Frontage* 45 m [147.6 ft.]

Minimum *Yard* Requirements

- *All Yards* 15 m [49.2 ft.]

Maximum *Building Height*

- *Main Building* 15 m [49.2 ft.]
- *Accessory Building* 8 m [26.2 ft.]

| | |
|---|---------------|
| Maximum <i>Lot Coverage</i> | 30% |
| Minimum <i>Separation Distance</i> Between a <i>Main Building</i> and an <i>Accessory Building</i> | 2 m [6.4 ft.] |

5.7.3 Additional Provisions

- (a) See also requirements of **Section 4.21 (d)** of this By-law for *separation distances* for industries.

Where an industrial *zone* abuts a residential *zone* or a *residential use* or a *sensitive land use* on an adjacent *lot*, a landscaped strip of not less than 5 m [16.4 ft.] in width shall be provided along the abutting *lot line(s)*.

- (b) All applicable *zone* regulations of Section 4 – General Provisions shall apply.

5.8 MINERAL AGGREGATE RESOURCE - MX

No *person* shall use any land or *erect, alter* or use any *building* or *structure* in the Mineral Aggregate Resource - MX *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

- *Accessory Dwelling Unit*
- *Accessory Use*
- Agriculture (not including *buildings* and *structures*)
- *Camp*
- *Communications Facility*
- *Forestry Use* (not including *buildings* and *structures*)
- *Pit*
- *Portable Asphalt/Concrete Plant*
- *Public Service Use*
- *Quarry*
- *Wayside Pit*
- *Wayside Quarry*

5.8.2 Zone Requirements

Minimum *Yard* Requirements

- *All Yards* 15.0m [49.2 ft.]

Maximum *Building Height*

- *Main Building* 15.0m [49.2 ft.]
- *Accessory Building* 8.0m [26.2 ft.]

5.8.3 Additional Provisions

- (a) Notwithstanding the *yard* requirements stated above, a minimum of 30m [98.4 ft.] *setback* will be required from *lot lines* adjacent to public roads.
- (b) See also requirements of **Section 4.21 (c)** of this By-law for *separation distances* for Mineral Aggregate Resource Areas.
- (c) Any mineral *aggregate* operation, *pit* or *quarry* shall comply with any By-law passed under the Municipal Act governing a mineral *aggregate* operation, *pit* or *quarry*.
- (d) No *person* shall pile *aggregate*, top soil, overburden or locate any processing plant or place or build or extend any *building* or *structure*:
 - i) Within 30 m [98.4 ft.] from the *lot line* of the site.
 - ii) Within 90 m [295.2 ft.] from any *lot line* that abuts an *existing* residential *dwelling* or land zoned for *residential use*.

- (e) Earth berms intended to screen adjoining lands from the operations on site shall be located no closer than 3 m [9.84 ft.] from any *lot line*.
- (f) No mineral *aggregate* operation shall operate except in compliance with a valid license issued under the Aggregate Resources Act, as amended.
- (g) No portable *asphalt plant, wayside pit* or *wayside quarry* shall operate without a valid Environmental Compliance Approval.
- (h) All applicable *zone regulations* of Section 4 – General Provisions shall apply.

5.9 SEWAGE TREATMENT PLANT

No *person* shall use any land or *erect, alter* or use any *building* or *structure* in the Sewage treatment Plant - STP *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

- A Sewage Treatment Plant
- Waste Stabilization Pond
- *Accessory uses* to the foregoing *permitted uses*

5.9.2 Zone Requirements

Minimum *Yard* Requirements

- All *Yards* 30 m [98.4 ft.]

5.9.3 Additional Provisions

(a) Environmental Compliance Approval

No sewage treatment plant shall operate without and except in conformity with a currently valid Environmental Compliance Approval issued by the *public authority* having jurisdiction;

(b) Separation Distances

See **Section 4.21 (a)** for zone requirements.

(c) All applicable *zone regulations* of Section 4 – General Provisions shall apply.

5.10 ENVIRONMENTAL PROTECTION CONSTRAINT AREA- EP

The Environmental Protection Constraint Area - EP shall be considered as a constraint overlay area. Lands may be used for any of the *permitted uses* in the underlying *zone* (e.g. rural) subject to the following provisions.

5.10.1 Permitted Uses

- (a) Any *permitted use* in the *zone* underlying the constraint.

5.10.2 Zone Requirements

The *zone* requirements for the respective *zone* shall apply in addition to the following additional provisions.

5.10.3 Additional Provisions

- (a) The Environmental Protection Constraint Area (EP) is an area where physical constraints to *development* may apply such as flooding. The mapping of the EP Area is generalized and is subject to interpretation. For the purposes of this by-law, no new *buildings* shall be *permitted* to be constructed within any *flood plain* except flood control *structures*, or low impact *buildings* or *structures* such as a *gazebo*, wharf or *dock*, *boat slip*, *boat house*, garden storage shed. The *flood plain* shall be determined in consultation with the North Bay - Mattawa *Conservation Authority*. *Development* may be *permitted* outside or above the flood elevation or beyond the prescribed *setback* from any *water body*;
- (b) 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* shall be *permitted* to be constructed, enlarged or expanded within any *flood plain*;
- (c) Extensions or enlargements to *existing* habitable or other *buildings* located in the *flood plain* (other than an *institutional use*) may be *permitted* subject to the review and approval of the North Bay-Mattawa *Conservation Authority* (Authority). Proposals will be reviewed on a site-by-site basis, and if approved, will be subject to engineering studies and/or the requirements and conditions of the Authority;
- (d) In areas of the *Municipality* where the *flood plain* has not been determined, the *setback* of habitable *buildings*, *non-residential buildings* and on-site (private) sewage disposal systems from the *shoreline* or *high water mark* in the Environmental Protection Constraint Area shall generally be 45 m [147.6 ft.] and the provisions of **Section 5.10.3** (a and b) shall apply. The *setback* provisions may be reduced to 30 m [98.4 ft.] where *permitted* by the Authority;
- (e) Modification of the *flood plain* through filling, excavation or by other means is prohibited unless otherwise *permitted* by the *Conservation Authority*;

- (f) All land permanently or seasonally under water is considered to be within the Environmental Protection Constraint Area (EP) and uses of such land shall be limited to only those specifically approved by the *Conservation Authority*; and
- (g) See also requirements of **Section 4.21** of this By-law for *separation distances* and the provisions for *flood plains* in **Section 4.11**.
- (h) All applicable *zone regulations* of Section 4 – General Provisions shall apply.