



Zoning By-law
Municipality of Calvin
By-law No. 2022-019
June 14, 2022
Consolidated with Amending By-law No. 2022-056
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Explanatory Note

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

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 Calvin.

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. 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 Calvin to amend the By-law under (subsection 34(10.0.1) of the *Planning Act*). Applications are available from the Township office: 1355 Peddlers Drive, Mattawa, Ontario, P0H 1V0. Tel. (705) 744-2700 or on the Township's website www.calvintownship.ca or clerk@calvintownship.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 LPAT 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: 1355 Peddlers Drive, Mattawa, Ontario, P0H 1V0. Tel. (705) 744-2700 or on the Township's website www.calvintownship.ca or clerk@calvintownship.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

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.

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 the By-law applies, how the By-law 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-law³ of the Corporation of the Municipality of Calvin and shall consist of the text and one or more schedules attached hereto.

1.2 Application and Building Permits

In addition to the requirements of the Municipality of Calvin Building By-law, every planning application or application for a building permit shall be accompanied by information required to determine compliance with this By-law. The regulations of this By-law must be met before a building permit is issued by the **Municipality** for the erection of any **building** or **structure**.

Explanatory Note for Site Plan Drawings

A site plan drawn to scale should be prepared which illustrates

- *The true dimensions of the lot to be built upon;*
- *The proposed location, height and dimensions of any proposed building or structure;*
- *The setbacks of all existing and proposed buildings or structures from the nearest lot lines; the location and number and dimensions of parking spaces (conventional, cycling and barrier-free), parking aisles, driveway access, parking areas, loading spaces and daylighting triangles;*
- *The location of utility easements, fire hydrants and sidewalks*
- *Landscaping details, lot grading and on-site stormwater features*
- *Natural features such as wetlands, water bodies and flood prone areas*

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 Calvin.

1.4 Enforcement

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

1.5 Penalty

Any **person** who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided for under the *Planning Act, R.S.O., 1990, c. P.13*, as amended.

1.6 Validity

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

1.7 Other By-laws, Licenses, Permits and Regulations

Nothing in this By-law shall exempt any **person** from complying with the requirements of any other By-law in the Municipality of Calvin, 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 requirement of the Province of Ontario or the Government of Canada.

1.8 Conflict

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

1.9 Effective Date

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

1.10 Metric and Imperial Terms

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

1.11 Level of Accuracy

All calculations of the regulations of this By-law shall be to one decimal place, and in no case shall there be a rounding to such decimal place.

In the event of any conflict between the zone regulations of this By-law, the more restrictive regulation(s) shall apply.

1.12 Defined Terms

All defined terms are shown in ***bold italicised script*** throughout this By-law.

1.13 Diagrams and Figures

This By-law contains a number of diagrams and figures which are intended to assist with the interpretation of the By-law; however, they do not form part of this by-law.

1.14 Repeal of Existing By-laws

Upon this By-law coming into effect, any zoning By-laws or amendments thereto passed under Section 34 of the *Planning Act* or a predecessor thereto are hereby repealed. The adoption of this By-law shall not prevent any current, pending or future prosecution or action to abate any existing violation of previous By-laws.

1.15 Reference to Legislation

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean the statute currently in force and any amendments thereto and all applicable regulations thereunder.

1.16 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

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 Minor Variances

All minor variances applied for prior to the enactment of this By-law and finally approved pursuant to Section 45 of the *Planning Act, R.S.O., 1990, c. P. 13*, as amended, shall continue to apply and remain in force as if they are variance to this By-law.

In addition to the criteria set out in Section 45 (1) of the *Planning Act*, the following additional criteria shall be considered in the review of applications for a minor variance:

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

Section 3 DEFINITIONS

Explanatory Note

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

3.1 General

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

3.2 Definitions

Abattoir

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

Accessory

When used to describe a **use, building** or **structure**, shall mean a **use, building** or **structure** naturally or normally incidental, subordinate and exclusively devoted to a principal **use, building** or **structure** and located on the same **lot** therewith [see **Figure 3.1**].

Examples of accessory buildings or structures are a detached garage, a storage shed, a storage container, a swimming pool or a satellite dish. Examples of accessory uses are a home based business, an apartment above a store, or a retail outlet within a manufacturing plant.

Figure 3.1: Accessory Building and Main Building



Accessory Dwelling – see dwelling, Accessory

Accessory Apartment - see Dwelling – Accessory Apartment

Accessory Dwelling Unit – see Dwelling, Accessory Dwelling Unit

Adventure Game

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

Aggregate

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

Agricultural Use

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

1. The growing of crops, including but not limited to nursery and horticultural crops and all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops produced on the lands.
2. Animal husbandry including the raising, boarding, and keeping of all forms of livestock, including poultry and fish, aquaculture, apiaries and all related activities such as breeding, training, feeding and grazing.
3. Agro-forestry, maple syrup production.
4. The production of animal products including but not limited to milk, eggs, wool, fur, or honey, and all related activities such as the collection, storage and sale of the products produced on the lands.
5. The **use** and storage of all forms of on-farm buildings and structures, equipment or machinery needed to accomplish the foregoing activities.

6. Agricultural use shall not be construed to include commercial activities related to agriculture such as **abattoirs**, tanneries and **retail outlets**, (except a farm produce outlet) or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales

Agricultural Related Use

Means the **use** of land, **buildings** or **structures** which are farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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 traveled way by which **motor vehicles** enter and depart **parking spaces** or **loading/delivery spaces** or a **parking area** [see **Figure 3.2**].

Figure 3.2: Examples of Parking Aisle



Airport or Aircraft Landing Area

Means land **used** for the purpose of landing, storing, taxiing or taking off of aircraft and **uses, buildings and structures accessory** thereto.

Alter

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

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

When used in reference to a **lot** means:

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

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

Altered and alteration shall have corresponding meanings.

Ambulance Facility

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

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, but does not include a **commercial kennel**.

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.

Apartment Building - see Dwelling – Apartment

Archaeological Resources

Means artifacts, archaeological sites, and marine archaeological sites as defined under the *Ontario Heritage Act*.

Artisan Shop or Studio - see Studio

Asphalt Plant

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

Assembly Hall - see Place of Assembly

Attached

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

Attic

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

Auditorium - see Place of Assembly

Auto Body Shop

Means a commercial **premise** where painting, refinishing, restoration, alterations, or repairs are made to **motor vehicles**, but does not include a **wrecking or salvage yard** or **auto repair garage** (see 4.24).

Auto Repair Garage

Means a commercial **premise** for the storage, repair and servicing of **motor vehicles** or **recreational vehicles**.

Auto Service Station

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

Automotive Sales Establishment

Means a **premise** for the display, storage and sales or leasing, or renting of new and/or used **motor vehicles** and **recreational vehicles** and related products, and may include **accessory uses** such as an **Auto Repair Garage** and/or **Auto Body Shop**, administrative offices and a customer lounge.

Automobile Wrecking Yard - see Wrecking or Salvage Yard

Backlot

Means a **lot** which is separated from the **shoreline** by both an intervening waterfront lot and a **street** or **private road**.

Balcony

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

Bank or Financial Institution

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

Barrier Free

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

Basement

Means that portion of a **building** below the first floor which is partly underground. [See **Figure 3.7**]

Batch Plant, Asphalt or Concrete

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

Bed and Breakfast Establishment

Means a private **single detached dwelling** in which **guest rooms** are provided for 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**.

Bingo Hall

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



Figure 3.3: Building Envelope

Boarding House

Means a **dwelling** other than a **single-detached dwelling** which contains three (3) or more rooming units wherein, for remuneration, lodgings, with or without meals, are provided to the public.

Boat House

Means a one-storey **accessory building** used for the storage of boats and boating equipment.

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**.

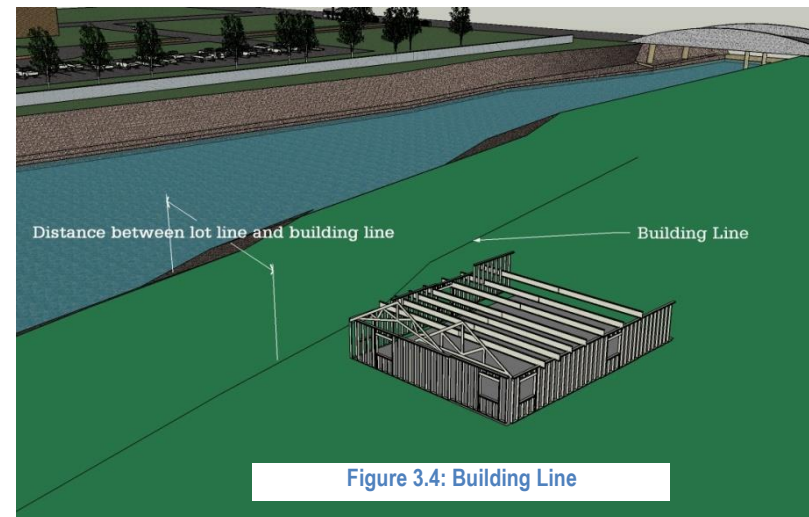
Building

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

Building, Accessory - see Accessory

Building Envelope

Means the buildable area on a **lot**, defined by all of the required **yards** and setbacks and the maximum height provisions, within which a **building** can be erected [see **Figure 3.3**].



Building Height - see Height

Building Inspector or Building Official - see Chief Building Official

Building, Main

Means a **building** in which is conducted the **principal uses** of the **lot** on which the **building** is located [see **Figure 3.1**].

Building Line

Means a line within a lot drawn parallel or concentric to a lot line establishing the minimum distance between that lot line and any portion of a **building** or **structure** which may be erected [see **Figure 3.4**].

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 Separation

Means the least horizontal distance **permitted** between the nearest portions of the walls of any **buildings** on a **lot** [see **Figure 3.5**].

Building Supply Store

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

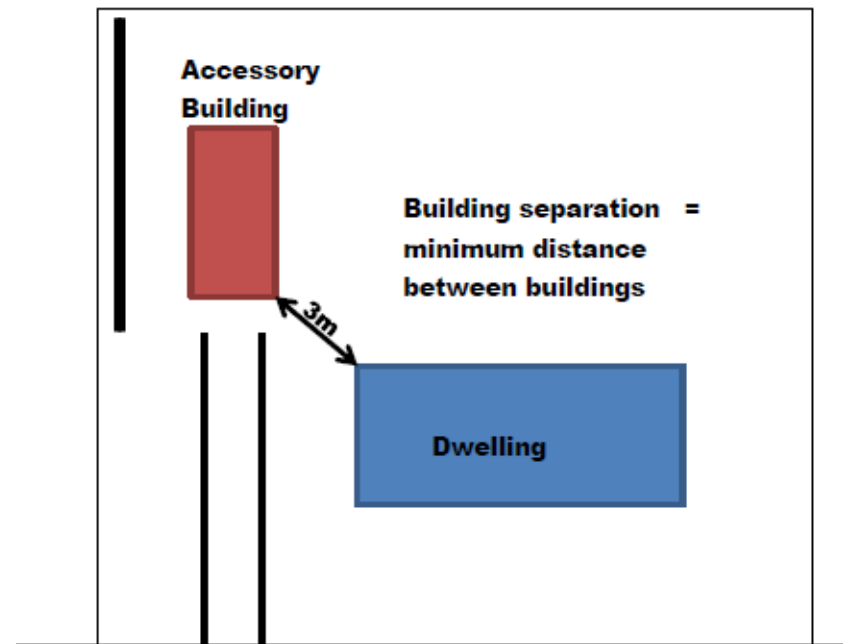


Figure 3.5: Building Separation

Building, Temporary

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

Built Heritage Resources

Means **buildings, structures**, monuments, installations or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. **Built heritage resources** are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial or federal registers.

Bulk Fuel Depot

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

Bulk Storage Yard

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

Camp (Hunt Camp, Fishing Camp)

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

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 park.

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 it was designed to serve is completed.

Campground - Private

Means an area of land providing short term accommodation for three or more tents, **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 recreational vehicles and tenting sites which are used for vacation and leisure purposes from May 1 to October 31 and may include the overwinter storage of recreational vehicles and without limiting 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.

Camp Site

Means a parcel of land within a **campground** that is maintained as a site for the location of a tent, tent trailer, **recreational vehicle** or truck camper, but not a **mobile home**.

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.

Figure 3.6: Car Port

Canopy

Means a roof-like **structure** projecting from the exterior face of a **building** or is a stand-alone structure over a pump island or **gas bar**.

Car Port

Means a **structure** open on at least two sides and intended to be used for the sheltering of one or more **motor vehicles**. A car port **attached** to the **main building** is not an **accessory structure**. [See **Figure 3.6**]

Car Washing Establishment

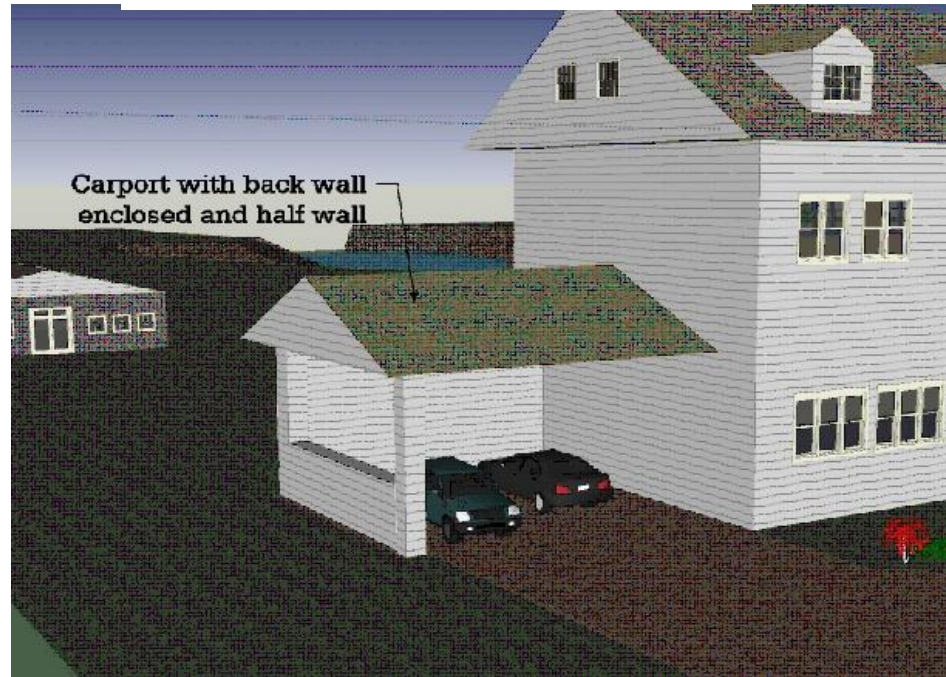
Means a commercial **building** or portion thereof used for the washing or cleaning of **motor vehicles**. A **car wash** may be an **accessory use** to a permitted automotive use.

Catering Establishment

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

Cellar

Means the portion of the **building** below the first floor, which is partly or wholly underground and which has more than one-half of its **height** from floor to ceiling or to the underside of the floor joists below the finished grade [see also Basement and **Figure 3.7**].



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.

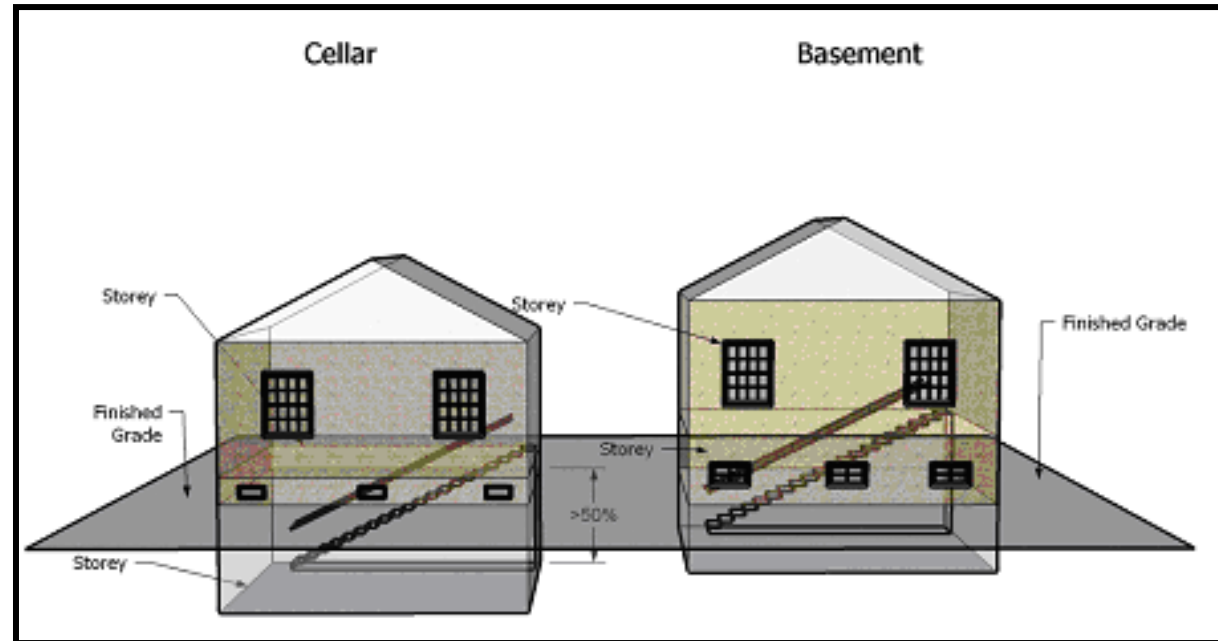
Cemetery, Pet

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

Chief Building Official

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

Figure 3.7: Cellar and Basement



Church - see Place of Worship

Clinic

Means a **building** or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by qualified health practitioners and without limiting the generality of the foregoing, the **building** may include administrative **offices**, waiting rooms, laboratories, professionals (e.g., *physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners*).

Club, Private

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

Commercial Greenhouse, Nursery or Garden Centre

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

Commercial Parking Lot

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

Commercial Use

Means the use of land, **buildings** and **structures** for the purpose of buying and/or selling commodities and supplying services.

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 line, cellular telephone tower, radio or television broadcast tower or similar facility approved by a federal regulator.

Community Centre - see Place of Assembly

Community Garden

Means a site operated by community members and/or a community organization where lands are **used** for the growing of produce, flowers and native plants for non-profit use through individual or shared plots.

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, protection or conservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses.

Construction Work Camp

Means an area of land including buildings and structures specifically designed as temporary living quarters for persons employed in a utility-related construction project and 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, and shall also include a contractors yard as defined, but also to include an onsite self-contained fuel storage facility.

Contractor's Yard

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

Continuum-of-Care Facility

Means a **building** or a group of buildings which may include a senior citizens apartment building, a nursing home, a long-term care facility, home for the aged, a retirement home and accessory facilities including but not limited to clinics, recreation centers, cafeterias and personal service establishments, and may also include independent senior's accommodation in separate structures/living units that share in services such as meals. This definition does not include a **group home**, or **boarding house**.

Convenience Store

Means a **retail store** used primarily for the sale of grocery and other daily household necessities required to fulfil the day-to-day needs of the surrounding community.

Convention Facility - see Place of Assembly

Corporation

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

Cottage Industry - see Home Based Business

Council

Means the Council of the Corporation of the Municipality of Calvin.

Coverage - see Lot Coverage

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.

Cultural Heritage Landscape

Means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as **structures**, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Custom Workshop

Means a **building** or **structure** or part of a **building** or **structure used** by a trade or craft for the individual custom production of articles. The sale of such products shall be **permitted** as an **accessory use**.

Day Lighting Triangle - see Sight Triangle

Day Care, Private Home

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

Day Nursery

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

Deck

Means a **structure** above the ground cantilevered from a **dwelling** or **building** or supported by the ground with no roof or walls except for visual partitions and which is **used** as an outdoor living area.

Detached

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

Development

Means the creation of a new **lot**, a change of 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.

Dish Antenna - see Satellite Dish/Receiver

Dock

Means an **accessory structure** used for the mooring of boats, marine vessels or watercraft which is designed to float freely on the surface of the water and which may be secured or anchored to the **shoreline**.

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

Driving Range

Means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding a **golf course**.

Dry Cleaning or Laundry Outlet

Means a **premise** used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering or dry cleaning at another location and may include facilities for the pressing or ironing of such articles.

Dry Cleaning or Laundry Plant

Means a **premise** in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing and finishing of such goods are conducted.

Dwelling

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

Dwelling - Accessory

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

Dwelling - Apartment

Means a **building** containing three (3) or more **dwelling units** but shall not include a **row** or **townhouse dwelling** [see **Figure 3.8**].

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

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

Dwelling - Accessory Dwelling Unit

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

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 rowhouse or up to three dwelling units in total [see **Figures 3.9 and 3.10**].



Figure 3.9: Additional Residential Unit - Basement and Accessory Structure

Figure 3.10: Examples of Additional Residential Unit

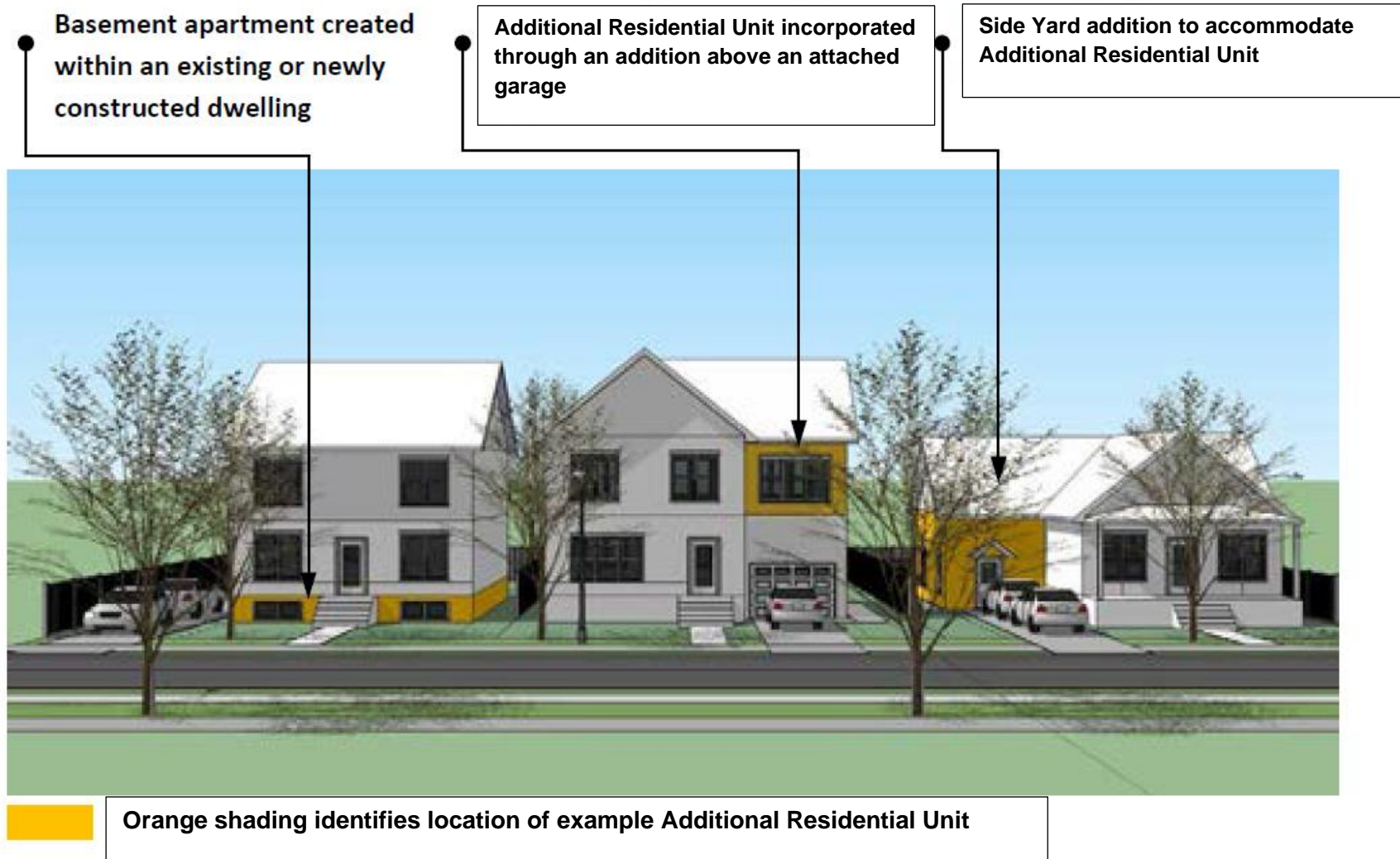


Figure 3.11: Dwelling Types

Dwelling - Duplex

Means a **building** that is divided horizontally into two (2) **dwelling units**, each of which has an independent entrance [see **Figure 3.11**].

Dwelling - Group or Group Housing or Group Housing Project

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

Dwelling - Mobile Home

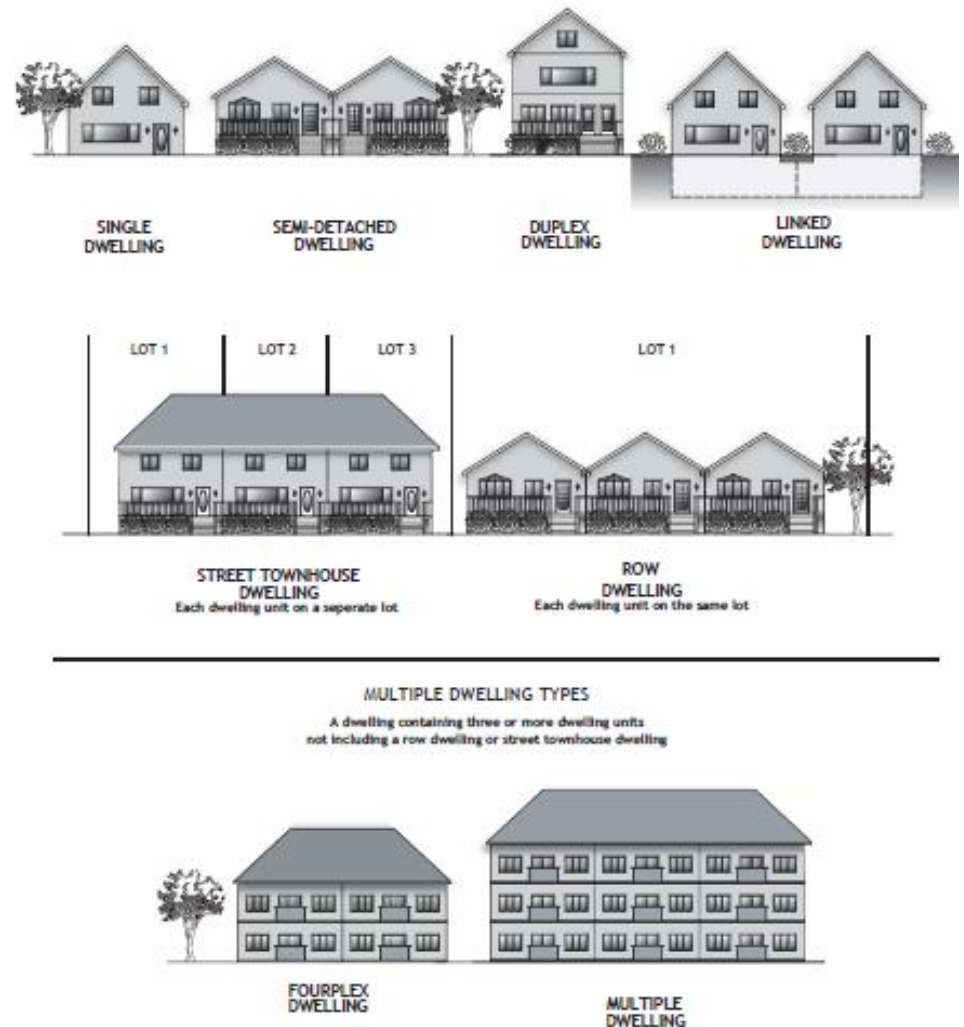
Means any **dwelling** that is designed to be made mobile, and constructed or manufactured in accordance with standards set out in the *Building Code* and designed to provide a permanent residence for one or more **persons**, but does not include a **recreational vehicle**.

Dwelling - Multiple Unit

Means a separate **building** designed exclusively to contain three (3) or more **dwelling units**.

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 - Row or Townhouse

Means a **building** that is divided vertically into three (3) or more **dwelling units**, each of which has an independent entrance at grade. [See **Figure 3.11**]

Dwelling – Seasonal

Means a **dwelling** constructed as a secondary place of residence which is not intended for, or used for, or constructed for year-round living (i.e. is not winterized or insulated) and is not the principal place of residence of the **owner** or occupier thereof (e.g., cottage) and such dwelling shall only receive seasonal road maintenance where located on a Municipal road classified for seasonal maintenance only.

Dwelling - Semi-detached

Means a **building** on a single foundation divided vertically into two (2) separate **dwelling units** by a common wall [see **Figure 3.11**].

Dwelling - Single-detached

Means a detached **building** containing one (1) **dwelling unit** [see **Figure 3.11**].

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]. [See photo]

Dwelling - Triplex

Means a **building** on a single foundation divided into three (3) separate **dwelling units**, each of which has an independent entrance either directly from the outside or through a common vestibule [see **Figure 3.11**].



Dwelling – Two-Unit

Means a **dwelling** containing two (2) **dwelling units** and for the purpose of this By-law a **Two-Unit Dwelling** may include a **semi-detached dwelling**, a **duplex dwelling**, but shall not include a **converted dwelling** or a **dwelling containing a secondary dwelling unit**.

Dwelling Unit

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

Dwelling Unit Area

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

Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another and shall be deemed to include an easement for a water, sewer, gas or hydro or communications utility, drainage works, and a street, or road.

Eave

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

Entrance

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

Equestrian Establishment

Means the **use** of land, **buildings** and **structures** for operation of a horse riding academy, horse riding stables, horse training, handling care, or for the lodging of horses.

Equipment Rental Establishment

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

Equipment Sales, Service and Repair Establishment

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

Equipment and Vehicle Storage Yard

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

Erect

Means to build, construct, reconstruct, **renovate, 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:

1. When used with reference to a **building**, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments, planters, berms or steps [see **Figure 3.12**];
2. When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
3. When used with reference to a street, road or highway, the elevation of the street, road or highway established by a **public authority**.

Existing

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

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

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

Factory Outlet

Means a **premise accessory** to a permitted **industrial use** where products or goods that are manufactured or produced on site by that industry are kept for wholesale or retail sale on the same **lot** as the principal **industrial use**.

Fairground

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

Farm

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

Farm, Hobby

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

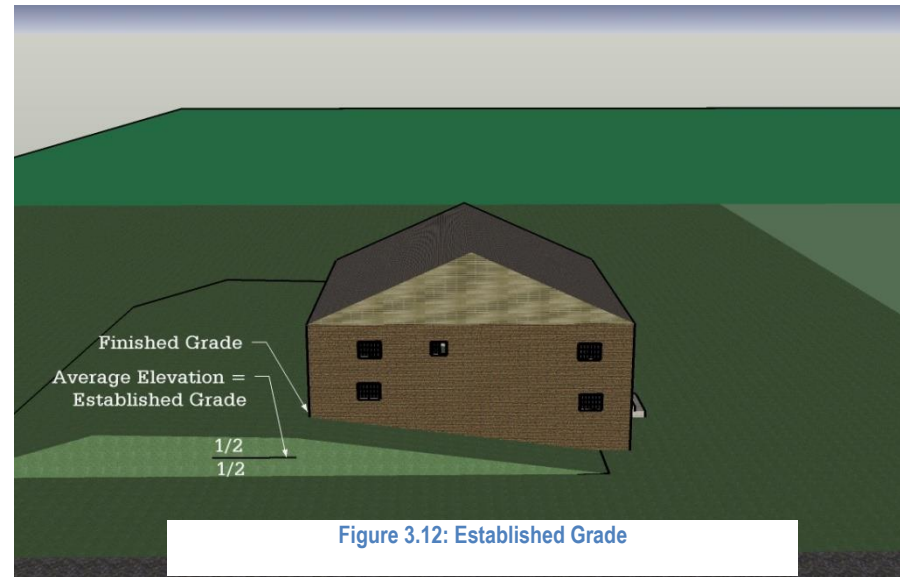


Figure 3.12: Established Grade

Farm Produce Outlet

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

Farm Vacation Establishment

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

Farmer's Market

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

Fence

Means any barrier 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.

First Storey

Means the storey with its floor closest to but above grade [see **Figure 3.24**].

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:

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

Flood Elevation or Floodline

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

Flooding Hazards

Means the inundation of areas adjacent to a **shoreline** or river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as a standard for that specific area by the Ministry of Northern Development, Mines, Natural Resources and Forestry [see **Figure 3.13**].

Flood Plain

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

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 all floors contained within a **building** measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor [see **Figure 3.14**].

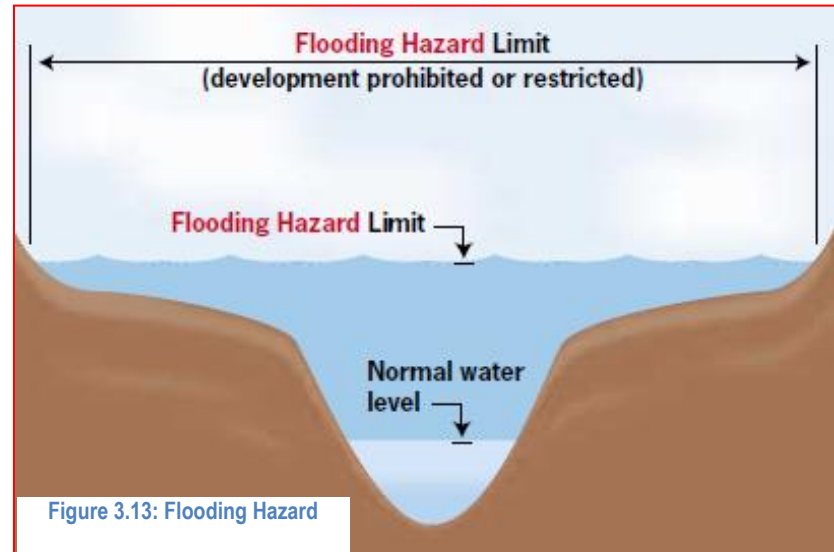
Floor Area, Ground

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

Floor Area, Net

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

1. Any **private garage, porch, veranda**, unfinished **basement, cellar** or **attic**; or



2. Any part of a **building** or **structure** below grade which is used for building services, storage or laundry facilities; or
3. Any part of the **building** or **structure used** for the storage or parking of **motor vehicles**; or
4. Any part of a commercial shopping area used as a hall way, corridor passageway, utility room, elevator shafts, service/mechanical rooms, garbage/recycling rooms, public washroom, staff locker and lunch rooms, loading areas, balcony or mezzanine not otherwise used for the display or sale are for merchandise.

Forestry Use

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

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

Front Yard - see **Yard, Front**

Frontage - see **Lot Frontage**

Funeral Home

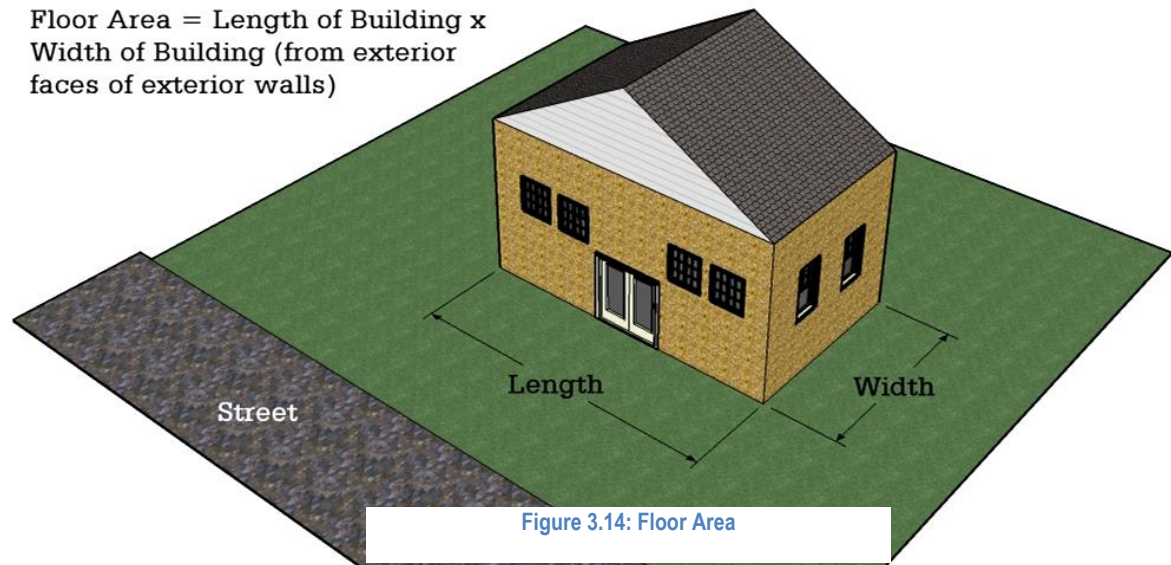
Means a **building** or part thereof used for the purpose of furnishing funeral services to the public, but shall not include a crematorium.

Garage – Detached Private

Means a fully enclosed **accessory building** which is designed or **used** for parking or storage in which there are no facilities for repairing or servicing of a **motor vehicle** for remuneration or commercial use.

Floor Area

Floor Area = Length of Building x
Width of Building (from exterior
faces of exterior walls)



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 Calvin and any Ministry or department of the Government of Ontario or Canada.

Garden Centre - see Commercial Greenhouse, Garden Centre or Nursery

Garden Suite

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

Gas Bar

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

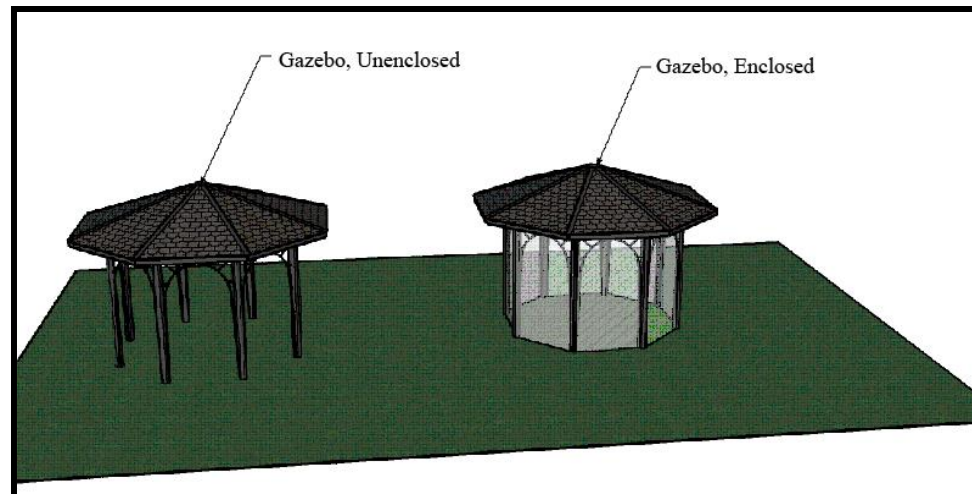
Gasoline Card Lock Facility

Means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps or electric vehicle charge facilities which are operated automatically by credit or debit cards.

Gazebo

Means a freestanding, roofed **accessory structure** which is not enclosed, except for transparent screening (e.g., glass, netting) and which is utilized for the purposes of relaxation in conjunction with a principal use but shall not include any other use or activity otherwise defined or classified herein [see **Figure 3.15**].

Figure 3.15: Gazebo



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 **principal use** of playing the sport of golf but may also include a **driving range** and such **accessory buildings** and **structures** as are necessary for the operation and maintenance of the **golf course** including club house facilities, a **restaurant**, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

Green Roof

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

Greenhouse

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

Granny Flat - see Garden Suite

Green Energy Industries

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

Group Home

Means a single housekeeping unit in a residential **dwelling**, which is registered with the **Corporation**, 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 [see also **Crisis Care Facility**].

Guest Cabin

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

Guest Room

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

Guest House

Means a private **single detached dwelling** in which the **dwelling** or part thereof is rented for gain or hire as living quarters.

Habitable Room

Means any floor space within a **building** or **structure** designed and intended to be **used** for living, sleeping, cooking or eating purposes as defined under the *Building Code Act, S.O. 1992, Chapter 23*, as amended.

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 Sites:

Means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [Leda], organic soils) or unstable bedrock (karst topography).

Hazardous Substances

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

Height

Means the vertical distance between the established grade and:

1. In the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest [see **Figure 3.16**], or
2. In the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof [see **Figure 3.17**].
3. Where the height is designated in terms of storeys, it shall mean the designated number of storeys above and including the **first storey**.

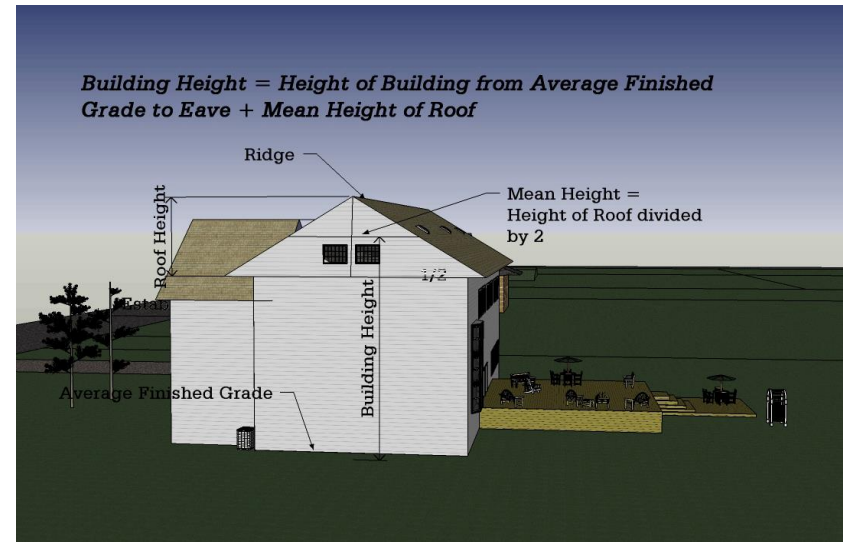
Helipad

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.

Figure 3.16: Building Height with Flat Roof



Figure 3.17: Building Height – All Other Roofs



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 **water body**, 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 shall also include a nature line or mark impressed on the bank or shore or rock, or other distinctive physical characteristics.

Highway

Means a **street** under the jurisdiction of the Provincial government.

Hobby Farm – see Farm, Hobby

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

Home Based Business

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

Hotel

Means a **building** designed or **used** for the accommodation of the travelling or vacationing public, with or without **accessory uses** such as a **restaurant**, meeting rooms, **swimming pool**, facilities for the temporary exhibition and sale of goods on an intermittent basis, **premise** licensed under the *Liquor License Act* and includes any establishment containing **guest rooms** which is defined as a “Hotel” in the *Hotel Registration of Guests Act, R.S.O. 1990, H. 17* and shall also include a **motel** and hostel, but shall not include any **residential use** or **boarding house use**.

Individual On-site Sewage System

Means systems under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

Individual On-site Water System

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

Industrial Use

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

1. Class I Industry - Light Industrial

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

2. Class II Industry - Medium Industrial

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

3. Class III - Heavy Industrial Uses

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

Institutional Use

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

Junk Yard - see Wrecking Yard

Kennel

Means a commercially operated **building** or **structure** where dogs, cats or other small animals are kept, trained, bred or boarded, but does not include an **animal shelter**. [See also **Animal Shelter**]

Landfill Site – see Waste Management Facility

Landscaped Open Space

Means:

1. 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
2. Does not include parking areas, traffic aisles or driveways or ramps for vehicles.

Laundromat

Means self-serving clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment, and may include a laundry receiving depot.

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

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

Livestock Facility

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

Livestock Sales Outlet

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

Loading/Delivery Space

Means an unobstructed area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such **vehicle**.

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.

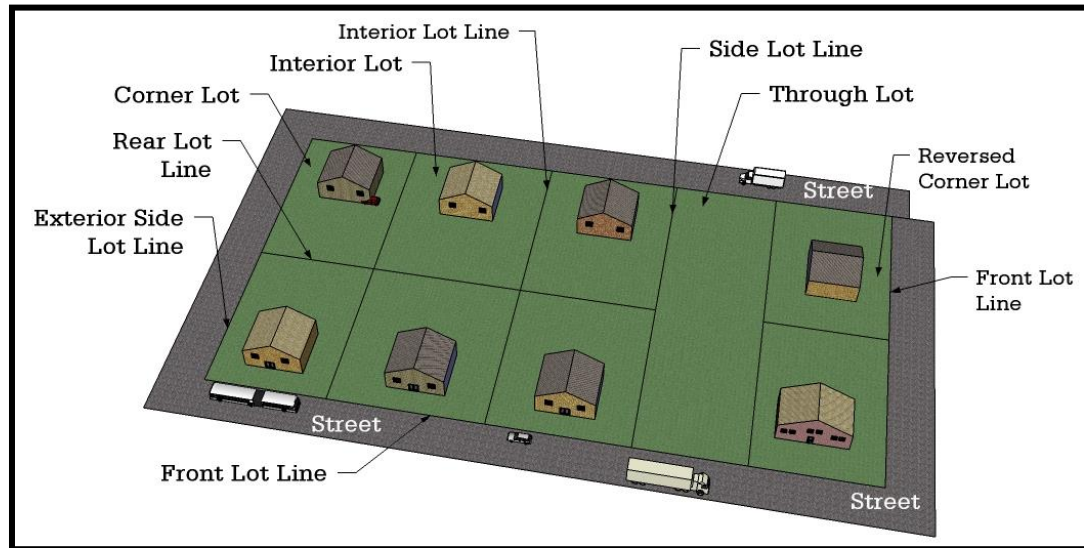


Figure 3.18: Lot Definitions

Loft-Above-a-Garage

Means the portion of a **private garage** either attached or detached located above the vehicle storage area which is used for sleeping accommodation and may include sanitary facilities but not cooking facilities.

Lot

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

Lot Area

Means the total horizontal area measured within the limits of the **lot lines** of the **lot** excluding the horizontal area of any **flood plain** or wetland area located on such **lot**. [See **Figure 3.1**]

Lot, Corner

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

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the **side lot lines**. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents, and any portion of a corner lot distant not more than 30 m (98.4 ft.) from the corner measured along the street line shall be deemed to be an **interior lot** [see **Figure 3.18**].

Lot Coverage

Means that percentage of land or **lot** area covered by **buildings** and **structures** above ground level and which excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level, and shall exclude a fence, patio, landings, steps, ramps, retaining wall, root cellar, a sewage disposal system and an in-ground swimming pool or hot-tub [see **Figure 3.19**].

Lot Depth

Means the horizontal distance between the **front** and **rear lot lines**. If the **front** and **rear lot lines** are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the **front lot line** with the middle of the **rear lot line**. If there is **no rear lot line**, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the **side lot lines** [see **Figure 3.20**].

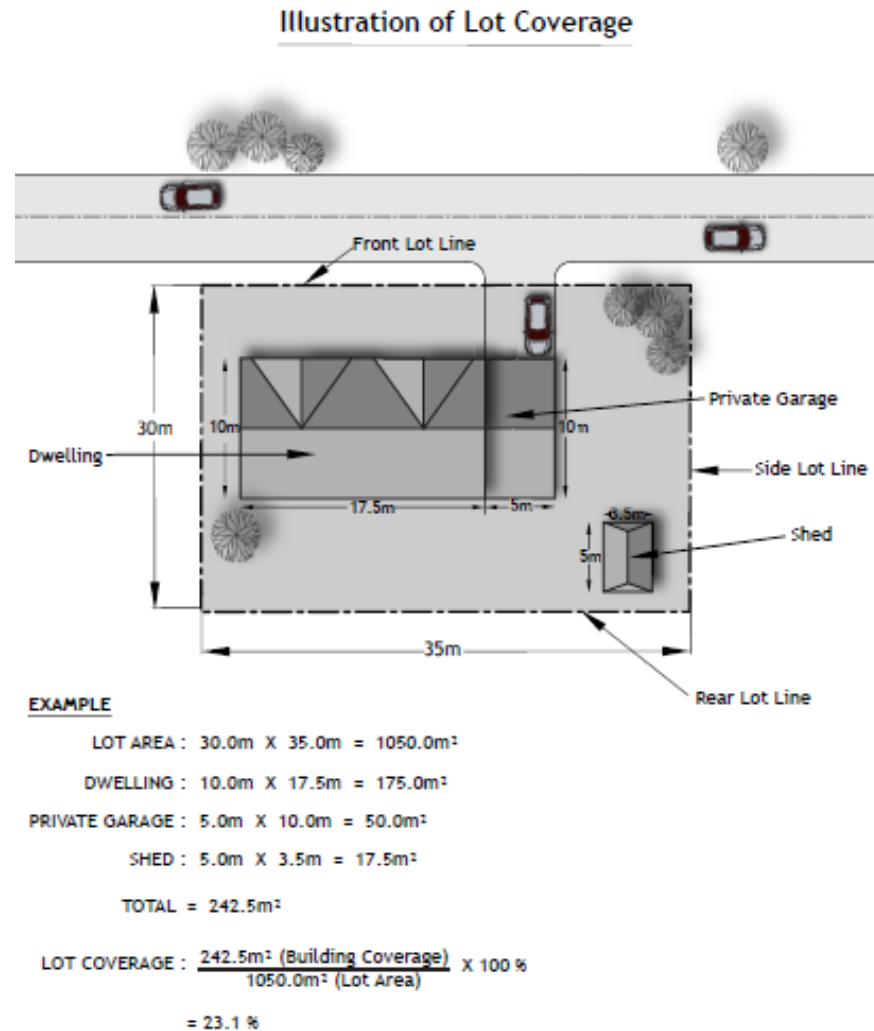


Figure 3.19: Lot Coverage

Lot Frontage

Means the horizontal distance between the **side lot lines**. Where such **side lot lines** are not parallel, it shall be the width of a **lot** measured between the intersections of the **side lot lines** with a line equal to the **front yard setback** back from and parallel or concentric to the **front lot line**. Arc distances shall apply on curved lines [see **Figure 3.20**].

Lot, Interior

Means a **lot** other than a **corner lot** or a **through lot** which has frontage on a **street** [see **Figure 3.18**].

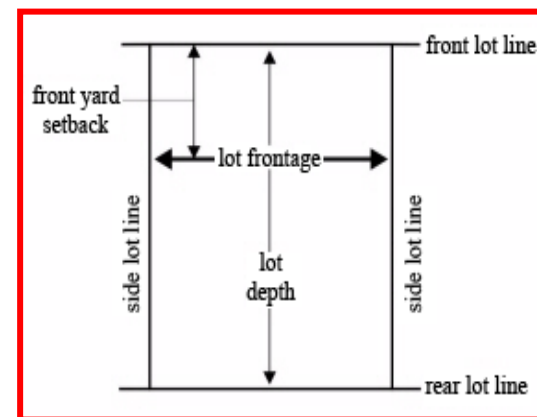


Figure 3.20: Lot Depth and Lot Frontage

Lot Line

Means a boundary line of a **lot** or the vertical projection thereof. In the case of a **lot line** that has a bend or a series of bends, if the sum of the interior angles or angles of such bends is 130 degrees or greater, then they shall be deemed to be the same **lot line**.

Lot Line - Exterior Side

Means a **lot line** located between the **front lot line** and **rear lot line** and dividing the **lot** from a **street** [see **Figure 3.18**].

Lot Line, Front

Means:

1. In the case of an **interior lot**, the line dividing the **lot** from the **street**, street allowance or **private road**;
2. In the case of a **corner lot**, the shorter **lot line** abutting a **street** shall be deemed to be the **front lot line**;
3. In the case of a **corner lot** with two street lines of equal length, the **lot line** that abuts the wider **street**, or abuts a **highway** shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the **lot line** where the principal access to the **lot** is provided shall be deemed to be the **front lot line**;

4. In the case of a **lot** with water access or frontage on a **water body**, or an island, the **front lot line** shall be on the **shoreline**. In the case of a through waterfront lot the longest **shoreline** shall be deemed to be the **front lot line**; [see **Figure 3.18**].
5. in the case of a **private road**, the **lot line** adjacent to the **entrance** shall be deemed to be the **front lot line**;
6. In all other cases not described above, the **front lot line** shall be deemed to be where the principal access or **entrance** to the **lot** is approved.

Lot Line, Rear

Means the **lot line** furthest from, and opposite to, the **front lot line** [see **Figure 3.18**]. In the case of a **lot** with no **rear lot line**, the point where the two **side lot lines** intersect shall be the **rear lot line**.

Lot Line, Side Interior

Means a **lot line** other than a **front lot line**, **rear lot line** or **exterior side lot line**. On a **lot** with more than four sides, any **lot line** not otherwise defined as a front, rear or side lot line shall be considered as an **interior side lot line** [see **Figure 3.18**].

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel **streets** and where such **lot** qualifies as being both a **corner lot** and a **through lot**, such lot shall be considered as a corner lot [see **Figure 3.18**].

Lot, Width

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

Lot Width, Corner Lot

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

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

Marina

Means a commercial **use, building** and/or **structure** with or without docking facilities where boats are moored, berthed, constructed, stored, serviced, repaired or kept for sale or rent, and where **accessory uses** shall include the sale of boat accessories, marine fuels and supplies and pump-out facilities.

Marine Facility

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

Medical Clinic - see Clinic

Medical Marijuana Facility

Means a **premise** approved and regulated under the Canada *Food and Drugs Act* and associated *Food and Drug 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.

Mineral Aggregate Operation

Means:

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

Mineral Mining Operation

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

**ILLUSTRATION OF DEFINITIONS
RELATED TO WATERFRONT LOTS**

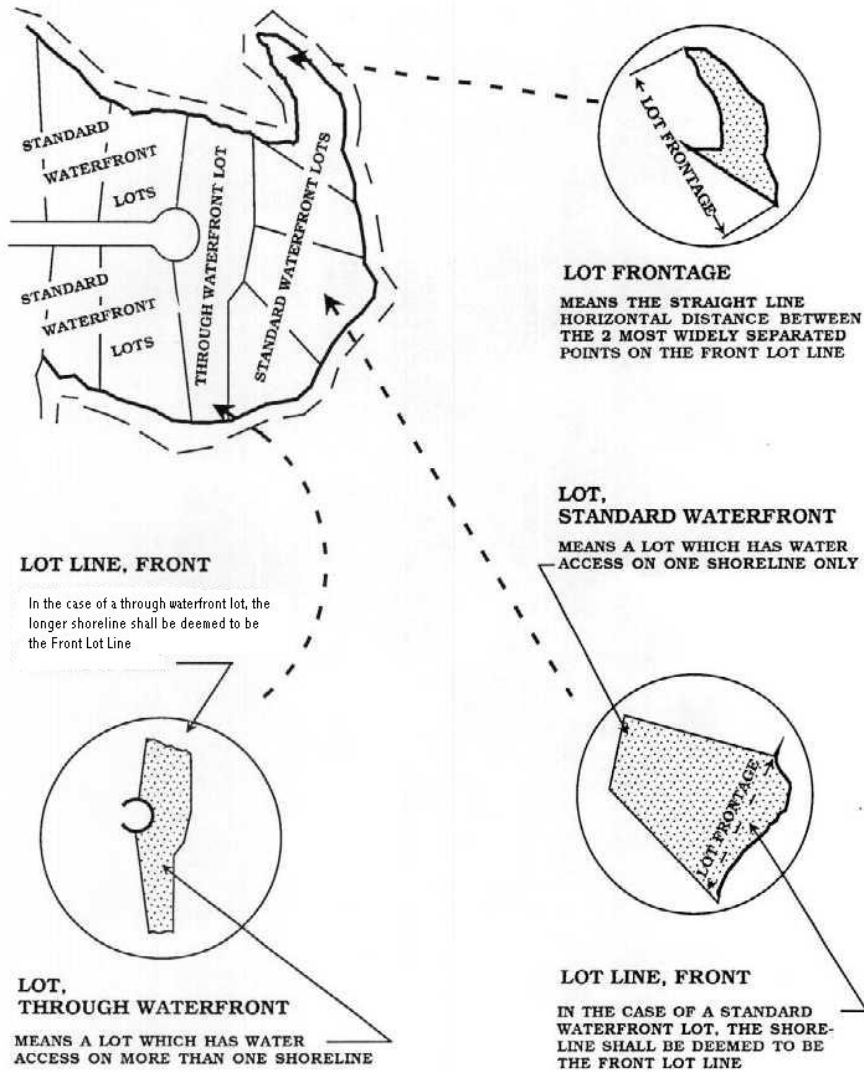


Figure 3.21: Waterfront Lots

Minimum Distance Separation Formulae I and II

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

Mobile Home – see **Dwelling – Mobile Home**

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 Site

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

Mobile Home Yard

Means a line similar to a **front yard, rear yard, interior side yard** or **exterior side yard** as 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 an establishment designed or **used** throughout all or part of a year that caters to the accommodation of the traveling or vacationing public, containing one or more **guest rooms**, including all such establishments as defined from time to time by the *Hotel Registration of Guests Act, R.S.O. 1990, c. H.17*, as amended. A **motel** may include **accessory uses** such as a **restaurant**, meeting rooms, **swimming pool**, facilities for the temporary exhibition and sale of goods on an intermittent basis, and **premises** licensed under the *Liquor License Act*.

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.

Motor Home - see Recreational Vehicle

Motor Vehicle or Vehicle

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

Municipality

Means the Municipality of Calvin.

Nature Trail

Means an area **used** for walking, hiking, cross-country skiing, nature appreciation and similar non-motorized recreational travel.

Non-Complying

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

Non-Conforming

Means any **existing use, building, structure** or **lot** which is does not conform to the **permitted use** provisions of any Zone in this By-law.

Non-Residential Use

Means a **use, building** or **structure that** does not contain a **dwelling unit**.

Non-residential Zone

Means a CR, M1, M3, MX, W, or EP **zone**.

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

Nursery - see Commercial Greenhouse, Nursery or Garden Centre

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**.

Office

Means a **building, structure** or part thereof **used** for conducting the affairs of businesses, professions, services, industries, governments, or like activities.

Official Plan

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

On-farm diversified uses

Means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

Open Space

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

Open Storage

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

Order Station

Means an ordering box, service window, display board or any other device, including communication equipment, used by the public and operator to facilitate sales and/or services in a **drive-through facility**.

Outdoor Display

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

Owner

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

Park

Means an area of land, whether enclosed or not, which is **used** for recreational or leisure uses and may include therein a beach, playground, play field, athletic field, field house, community centre, bleachers, skateboard facility, swimming pool, wading pool, splash pad, greenhouse, botanical gardens, zoological gardens, bandstand, skating rink, tennis courts, bowling green, boat livery,

bathing station, curling rink, refreshment concession, **campground**, **fair ground**, and **conservation area**, and associated **accessory uses**.

Parking Area

Means an open area of land, **accessory** to a **permitted use**, not located on a public **street**, **private road** which is **used** for the parking of **motor vehicles**, but shall not include any area where **motor vehicles** for sale or repair are kept or stored.

Parking Lot, Commercial - see Commercial Parking Lot

Parking Space

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

Parking Space, Barrier Free

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

Patio

Means a surfaced, open space of land at grade adjacent to a **residential use** which is used as an extension to the interior of the home for private entertainment or leisure activities and is uncovered. In a commercial setting, means an outdoor eating area **accessory** to a **restaurant** where, on a seasonal basis, food and/or refreshments prepared on the **premises** are consumed.



Permitted

Means **permitted** by this By-law.

Permitted Use

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

Person

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

Personal Service Establishment

Means a **building** wherein a personal service is performed including but not limited to a barber shop, beauty salon, esthetician, the **premise of an optician**, shoe repair, photographic store, **laundromat** or a **dry-cleaning distribution station** but excludes a **cannabis retail store or dispensary**, manufacturing or fabrication of goods for sale.

Pet Grooming Establishment

Means a **premise** wherein cleaning, clipping and grooming services are provided for domestic pets, but shall not include an **animal shelter** or **kennel**.

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 a commercial **premise** wherein amusement facilities are provided such as a video arcade, arcade, billiard or pool room but does not include an **adult entertainment parlour** or **bingo hall**.

Place of Assembly

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

Place of Worship

Means a building or an open area 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 [see also **Park**].

Porch or Veranda

Means a covered entrance to a **building** usually with a separate roof and unenclosed and used as an outdoor living space that is accessed by stairs from grade and which provides access to the **first storey** of a **dwelling unit**.

Portable Asphalt Plant

Means a facility with equipment designed to heat and dry **aggregate** and to mix **aggregate** with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

Portable Concrete Plant

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

Premises

Means the area of a **building** and **lot** occupied or **used** by a business or enterprise. In a multiple tenancy **building** occupied by more than one business, each business area shall be considered separate **premise**.

Principal Use

Means the primary purpose for which a **lot, building** or **structure** is **used** or intended to be **used**.

Printing and Processing Service Shop

Means a **building** or part of a **building used** by one or more persons who are employed in customer service, graphic design and production and conducting of an activity specifically undertaken to aid individuals or an industrial or commercial office with a variety of branding and publishing of printing products including but not limited to stationary, maps, guidelines, pamphlets, flyers or similar products and may include document finishing, laminating, packaging, receiving and distribution.

Private Club - see Club, Private

Private Garage – see Garage, Private

Private Road

Means a private right-of-way over private property which affords access to two or more abutting **lots** or a road created through the registration of a plan of condominium, but does not include a **street** established or maintained by a **public authority**.

Professional Office – see Office

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 Calvin and any Boards or Commissions thereof, and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public agency

Public Service Use

Means any **use** of land, **buildings** or **structures** by or on behalf of a **public authority**, but does not include a **public utility**.

Public Street – see Street

Public Utility

Means a **premise used** for public utility services by the Municipality of Calvin, any Boards or Commissions thereof, any Ministry or Commission of the Governments on Ontario or Canada, and shall include utilities that provide electricity, gas, steam, water, telephone, internet or telecommunication services, cable television, transportation, drainage or sewage or refuse collection and disposal services, including a communications facility.

Quarry

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

Railroad Use

Means a **building, structure** or **use** normally associated with a railroad operation subject to the *Railway Safety Act, R.S.C. 1985, c.32 (4th Suppl.)*, as amended.

Reconstruction

Means to re-build, **erect**, place, reconstruct, relocate, repair or assemble a previously **existing building** or **structure** to a habitable or useable condition which may include complete replacement, and may also include:

1. Any preliminary operation such as excavating, filling or draining; or
2. **Altering** any existing **building** or **structure** by an addition, enlargement, extension or other structural change; or
3. Any work which requires a building permit.

'Reconstructed' and 'reconstruction' shall have corresponding meanings. For the purpose of this definition, reconstruction/renovation/restoration may include the complete replacement of a **building** or **structure**.

Recreational Commercial Establishment

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

Recreational Equipment

Means a portable **structure**, vessel or **vehicle** that is designed and built to be carried by a **motor vehicle**, or a unit designed and built to be transported or operated under its own power or propelled power, for the purposes of providing recreation enjoyment or travel, and may include boats, boat or vehicle trailers, personal water craft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a **lot**.

Recreational Vehicle

Means any **vehicle** so constructed that is suitable for being **attached** to a **motor vehicle** for the purpose of being drawn or is propelled by the **motor vehicle** and is capable of being used for living, sleeping, eating or accommodation of **persons** on a temporary, transient or short-term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. For the purposes of this definition, a **recreational vehicle** shall be considered a **structure** for the purposes of establishing **setbacks** only. A **recreational vehicle** shall not be deemed to include a **mobile home**. The definition of a **recreational vehicle** shall not be interpreted to include **recreational equipment** [see photos].

Recreational Vehicle Campground – see Campground

Recreational Vehicle Sales and Storage

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

Recreational Vehicle Repair Garage

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

Recycling Depot or Transfer Station

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



Redevelopment - see Development

Refreshment Pavilion (Chip Wagon)

Means a **premise** that is designed intended or **used** for the sale of food or refreshments to the general public and from which food or refreshment is made available to the customer within a **building** for consumption outside of the **building**.

Renewable Energy System

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

Renovate – see Reconstruction

Residential Care Facility – see Continuum-of-Care Facility

Residential Density

Means the number of **dwelling units** per hectare of **lot area**.

Residential Use

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

Restaurant

Means a **premise**, including a **drive-through service facility**, in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the **building** and which may include the preparation of food in a ready-to-consume state for consumption off the **premises**.

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

Retirement Home – see Continuum-of-Care Facility

Riding School – see Equestrian Establishment

Right-of-way - see Easement

Road - see Street

Room, Non-Habitable

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

Row House - see Dwelling, Row or Townhouse

Rural Zone

Means an R, LSR, CR, M1, or MX 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 wrecking yard, a scrap metal yard, and an automobile wrecking yard on the **premises**.

Satellite Dish/Receiver

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

Sauna

Means an **accessory building** or **structure** wherein facilities are provided for the purpose of a sauna bath, either wet or dry, and may include a change/relaxation room, storage areas and a washroom but not kitchen or sleeping facilities.

Sawmill or Planing Mill

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

Sawmill, Portable

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

School

Means a Provincially-approved institution for academic instruction and shall include a public, a separate **school**, a vocational **school**, or a post-secondary **school** such as a college or university.

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 **recreational equipment** and **recreational vehicles**.

Semi-Detached Dwelling - see Dwelling, Semi-Detached

Sensitive Land Use

Means **buildings**, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more **adverse effects** from contaminant discharges generated by a nearby major facility. **Sensitive land uses** may be a part of the natural or built environment.

Examples of sensitive land uses may include, but are not limited to: residences, day care centers, and educational and health facilities.

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.

Septage

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

Service Outlet or Shop

Means a shop for selling, servicing, repairing, installing or renting items and equipment, including but without limiting the generality of the foregoing: radio or television shop, locksmith shop, small appliance shop, household and carpenter tool shop, shoe repair, a copy shop but shall not include a small engine shop or automotive repairs and automotive services.

Setback

Means:

1. With reference to a **street**, the least horizontal distance between the **front lot line** and the nearest **building line**.

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

Sewage Works

Means any works for the treatment and disposal of sewage in a waste water stabilization pond and includes hauled sewage.

Shipping Container – see **Storage Container**

Shooting Range or Rifle Club

Means a **premise** for commercial or private recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include **accessory** facilities

Shoreline

Means a **lot line** or portion thereof which abuts or parallels the **high water mark** of a **water body**. [See also **High Water Mark**.]

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.

Figure 3.22: Sight Triangle

Sight Triangle

Means a triangular space, free of **buildings, structures** and obstructions, including vegetation, formed by the street lines abutting a **corner lot** and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines [See **Figure 3.22**].

Sign

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

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

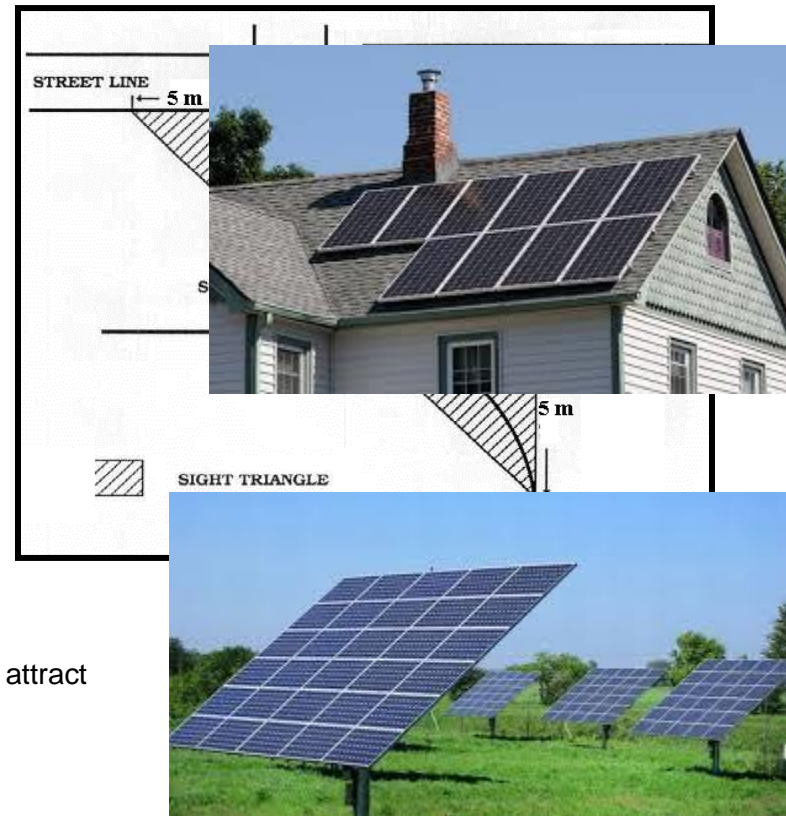
Sleep Cabin - see Guest Cabin

Solar Collector

Means a Class 1 or 2 ground mounted or rooftop mounted or wall 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).

Solar Collector, Commercial

Means a Class 3 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.

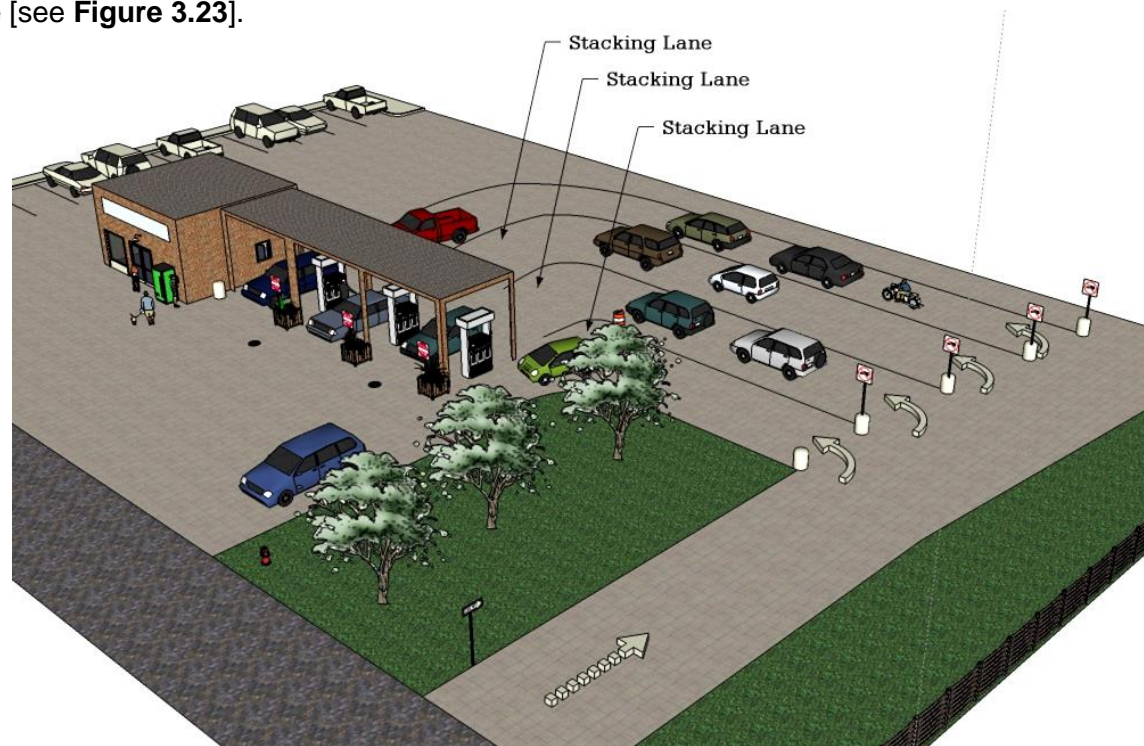
Stacking Lane

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.

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 **Figure 3.23**].

Figure 3.23: Stacking Lanes



Storage Container

Means a pre-fabricated metal or steel **accessory building** used for the transport and/or storage of storage of goods and materials but shall not include the body of a transport trailer, straight 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 **Figure 3.24**]

Street

Means an improved public thoroughfare, lane, road or **highway** affording principal means of access or **entrance** to abutting properties, and which has been assumed and is maintained year-round by a **public authority**.

Street Allowance

Shall have a corresponding meaning to that of a **street** or **private road**.

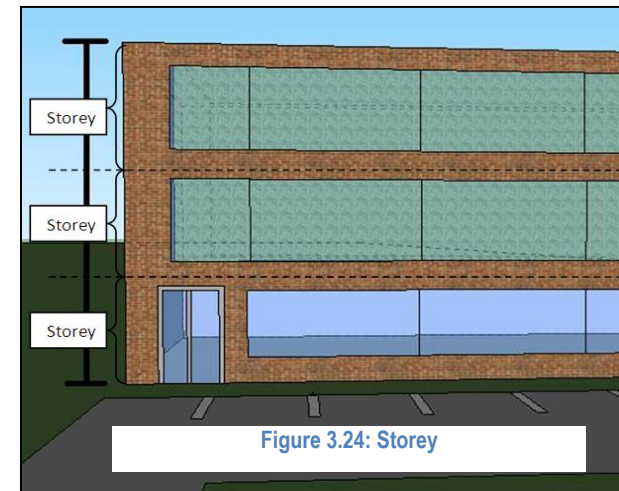


Figure 3.24: Storey

Street Line

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

Structure

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

Studio

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

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

Swimming Pool

Means an open or covered pool designed to be used for swimming, wading, diving or recreational bathing which is at least 50 cm [19.6 inches] in depth and may include a hot tub, inflatable pool or whirlpool but shall not include a natural dug or dammed pond intended for aesthetic or agricultural purposes.

Tavern

Means 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.



Figure 3.25: Temporary Car Shelter

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 **Figure 3.25**].

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 cottage or cabins where more than 3 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 land, **buildings** or **structures** operated throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Township

Means the Corporation of the Municipality of Calvin.

Townhouse - see Dwelling - Row of Townhouse

Trailer, Travel Trailer or Recreational vehicle - see Recreational Vehicle

Trailer Park - see Campground

Transfer Station (See Recycling Depot)

Triplex – see Dwelling, Triplex

Transportation Depot or Truck Terminal

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

Use or Used

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

Use, Accessory – see Accessory Use

Vehicle – see Motor Vehicle

Veterinary Establishment - see Animal Shelter

Video Rental Outlet

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

Warehouse

Means a **building** or **structure** or portion thereof used or intended to be **used** for the bulk storage and distribution of goods, merchandise, or materials but shall not include a **transportation depot**.

Waste Management Facility

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

Water 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.

Wayside Pit

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

Wayside Quarry

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

Welding Shop

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

Wellness Centre

Means a **premise** devoted to the actively sought goal of good health and includes the teaching and practice, in both individual and group sessions, of a range of holistic, alternative and integrative natural health practices and may include meditation, acupuncture, shiatsu, massage therapies, yoga, and healthy eating programs, and may include **accessory uses** such as administrative **offices**, physical fitness rooms, and waiting rooms, directly associated with the **premises**, but excludes a **recreational commercial establishment**.

Wetlands

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 plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wholesale Establishment

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

Wind Farm

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

Wind Turbine

Means a Class 1 wind facility with a name plate capacity less than or equal to 3 kW machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

Wind Turbine, Commercial

Means a Class 2, 3 or 4 wind facility with a name plate capacity greater than or equal to 3 kW machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

Workshop - see Custom Workshop

Wrecking Yard – see Salvage Yard

Yard

Means an area of open land between a main wall of a **building** and a **lot line** that, except for landscaping or **accessory buildings** and projections specifically **permitted** elsewhere in this By-law, is unobstructed above grade [see **Figures 3.26 & 3.27**].

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 **Figures 3.26 & 3.27**].

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 **Figures 3.26 & 3.27**].

Yard Sale

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

Yard, Side

Means a **yard** extending from the **front yard** to the **rear yard** between the **side lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the **side lot line** [see **Figures 3.26 & 3.27**].

Yard, Side Exterior

Means a **side yard** adjacent to a **street** [see **Figures 3.26 & 3.27**].

Yard, Side - Interior

Means a **side yard** other than an **exterior side yard** [see **Figures 3.26 & 3.27**].

Figure 3.26: Yard Definitions

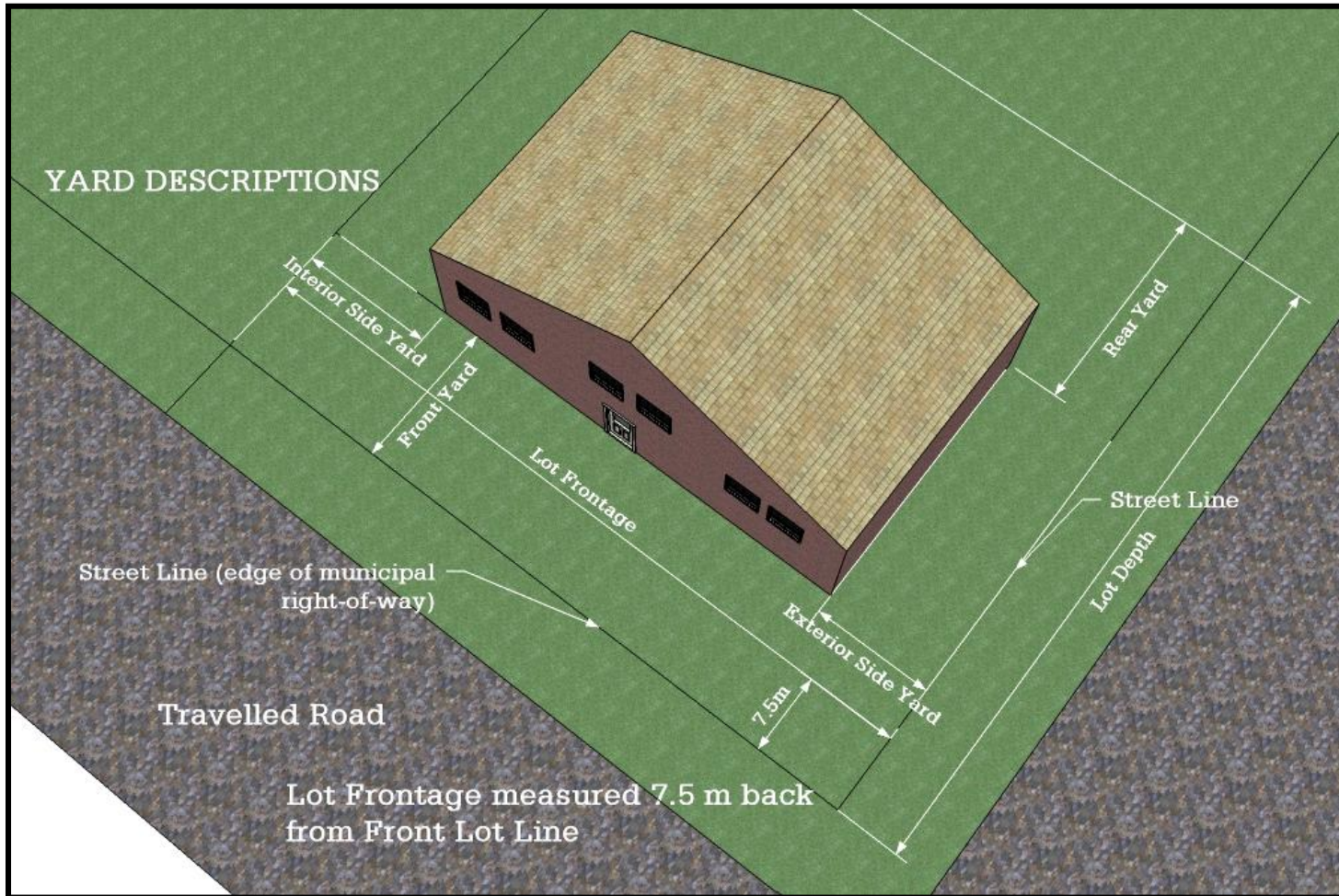
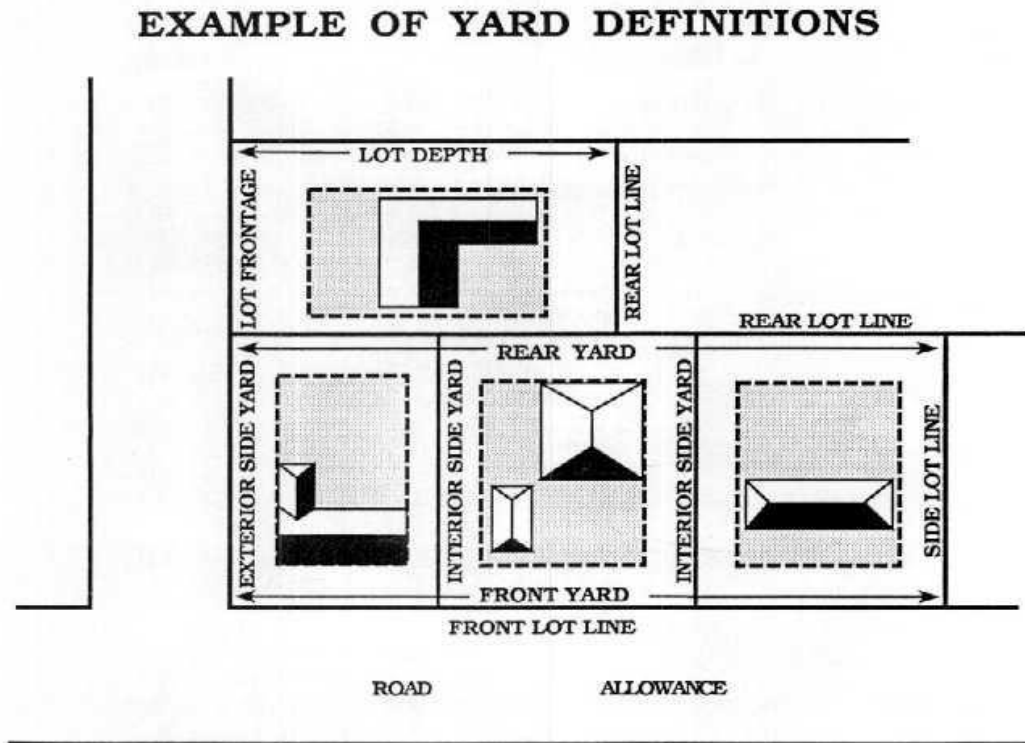
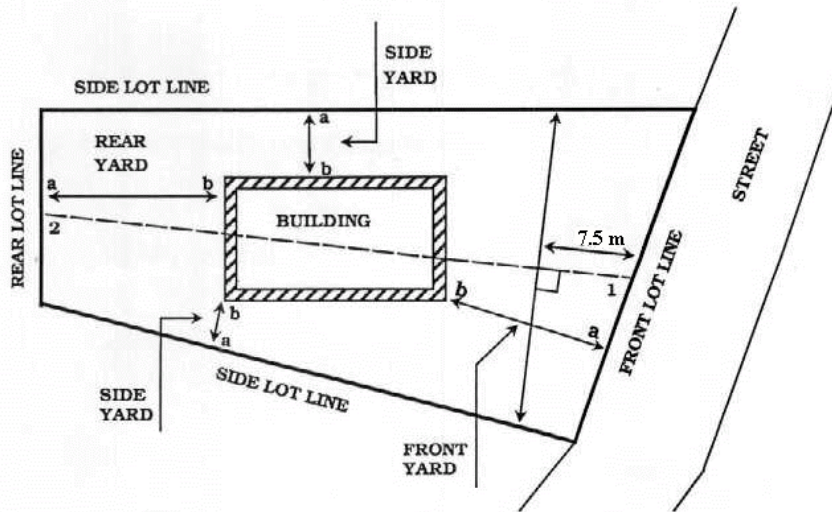


Figure 3.27: Yard Definitions



**IRREGULAR LOT
NO PARALLEL LOT LINES
YARD DEFINITIONS**



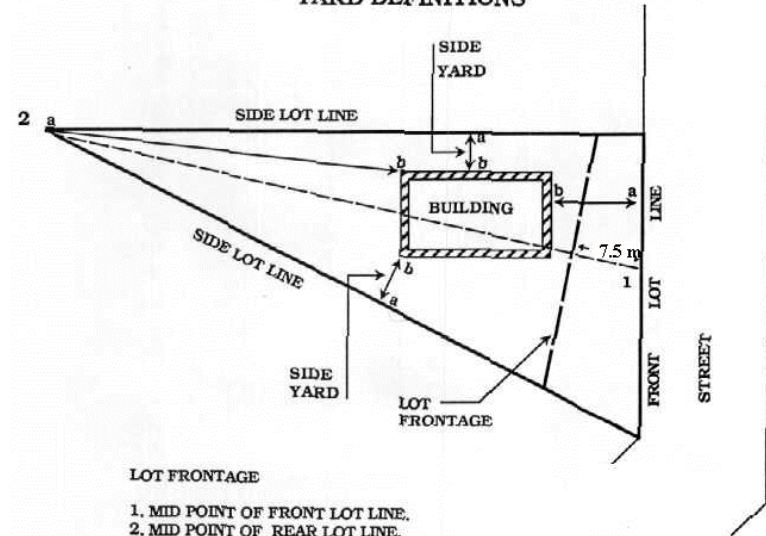
LOT FRONTAGE

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 7.5 m FROM THE FRONT LOT LINE.

DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM DISTANCE SPECIFIED IN BY-LAW.

**IRREGULAR LOT
NO REAR LOT LINE
YARD DEFINITIONS**



LOT FRONTAGE

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 7.5 m FROM THE FRONT LOT LINE.

DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE BY-LAW.

Zone

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

Zone Regulation

Means any provision of this By-law which is listed under the heading "Zone Regulations" 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 regulations set out in Sections 5.4 – 5.11.

4.1 Accessory Buildings, Structures and Uses

4.1.1 General

1. **Accessory uses, buildings and structures** shall be **permitted** in all **zones** as set out in the list of permitted **accessory uses** for each specific **zone**.
2. **Accessory uses, buildings and structures** shall comply with the **zoning regulations** for the **zone** in which they are **permitted**. Except where specified otherwise, no **accessory building** shall be **erected** closer than 1 meter [3.28 ft.] to any **interior side lot line, rear lot line, or the main building**.
3. All **accessory uses, buildings and structures** to a permitted **principal use or main building** shall be located on the same **lot** and in the same **zone** as the **principal use or main building**.
4. **Accessory uses, buildings and structures** shall not be **erected** or established prior to the **erection** or establishment of the **main building or use** except for:
 - a. A **permitted** temporary building [see **Section 4.33**] during the term of an active building permit; or
 - b. An **individual on-site sewage disposal system**;

- c. A **dock** on a **water access lot**.
 - d. A **recreational vehicle** where **permitted** under **Section 4.29**.
5. No **accessory building** or **structure** shall be erected closer to the **front lot line** or the **exterior side lot line** than the minimum **front yard** and **external side yard** setbacks required for the **main building** except for:
- a. A shelter for use by children waiting for a school bus, if such use is located in a **rural zone**.
 - b. A **farm produce outlet** if such **structure** is located in a **rural zone**.
 - c. A freestanding **satellite dish/receiver** or **solar collector** (but not including a **communications facility**);
 - d. Recycling and waste control containers;
 - e. A **sign erected** in compliance with the **zone regulations** of this By-law or a By-law enacted under the *Municipal Act*.
 - f. **Outdoor storage** or **outdoor display** where **permitted** in this By-law.
 - g. A **temporary car shelter**.
 - h. A gate house used for security for a gated residential complex or **permitted non-residential use**.
 - i. An **accessory building** constructed in a **rural zone** provided that the **accessory building or structure** shall be in compliance with the **front yard, interior side yard, and exterior side yard** requirements *for the main building or structure* in the **zone** and provided that all other applicable provisions of this By-law are complied with.

All such **buildings** or **structures** listed above shall be set back a minimum of 3m [9.84 ft.] from the **front lot line** or **exterior side yard lot line** or **rear lot line** in the case of a water front lot, and shall comply with the **interior side yard** and **rear yard setbacks** in the zone in which they are located.

6. Common **detached private garages** may be mutually centred on the **side lot line**.
7. A **green roof**, a **geothermal power facility**, a **solar collector**, and a **wind turbine** are **permitted accessory uses** in any **zone**.
8. **Legal non-conforming uses** shall be permitted to have **accessory uses** with the provisions in this section of this By-law and the **zone regulations** of the applicable **zone**.
9. A **detached private garage** may be equipped with sanitary facilities where the sanitary facilities comply with **Section 4.35 – Water and Sewage Disposal Systems**.
10. A **deck** is not an **accessory use** unless **detached** from a **dwelling**.
11. All fuel storage tanks above or below ground for any fossil fuels or propane shall comply with the *Technical Standards and Safety Act, 2000* and no building permit shall be issued without the prior approval of any equipment or fuel storage facilities by the Technical Standards & Safety Authority, where applicable.

4.1.2 Accessory Residential Uses

1. One (1) **guest cabin** or one (1) **loft-above-a-garage** above a **detached private 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.
2. No **guest cabin** or **loft-above-a garage** above a **detached private garage** shall be located less than 3 m [9.84 ft.] to any **interior lot line** or **rear lot line** or **main building**.
3. No **guest cabin** or **loft-above-a garage** shall be **permitted** on a **lot** occupied by a **garden suite**.
4. 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**.

See also **Section 4.1.8 Garden Suites and Occupancy Restrictions 4.23.1**.

4.1.3 Bed and Breakfast Establishments

1. A **bed and breakfast establishment** shall be **permitted** as an **accessory use** to any **permitted single detached dwelling**.
2. A maximum of four (4) **guest rooms** shall be **permitted** for any one **bed and breakfast establishment**.
3. The **use** of the **dwelling** as a **bed and breakfast** establishment shall not change the residential character of the **dwelling**.
4. **Bed and breakfast establishments** shall not be subject to the **home based business** regulations of **Section 4.14** of this By-law.
5. The **bed and breakfast establishment** shall comply with any applicable requirements of the local Health Unit, the *Building Code*, and the *Fire Code*.
6. 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.
7. A breakfast service shall be available to guests.
8. A **bed and breakfast establishment** shall comply with the applicable parking regulations of **Section 4.25** of this By-law.
9. 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 Boat Houses

1. One (1) only single **story** one-bay **boat house** shall be **permitted** as an **accessory use** to a **permitted seasonal dwelling** or **single detached dwelling** in an R or LSR Zone.

2. A **boat house** shall not be **erected** closer than 5 m [16.4 ft.] from the nearest adjacent **lot line** [see **Figure 4.1**].
3. A **boat house** shall not be **used** for sleeping accommodation or human habitation.
4. A flat roofed **boat house** may be **used** as a roof-top deck or patio.
5. The provisions for **boat houses** in this section shall apply to a **marina** except clauses 4.1.4.1, and 4.1.4.4.

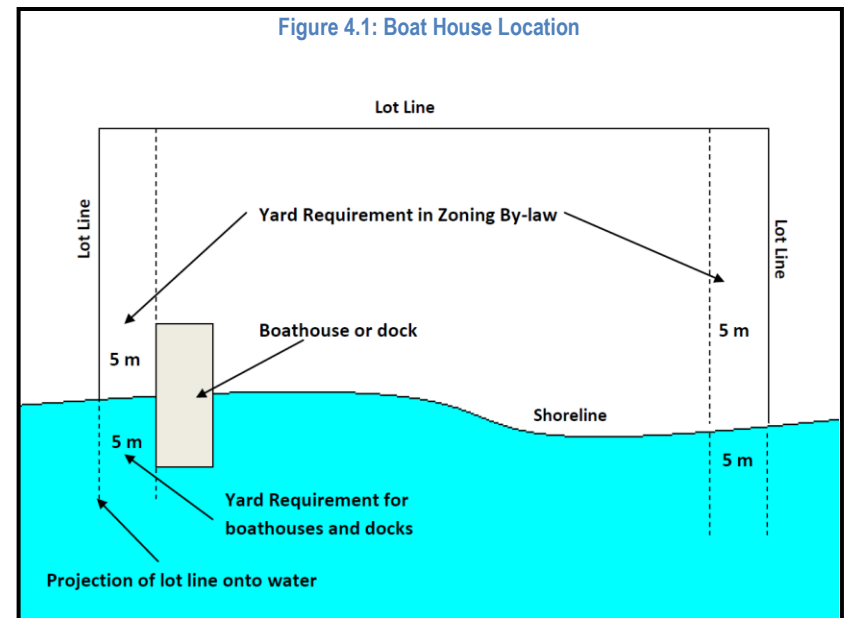
4.1.5 Docks

1. **Docks** shall be limited to floating, cantilevered or post dock construction.
2. No **dock** shall be permitted which constitutes a navigation or safety hazard.
3. In **water bodies** with a width of 150 m [492.1 ft.] or less, no **dock** shall be constructed which will exceed 20% of the width of the adjacent **water body**.
4. No **dock** with a crib area of greater than 15 m² [161.4 ft.²] shall be constructed without a valid permit issued by the Ministry of Natural Resources and Forestry.

4.1.6 Fences in a Residential Zone

Any **fence erected** hereafter within the **municipality** shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the *Municipal Act* or any provisions for **fences** as hereinafter set out in this By-law as follows:

1. The maximum **height** of a **fence** in any **interior side** or **rear yard** shall be 2 m [6.56 ft.] measured from the **established grade**.



2. The maximum **height** of a **fence** in any **front yard** or **exterior side yard** shall be 1 m [3.28 ft.] measured from the **established grade**.
3. No **fence** shall be erected so as to obstruct a **sight triangle**.

4.1.7 Fences in a Non-Residential Zone

Any **fence erected** hereafter within the **municipality** shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the *Municipal Act* or any provisions for **fences** as hereinafter set out in this By-law as follows:

1. The maximum **height** of a **fence** in any **yard** of a **non-residential zone** shall be limited to 2.5 m [8.20 ft.] measured from the **established grade** where the **fence** is a chain-link or other similar transparent construction materials or 2 m [6.56 ft.] for any other materials.
2. No **fence** shall be erected so as to obstruct a **sight triangle**.
3. **Sections 4.1.6** or **4.1.7** shall not apply to **fences** required for a **public authority** or **communication facilities**.

4.1.8 Garden Suites

Subject to the passing of a site-specific temporary use By-law under Section 39 of the *Planning Act*, a **garden suite** shall be permitted as an **accessory use** to a **permitted single detached dwelling** provided:

1. The minimum **lot area** conforms to the **zone** in which the **garden suites** are to be located.
2. The maximum **gross floor area** of the **garden suite** shall not exceed 50% of the **gross floor area** of the **principal dwelling** on the **lot**.
3. The maximum **height** of the **garden suite** shall be one **storey**.
4. The **garden suite** shall be located in a **rear** or **interior side yard** and shall meet the **zone regulations** for building **separation** and **lot coverage** in the **zone** in which the **garden suite** is located.
5. The minimum **setback** from a **rear lot line** or **interior side yard lot line** shall be 3 m [9.84 ft.].

6. A **garden suite** shall not be **permitted** on a **lot** occupied by an **existing guest cabin** or **loft-above-a-garage** or on a **lot** occupied by an **additional residential building** in an ancillary or **accessory building**. (See 4.1.2)

4.1.9 Pumphouse

A pumphouse may be **erected** and **used** in the **shoreline buffer zone** provided its location complies with the minimum **interior side yard setback**.

4.1.10 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:

1. Up to two (2) **storage containers** shall be **permitted** per **lot** for a non-residential use in an R, LSR, CR, M1, M3 or MX Zone.
2. The dimensions of a **storage container** shall not exceed 12.1 m [40 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.
3. No **storage container** shall be used for human and animal habitation or living except as provided for in **Section 4.23.1**.
4. A **storage container** shall be located in an **interior side yard** or the **rear yard** only.
5. No **storage container** shall be located on a designated **parking space**, **aisle** or access **driveway**. Despite the foregoing, 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.
6. The minimum **separation distance** of a **storage container** from any other **building** shall be 2 m [6.5 ft.].
7. A **storage container** shall comply with all other **yard setbacks** in the **zone** in which the **storage container** is located.
8. A **storage container** shall not be used for the purpose of display or advertising or as a component of a **fence**.

9. A **storage container** shall not be used for the storage of fuels or hazardous materials.

4.1.11 Swimming Pools

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

1. Outdoor Open Pools

- a. Open Pool areas shall be totally enclosed by a **fence** constructed with vertically boarded wood, chain link, masonry, plastic, metal construction or a material having an equivalent degree of strength and having no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing and shall have no opening with a horizontal dimension greater than 75 mm [2.4 inches] and having a minimum height of 1.2 metres [4.0 ft.] above the **established grade** and which shall be installed to include a self-closing and self-latching gate which shall be placed at the top of the gate on the pool side;
- b. Where a pool is an above-ground pool, any combination of the pool wall, surrounding **fence** or **structure** totaling a minimum of 1.2 metres [4.0 ft.] in **height** above the **established grade** shall be deemed to meet the fencing regulations provided that a self-latching gate or equivalent arrangement is installed to prevent unauthorized entry;
- c. A wall or walls of a **building** or buildings may form part of a swimming pool fence provided that all openings affording access from a **building** directly to an enclosed swimming pool area is/are equipped with a locking device located not less than 1.2 metres [4.0 ft.] from the bottom of the floor;
- d. Any **building** or **structure**, other than a **dwelling**, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting **accessory uses** and **structures**.
- e. No part of an outdoor **swimming pool** including an associated apron or platform which is in a front or side yard shall be constructed closer to a street line than the regulations 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**;

- f. Notwithstanding the foregoing, outdoor **swimming pools** which are accessory to **hotels, motels** and **tourist establishments** may be located in the **front yard** provided the **swimming pool** meets all other regulations of this By-law; and
- g. A **hot tub** shall be exempted from the fence provisions provided that the **hot tub** is adequately secured by a cover equipped with a self-locking device, which cover shall be kept locked in place over the tub when the **hot tub** is not in **use**.

2. Indoor Swimming Pools

Indoor pools shall comply to the **accessory building** regulations contained in **Section 4.1.1** or to the zone regulations where the pool is part of the **main building**.

4.1.12 Temporary Car Shelter

- 1. **Temporary car shelters** shall only be located on a designated **parking space** or **driveway**.
 - 2. The minimum **setback** of a **temporary car shelter** shall be 3 m [9.84 ft.] from a **front yard lot line** or **exterior front yard lot line** and 1.5 m [4.92 ft.] from an **interior side yard lot line**.
 - 3. No **temporary car shelter** shall be erected so as to obstruct a **sight triangle**.
- (See also **Section 4.30 Sight Triangle**.)

4.2 Automotive Service Station, Gas Bar, Car Wash

Despite any other provisions contained in this By-law, for all **zones** within which an **automotive service station, gas bar** and/or **car wash** are **permitted**, the following **zone regulations** shall apply:

- 1. Minimum **lot frontage**.....50 m [164 ft.]
- 2. Minimum **front yard**.....15 m [49.2 ft.]
- 3. Minimum **exterior side yard**15 m [49.2 ft.]
- 4. Minimum **interior side yard**6 m [19.7 ft.]
- 5. Minimum **rear yard**10 m [32.8 ft.]
- 6. Minimum **setback** from a canopy and any **lot line**.....10 m [32.8 ft.]
- 7. Minimum **setback** of any pump island from any **lot line**.....10 m [32.8 ft.]
- 8. Minimum entrance width for one-way entrance6 m [19.7 ft.]

- 9. Minimum width for a two-way entrance 9 m [29.5 ft.]
- 10. Maximum entrance width 12 m [39.4 ft.]
- 11. Minimum distance between any two entrances and/or exits 22.5 m [73.8 ft.]
- 12. Minimum distance between an entrance or exit and the intersecting **street lines** on a **corner lot**.....12 m [39.4 ft.]
- 13. Minimum number of entrances 2
- 14. All fuel storage tanks above or below ground for any fossil fuels or propane shall comply with the *Technical Standards and Safety Act, 2000* and no building permit shall be issued without the prior approval of any equipment or fuel storage facilities by the Technical Standards & Safety Authority.

4.3 Buildings to be Moved

No **building** or **structure** shall be moved within the limits of the **Municipality** or shall be moved from outside the **Municipality** into the **Municipality** unless the **building** or **structure** is a **permitted** use and satisfies all the regulations of the **zone** in which it is to be located.

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 **lot frontage** requirements shall apply to a **permitted** camp.

4.5 Change of Use

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

4.6 Cumulative Standards

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

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

4.7 Day Care for Children

Private home day care and a **day nursery** shall be **permitted** in all **zones** where **residential uses** are **permitted** as a **principal use**. Such day care for children shall comply with the provisions of the *Child Care and Early Years Act, 2014*.

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 **zone regulations** of that **zone** for a specific area governed by the By-law. All other applicable provisions of the By-law shall continue to apply. A number after the "-X" (e.g., R-X1) indicates the chronological 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 Flood Plain

No **dwelling** shall be constructed or extended or expanded below the regulatory flood elevation of any **water body** and no person shall use any land or erect, **alter** or **use** any **building** or **structure** in the **flood plain** of any **water body** except in accordance with the following provisions

4.10.1 Regulatory Flood Elevation

For the purposes of this By-law, the regulatory **flood elevation** for the following water bodies shall apply:

1. Smith Lake – 177.0 m
2. Talon Lake (Mattawa River) – 195.52 m
3. Where no **flood elevation** or **flood line** has been established, the **setback** from the **top of bank** shall be 30 m [98.4 ft.] unless otherwise determined by the North Bay-Mattawa Conservation Authority.

4.10.2 Permitted Uses Within the Flood Plain

1. **Buildings** or **structures** intended for flood or erosion control or slope stabilization;

2. All **buildings** and **structures** in Existence on the Day of the Passing of this By-law;
3. **Conservation Use** excluding any **buildings** or **structures**;
4. **Forestry Use** excluding any **buildings** or **structures**;
5. **Parks** excluding any **buildings** or **structures**;
6. Hydro-electric generating facilities;
7. **Marine Facility**;
8. **Marina**; and
9. Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the **main building** of a water filtration plant or waste water treatment facility.

4.10.3 Prohibited Uses

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

1. An **institutional use** including hospitals, a **day nursery**, pre-schools, school nurseries, a **continuum-of-care facility**, long-term care homes and a **school** or a **private school**.
2. An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, and
3. A use associated with the disposal, manufacture, treatment or storage of **hazardous substances**.

4.10.4 Flood Plain Zoning Standards

1. No **building** or **structure** shall be **erected** closer than 15 m [49.2 ft.] from the flood **elevation** or **flood line** of a **water body**.
2. Lands subject to flooding shall not be included in the calculation of the minimum **lot area**.

4.10.5 Additional Provisions

1. 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 North Bay-Mattawa Conservation Authority must be obtained prior to the issuance of a building permit; and
2. 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 North Bay-Mattawa Conservation Authority.

NOTE: See Minimum Distance Separation (Special Setbacks), Section 4.21.5 for setback requirements from water bodies and the provisions of Section 5.11 - Environmental Protection Constraint (EP) Area.

4.11 Frontage on a Public Street or Private Road

No **person** shall erect any **building** or **structure** or **use** any land in any **zone** unless the **lot** upon which such **building** or **structure** is to be **erected** or the land to be **used** has access to and meets the minimum **lot frontage** on a **street**.

4.11.1 Exceptions

Despite the above, access to a **lot** shall be permitted:

1. For a **permitted use** located on an **existing private road, existing easement** and for a **permitted use** located in a registered condominium located on an internal **private road**;
2. For any **permitted use** on an island provided a public access point is available on the main land;
3. Infill on a **private road existing** on the day of the passing of this by-law;
4. A **camp**;
5. For a farm field;
6. For a resource related **use** located on Crown Land;

7. For a **communications facility**;
8. For a **public utility**;
9. For a **wayside pit or quarry**;
10. For a **water access lot**;
11. For any passive outdoor recreational **use** or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities, and
12. Provided all other applicable **zone regulations** are met.

4.11.2 Road Maintenance Agreements

1. In addition to **Section 4.11.1**, development including the issuance of a building permit shall only be permitted where frontage is on a road that is defined in By-law No. 2016-020 and is maintained by the Municipality or is maintained under a road maintenance agreement approved by the Municipality.
2. In addition to **Section 4.11.1**, where a road maintenance agreement exists between the municipality and one or more land owner and is registered on title, frontage on a private road, a private unassumed road, an unassumed road or unopened road allowance 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;

Example: a road classified as a “seasonal road” will only be maintained on a seasonal basis (i.e., summer season) and development on the road shall only be permitted where the road is maintained by the Municipality or under an authorized road maintenance agreement approved by the Municipality. The Municipality assumes no responsibility for providing maintenance or emergency services in the off-season period or winter months.

4.11.3 Exception for Access

Despite **Section 4.11.1**, where an access easement registered on title between or amongst one or more landowners provides for a right-of-way to an existing lot of record, or the lot has water access only, the access requirements shall be deemed to conform to the provisions for access of this By-law.

4.11.4 Ministry of Transportation

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.

4.12 Group Homes

A **group home** shall be **permitted** in all **residential zones** provided the **lot** is located on an improved **street** only and not a **private road**.

4.13 Helipad, Heliport

Where a Helipad or Heliport is permitted in this By-law, the following provisions shall apply:

1. 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;
2. 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
3. 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.

4.14 Home Based Businesses

4.14.1 Scope of Permitted Home Based Businesses

The following **home based businesses** shall be **permitted** in any **zone** where a **home based business** is **permitted**:

1. Professional and consulting services including but not limited to an architect, engineer, financial advisor, accountant, consultant, legal services, physician, teleworker.
2. Instructional services include but not limited to music lessons, dance, art, academic tutoring.

3. Home craft businesses including but not limited to quilter, potter, jeweler, painter/visual artist, small scale assembler.
4. A **Day nursery or private home day care.**
5. Distribution sales office, mail order sales or on-line sales and services including but not limited to cosmetics, clothing or small household appliances provided the product or service delivery is primarily from an off-site **non-residential** location.
6. An office for a contractor and trades plumber, electrician.
7. Repair services including but not limited to small appliances, computers and not including auto repair and similar services.
8. High technology uses including but not limited to internet services, office call center services, desktop publishing, computer hardware and software development.
9. Personal care services including but not limited to a hairdresser, barber, massage therapist, aesthetician.
10. A **farm produce outlet.**
11. A workshop (e.g., workshops for woodworkers, welders, painters, plumbers or other members of the trades);
12. A machine or auto repair shop;
13. Sale of bait for recreational fishing purposes.
14. **Pet grooming establishment**, but not including overnight keeping of animals.
15. A **catering establishment.**

16. A **Studio**.
17. Seed sales
18. Gun repairs
19. The sale of fuel wood in a **rural zone** only
20. The repair of household appliances
21. **Home based businesses** shall not include a **cannabis retail store or dispensary** or a **licensed cannabis production facility**.

4.14.2 Zone Regulations for Home Based Businesses

1. The **home based business** shall be clearly **accessory** to the main **permitted** residential **use**.
2. A maximum of two (2) **home based businesses** shall be **permitted** in a **dwelling**.
3. The residential external character of the **dwelling** shall not be changed.
4. 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**.
5. 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.
6. The **home based business** shall not create a public nuisance in regard to noise, traffic, parking or health safety.

7. 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.
8. No **outdoor storage** shall be **permitted** except where the **home based business** is established for the sale of firewood.
9. 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 4.15** of this By-law. **Signs** may also be subject to any sign By-law enacted by the **Municipality** under the *Municipal Act*.
10. Parking for **home based business(es)** shall comply with **Section 4.25** of this By-law.

4.15 Illumination

Illumination of **buildings, structures** and grounds shall be **permitted** provided:

1. Illumination does not cause direct or indirect glare on a **street or private road** that may interfere with traffic or pedestrian safety.
2. Illumination does not consist of a colour or be so designed or located that it may be confused with traffic signals.
3. Illumination does not cause direct or indirect glare on land or **buildings** or **structures** on any adjacent property that creates a public health or safety issue.

4.16 Kennel

A **kennel** shall only be **permitted** in an R Zone.

4.17 Land Suitability For Use

Despite any other provision of this By-law, no **habitable building** or **structure** shall be **erected, altered** or **used** on **hazardous lands** or **hazardous sites** 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.

4.18 Licenses, Permits and Other By-laws

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

4.19 Loading/Delivery Space Regulations

For every **building** or **structure erected** for a **commercial use, institutional use or industrial use** involving the receiving, shipping or unloading of merchandise or other goods, loading/delivery spaces shall be required in accordance with the following **zoning regulations**:

1. Minimum **loading/delivery space height** clearance..... 4.25 m [13.9 ft.]
2. Minimum **loading/delivery space width** 3.75 m [12.3 ft.]
3. Minimum **loading/delivery space length** 10 m [32.8 ft.]
4. Minimum **aisle** or **driveway** width leading to a loading/delivery space 6m [19.6 ft.]
5. Minimum no. of **loading/delivery** spaces 0 for net floor area less than 200 m²
6. Minimum no. of **loading/delivery** spaces 1 for net floor area of 200 m²-1,000 m²
7. Minimum no. of **loading/delivery** spaces..... 1 for each additional 1,000 m²
8. All loading spaces shall be located within the property boundaries (**lot lines**) of the **lot** on which they are located.
9. Minimum **setback** of any required **loading/delivery space** from any **lot line** shall be 3 m [9.84 ft.].
10. The **loading/delivery space** regulations shall not apply to **existing buildings** or **structures**, but shall apply to any increase in the **net floor area** of an **existing building** or **structure** after the date of the passing of this By-law.

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 and Special Setbacks

Despite the ~~zoning regulations~~ in this By-law, no ~~person~~ shall ~~use~~ any land, ~~building~~ or ~~structure~~ unless the ~~use, building~~ or ~~structure~~ complies with the following: The following apply despite the zoning regulations found in this By-law.

4.21.1 Waste Management Facility

1. 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 as the shortest horizontal distance between the location on the lot of the sensitive land use building being applied for and the licenced waste management facility. Within the influence area, no sensitive land use shall be permitted unless the appropriate study 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, vermin, odour, litter, noise, etc.).
2. 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**.
3. No **waste management facility** shall be **permitted** within 30 m [98.4 ft.] from the **high water mark** of any **water body** or **wetland**.
4. No **waste management facility** shall be **permitted** on land covered by water or in any area subject to flooding.

4.21.2 Pits and Quarries

1. ~~No **sensitive land use** shall be **permitted** within 1,000 m [3,280.8 ft.] of the **zone** boundary of a **pit** measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** and the zone boundary of the **pit** or the nearest face of the excavation, whichever is the closest.~~

- ~~2. No **sensitive land use** shall be **permitted** within 1,000 m [3,280.8 ft.] of a **quarry** measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** and the **zone** boundary of the **quarry** or the nearest face of the excavation, whichever is the closest.~~
1. When applying to develop a property where the proposed sensitive use (e.g. residential use, daycare centre, educational or health facility) on that property is located within the Influence Area of 1,000m of an MX zone boundary, the owner shall, on the Township form provided, acknowledge the existence of the nearby MX Zone and its potential impact on the development being applied for, on the building permit application.
 2. No sensitive land use shall be permitted within 70m [230ft.] of a pit or 300m [984ft.] of a quarry measured as the shortest horizontal distance between the location on the lot of the sensitive land use building being applied for and including the required setback of the MX use of the pit or quarry, unless a technical study is undertaken by a qualified professional concluding:
 - the resource use would not be feasible; or
 - the proposed land use or development serves a greater long-term public interest; and
 - issues of public health, public safety and environmental impact are addressed, and appropriate measures have been undertaken to mitigate adverse or potential adverse impacts such as visual impacts, noise, dust, traffic or ground water quality or quantity.
 3. In the case of applications for subdivision, condominium or severance, further studies as outlined in the Official Plan, may be required. A covenant shall be registered on the title deed of any approved lots within the Influence Area of an MX Zone to ensure future owners are aware of potential offsite impacts of licensed aggregate extraction activities.”

4.21.3 Industrial Uses

1. **Class I Industrial – Light Industrial:** The minimum **separation distance** from a **sensitive land use** and a Class I Industrial use shall be 20 m [65.6 ft.] and shall be measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** to the **lot line** of the Class I Industrial Use.
2. **Class II Industrial – Medium Industrial:** The minimum **separation distance** from a **sensitive land use** and a Class II Industrial use shall be 70 m [230 ft.] and shall be measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** to the **lot line** of the Class II Industrial Use.

3. **Class III Industrial – Heavy Industrial:** The minimum **separation distance** from a **sensitive land use** and a Class III Industrial use shall be 300 m [984.2 ft.] and shall be measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** to the **lot line** of the Class III Industrial Use.
4. 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**.
5. The minimum **separation distance** from a **sensitive land use** 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**.

4.21.4 Minimum Distance Separation Formulae I and II

1. The most recent version of the **Minimum Distance Separation Formulae I and II** of the Ministry of Agriculture, Food and Rural Affairs shall apply to new or expanding **livestock facilities** and the establishment of **residential uses** or *vice versa* on properties adjacent or in proximity to livestock operations, but shall not apply between a **dwelling** and a **livestock facility** on the same **lot**.
2. **Minimum Distance Separation Formulae I** shall apply to all lots created after March 1, 2017.
3. **Minimum Distance Separation Formulae I setbacks** shall apply to **existing lots** created prior to March 1 2017 which are used exclusively to residential purposes and vacant lots which have a **lot area** greater than 2 ha. [4.94 ac.]
4. **Minimum Distance Separation Formulae I** shall not apply to lot creation for surplus dwellings for an existing **livestock facility** or anaerobic digester on an adjacent lot or on the same lot as the **existing dwelling**.
5. **Minimum Distance Separation Formulae I and II** shall not apply to **agriculture related uses** or on-farm diversified uses with the exception of a food service such as an on-farm tea room or food concession.

6. Despite anything in this By-law to the contrary, where an **existing sensitive land use** that does not comply with the **Minimum Distance Separation Formulae I** is destroyed or rendered uninhabitable by fire or other natural cause, the **building** or **structure** may be reconstructed where the new **building** or **structure** is located no closer to a **livestock facility** than the original building or structure and the **gross floor area** and **height are not increased**.
7. The **Minimum Distance Separation Formulae I** shall not apply to the construction of **accessory buildings** and **structures** to a **permitted existing dwelling** on the property (e.g., **deck, garage, gazebo**, greenhouse, picnic area, **patio**, shed).
8. The **Minimum Distance Separation Formulae I** shall not apply to proposed non-agricultural **uses** within an approved settlement area.
9. The **Minimum Distance Separation Formulae I** shall not apply to any cemetery that is closed to further **use** or receives low levels of visitation.

4.21.5 Water Bodies and Shoreline Buffer Zone

1. Subject to **Section 4.10**, the minimum **setback** from the **high water mark** for **dwelling**, a **non-residential** or **accessory building** or **structure** or an **individual on-site sewage service** shall be 30 m [98.4 ft.] except for a **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 bed/tile bed to the **high water mark**. The **setback** from an intermittent creek may be reduced to 15 m [49.2 ft.].
2. 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 for 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**.

4.21.6 Wetland

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

4.21.7 Rail Corridor

No **building** or **structure** shall be **permitted** within 30 m [98.4 ft.] of the right-of-way of a rail corridor.

4.21.8 TransCanada Pipelines

No permanent **building** or **structure** shall be located within 7 m [22.9 ft.] of the limit of the TransCanada pipeline right-of-way or within 12 m [39.3 ft.] from the center line of the pipeline whichever is greater. **Accessory structures** shall have a minimum setback of at least 3 m [9.84 ft.] from the limit of the TransCanada pipeline right-of-way.

4.21.9 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 Non-Complying and Non-Conforming Buildings and Structures

4.22.1 Reconstruction, Enlargement of a Non-Complying Building or Structure

Nothing in this By-law shall prevent the enlargement, repair, renovation, **reconstruction**, or structural **alteration** of a **building**, or **structure** that **existed** one day prior to this By-law coming into effect, and which does not comply with the **zone regulations** or other requirements of this By-law provided:

1. The enlargement, repair, renovation, **reconstruction**, or structural **alteration** does not increase the situation of non-compliance; and
2. The enlargement, repair, renovation, **reconstruction**, or structural **alteration** does not pose a threat to public health or safety; and
3. All other applicable provisions of this By-law are complied with.

4.22.2 Non-Complying Lots

1. Despite anything else contained in this By-law, where a vacant **lot** having a lesser **lot frontage** and/or **lot area** than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be **used** for a purpose **permitted** in the zone in which the said lot is located, provided that no such **lot** has a **lot area** of less than 0.3 ha [0.75

ac.] in an R or LSR Zone or cannot be adequately serviced with **water and sewage services** and provided all other applicable **zone regulations** in this By-law are complied with.

2. A **non-complying lot** that **existed** on the date of the passing of this By-law, and which does not comply with the minimum **lot frontage** and/or minimum **lot area zone regulations** of this By-law may be enlarged by a lot addition and the resultant **lot** shall be deemed to comply with all the **zone regulations** of this By-law including the minimum **lot frontage** and minimum **lot area**. All **zone regulations** applicable to any **existing buildings** on the resultant **lot** shall thereafter be deemed to comply with the **zone regulations** of this By-law.

4.22.3 Non-Conforming 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 or enlarged except to a **use** which is in conformity with the provisions of the **zone** in which the land, **building** or **structure** is located, or without permission from the Committee of Adjustment pursuant to the *Planning Act*. Where the **non-conforming use** ceases, the **use** will be deemed to have been discontinued.

4.22.4 Reconstruction of a Non-Conforming Use

1. Nothing in this By-law shall prevent the strengthening, restoration or **reconstruction** of any **non-conforming building** or **structure** which existed on the date of the passing of this By-law, provided that the strengthening, restoration or **reconstruction** does not increase the **building height**, size or volume or change the **use** of such **building** or **structure**, except such minor changes as may be expressly required for the restoration of the **building** or **structure** to a safe condition.
2. Nothing in this By-law shall prevent the strengthening, restoration or **reconstruction** of any **non-conforming building** or **structure** is destroyed or rendered uninhabitable by fire or other natural cause, provided the **height** and **gross floor area** are not increased, and the new **building** or **structure** is **erected** on the same building footprint.

4.22.5 Prior Building Permits for a Non-Conforming Use

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 building permit has not been revoked under the *Building Code Act*.

4.22.6 Existing Undersized Lots

Despite anything else contained in this By-law, where a vacant **lot** having a lesser **lot frontage** and/or **lot area** than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be **used** for a purpose **permitted** in the zone in which the said lot is located, provided it can be adequately serviced with an **individual on-site sewage** and an **individual on-site 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.

4.22.7 Road Widening Creating a Non-Complying Use

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

4.23 Occupancy Restrictions

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

1. Any **private garage** or other **building** or **structure** which is **accessory** to a **residential use** except where the **accessory building** or **structure** is converted to an **additional residential unit** in compliance with Section 4.1.2.4 of this By-law and in compliance with the *Ontario Building Code*.
2. Any truck, bus, coach or streetcar body whether or not the same is mounted on wheels.
3. 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.

4.24 Open Storage and Outdoor Display

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

1. **Open storage** shall not be **permitted** within any required **front yard** and no closer than 5 m [16.4 ft.] to any **interior side lot line** or **rear lot line**.
2. Where **open storage** areas abut a **residential zone** (see **Section 5.2** for list of zones), the required **setback** of the **open storage** area shall be increased 10 m [32.8 ft.] and shall also be visually screened from any **residential use**.
3. An **outdoor display** area shall be **permitted** as an **accessory** use to any **permitted** commercial use, **industrial use** or public service use provided that the **outdoor display** area does not reduce any required **parking area** or **loading space** 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**.
4. **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**.
5. **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.].

4.25 Parking, Motor Vehicles and Drive-Through Facilities

4.25.1 General

1. Except as provided herein, no **motor vehicles** shall be parked or stored in any **zone** (see **Section 5.2** for list of zones) unless the **motor vehicle** is located within a **garage, carport, driveway, parking area**, or on a **street** as **permitted** by Municipal By-law.
2. No **parking space** in a **residential zone** (see **Section 5.2** for list of zones) shall be used for the outdoor parking or storage of a **motor vehicle** unless such **motor vehicle** is used in operations incidental to the **residential use** of the **lot** on which it is parked or stored and bears a **motor vehicle** license plate or sticker which is currently valid.
3. Each standard **parking space** or **stacking space** in a **stacking lane** shall have a minimum width of 2.6 m [8.5 ft.] and a minimum length of 5.5 m [18 ft.] and each **barrier-free parking space** shall have a minimum width of 3.9 m [12.7 ft.] and a minimum length of 5.5 m [18 ft.] [see **Figure 4.3**] where a single **barrier-free parking space** is provided. The minimum width of a **barrier-free parking space** may be reduced to 2.4 m [7.8 ft.] provided a shared access aisle having a minimum width of 1.5 m [4.92 ft.] is provided between any two **barrier-free parking spaces** [see **Figure 4.4**].
4. Unless **permitted** elsewhere in this By-law, where two or more uses are **permitted** in any one **building** or **structure** on any **lot**, then the off-street parking regulations 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.
5. The regulations for **parking spaces** shall not apply to any **building** or **structure** in existence at the date of passing of this By-law so long as the **gross floor area**, as it existed at such date, is not increased and no change in **use** occurs. If an addition is made to the **building** or **structure** which increases the **gross floor area** or a change in **use** occurs then **parking spaces** for the addition or area changed in **use** shall be provided.
6. Supplementary regulations for **parking spaces** for **dwellings** in **residential zones** (see **Section 5.2** for list of zones) shall be as follows;

- a. The **driveway** and **parking space** shall be constructed of crushed stone, asphalt paving, concrete, paver stones or similar materials.
- b. No more than fifty percent (50%) of the area of any required **front yard** shall be used or constructed as a **driveway** or **parking space**.
- c. No more than fifty percent (50%) of the **lot frontage** shall be used or constructed as a **driveway** or **parking space**.

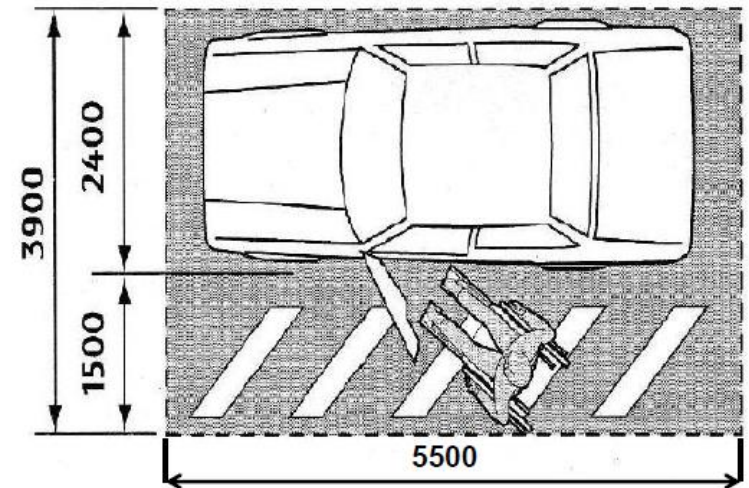


Figure 4.3: Barrier-Free Parking Space Dimensions – single space

7. Supplementary regulations for a **parking area** for more than four **motor vehicles** shall be as follows:

- a. The **parking area** shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials.
- b. Ingress and egress directly to and from every **parking space** shall be by means of a **driveway, lane** or **aisle** having a width of at least 6 m [19.7 ft.] for two-way traffic and 4 m [13.1 ft.] for one-way traffic where parking is angled.
- c. A **driveway** or **lane** which does not provide ingress and egress directly to a **parking space**, shall have a minimum width of 3.5 m [11.4 ft.] where designed for one-way vehicular circulation or 6 m [19.7 ft.] where designed for two-way vehicular circulation.

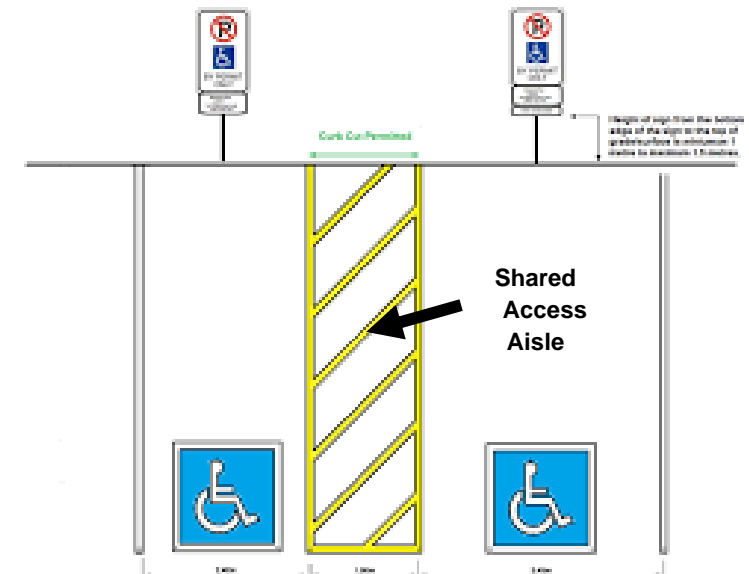


Figure 4.4: Barrier-Free Parking Space Dimensions – shared access aisle

8. Where the calculation of the minimum number of **parking spaces** required results in a fraction, the minimum requirement shall be the next higher whole number.
9. **Driveway Entrance Location**
No **driveway** on a **corner lot** shall be located closer than 15 m [49.2 ft.] from the edge of the travelled road of an intersection of a local road or 20 m [65.5 ft.] from the intersection of a collector road or provincial highway.

4.25.2 **Barrier Free Parking**

One **barrier free parking space** shall be required for any **use** requiring 10 standard **parking spaces** or more and **barrier free parking spaces** shall be provided at a ratio of one **barrier free parking space** for each 12 **standard parking spaces** and shall be included as part of the total number of standard **parking spaces** required.

4.25.3 **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:

1. A **drive-through facility** shall be a **permitted use** in the CR and M1 zones.
2. A **drive-through facility** is a **principal 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.
3. 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.].
4. 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**.
5. All **drive-through facilities** shall comply with the **zone regulations** for parking as set out in **Table 4.25** of this By-law.
6. **Stacking lanes** for any **drive-through facility** shall be designed to accommodate a minimum of eight (8) **motor vehicles**.

4.25.4 Schedule for Parking Regulations

In any **zone**, the owner or occupant of any **building** or **structure erected**, enlarged or changed in use after the date of passing of this By-law shall provide off-street **parking spaces** in accordance with the minimum number of parking spaces set out in **Table 4.25** as follows:

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: <ul style="list-style-type: none">• Accessory dwelling• Duplex Dwelling• Guest House• Mobile home• Seasonal dwelling• Semi-detached dwelling• Single-detached dwelling	2 spaces per dwelling

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: <ul style="list-style-type: none"> • Accessory Apartment • Apartment dwelling • Multiple-unit dwelling • Row or townhouse • Triplex dwelling 	1.5 spaces per dwelling unit, 15% of which shall be reserved as visitor parking where eight or more parking spaces are required
Residential: <ul style="list-style-type: none"> • Additional Residential Unit • Bachelor dwelling unit • Boarding house • Dormitory • Garden suite • Senior citizen dwelling • Tiny House 	<ul style="list-style-type: none"> • 1 space per dwelling unit, or 1 space per 38 m² [409 ft.²] whichever is greater • Dormitory or boarding house: 1 space per occupant
Animal Shelter	1 space per 30 m ² [322.9 ft. ²] of gross floor area
Auto body shop, auto repair shop, automotive service station, gas bar, recreational vehicle repair and garage	3 spaces per service bay plus 1 space per employee; minimum 6 spaces

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Assembly hall, auction hall, auditorium, banquet facility, dance hall, entertainment establishment, stadium, theatre, bingo hall, funeral home and similar places of assembly	The greater of 1 space for every 4 seats or 1 space for every 12 m ² [129.1 ft. ²] of assembly space
Bed and Breakfast Establishment	1 space for each guest room available to the travelling public in addition to the required parking for the dwelling
Building supply store, lumber yard, garden centre, nursery, equipment and vehicle storage yard	1 space for each 22 m ² [236.8 ft. ²] of gross floor area and 1 space for each 35 m ² [376.2 ft. ²] of open storage
Car Rental Agency	30 spaces minimum
Clinic, medical marijuana facility	3 spaces per medical practitioner
Convenience store	1 space per 18 m ² [193.7 ft. ²] of gross floor area

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Continuum-of-Care Facility	1 space for every 6 patient beds plus 1 space for every 4 employees
Crisis Care Facility	2 spaces minimum in addition to the required parking for a dwelling or if not located in a dwelling, 1 space per 38 m ² [409 ft. ²] of gross floor area
Day nursery	1 space per employee and 1 space per 5 children or 1 space for every 15 children registered or fraction thereof
Drive-through facility	1 parking space per 20 m ² [215.2 ft. ²] of gross floor area
Equipment Rental Establishment, Equipment Sales Establishment, Equipment Service and Repair Establishment, automotive sales establishment, recreational vehicle sales establishment	1 space per 35 m ² [376.7 ft. ²] of open storage or gross sales area plus 1 space per employee

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Factory Outlet, Retail Outlet	1 space per 28 m ² [301.3 ft. ²] of gross floor area plus required spaces for an industrial use or commercial use
Garden centre and nursery	1 space per 30 m ² [322.9 ft. ²] of gross floor area
General business including: adult video rental, animal day care establishment, antique store, bake shop, bank, brewery and winery, catering establishment, commercial and personal service establishment, dry cleaning or laundry outlet, office, grocery store, laundromat, microbrewery, pet grooming establishment, rental store, retail store, service outlet or shop, shopping centre, tourist outfitters establishment, video rental outlet, wholesale establishment	1 space per 28 m ² [301.3 ft. ²] of gross floor area
Group Home	2 spaces plus the required parking for the dwelling

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Home Based Business	A minimum of one (1) parking space and a maximum of three (3) parking spaces shall be permitted in addition to the required parking for the dwelling
Hotel, Motel, Tourist Establishment	1 space per guest unit, plus 1 space per 12 m ² [129.1 ft. ²] of gross floor area dedicated to administrative, banquet and meeting facilities
Industrial use, abattoir, agricultural-related use, bakery, custom work shop, studio,	1 space per 40 m ² [430.5 ft. ²] of gross floor area
Industrial Use for storage including a warehouse, cold storage facility, transportation depot or truck terminal	1 space per 75 m ² [807.3 ft. ²] of gross floor area
Place of amusement, arcade, recreational commercial establishment, fitness centre, massage parlour, wellness centre	1 space for every 4 persons that can be accommodated

Table 4.25 – Schedule for Parking Regulations	
USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Place of worship	1 space for every 5 seats, fixed or otherwise
Restaurant, Tavern	1 parking space per 10 m ² [107.64 ft. ²]
School - elementary	1.5 spaces per classroom plus 6 spaces for visitors
School - secondary or private	5 spaces per classroom plus 8 spaces for visitors

4.26 Parts of Buildings or Structures Permitted Above Height Level

1. The height regulations in this By-law shall not apply to any of the following:
 - a. Air conditioning system
 - b. Chimney
 - c. Church spire or belfry or turret
 - d. **Communications facility**
 - e. Drying tower
 - f. Elevator or stairway enclosure
 - g. Enclosed mechanical and electrical equipment
 - h. Farm buildings and structures including but not limited to a barn, silo or windmill

- i. Flag pole
- j. Hydro electric transmission tower or pole
- k. Ornamental dome or clock tower
- l. Receiving and transmitting antenna
- m. Receiving stations
- n. **Satellite dish/receiver**
- o. Skylight
- p. **Solar collector/commercial solar collector**
- q. Ventilating fan or skylight
- r. Water tower or tank
- s. **Wind Turbine/commercial wind turbine**

2. The minimum **setbacks** in all directions for a **communications facility** shall be the equivalent of the height of the tower except where such facility is authorized and/or approved by a federal regulator.

4.27 Permitted Projections

Every part of any **yard** required by this By-law shall be left open and unobstructed by any **structure** from the ground to the sky except that those structures listed in **Table 4.27** shall be **permitted** to project into the minimum yards required by this By-law for the following specified distances:

Table 4.27 – 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 front yard, rear yard or interior side yard
Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the established grade , with or without supporting posts	2 m [6.5 ft.] into any required yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (½) the setback of the building from the street line
Window awnings	1.2 m [3.9 ft.] into any required yard
Steps, ramps and walkways for use by persons with disabilities	No maximum into any required yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line
Porch , uncovered platform landing, patio or deck , balconies or steps	No maximum into any side yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line and 3 m [9.8 ft.] into any required front or rear yard
Air conditioner	0.5 m [1.6 ft.] into any yard

Table 4.27 – Permitted Projections	
STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
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
<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>

4.28 Prohibited Uses

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

1. Adult Entertainment Parlour and Body Rub Parlour; and
2. The **use** of any **accessory building** or **structure**, **boathouse** or **storage container** for human habitation except as **permitted** in **Section 4.1.2.**; and
3. The storage of inoperative rail cars, streetcars, buses, truck bodies or trailers without wheels; and
4. The parking or storage of commercial **motor vehicles** or inoperative farm vehicles on a vacant **lot**, and
5. The outdoor storage of partially dismantled and/or unlicensed **motor vehicles** or **recreational vehicles**, or trailers or **motor vehicle** or trailer parts; and
6. Obnoxious uses; and
7. 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
8. 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.

4.29 Recreational Vehicles

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

1. A **recreational vehicle** shall not be used as a **dwelling unit** or for permanent occupancy;
2. A **recreational vehicle** shall be **permitted** within a **recreational vehicle park**, **private campground**, **recreational campground** or **a tourist campground**;

3. Up to two (2) **recreational vehicles** may be stored on a **lot** having a minimum **lot area** of 0.8 ha [2 ac.] where the **lot** is occupied by a **seasonal dwelling** or a permanent **dwelling unit** provided all of the applicable zone standards for the respective zone are complied with (i.e. frontage, yard setbacks and shoreline setbacks), and any **permitted recreational vehicle** be **used** for short term accommodation for a period not exceeding a total accumulated period of 60 days in a calendar year;
4. Up to two (2) **recreational vehicles** may be stored on a **lot** having a minimum lot area of 0.8 ha [2 ac.] provided all of the zone standards for the respective zone are complied with (i.e., lot frontage, yard setbacks and shoreline setbacks);
5. Up to two (2) **recreational vehicles** may be **used** on a vacant **lot** having a minimum lot area of 0.8 ha [2 ac.] where the **lot** is **used** for leisure or vacation purposes provided:
 - i. The period of occupancy does not exceed a total accumulated period of 90 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 standards for the respective **zone** are complied with (i.e., lot area and frontage, yard setbacks and shoreline setbacks).
6. 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.
7. Despite the above, on a residential **lot** exceeding 5 ha [12.3 ac.], one additional **recreational vehicle** shall be **permitted** to be stored, or **used** for a period not exceeding a total accumulated period of 60 days in a calendar year.

4.30 Sight Triangle

1. Within any area defined as a **sight triangle**, the following **uses** shall be prohibited:
 - a. A **building, structure**, or **use** which would obstruct the vision of drivers of **motor vehicles**.
 - b. A **fence**, tree, hedge, bush or other vegetation, other than agricultural crops.
 - c. Any portion of a delivery space, **loading space, driveway** or **parking space**.
 - d. A berm or other ground surface which exceeds the elevation of the street by more than 0.75 m [2.5 ft.].
2. For the purposes of this By-law, the following **sight triangle** distances shall apply (see definition of sight triangle for measurement of distances):
 - a. 15 m [49.2 ft.] in all commercial and industrial **zones**.
 - b. 5 m [16.4 ft.] in all other **zones**.
 - c. Despite the above in any **zone** where any street crosses a railway at the same grade the railway shall be deemed to be a street and a sight distance of forty-five metres (45 m [147.6 ft.]) shall be required measured from the point of intersection of the centre line of the railway right-of-way and the street line abutting the lot [see **Figure 4.5**].

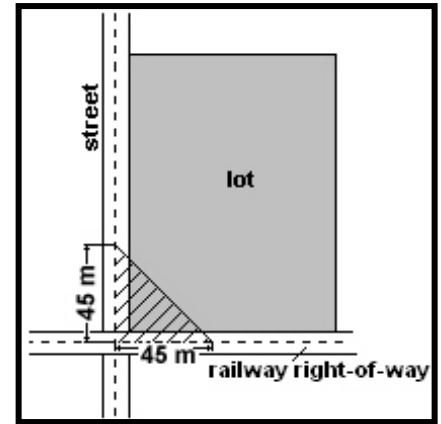


Figure 4.5: Sight Triangle

4.31 Signs

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

4.32 Streets, Parks, Playgrounds and Community Gardens

In any **zone** established by this By-law, **streets**, walkways, bike paths, parks, playgrounds and **community gardens** shall be **permitted**.

4.33 Temporary Buildings or Structures During Construction

1. 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 valid 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.
2. In addition, temporary accommodation may be permitted on a **lot** where a **building** or **structure** for which a valid building permit has been granted and is under construction provided the form of temporary accommodation is limited to a mobile, relocatable, portable or transportable **building** or **structure** or **recreational vehicle** and provided:
 - a. Approval is obtained from the **Corporation**.
 - b. Such temporary accommodation is removed from the **lot** immediately upon completion of construction, the issuance of an occupancy permit or abandonment of construction all of which as regulated by the *Ontario Building Code Act* and any related regulation thereto.
3. Nothing in this By-law shall prevent the **use** of land or the **use** or **erection** of a temporary sales or rental office for which a valid building permit has been issued and/or approval is obtained from the **Corporation**.
4. Nothing in this by-law shall prevent the temporary use of a **recreational Vehicle** for the temporary occupancy of farm workers specifically employed for the planting or harvesting of crops provided the **recreational vehicle** complies with Section 4.29 (1, and 3-6) of this by-law.

4.34 Use by Public Authority or Public Utility

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

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

2. The **lot coverage** and **setback** regulations of the **zone** in which such land, **building** or above ground **structure** is located shall be complied with.
3. Any **building erected** under the authority of this section shall not be **used** for the purpose of an **office** except for a government **building**.
4. The regulations for **parking spaces** and loading regulations as contained in this By-law shall be complied with.
5. **Communications facilities** shall comply with federal government requirements for construction and safety.
6. Secondary uses, such as active and passive recreation, agriculture, **community gardens**, other utilities, and **uses** such as **parking lots** and outdoor storage that are **accessory** to adjacent lands uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks.

4.35 Water and Sewage Disposal Systems

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

4.36 Wind Turbine and Renewable Energy Undertaking

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

4.37 Zones Applying to More than One Properties

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

Section 5 ZONES

5.1 Zone Classification

For the purposes of this By-law, the Municipality of Calvin 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

- RuralR
- Limited Service Rural LSR
- Commercial/Recreational..... CR
- General Industrial M1
- Heavy Industrial M3
- Mineral Aggregate ResourceMX
- Waste Management Facility..... W

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:

1. A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
2. 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;
3. 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;
4. A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Township lot lines shall follow such lot lines;
5. Where a boundary is indicated as approximately parallel to a street line or other feature, indicated in clause (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;
6. A boundary indicated as following the limits of the Municipality shall follow such limits;
7. In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way. If a closed street, lane or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way; and
8. 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

Permitted Rural Uses	
<ul style="list-style-type: none"> • Airfield • Agricultural Use • Agriculture Related 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 • Custom Workshop • Day Nursery (licensed) 	<ul style="list-style-type: none"> • 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 – Detached Private • Garage - Municipal • Geothermal Power Facility • Green Energy Industries • Golf Course • Group Home • Helipad • Heliport • Hobby Farm • Institutional Use • Log Hauling Operation • Logging Camp • Marine Facility • Mobile Home • Outdoor Recreation Use • Park

<ul style="list-style-type: none">• Parking Area• Place of Worship• Place of Assembly• Portable Asphalt/Concrete Plant• Private Club• Public Access Point• Public Service Use (see 4.34)• Public Utility (see 4.34)• Renewable Energy System• School• Temporary Work Camp• Veterinary Establishment• Wayside Pit or Quarry• Wind Farm• Wind Turbine <p>Permitted Accessory Uses</p> <ul style="list-style-type: none">• Accessory use, building or structure (see 4.1.1)• Additional Residential Unit (see 4.1.2)• Bed and Breakfast (see 4.1.3)• Boat House (see 4.1.4)• Day Care for Children (Private Home) (see 4.7)• Detached Private Garage• Dock (see 4.1.5)• Dwelling, Apartment-in-a-House (Granny Suite) (see 4.1.2)• Farm Produce Outlet (see 4.1.1)• Farm Vacation Establishment	<p>Permitted Accessory Uses</p> <ul style="list-style-type: none">• Fence (see 4.1.6 & 4.1.7)• Garden Suite (see 4.1.8)• Guest Cabin (see 4.1.2)• Home Based Business (see 4.15)• Kennel (see 4.17)• On-farm diversified uses for an Agricultural Use• Recreational Vehicle (see 4.29)• Solar collector• Storage Container (see 4.1.11)• Swimming Pool (see 4.1.12)• Studio• Temporary Car Shelter (see 4.1.13)• Wind turbine
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5.4.2 Zone Requirements

1. Kennel, Veterinary Establishment with a Kennel and Hobby Farm

Minimum Lot Area	4 ha [9.9 ac.]	
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.....	8 m [26.2 ft.]	
Minimum Separation Distance Between a Main Building and an Accessory Building		2 m [6.4 ft.]
Maximum Lot Coverage	10 %	

2. Residential

Minimum Lot Area per Dwelling.....	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	8 m [26.2 ft.]
Minimum Gross Floor Area of a Tiny House	
• Dwelling.....	27.8 m ² [300 ft. ²]

Maximum Lot Coverage 10 %

Maximum No. of Dwellings per Lot:

- Single detached dwelling, seasonal dwelling, mobile home, park model trailer.....1
- Duplex, Semi-detached, converted.....1
- Requirements of Section 4.1.2.4 shall apply for Additional Residential Units

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.]

3. All Other Uses

Minimum Lot Area 0.8 ha [1.96 ac.]

Minimum Lot Frontage 45 m [147.6 ft.]

Minimum Yard Requirements

- Front Yard15 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.....8 m [36 ft.]

Minimum Separation Distance Between a Main Building
and an Accessory Building

2 m [6.4 ft.]

5.4.3 Additional Provisions

1. 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;
2. No part of any kennel may be located closer than 100 m [328 ft.] to a dwelling unit on another lot;

3. Parks shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of **Section 5.4.2.3**;
4. Cemeteries shall not be governed by the above standards but shall conform to the *Funeral, Burial and Cremation Services Act, 2002*;
5. Despite anything in Section **5.4.2.3** 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.];
6. Development on lands within the Rural (R) Zone shall only be on lots with frontage on a public street (see also Sections 4.11.2 – 4.11.4);
7. A garden suite shall be permitted subject to **Section 4.1.8**;
8. The minimum interior side yard shall not apply to the party wall of a semi-detached dwelling; and
9. A lot, vacant lands or lands occupied by a dwelling unit may be used for the keeping of domestic livestock including domestic poultry (i.e., chickens, ducks, geese, pigeons quail), domestic livestock (i.e., rabbits, goats, pigs, horses) based on the following nutrient unit to **lot area** ratio:
 - a. up to 0.1 nutrient unit provided the minimum **lot area** shall be half (0.5) ac.
 - b. up to 0.2 nutrient unit provided the minimum **lot area** shall be one (1) ac.
 - c. up to 0.4 nutrient unit provided the minimum **lot area** shall be two (2) ac.
 - d. up to 0.6 nutrient unit provided the minimum **lot area** shall be three (3) ac.
 - e. up to 0.8 nutrient unit provided the minimum **lot area** shall be four (4) ac.
 - f. up to 1.0 nutrient unit provided the minimum **lot area** shall be five (5) ac
 - g. between 1.0 and 5.0 nutrient units provided the minimum **lot area** shall be 10 ac.
 - h. greater than five (5) nutrient units provided the minimum **lot area** exceeds 10 ac.
and provided any associated livestock facility and manure storage facility complies with the Minimum Distance Formula l.
10. All applicable zone regulations of Section 4 – General Provisions shall apply.

5.4.4 Exception Zones

1. Despite the provisions of Section 5.4.2.2 and Section 4.22.6, the following lots shall be deemed to comply with the minimum lot area:
 - a. Roll # 4822-000-001-11000-0000 – Part of Lot 30, Concession 3, Parcel 308 NIP: Minimum Lot Area – 0.2 ha [0.5 ac];
 - b. Roll # 4822-000-001-20100-0000 – Part of Lot 16, Concession 5, Parcel 18553: Minimum Lot Area – 0.2 ha [0.5 ac];
 - c. Roll # 4822-000-001-20600-0000 – Part of Lot 19, Concession 5, INST 67368: Minimum Lot Area – 0.2 ha [0.5 ac];
 - d. Roll # 4822-000-001-46210-0000 – Part of Lot 36, Concession 11, Parcel 24676 NIP: Minimum Lot Area – 0.14 ha [0.37 ac]; and
 - e. Despite **Section 5.4.2 (a)**, the minimum lot area for a kennel on Part of Lot 28, Concession 4 (535 Galston Road) shall be 0.8 ha [2 ac].
2. On Part of Lots 21, 22 and 23, Concession 1, Municipality of Calvin zoned Rural Special Exception (R-X2) the permitted uses shall only include yurts, a tourist establishment, a micro-brewery, an eatery and accessory uses thereto. The number of yurts zone shall not exceed a density of 1 yurt per 0.8 ha.
3. For the purposes of the zoning by-law, the lands zoned R-X2 shall be deemed to have access to Highway 630 via an access driveway across Lots 21, 22, and 23, Concession 1 and as such the requirements for frontage on a public street required by Section 4.11.1 shall not apply. The provisions of Section 5.11 shall apply with respect to a setback from the Amable du Fond River.

5.5 LIMITED SERVICE RURAL - LSR

(This explanatory note does not form part of the By-law. The Limited Service Rural 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

Permitted Limited Service Rural Uses	Permitted Accessory Uses
<ul style="list-style-type: none"> • Agricultural Use • Camp • Campground – Private • Communications Facility • Dwelling – Duplex • Dwelling – Seasonal • Dwelling - Semi-detached • Dwelling - Single Detached • Dwelling – Tiny House • Forestry Uses • Garage – Detached Private • Marine Facility • Mobile Home • Park • Parking Area • Public Use • Wayside Pit • Wayside Quarry 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1.1) • Additional Residential Unit (see 4.1.2) • Bed and Breakfast (see 4.1.3) • Boat House (see 4.1.4) • Dock (see 4.1.5) • Detached Private Garage • Dwelling, Apartment-in-a-House (Granny Suite) (see 4.1.2) • Farm Produce Outlet (see 4.1.1) • Farm Vacation Establishment • Fence (see 4.1.6 & 4.1.7) • Garden Suite (see 4.1.8) • Guest Cabin (see 4.1.2) • Home Based Business (see 4.15) • On-farm diversified uses for an Agricultural Use • Recreational Vehicle (see 4.29) • Solar collector • Storage Container (see 4.1.11) • Swimming Pool (see 4.1.12) • Studio • Temporary Car Shelter (see 4.1.13) • Wind turbine

5.5.2 Zone Requirements

1. Residential

Minimum Lot Area per Dwelling..... 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.]

Minimum Gross Floor Area of a Tiny House

- Dwelling27.8 m² [300 ft.²]

Maximum Building Height

- Main Building 11 m [36 ft.]
- Accessory Building8 m [26.2 ft.]

Maximum Lot Coverage 10 %

Maximum No. of Dwelling Units per Lot:

- Single detached dwelling, seasonal dwelling, mobile home1
- Duplex, Semi-detached, converted.....1
- Requirements of Section 4.1.2.4 shall apply for Additional Residential Units

Minimum Separation Distance Between a Main Building
 and an Accessory Building.....

2 m [6.4 ft.]

2. 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 11 m [36 ft.]

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

5.5.3 Additional Provisions

1. New development and land uses and new or expanding livestock facilities in the LSR zone will comply with the minimum distance separation formulae;
2. 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**;
3. Despite anything in **Section 5.5.2** 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.];
4. All islands are zoned Limited Service Rural (LSR) unless otherwise noted;
5. No land shall be developed in the Limited Service Rural [LSR] Zone unless those lands are on a lot which has frontage on a private road or lawful right-of-way and in compliance with **Section 4.11**.
6. The minimum interior side yard shall not apply to the party wall of a semi-detached dwelling
7. A lot, vacant lands or lands occupied by a dwelling unit may be used for the keeping of domestic livestock including domestic poultry (i.e., chickens, ducks, geese, pigeons quail), domestic livestock (i.e., rabbits, goats, pigs, horses) based on the following nutrient unit to **lot area** ratio:

- a. up to 0.1 nutrient unit provided the minimum **lot area** shall be half (0.5) ac.
 - b. up to 0.2 nutrient unit provided the minimum **lot area** shall be one (1) ac.
 - c. up to 0.4 nutrient unit provided the minimum **lot area** shall be two (2) ac.
 - d. up to 0.6 nutrient unit provided the minimum **lot area** shall be three (3) ac.
 - e. up to 0.8 nutrient unit provided the minimum **lot area** shall be four (4) ac.
 - f. up to 1.0 nutrient unit provided the minimum **lot area** shall be five (5) ac.
 - g. between 1.0 and 5.0 nutrient units provided the minimum **lot area** shall be 10 ac.
 - h. greater than five (5) nutrient units provided the minimum **lot area** exceeds 10 ac.
and provided any associated livestock facility and manure storage facility complies with the Minimum Distance Formula I.
8. All applicable zone regulations of Section 4 – General Provisions shall apply.

5.5.4 Exception Zones

1. Despite the provisions of **Section 5.5.2**, on lands described as Part of Lot 36, Concession 11, Municipality of Calvin and zoned **Limited Service Rural Special Exception One LSR-X1** the minimum lot frontage for three building lots shall be 20 m on the private road providing access to the lots.

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

Permitted Commercial/Recreational Uses		
<ul style="list-style-type: none"> • Adventure Game • Animal Day Care Establishment • Animal Shelter • Auto Body Shop • Auto Service Station • Automotive Sales Establishment • Brewery or Winery • Building Supply Store • Camp • Campground – Tourist • Car Washing Establishment • Clinic • Commercial Parking Lot • Communications Facility • Convenience Store • Drive-through Facility • Equestrian Establishment • Equipment Rental Establishment • Existing Dwelling • Farmer's Market • Flea Market • Funeral Home • Garden Centre • Gasoline Bar 	<ul style="list-style-type: none"> • Gasoline Cardlock Facility • Green Energy Industries • Institutional Use • Laundromat • Livestock Sales Outlet • Lumber Yard • Marina • Marine Facility • Microbrewery • Motel • Office • Park • Parking Area • Parking Lot – Commercial • Personal Service Establishment • Place of Assembly • Place of Worship • Propane Bar • Public Service Use • Printing and Publishing Establishment • Private Club • Recreational Commercial Establishment 	<ul style="list-style-type: none"> • 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 • Wind Farm

Permitted Accessory Uses

- Accessory use, building or structure (see 4.1.1)
- Detached Private Garage
- Fence (see 4.1.7)
- Recreational Vehicle (see 4.29)
- Solar collector, Commercial
- Storage Container (see 4.1.11)
- Swimming Pool (see 4.1.12)
- Temporary Car Shelter (see 4.1.13)
- 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 8 m [26.2 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 Units6 m [19.6 ft.]

Minimum Separation Distance Between a Main Building
and an Accessory Building2 m [6.4 ft.]

5.6.3 Additional Provisions

1. Development on lands within the Commercial Recreational (CR) Zone shall be on lots with frontage on a public street;

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;
2. 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); and
3. 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.].
4. All applicable zone regulations of Section 4 – General Provisions shall apply.

5.6.4 Exception Zones

1. On Part of Lot 28, Concession 9 and on part of lot 27, Concession 10, a duplex shall be a permitted use.
2. On Part of Lots 22 and 23, Concession 1, Municipality of Calvin zoned Recreational Commercial Special Exception CR-X1 the permitted uses shall include yurts and accessory uses thereto. The number of yurts in the CR-X1 zone shall not exceed a density of 1 yurt per 0.8 ha. For the purposes of the zoning by-law, the lands zoned CR-X1 shall be deemed to have access to Highway 630 via an access driveway across lots 21 and 22, Concession 1 and as such the requirements for frontage on a public street required by Section 4.11.1 shall not apply. The provisions of Section 5.11 shall apply with respect to a setback from the Amable du Fond River

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 Use, Building or Structure (see 4.1.1)
- Agriculture Related Use
- Auto Body Shop
- Auto Service Station
- Communications Facility
- Custom Workshop
- Drive-through Facility
- Fuel Depot
- Furniture and Home Supply Store
- 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
- Warehouse

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	15 m [49.2 ft.]
Maximum Lot Coverage	30%
Minimum Separation Distance Between a Main Building and an Accessory Building	2 m [6.4 ft.]

5.7.3 Additional Provisions

1. See also requirements of **Section 4.21.3** of this By-law for separation distances for industries.
2. 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).
3. All applicable zone regulations of Section 4 – General Provisions shall apply.

5.7.4 Exception Zones

Reserved

5.8 HEAVY INDUSTRIAL - M3

No person shall use any land or erect, alter or use any building or structure in the Heavy Industrial - M3 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 use, building or structure (see 4.1.1)
- Industrial Use (Class III)
- Mine
- Salvage Yard
- Sawmill or Planning Mill

5.8.2 Zone Requirements

Minimum Lot Area 10 ha [24.7 ac.]
Minimum Lot Frontage.....200 m [656.1 ft.]

Minimum Yard Requirements

- All Yards 15 m [49.2 ft.]

Maximum Lot Coverage 30%

Minimum Separation Distance Between a Main Building
and an Accessory Building2 m [6.4 ft.]

5.8.3 Additional Provisions

1. Development of any mine shall also be subject to the requirements of the *Mining Act* and the *Environmental Assessment Act*;
2. Development of any sawmill, planning mill, salvage yard or industrial use shall also be subject to the applicable requirements of the *Environmental Protection Act*;
3. See also requirements of **Section 4.21.3** of this By-law for separation distances for industries; and
4. 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).

5.9 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.

5.9.1 Permitted Uses

- Accessory Dwelling Unit
- Accessory Use, Building or Structure
- 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

5.9.2 Zone Requirements

Minimum Yard Requirements

- All Yards 15.0m [49.2 ft.]

Maximum Building Height

- Main Building 15.0m [49.2 ft.]
- Accessory Building 15.0m [49.2 ft.]

5.9.3 Additional Provisions

1. Notwithstanding the yard requirements stated above, a minimum of 30m [98.4 ft.] setback will be required from lot lines adjacent to public roads.
2. See also requirements of **Section 4.21.2** of this By-law for separation distances for Mineral Aggregate Resource Areas.
3. 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.

4. No person shall pile aggregate, top soil, overburden or locate any processing plant or place or build or extend any building or structure:
 - a. Within 30 m [98.4 ft.] from the lot line of the site.
 - b. Within 90 m [295.2 ft.] from any lot line that abuts an existing residential dwelling or land zoned for residential use.
5. 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.
6. No mineral aggregate operation shall operate except in compliance with a valid license issued under the Aggregate Resources Act, as amended.
7. No portable asphalt plant, wayside pit or wayside quarry shall operate without a valid Environmental Compliance Approval.
8. All applicable zone regulations of Section 4 – General Provisions shall apply.

5.9.4 Exception Zones

Reserved

5.10 WASTE MANAGEMENT FACILITY - W

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

5.10.1 Permitted Uses

- Accessory use, building or structure
- Agriculture (not including buildings and structures)
- Forestry (not including buildings and structures)
- Waste Management Facility
- Transfer Station

5.10.2 Zone Requirements

Minimum Yard Requirements:

- All Yards 30 m [98.4 ft.]

5.10.3 Additional Provisions

1. Environmental Compliance Approval

No waste disposal or sanitary landfill site shall operate without and except in conformity with a currently valid Environmental Compliance Approval issued by the public authority having jurisdiction; and

2. Influence Area and Separation Distances

See also requirements of **Section 4.21.1** of this By-law for separation distances for a waste management facility.

3. All applicable zone regulations of Section 4 – General Provisions shall apply.

5.10.4 Exception Zones

Reserved

5.11 ENVIRONMENTAL PROTECTION - EP

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

5.11.1 Permitted Uses

- Conservation Use
- Forestry Use
- Outdoor Recreational Use

5.11.2 Zone Requirements

No minimum lot area, frontage or setbacks.

5.11.3 Additional Provisions

1. 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;
2. Modification of the flood plain through filling, excavation or by other means is prohibited unless otherwise permitted by the Conservation Authority or the Ministry of Natural Resources respectively;
3. All land under water is within the Environmental Protection (EP) zone and uses of such land shall be limited to only those specifically approved by the Ministry of Natural Resources and/or the Conservation Authority; and
4. See also requirements of **Section 4.21** of this By-law for separation distances for industries and the provisions for Flood Plains in **Section 4.10**.
5. All applicable zone regulations of Section 4 – General Provisions shall apply.