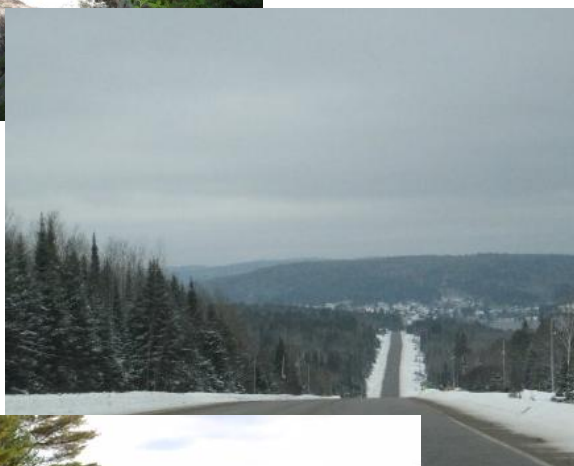
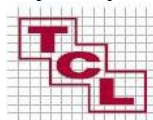


# East Nipissing Planning Area

Municipality of Calvin



Prepared by



**Tunnock Consulting Ltd.**

1 Sherbrooke St. East, Suite 302  
Perth, Ontario K7H 1A1

Tel. (613) 326-0040

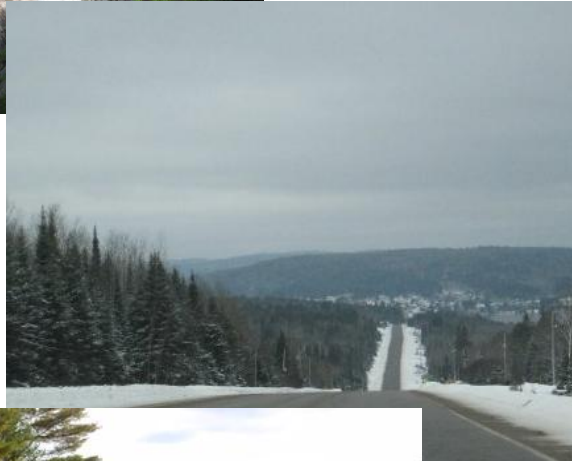
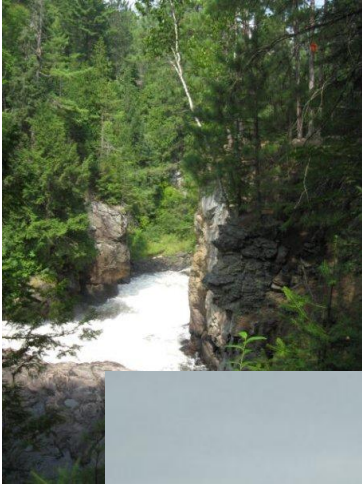
Fax (613) 326-0030

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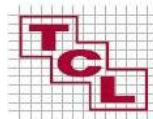
Email: [info@tunnockconsulting.ca](mailto:info@tunnockconsulting.ca)

Website: [www.tunnockconsulting.ca](http://www.tunnockconsulting.ca)

# Municipality of Calvin Zoning By-Law



Prepared by



**Tunnock Consulting Ltd.**

1 Sherbrooke St. East, Suite 302  
Perth, Ontario K7H 1A1

Tel. (613) 326-0040

Fax (613) 326-0030

1-800-924-0128

Email: [info@tunnockconsulting.ca](mailto:info@tunnockconsulting.ca)

Website: [www.tunnockconsulting.ca](http://www.tunnockconsulting.ca)

**MUNICIPALITY OF CALVIN**  
**ZONING BY-LAW**

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**Appendix 1 Minimum Distance Formulae I and II**

**Zoning Schedule**

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

# The Corporation of the Municipality of Calvin Comprehensive Zoning By-law

## Foreword

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

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

**Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Municipal Office 705-744-2700.**

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

<b>By-law 2000-011</b>	<b>February 27, 2001</b>
<b>By-law 2008-011</b>	<b>June 10, 2008</b>
<b>By-law 2010-008</b>	<b>March 9, 2010</b>

**The Corporation of the Township of Calvin**

**By-law No. 2000-011**

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


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


**NOW THEREFORE** the Council of the Corporation of the Township of Calvin enacts as follows:

(Text of Zoning By-law)

Read a first and second time this 22 day of AUGUST, 2000.

Read a third time and adopted this 27 day of FEBRUARY, 2001.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Clerk

Certified that the above is a true copy of By-law No. 2000-011 as enacted and passed by the Council of the Corporation of the Township of Calvin on the 27 day of FEBRUARY, 2001.

  
\_\_\_\_\_  
Clerk



## **Section 1 ADMINISTRATION**

### ***Explanatory Note***

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

### **1.1 Title**

This By-law shall be known as the Zoning By-law or By-law No.2000-011 of the Corporation of the Municipality of Calvin.

### **1.2 Applications and Plans**

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

- (a) The true dimensions and/or legal description of the lot to be built upon or otherwise used;
- (b) The proposed location, height and dimensions of any building, structure or use proposed for such lot;
- (c) The proposed location, height and dimensions of yards, landscaping, parking areas and loading spaces required by this By-law;
- (d) The location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures; and
- (e) A statement, signed by the owner disclosing the exact use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

### **1.3 Defined Area**

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

## 1.4 Enforcement

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

## 1.5 Inspection of Land, Buildings and Structures

- (a) Subject to Sections 49 and 49.1 of the *Planning Act*, 1990, the Chief Building Official or other such person as may from time-to-time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of inspecting a property of which he or she believes a contravention of this By-law is occurring;
- (b) Notwithstanding any provisions of **Section 1.5 (a)** hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the *Provincial Offenses Act*; and
- (c) No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power authorized under the *Planning Act*.

## 1.6 Penalty

- (a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, add Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction;
- (b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction; and
- (c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by

action at the instance. of any ratepayer or of the Corporation pursuant to the provisions of the Municipal Act or the Planning Act in that behalf.

## **1.7 Repeal and Relationship to Former By-laws**

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

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

## **1.8 Validity**

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

## **1.9 Other By-laws, Licenses, Permits and Regulations**

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

## **1.10 Conflict**

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

## **1.11 Interpretation**

### **(a) Interpretation Act**

The *Interpretation Act*, R.S.O. 1990 applies to this By-law;

### **(b) Definitions**

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

### **(c) Citation**

This By-law may be cited by its long title (“A By-law to Regulate the Use of Land, Buildings and Structures within the Municipality of Calvin”), its

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

**(d) Gender Neutrality**

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

**(e) Plural and Singular**

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

**(f) References**

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

**(g) Measurement Units**

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

## **Section 2      CONFORMITY REQUIREMENTS**

### *Explanatory Note*

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

- 2.1**      No land, building or structure shall be used and no building or structure shall be erected or enlarged or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.
- 2.2**      Subject to the granting of such minor variances as may be necessary, no lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-law.
- 2.3**      Where a use does not take place within a building, but a regulation in this By-law imposes a requirement premised on the use being in a building, the requirement applies as though the actual area occupied by the use was in a building.

## **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      Abattoir**

Means a building or structure where animals are killed for market but shall not include a rendering plant.

### **3.2      Accessory**

When used to describe a use, building or structure, means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

### **3.3      Adventure Game**

Means an outdoor sport or recreation operated commercially in which participants attempt to capture a flag or some other object and return it to their home base, and may carry one or more of the following equipment: paint pellet pistols with a CO<sub>2</sub> cartridge, paint pellets, safety goggles to prevent pellets from striking participants' eyes, and armbands to identify team participants.

### **3.4      Aggregate**

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

### **3.5      Agricultural Use**

Shall mean the use of land, building(s) or structure(s) for:

- (a) The growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- (b) Animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish, and all related activities such as breeding, training, feeding, manure storage and grazing;
- (c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products; and
- (d) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

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

### **3.6 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.

### **3.7 Aisle**

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

### **3.8 Alter**

- (a) When used in reference to a building, structure or part thereof, means:
  - i) To change any one or more of the external dimensions of such building or structure; or
  - ii) To change the type of construction of the exterior walls or roof of such building or structures; or
  - iii) To change the use of such building or structure or the number or types of uses or dwelling units contained therein.
- (b) When used in reference to a lot means:

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

(c) When used in reference to a shoreline

- i) Means to change, straighten, divert or interfere in any way with the channel of any watercourse.

### **3.9 Ambulance Facility**

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

### **3.10 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.

### **3.11 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.

### **3.12 Auto Body Shop**

Means a building with a service bay, where painting, refinishing, restoration or repairs to the coach works of motor vehicles are performed for gain or profit.

### **3.13 Auto Repair Garage**

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



### 3.14 Auto Service Station

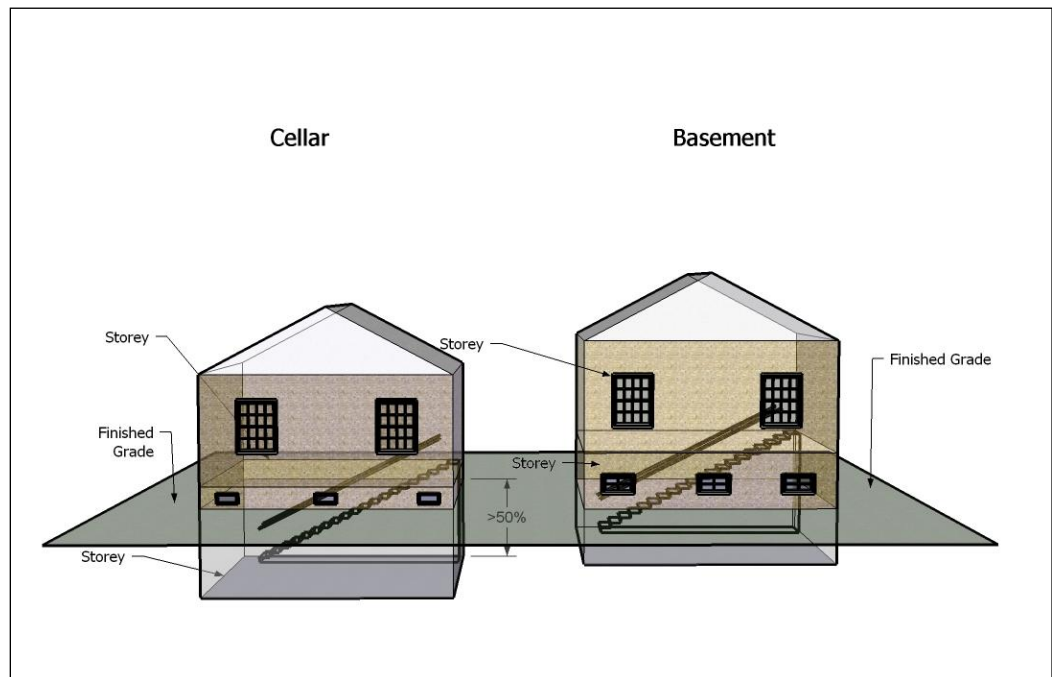
Means a place for supplying fuel, oil and minor accessories for motor vehicles at retail, direct to the consumer and having at least one (1) service bay where repairs to the actual operation of motor vehicles may be performed. If more than two (2) motor vehicles are kept on the premises for the purpose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

### 3.15 Automotive Sales Establishment

Means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning, body repair and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

### 3.16 Basement

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



### 3.17 Batch Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials

used in the production process of finished products manufactured on the premises and the storage and maintenance of required equipment.

**3.18 Bed and Breakfast Establishment**

Means a private dwelling designed to be used in part for the accommodation of the travelling or vacationing public, containing therein suites or guest rooms.

**3.19 Boat House**

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

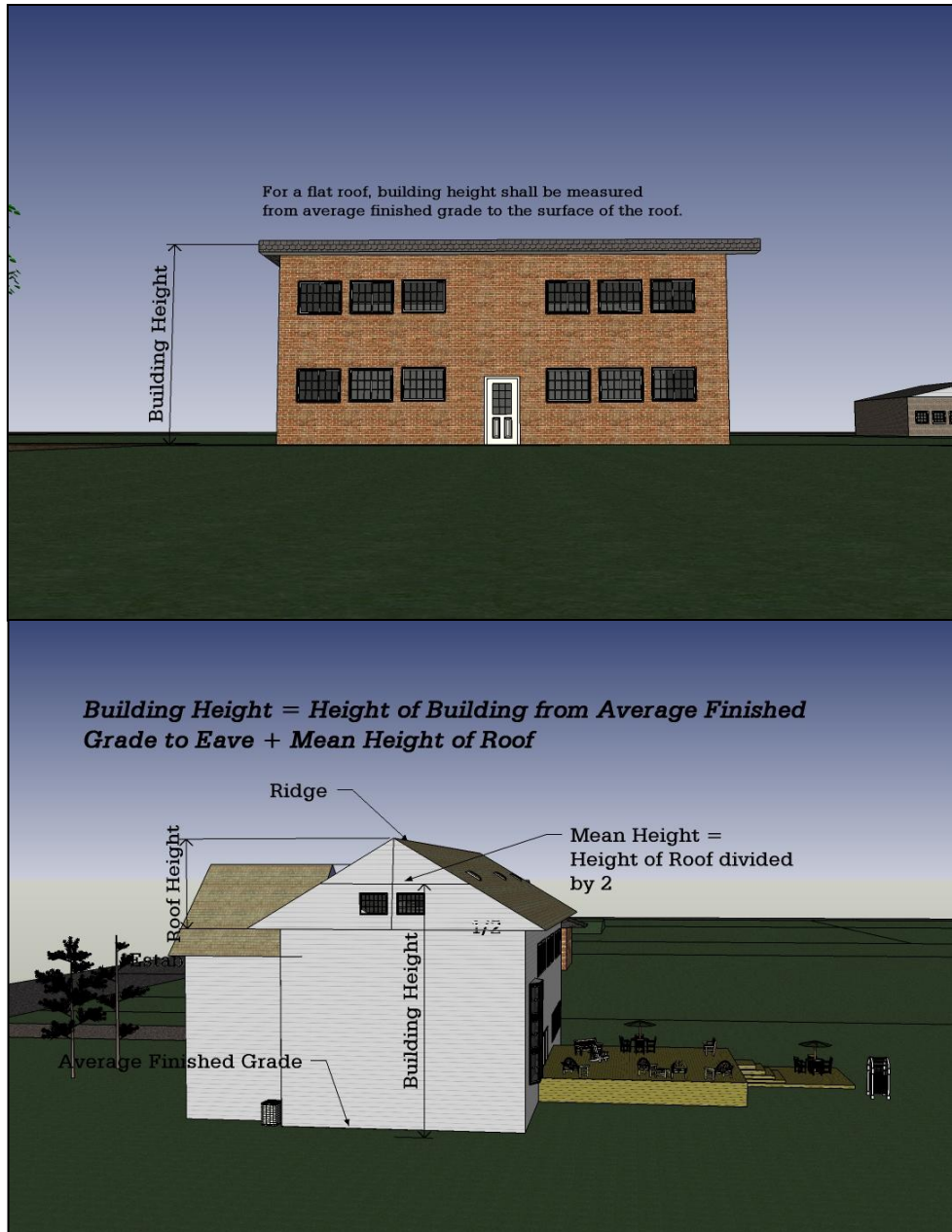
**3.20 Building**

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

**3.21 Building Height**

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

## Illustration of Building Height



### 3.22 Building, Main

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



### 3.23 Building Supply Store

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a lumber yard nor a salvage yard.

### 3.24 Camp (Hunt Camp, Fishing Camp)

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

### 3.25 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.

### 3.26 Camp, Temporary Work

Means an area of land including buildings and structures constructed on a temporary basis during the construction or decommissioning of a major building, logging operation, industrial complex, hydroelectric project or other large scale

construction project and such camp may include a field office, storage area, storage buildings, living quarters including sanitary and eating facilities provided that such a camp is removed once the facility is was designed to serve is completed.

**3.27 Campground - Private**

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

**3.28 Campground - Recreational**

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

**3.29 Campground - Tourist**

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

**3.30 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.

**3.31 Car Washing Establishment**

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

**3.32 Catering Establishment**

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

**3.33 Cemetery**

Means a cemetery within the meaning and as regulated by the Cemeteries Act.

**3.34 Chief Building Official**

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

**3.35 Clinic**

Means a building used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified physicians, dentists, optometrists, chiroprodists, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

**3.36 Commercial Greenhouse**

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

**3.37 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.

**3.38 Communications Facility**

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

**3.39 Community Centre**

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

**3.40 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.

**3.41 Conservation Authority**

Means the North Bay-Mattawa Conservation Authority.

**3.42 Conservation Use**

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

**3.43 Construction Yard or Contractor's Yard**

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

**3.44 Continuum-of-Care Facility**

Means a facility which may include a senior citizens apartment building, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve, the senior citizens apartment building, nursing home, long-term care facility, home for the aged, such as hospitals, clinics, recreation centres, cafeterias and personal service establishments and may also include independent senior's accommodation in separate structures/living units that share in services, such as meals, medical care services, or recreation that are provided by the facility.

**3.45 Convenience Store**

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

**3.46 Corporation**

Means the Corporation of the Municipality of Calvin.

**3.47 Council**

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



**3.48 Crisis Care Facility**

Means a **building** or part of a building which is used to provide for the supervised residency of persons requiring immediate emergency shelter and aid for a short to interim period of time and without limiting the generality of the foregoing, includes a facility for battered or abused adults and/or children or elderly persons.

**3.49 Day Nursery - Licensed**

Means a place wherein the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the Day Nurseries' Act.

**3.50 Day Nursery - Private Home**

Means a place wherein the temporary care of children is provided, which is operated as an accessory use within a residential dwelling unit and is not required to be licensed by the Province but shall comply with the applicable provisions of the Day Nurseries' Act.

**3.51 Deck**

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

**3.52 Detached**

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

**3.53 Development**

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

**3.54 Dock, Floating**

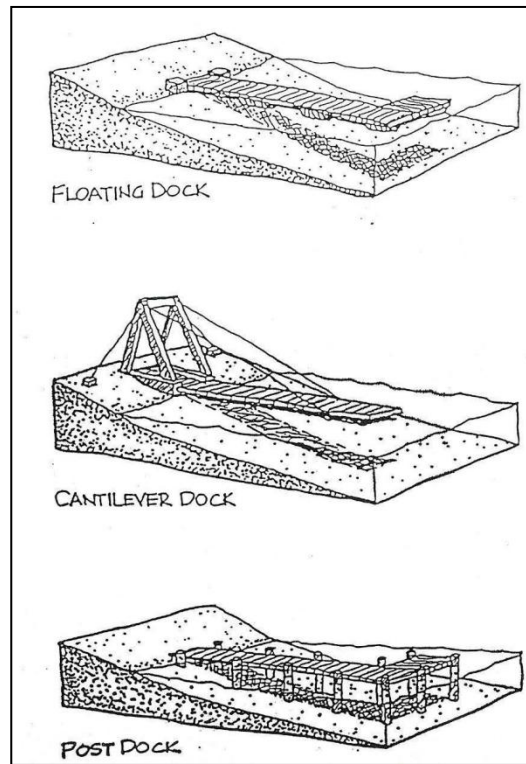
Means an accessory structure used for the mooring of marine vessels which is designed to float freely on the surface of the water body and which may be secured to the shoreline (see illustration).



### 3.55 Dock, Permanent

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

#### Docks



### 3.56 Driveway

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

### 3.57 Dwelling Unit

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

### 3.58 Dwelling - Accessory

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

**3.59 Dwelling - Apartment**

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

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

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

**3.61 Dwelling - Converted**

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

**3.62 Dwelling - Duplex**

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

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

**3.63 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

**3.64 Dwelling Unit - Seasonal**

Means a dwelling constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof. A seasonal dwelling unit shall include a Park Model Trailer Dwelling (see illustrations).

**3.65 Dwelling - Semi-detached**

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

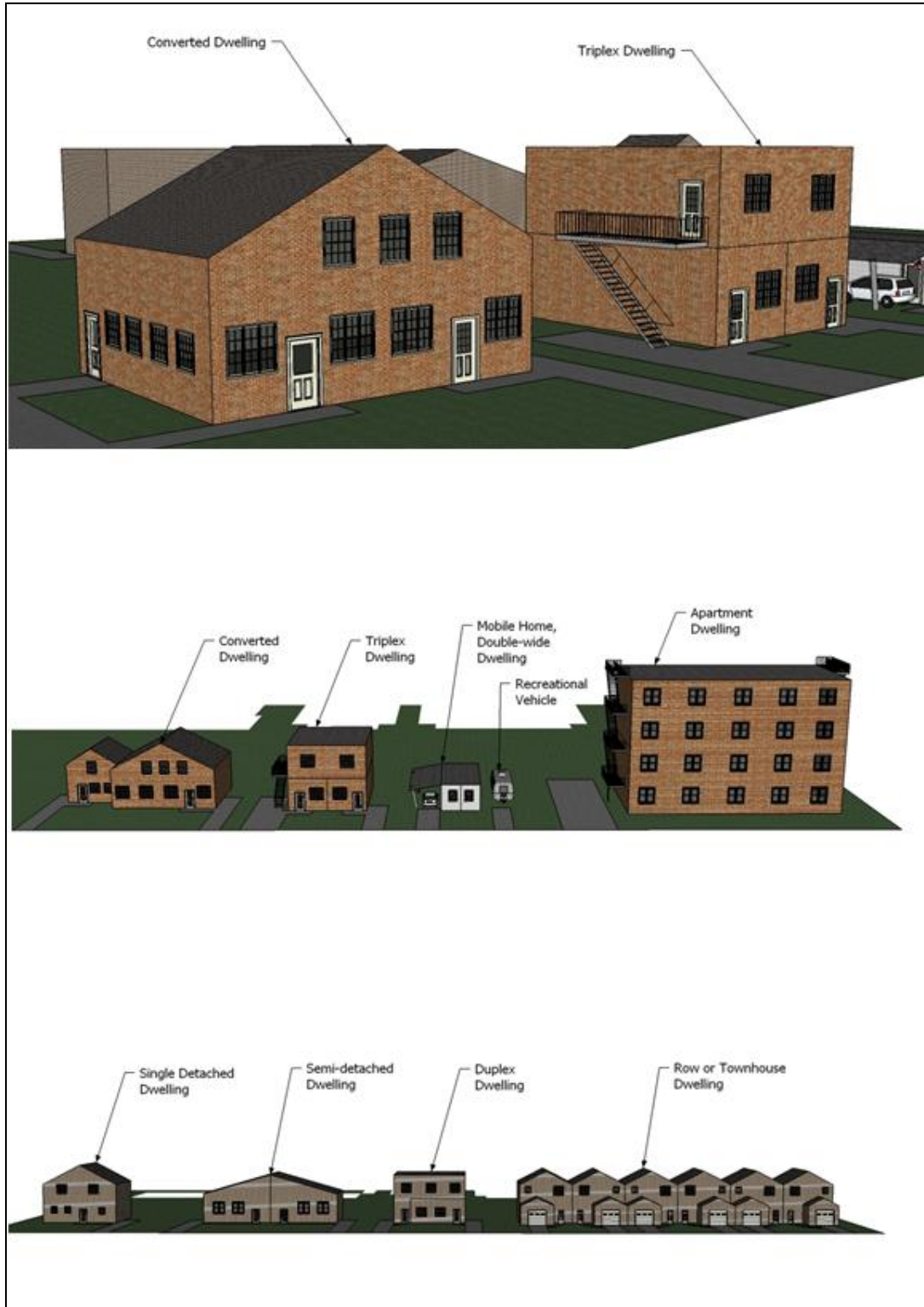
**3.66 Dwelling - Single-detached**

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

### 3.67 Dwelling - Triplex

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

Illustration of Dwelling Types



**3.68 Easement**

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

**3.69 Equestrian Establishment**

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

**3.70 Equipment Rental Establishment**

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

**3.71 Equipment Sales, Service and Repair Establishment - Industrial**

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

**3.72 Erect**

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

**3.73 Established Grade**

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

**3.74 Existing**

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

**3.75 Farm Produce Outlet**

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

**3.76 Farmer's Market**

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

**3.77 Fence**

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

**3.78 Fish Habitat**

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

**3.79 Flea Market**

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

**3.80 Floodline**

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

**3.81 Flooding Hazards**

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

**3.82 Flood Plain**

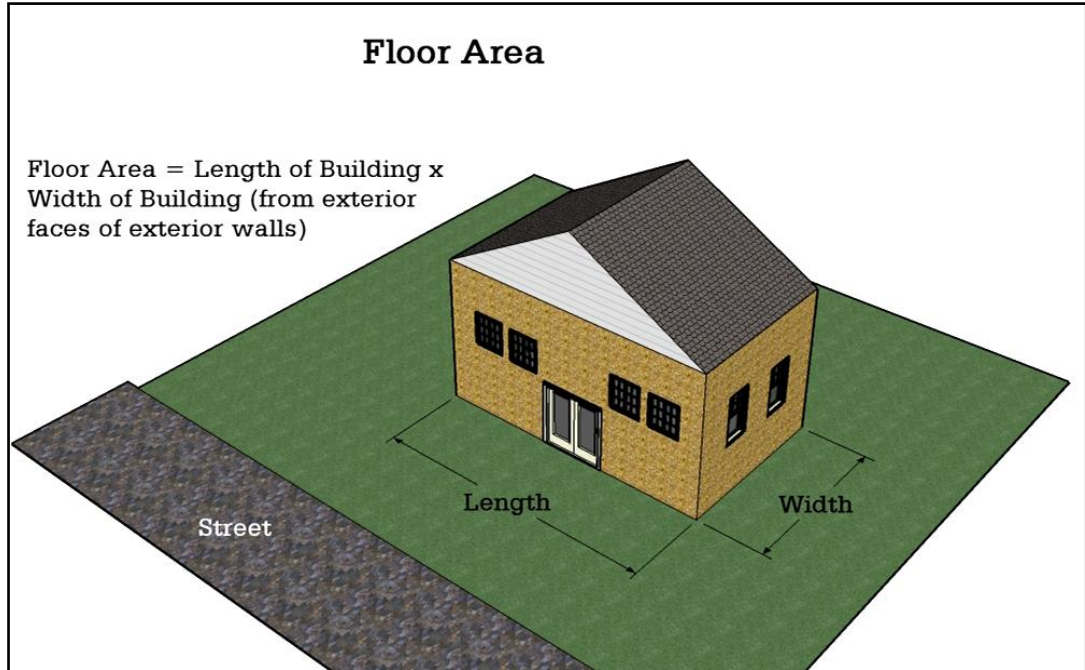
Means the area, usually low lands, adjoining a watercourse which has been, or may be subject to flooding hazards.

**3.83 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.

### 3.84 Floor Area - Gross

Means the total area of each floor measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor (see illustration).



### 3.85 Floor Area - Net

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

- (a) Any private garage, porch, veranda, and unfinished basement, cellar or attic;
- (b) Any part of the building or structure below grade which is used for building services, storage or laundry facilities; and
- (c) Any part of the building or structure used for the storage or parking of motor vehicles.

### 3.86 Forestry Use

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

**3.87 Fuel Depot**

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

**3.88 Funeral Parlour**

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

**3.89 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.

**3.90 Garage - Private**

Means an accessory building or portion of a main building including a carport which is designed or used for parking or storage of motor vehicles of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

**3.91 Garden Centre**

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

**3.92 Garden Suite**

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

**3.93 Gasoline Bar**

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



**3.94 Gasoline Card Lock Facility**

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

**3.95 Golf Course**

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

**3.96 Group Home**

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

**3.97 Habitable Room**

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

**3.98 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.

**3.99 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.

**3.100 High Water Mark**

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



### **3.101 Home Based Business**

Means any privately operated legal occupation, enterprise or business subject to **Section 4.13A** which is carried out as a use clearly accessory or secondary to the main agricultural or residential use of a property and which is compatible with the character of surrounding residential buildings or setting and is owned and operated only by a person or persons residing on the property, provided that:

- (a) The use does not create nor become a public nuisance in particular in regard to noise, traffic, parking or health safety;
- (b) The use does not occupy more than 50% of the gross floor area of the residential dwelling unit or where located in an accessory building shall not occupy more than 125 m<sup>2</sup> [1,345 ft<sup>2</sup>];
- (d) There is no outdoor storage or display to indicate to persons outside that any part of the property is being used for other than residential or agricultural uses except for an unlit sign of not more than 2 m<sup>2</sup>;
- (e) Such home industry is not an obnoxious trade, business or manufacture;
- (f) Not more than one person living in the household may be employed on-site in a permitted home based business while there shall be no limit on the number of employees who work entirely off-site;
- (g) Retail sales are limited to products primarily produced or fabricated on the premises;
- (h) The business shall not receive clients or deliveries between the hours of 2300 and 0700; and
- (i) Up to two home based businesses shall be permitted in a dwelling or accessory building provided all the provisions of this By-law are met.

### **3.102 Industrial Use**

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

#### **Class I Industry - *Light Industrial Uses***

Means a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions (e.g., noise, odour, dust

and vibration). Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

**Class II Industry - *Medium Industrial Uses***

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g., it has an open process) and where there are periodic or occasional outputs of fugitive emissions (e.g., noise, odour, dust and/or vibration). Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (e.g., aggregates, logs/lumber), warehousing, contractors yard.

**Class III - *Heavy Industrial Uses***

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

**3.103 Institutional Use**

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

**3.104 Kennel**

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

**3.105 Landscaped Open Space**

Means:

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

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

**3.106      **Laundromat****

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

**3.107      **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*).

**3.108      **Livestock Facility****

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

**3.109      **Livestock Sales Outlet****

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

**3.110      **Loading Space****

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

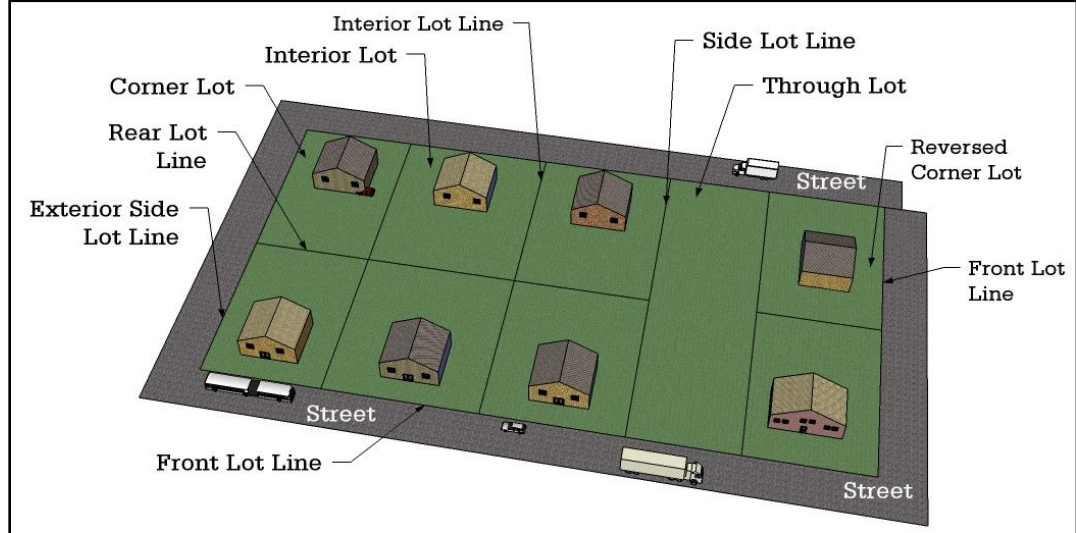
**3.111      **Log Hauling Operation****

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.

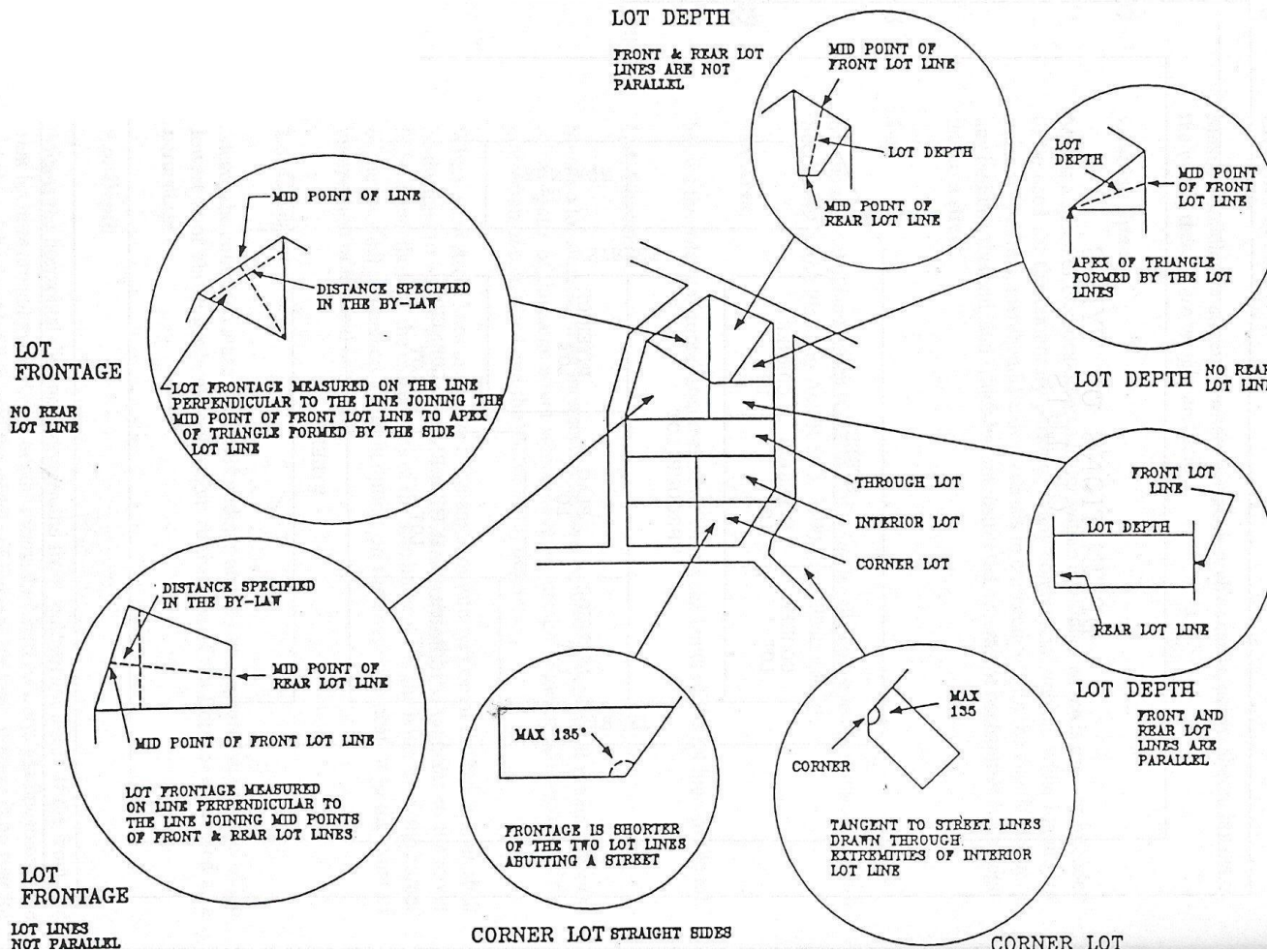
**3.112 Lot**

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

**Definition of Lot Types**



Examples of Lot Definitions



**3.113 Lot Area**

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

**3.114 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.

**3.115 Lot Coverage**

Means the combined areas of all the buildings on the Lot measured at the level of the lowest floor above grade in relationship to the area of the Lot and expressed as a percentage.

**3.116 Lot Depth**

Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

**3.117 Lot Frontage**

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 7.5 m [24.6 ft] back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines.

**3.118 Lot Interior**

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

**3.119 Lot Line**

Means a boundary line of a lot.

**3.120 Lot Line - Exterior Side**

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

**3.121 Lot Line, Front**

Means:

- (a) In the case of an interior lot, the line dividing the lot from the street line;
- (b) In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line;
- (c) In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial highway shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line;
- (d) In the case of a lot with water access only, the front lot line shall be on the water side. In the case of a through waterfront lot with water access only, the longest shoreline shall be deemed to be the front lot line; and
- (e) In case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.

**3.122 Lot Line, Rear**

Means the lot line furthest from, and opposite to, the front lot line.

**3.123 Lot Line, Side Interior**

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

**3.124 Lot, Through**

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

**3.125 Lot, Width**

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

**3.126 Lumber Yard**

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



**3.127 Main Building**

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

**3.128 Main Wall**

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

**3.129 Manure or Material Storage**

Means permanent storages, which may or may not be associated with a *livestock facility* containing liquid manure (< 18% dry matter), solid manure ( $\geq$  18% dry matter), or digestate (< 18% dry matter). Permanent storages may include any of: locations (under, within, nearby, or remote from a barn), materials (concrete, earthen, steel, wood), coverings (open top, roof tarp, or other materials), configurations and shapes or elevations (above, below or partially above grade).

**3.130 Marina**

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

**3.131 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.

**3.132 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.

**3.133 Mineral Deposits**

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



**3.134 Mini Warehouse and Public Storage**

Means a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

**3.135 Minimum Distance Separation Formulae I and II**

Shall mean the "Minimum Distance Separation I and II" of the Ontario Ministry of The Environment and the Ontario Ministry of Agriculture, Food and Rural Affairs (March 1998 and any subsequent amendments thereto) (see Appendix 1).

**3.136 Mobile Home Unit**

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

**3.137 Mobile Home Park**

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

**3.138 Modular Home**

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

**3.139 Motel**

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

**3.140 Municipality**

Means the Municipality of Calvin.

**3.141 Natural Heritage Features**

Means features and areas, such as significant wetlands, fish habitat, significant portions of the habitat of endangered and threatened species, significant wildlife

habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**3.142 Negative Impacts**

Means:

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

**3.143 Non-Complying**

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

**3.144 Non-Conforming**

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

**3.145 Nursery**

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

**3.146 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.

**3.147 Obnoxious Uses**

Means any use which is a nuisance to the occupant or owner of any neighbouring lands or buildings by reason of the emission from the neighbouring land or building or any part thereof, or the creation thereon, of odours, gases, dirt, radiation, smoke, noise, vibration, fumes, cinders, soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

**3.148      Occupancy Permit**

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

**3.149      Official Plan**

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

**3.150      Office**

Means a building, structure or part thereof used for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities.

**3.151      Open Space**

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

**3.152      Open Storage**

Means storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space.

**3.153      Park**

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

**Park - Private (see Recreational Commercial Establishment)**

**Park Model Trailer (see Dwelling - Park Model Trailer)**

**3.154      Parking Aisle**

Means a portion of a private parking area, or a commercial parking lot, or a private or a commercial parking structure which abuts a parking space on one or more sides and which provides access from the parking space to a street or lane and which is not used for vehicular parking.

**3.155 Parking Area**

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

**3.156 Parking Lot - Commercial**

Means a lot or portion thereof used for the temporary storage or parking of four (4) or more vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

**3.157 Parking Space**

Means an area used for the temporary parking of one motor vehicle.

**3.158 Person**

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

**3.159 Personal Service Establishment**

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

**3.160 Pit or Quarry**

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.

**3.161 Place of Amusement**

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

**3.162 Place of Assembly**

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

**3.163 Place of Worship**

Means a building or an open area dedicated to religious worship.

**3.164 Planning Board**

Means the East Nipissing Planning Board.

**3.165 Playground**

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

**3.166 Portable Asphalt/Concrete Plant**

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material or a plant designed to produce concrete and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction but is designed to be dismantled and moved to another location as required. Portable asphalt plants must comply with the Ministry of the Environment's separation distances and must obtain a certificate of approval from the Ministry of the Environment.

**3.167 Printing and Publishing Establishment**

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

**3.168 Private Club**

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

**3.169 Private Road**

Means a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

**3.170 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.

**3.171 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 utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

**3.172 Public Street**

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

**3.173 Public Service Use**

Means a building, structure or lot used for public services by the Municipality of Calvin and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, telegraph or railway company, any company supplying natural gas, Ontario Hydro, any Conservation Authority, Public Utilities Company or similarly recognized agencies.

**3.174 Public Utility**

Means a water works or water supply system sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

**3.175 Recreational Commercial Establishment**

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

**3.176 Recreational Vehicle**

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

**3.177 Recreational Vehicle Sales and Storage and Repair**

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

**3.178 Redevelopment**

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

**3.179 Registered Plan**

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

**3.180 Restaurant**

Means a building or structure where food is prepared and offered for sale to the public for consumption within or outside the building or structure.

**3.181 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.

**3.182 Retail Store**

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

**Road (See Public Street)**

**3.183 Salvage Yard**

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

**3.184 Sauna**

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

**3.185 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.

**3.186 School**

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

**3.187 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.

**3.188 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.

**3.189 Sensitive Land Use**

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

**3.190 Service Outlet**

Shall mean a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the



manufacturing thereof. Automotive repairs and services are not permitted under this definition.

### **3.191 Setback**

Shall mean:

- (a) With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line; and
- (b) With reference to a water body, the least horizontal distance between the high water mark of the water body and the nearest building line.

### **3.192 Sewage and Water Systems**

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

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

#### **(b) Communal Services**

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

- i) Are not connected to full municipal sewage and water services;
- ii) Are for the common use of more than five residential units/lots;
- iii) Are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner.

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

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

#### **(d) Partial Services**

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

**3.193 Shooting Range or Rifle Club**

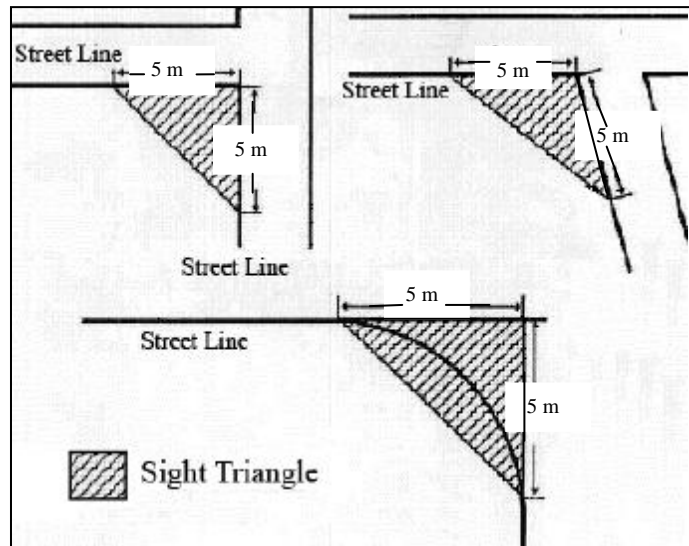
Means land buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

**3.194 Shoreline**

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

**3.195 Sight Triangle**

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



**3.196 Sign**

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

- (a) Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and
- (b) Which is used to advertise, inform, announce, claim, give publicity or attract attention.

**3.197 Sleep Cabin**

Means an accessory building or structure, not exceeding 37 m<sup>2</sup> (400 ft.<sup>2</sup>) in gross floor area, located on the same lot as the principal building or structure, the

accessory use being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities.

**3.198 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.

**3.199 Street Allowance**

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

**3.200 Street Line**

Means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

**3.201 Structure**

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

**3.202 Studio**

Means a building or part thereof used,

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

**3.203 Swimming Pool**

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

**3.204 Tavern or Roadhouse**

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

**3.205 Tourist Establishment**

Means premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a motel, lodge or bed and breakfast, and rental cottage or cabin where more than 3

such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses.

**3.206 Tourist Outfitters Establishment**

Means an establishment which operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

**3.207 Township**

Means the Corporation of the Municipality of Calvin.

**Trailer (see Recreational Vehicle)**

**3.208 Transportation Depot**

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

**3.209 Transfer Station**

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

**3.210 Use**

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

**3.211 Veterinary Establishment**

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

**3.212 Video Rental Outlet**

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

**3.213 Warehouse**

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

**3.214 Waste Management Facility**

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

**3.215 Water Frontage**

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

**3.216 Water Body**

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

**3.217 Wayside Pit**

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

**3.218 Wayside Quarry**

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

**3.319 Welding Shop**

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

**3.220 Wetland**

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**3.221 Wildlife Habitat**

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

**3.222 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.

**3.223 Wind Turbine**

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

**3.224 Wind Turbine, Commercial**

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

**3.225 Workshop or Custom Workshop**

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

**3.226 Yard**

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

**3.227 Yard, Front**

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

**3.228 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 Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building (see illustration).

**3.229 Yard, Side**

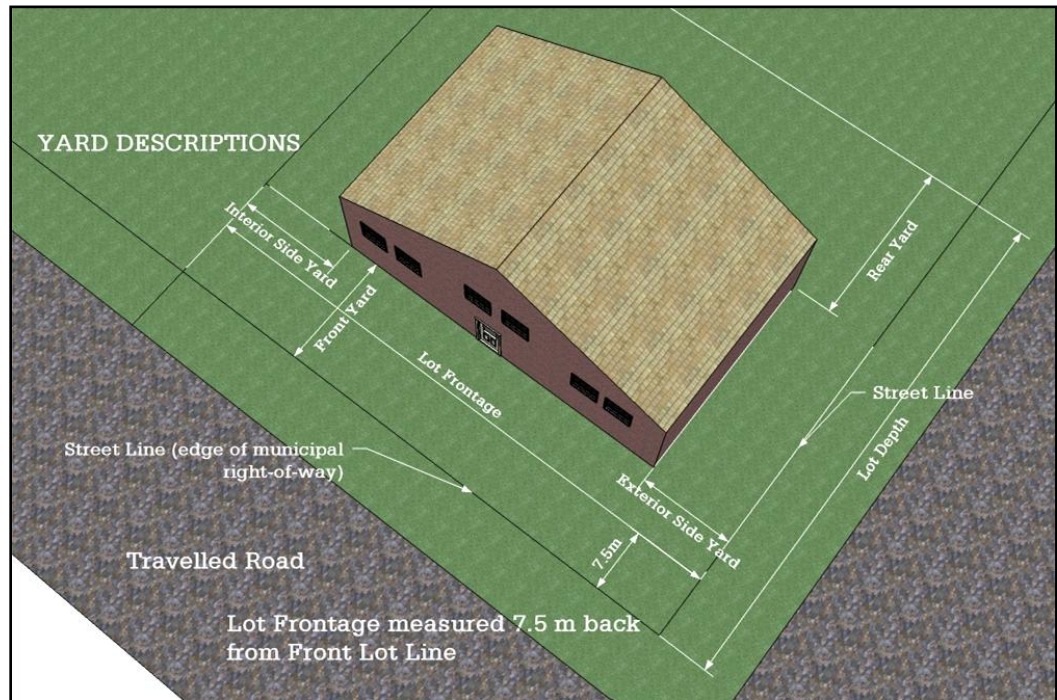
Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line (see illustration).

**3.230 Yard, Side Exterior**

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

**3.231 Yard, Side - Interior**

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



**3.232 Zone**

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



**3.233 Zone Regulation**

Means any provision of this By-law which is listed under the heading "Zone Regulations" and includes anything which is applicable to the zone or use.

**3.234 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 By-law states the regulations which apply regardless of the specific zoning (Section 5). Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.*

### 4.1 Accessory Buildings, Structures and Uses

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

- (a) All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same zone as the principal use. No *accessory building* shall be *erected* prior to the erection of the *main building* on the same lot, except where it is necessary for the storage of the tools, and materials for the use in connection with the construction of the *main building* or structure, and no such *accessory building* shall, prior to the erection of the *main building*, be used for any purpose other than storage and shall not be used for habitation unless otherwise permitted by this By-law;
- (b) The use of any accessory building for human habitation is not permitted except where specifically listed as a permitted use;
- (c) No accessory use shall be erected closer to the front line or the exterior side lot line than the minimum front yard and external side yard setbacks required for the main building;

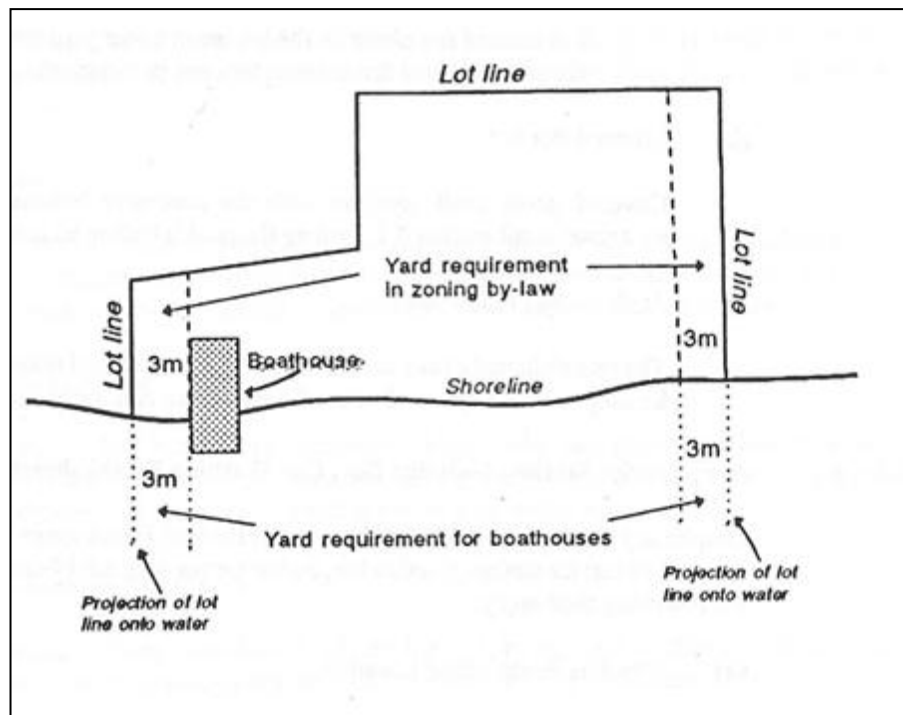
This provision shall be exempted:

- i) For lots with water frontage;
- ii) For a partially enclosed shelter for use by children waiting for a school bus, if such use is located in a rural zone and provided the front yard setback for the shelter is 3 m [9.84 ft];
- iii) For any *farm produce outlet* having a gross floor area of less than 9.5 m<sup>2</sup> [102.2 ft<sup>2</sup>], if such use is located in a rural zone;
- iv) For a lot in a rural zone to the extent that accessory uses, buildings and structures may be located in the front yard provided that the minimum front yard depth for the *main building* shall be double

the front yard depth otherwise required for the zone, provided that the accessory uses, buildings or structures shall be in compliance with the front yard, interior and exterior side yard requirements for the main buildings or structures in the zone and provided that all other relevant provisions of this By-law are complied with;

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

#### Boathouse Setback



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

adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water (see illustration);

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

**(a) Open Pools**

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

**(b) Covered Pools**

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

**(c) Pools in the Flood Plain**

The establishment of any swimming pool in an identified flood plain area shall be subject to the approval of the Conservation Authority.

### Example of Accessory Building and Use



#### 4.1.3 Bed and Breakfast

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

- (a) That the use of the dwelling does not change the residential character of the dwelling;
- (b) That the requirements for the provision of off-street parking spaces can be met;
- (c) That the requirements of the local Health Unit, where applicable, can be met;
- (d) That one sign only shall be permitted provided the sign area does not exceed 1.2 m<sup>2</sup> [12.9 ft<sup>2</sup>], does not flash or oscillate, does not exceed a height of 1.5 m [4.92 ft] if a free standing sign, shall not obstruct any sight triangle, and has a minimum setback from any lot line of 1 m [3.28 ft]; and
- (e) That the *bed and breakfast* shall not be combined with any other residential use except a *single detached dwelling* in which it is located.

#### 4.2 Auto Service Station, Gasoline Bar, Car Washing Establishment

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

- (a) Gasoline Pump Island Location

The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 5.0 m [16.4 ft] from any lot and street line.

(b) Separation of Propane Tanks and Natural Gas Tanks

No person shall erect or use a tank for the storage of propane for sale at an automobile service station or gas bar or on any other property where vehicle fuel may be dispensed unless a license has been obtained from the Ministry of Consumer and Commercial Relations and the location is in compliance with the requirements under the *Ontario Propane Code*, and the *Gasoline Handling Act*.

(c) The width of any entrance or exit combined entrance or exit measured at the front lot line or exterior side lot line shall not be greater than 9 m [29.5 ft] and there shall not be more than 2 accesses from any one street which adjoins the lot.

(d) The minimum distance of any access from a street intersection shall be 12 m [39.4 ft] and the minimum distance between accesses shall be 9 m [29.5 ft].

### **4.3 Buildings to be Moved**

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

### **4.4 Camp**

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

### **4.5 Change of Use**

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

### **4.6 Cumulative Standards**

Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each

use shall be complied with, but no dwelling shall be located within 3.0 m (9.8 ft.) of any other building on the lot except a building accessory to such dwelling.

#### **4.7 Day Nurseries**

Private home day nurseries are permitted in all zones where residential uses are permitted as a principal use. Such day nurseries shall comply with the provisions of the Day Nurseries Act.

#### **4.8 Exception Zone**

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

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

#### **4.9 Farm Use**

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

#### **4.10 Flood Plain, Fill and Construction Requirements**

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

- (a) Talon Lake 195.52 m [641.46 ft];
- (b) Smith Lake 177.0 m [580.71 ft].

**4.10.1** No person shall use any land or erect, alter or use any building or structure in the Flood Plain except in accordance with the following provisions:

##### **4.10.2 Permitted Uses**

- (a) Buildings or Structures Intended for Flood or Erosion Control or Slope Stabilization;
- (b) All Buildings and Structures in Existence on the Day of the Passing of this By-law;

- (c) Conservation Uses;
- (d) Forestry Uses;
- (e) Parks without Buildings or Structures;
- (f) Hydro-electric generating facilities subject to **Section 4.10.3**; and
- (g) Marine Facilities

#### **4.10.3 Prohibited Uses**

- (a) An institutional use;
- (b) Any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works and/or erosion; and
- (c) Any building, structure or use which involves the disposal, manufacture, treatment or storage of hazardous substances defined as materials that are ignitable, corrosive, reactive, radioactive or pathological and would normally pose a danger to public health, safety and the environment.

#### **4.10.4 Additional Provisions**

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

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

## **4.11 Frontage on a Public Street or Private Road**

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

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

## **4.11.2 Exception for Existing Agreements**

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

## **4.11.3 Ministry of Transportation Access Requirements**

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



## 4.12 Garden Suites

Subject to the, the passing of Site Specific Temporary Use By-law under Section 39 of the Planning Act, a Garden Suite shall be permitted as a separate dwelling unit to a permitted main residential use provided that *Individual On-Site Systems* have the capacity to service the additional dwelling unit, that the maximum net floor area is 49% of the net floor area of the main floor of the main residential building up to a maximum of 75 m<sup>2</sup> [807.3 ft<sup>2</sup>], that the maximum height of the Garden Suite is 6 m [19.7 ft] or the average height of the main buildings on the subject and abutting lots, whichever is the lesser, that the Garden Suite is located in a rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone and is set back a minimum of 3 m [9.8 ft] from any rear or side lot line.

## 4.13 Group Homes

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

## 4.13A Home Based Businesses

The following uses shall be considered Home Based Businesses:

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

- (j) A farm produce outlet;
- (k) Workshop (*e.g., workshops for woodworkers, welders, painters, plumbers or other members of the trades*); and
- (l) A machine or auto repair shop.

#### **4.14 Illumination**

Illumination of buildings and grounds shall be permitted provided that:

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

#### **4.14A Helipad, Heliport**

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

- (a) The setback between the edge of the helipad and the main wall or receptor of a *sensitive land use* shall be determined by a noise and vibration study undertaken by a professional competent in undertaking such studies. Reference shall be made to Ministry of the Environment Guideline “Noise Assessment Criteria in Land Use Planning LU-131”;
- (b) The setback between the edge of the helipad and any non-residential use not classified as a *sensitive land use* shall be 200 m [656.2 ft]; and
- (c) The classification, design, construction and operation of a Heliport shall comply with Standard 325, Heliports, Part III, Canadian Aviation Regulations issued under the Aeronautics Act, administered by Transport Canada.

#### **4.15 Land Suitability for Use and Organic Soils**

Despite any other provision of this By-Law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction and the requirements of the

*Ontario Water Resources Act* and the *Ontario Building Code* with respect to the installation of an individual on-site sewage and water system can be met.

#### **4.16 Licenses, Permits and Other By-laws**

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

#### **4.17 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.

#### **4.18 Minimum Distance Separation, Influence Areas and Special Setbacks**

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

**(a) Setback from Highway 17 or the CPR Rail Line.**

The setback shall be as determined by a noise and/or vibration study if such is required by Planning Board or Council and shall be generally measured from the point source of the emission to the property line of the receptor land use;

**(b) Waste Management Facility**

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

- ii) No development or land use shall be permitted within 30 m [98.4 ft] of the (licensed) fill area of an active waste management facility; and
- iii) No waste management facility shall be permitted within 30 m [98.4 ft] from any watercourse, lake or pond.

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

**(c) Pits and Quarries:**

The minimum separation distance between a sensitive land use (e.g., residential use, daycare centre, educational or health facility) and the boundary of a Mineral Aggregate Resource Area of a pit shall be 70 m [230 ft] or 300 m [984 ft] for a quarry. Within an influence area of 300 m [984 ft] from the boundary of a Mineral Aggregate Resource Zone Boundary for a pit or 1,000 m [3,280 ft] for a quarry, respectively, no sensitive land use shall be permitted unless 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. Adverse effects may be addressed by means of a phasing plan, rehabilitation plan, landscaping berming, specified truck routes or other measures acceptable to Council;

**(d) Industrial Uses:**

- i) Class I Industrial: Includes light industrial uses defined as a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions e.g. noise, dust, odour and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging and crafting services. The minimum separation distance from a sensitive land use (e.g., residential use, daycare centre, educational or health facility) shall be 20 m [65.6 ft] measured from property line to property line while the influence area shall be 70 m [230 ft];
- ii) Class II Industrial: Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and or periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include feed packing plant, paint spray booths, dry

cleaning services, electrical production manufacturing. The minimum separation distance for this industrial classification from a sensitive land use (e.g., residential use, daycare centre, educational or health facility) shall be 70 m [230 ft] while the influence area shall be 300 m [984 ft]; and

- iii) **Class III Industrial:** Describes large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions (e.g., noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated). Examples of heavy industries include refineries, salvage yard, pulp and paper mill etc. The minimum separation distance for this industrial classification from a sensitive land use (e.g., residential use, daycare centre, educational or health facility) shall be 300 m [984 ft] while the influence area shall be 1,000 m [3,280 ft].

(e) **Agricultural Use:**

Shall comply with the Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Formulae I and II (See Appendix 1); and

(f) **Water Bodies**

Subject to **Section 4.11**, the minimum setback from the shoreline for a habitable structure (dwelling), a non-residential building or on-site sewage disposal system 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. 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 shoreline.

## **4.19 Natural Heritage Features**

### **4.19.1 Deer Yards**

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

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

#### 4.19.2 Requirements for Natural Heritage Features

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

##### Feature or Area

(a)	Significant habitat of Endangered & Threatened Species	50 m [164 ft]
(b)	Significant Wetlands	120m [393.7 ft]
(c)	Fish Habitat	30 m [98.4 ft]
(d)	Significant Wildlife Habitat	50 m [164 ft]
(e)	Areas of Natural and Scientific Interest	50 m [164 ft]

#### 4.20 Non-Conforming and Non-Complying Uses

##### (a) Continuance of Existing Uses

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

##### (b) Prior Building Permits

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

##### (c) Road Widening

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

**(d) Reconstruction of Existing Use**

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

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

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

**(f) Existing Undersized Lots**

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

## **4.21 Occupancy Restrictions**

Human habitation shall not be permitted in any of the following buildings, structures, or parts thereof unless the building, structure, or parts thereof meet all requirements of the Fire Code, the Ontario Building Code and any other applicable regulations, policies, or Acts.

- (a)** Any private garage or other building which is accessory to a residential use;
- (b)** Any truck, bus, recreational vehicle, coach or streetcar body whether or not the same is mounted on wheels; and



- (c) Any dwelling before the main wall and roof have been erected, the finished roofing material has been installed and the kitchen, heating and sanitary conveniences have been installed and are operating.

#### **4.22 Outside Storage, Sales and Display**

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

- (a) Outside storage shall not be permitted within any required front yard and no closer than 5.0 m [16.4 ft] to any side or rear lot line;
- (b) Where outside storage areas abut a zone in which residential uses are permitted, the required setback of the outside storage area shall be increased to 10.0 [32.8 ft] and must also be visually screened from any zone in which residential uses are permitted;
- (c) Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law; and
- (d) These provisions shall not apply to a garage or yard sale.

#### **4.23 Parking and Storage of Vehicles**

- (a) Except as provided herein, no vehicles shall be parked or stored in a zone in which residential uses are permitted unless the vehicle is located within a garage, carport, driveway, designated parking area or on a street as permitted by Municipal By-law;
- (b) No parking space in a zone in which residential uses are permitted shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted use of the lot on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid;
- (c) Each standard parking space shall have a minimum width of 2.7 m [8.9 ft] and a minimum length of 6.0 m [19.7 ft]. Each barrier-free parking space shall have a minimum width of 3.7 m [12.1 ft] and a minimum length of 6.0 m [19.7 ft];
- (d) Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided;



- (e) The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs than parking spaces for the addition or area changed in use shall be provided;
- (f) Unless otherwise specifically provided elsewhere in this By-law, no driveway which provides ingress and egress to and from any lot or parking space shall pass through zones other than the one containing the permitted use;
- (g) Parking area for more than four vehicles, supplementary regulations:
  - i) The parking area shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials and shall be maintained and treated so as to reduce dust scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the Corporation;
  - ii) Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 6.0 m [19.7 ft] for two-way traffic and 3.5 m [11.5 ft] for one-way traffic where parking is angled; and
  - iii) A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m [11.5 ft] where designed for one-way vehicular circulation or 6.0 m [19.7 ft] where designed for two-way vehicular circulation.
- (h) **Barrier Free (Handicapped Parking)**

Wherever barrier-free access to a building is required under the Building Code, one barrier-free parking space shall be provided for every 20 standard parking spaces or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements;
- (i) Except where permitted elsewhere in this By-law, the required parking for residential uses of land shall be provided on the same lot as the dwelling unit. In all other zones, parking shall be provided within 100 m [328 ft] of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same; and
- (j) Despite **Section 4.24**, if the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number.

**4.24 Schedule for parking requirements**

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

**Schedule for Parking Requirements:**

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

#### 4.25 Parts of Buildings or Structures Permitted Above Height Level

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

- Air conditioning system
- Chimney
- Church spire or belfry
- Drying tower
- Elevator or stairway enclosure
- Enclosed mechanical and electrical equipment
- Farm buildings and structures such as a barn, silo or windmill
- Flag pole
- Hydro electric transmission tower
- Mine Headframe
- Receiving and transmitting antenna
- Receiving stations
- Satellite dish
- Smoke Stack or Emissions Stack
- Solar panels
- Ventilating fan or skylight
- Water tower or tank
- Wind Turbine

#### 4.26 Permitted Projections

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

#### Permitted Projections

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters	0.75 m [2.46 ft] into any required front, rear or side yard

Canopies which are at least 2.13 m [7 ft] in vertical clearance above the established grade, with or without supporting posts	2.0 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 (1/2) the setback of the building from the street line
Window awnings	1.2 m [3.9 ft] into any required yard
Steps, ramps for use by handicapped, and walkways	No maximum into any required yard
Porch, uncovered platform landing, patio or sun deck, balconies or steps	No maximum into any side yard and 3.0 m [9.8 ft] into any required front or rear yard
Air conditioner	0.5 m [1.6 ft] Into any yard.
Heat pump, fire escape.	1.5 m [5 ft] Into a side or rear yard
Accessory building	As permitted by and as specified in this By-law

#### 4.27 Prohibited Uses

Except as specifically permitted in this By-law, the following uses are prohibited:

- (a) No use shall be permitted within the Township which from its nature or the materials used therein is, declared to be a noxious trade, business or manufacture; and
- (b) Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.

#### 4.27A Recreational Vehicles

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

- (a) A *recreational vehicle* shall not be used as a *dwelling unit* or for permanent occupancy;
- (b) A *recreational vehicle* shall be permitted within a recreational vehicle park, *private campground*, *recreational campground* or a *tourist campground*;
- (c) One *recreational vehicle* only may be stored on a lot occupied by a *seasonal dwelling* or a permanent *dwelling unit* and may be used for short term accommodation for a period not exceeding a total accumulated period of 30 days in a calendar year;

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

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

#### **4.28 Sight Triangles**

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

#### **4.29 Sleep Cabin**

A maximum of one sleeping cabin per lot shall be permitted as an accessory use to a main permitted residential building or structure. Sleeping cabins shall not exceed 37 m<sup>2</sup> [398.3 ft<sup>2</sup>] in gross floor area. The regulations under **Section 4.1** -

Accessory Buildings, Structures and Uses shall also apply to the establishment of sleep cabin.

#### **4.30 Streets and Parks**

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

#### **4.31 Temporary Buildings or Structures During Construction**

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

In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:

- (a) Approval is obtained pursuant to the matters contained herein; and
- (b) Such temporary accommodation is removed from the lot immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the Corporation it is no longer required.

#### **4.32 Trans-Canada Pipelines**

Development adjacent to the Trans-Canada Pipeline corridor or facility shall comply with the construction and setback standards of Trans-Canada Pipelines and more particularly, no permanent building or structure shall be located within 7 m [22.9 ft] of the pipeline right-of-way. Despite this requirement an accessory structure as defined in this By-law may be located no closer than 3 m [9.84 ft] from the limit of the right-of-way.

#### **4.33 Use by Public Authority or Public Utility**

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any utility installation for the purpose of public service by the Municipality of Calvin and/or any public authority, any department of the Government of Ontario or Canada, including any Hydro One facilities pursuant to the Planning Act, or publicly licensed authority provided that where such land, building or structure is located in or abutting a zone in which residential uses of land are permitted:

- (a) No goods, materials or equipment shall be stored in the open;

- (b) The lot coverage and setback regulations of the zone in which such land, building or above ground structure is located shall be complied with; and
- (c) Parking and loading requirements as contained in this By-law shall be complied with.

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

#### **4.34 Water and Sewage Disposal Systems**

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

#### **4.34A Wind Turbine and Renewable Energy Undertaking**

A renewable energy undertaking as defined in the *Green Energy Act, 2009* shall be governed in accordance with the provisions of that Act. The minimum setback for any *wind turbine* not governed by the *Green Energy Act, 2009* shall be 10 m [32.8 ft].

#### **4.35 Zones Applying to More than One Property**

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

<b>Section 5 ZONES</b>
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## 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

	<b>Zone Symbol</b>
• Rural.....	R
• Limited Service Rural.....	LSR
• Commercial/Recreational.....	CR
• General Industrial.....	M1
• Heavy Industrial.....	M3
• Mineral Aggregate Resource.....	MX
• Waste Management Facility.....	W

### **Constraint Areas**

- Environmental Protection Constraint Area.....EP

## 5.3 INTERPRETATION OF ZONE BOUNDARIES

- ### 5.3.1
- When determining the boundary of any zone as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- (a) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- (b) A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- (c) A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- (d) A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Township lot lines shall follow such lot lines;
- (e) Where a boundary is indicated as approximately parallel to a street line or other feature, indicated in clause (a), (b), and (c) above, and the distance from such street line or other feature is not indicated, and clause (d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule;
- (f) A boundary indicated as following the limits of the Municipality shall follow such limits;
- (g) In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way. If a closed street, lane or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way; and
- (h) In the event a zone boundary, setback or dimension cannot be determined by any of the above means, a scale bar may be used to calculate the affected dimension.

## **5.4 RURAL - R**

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

### 5.4.1 Permitted Uses

- Accessory Use
  - Bed and Breakfast
  - Day Nursery (Private Home)
  - Dwelling, Apartment-in-a-House (Granny Suite)
  - Farm Produce Outlet
  - Home Based Business
  - Kennel
  - Sleep Cabin
  - Studio
- Airfield
- Agricultural Use
- Ambulance Facility
- Antique Store
- Camp
- Campground – Private
- Catering Establishment
- Cemetery
- Commercial Greenhouse
- Communications Facility
- Community centre
- Construction Yard or Contractor’s Yard
- Continuum-of-Care Facility
- Convenience Store
- Day Nursery (licensed)
- Dwelling – Duplex
- Dwelling – Park Model Trailer
- Dwelling – Seasonal
- Dwelling – Semi-detached
- Equestrian Establishment
- Farmer’s Market
- Forestry Uses
- Garage – Municipal
- Garage – Private
- Golf Course
- Group Home
- Helipad
- Heliport
- Institutional Use
- Log Hauling Operation
- Logging Camp
- Marine Facility
- Mobile Home
- Outdoor Recreation Use
- Park
- Parking Area
- Place of Worship
- Place of Assembly
- Portable Asphalt/Concrete Plant
- Private Club
- Public Access Point
- Public Use
- Public Utility
- School
- Temporary Work Camp
- Veterinary Establishment
- Wayside Quarry
- Wayside Pit
- Workshop or Custom Workshop

### 5.4.2 Zone Requirements

a) **Kennel and Veterinary Establishment with a Kennel**

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 ..... 6 m [19.7 ft]

Minimum Separation Distance Between a Main Building

and an Accessory Building ..... 2 m [6.4 ft]

**b) Residential**

Minimum Lot Area per Dwelling Unit .....0.8 ha [1.97 ac]

Minimum Lot Frontage..... 30 m [98.4 ft]

Minimum Yard Requirements

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

Maximum Building Height

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

Maximum Lot Coverage.....10 %

Maximum No. of Dwellings per Lot:

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

Minimum Separation Distance between the Main

Wall of Adjacent Detached Dwelling Units ..... 6 m [19.6 ft]

Minimum Separation Distance Between a Main Building

and an Accessory Building ..... 2 m [6.4 ft]

**c) All Other Uses**

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

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

Minimum Yard Requirements

- Front Yard..... 15 m [49.2 ft]

- All Other Yards..... 10 m [32.8 ft]
- Maximum Lot Coverage.....25%
- Maximum Building Height - Main Building ..... 11 m [36 ft]
- Maximum Building Height - Accessory Building ..... 6 m [19.6 ft]
- Minimum Separation Distance Between a Main Building  
and an Accessory Building ..... 2 m [6.4 ft]

### 5.4.3 Additional Provisions

- (a) New development and land uses and new or expanding livestock facilities in the Rural zone will comply with the Minimum Distance Separation Formulae I and II;
- (b) No part of any kennel may be located closer than 100 m [328 ft] to a dwelling unit on another lot;
- (c) Parks shall not be subject to minimum lot area or lot frontage requirements but shall comply with the setback requirements of **Section 5.4.2 (c)**;
- (d) Cemeteries shall not be governed by the above standards but shall conform with the *Cemeteries Act*;
- (e) Despite anything in **Section 5.4.2 (c)** to the contrary, Communications Facilities, Wayside Pits and Wayside Quarries shall be subject only to a minimum yard requirement of 15 m [49.2 ft];
- (f) A garden suite shall be permitted subject to **Section 4.12**;
- (g) The minimum interior side yard shall not apply to the party wall of a semi-detached dwelling; and
- (h) A lot occupied by a *dwelling unit* other than an agricultural use may be used for the keeping of livestock up to one (1) nutrient unit provided the minimum lot area shall be 4 ha [9.88 ac] and provided any associated livestock facility or manure storage facility complies with the Minimum Distance Formula I.

### 5.4.4 Exception Zones

- (a) Despite the provisions of **Section 5.4.2(b)** and **Section 4.20(f)**, the minimum lot area shall be as set out for the following lots in the Rural (R) Zone:

- i) Roll # 4822-000-001-11000-0000 – Part of Lot 30, Concession 3, Parcel 308 NIP: Minimum Lot Area – 0.2 ha [0.5 ac];
  - ii) Roll # 4822-000-001-20100-0000 – Part of Lot 16, Concession 5, Parcel 18553: Minimum Lot Area – 0.2 ha [0.5 ac];
  - iii) Roll # 4822-000-001-20600-0000 – Part of Lot 19, Concession 5, INST 67368: Minimum Lot Area – 0.2 ha [0.5 ac];
  - iv) 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
  - v) 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].
- (b) Temporary Use By-law No 2008-011, Roll # 4822-000-001-30006 - Lot 17, Concession 7, being Lot 4 of Plan 36M-525, and Plan No. 36R9759, Part 1 and Pcl 28476 - Garden Suite

The following zone provisions shall apply:

- Maximum Floor area of garden suite.....61.3 m<sup>2</sup> [660 ft<sup>2</sup>]
- This temporary use by-law shall apply from June 10, 2008 until June 9, 2017

## 5.5 LIMITED SERVICE RURAL - LSR

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

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

**5.5.1 Permitted Uses**

- Accessory Use
  - Bed and Breakfast
  - Dwelling, Apartment-in-a-House (Granny Suite)
  - Home Based Business
  - Sleep Cabin
  - Studio
- Agricultural Use
- Camp
- Campground - Private
- Communications Facility
- Dwelling – Duplex
- Dwelling - Seasonal
- Dwelling - Semi-detached
- Dwelling - Single Detached
- Forestry Uses
- Garage – Private
- Logging Operation
- Marine Facility
- Mobile Home
- Park
- Parking Area
- Public Use
- Wayside Pit
- Wayside Quarry

**5.5.2 Zone Requirements**

**(a) Residential**

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

Minimum Yard Requirements

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

Maximum Building Height

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

Maximum Lot Coverage ..... 10 %

Maximum No. of Dwelling Units per Lot:

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

Minimum Separation Distance Between a Main Building

and an Accessory Building ..... 2 m [6.4 ft]

**(b) All Other Uses**

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

Minimum Yard Requirements

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

Maximum Lot Coverage.....25%

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

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

### 5.5.3 Additional Provisions

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

## 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



- Accessory Dwelling
- Accessory Use
- Adventure Game
- Auto Service Station
- Automotive Sales Establishment
- Building Supply Store
- Camp
- Campground - Recreational
- Campground - Tourist
- Car Washing Establishment
- Clinic
- Communications Facility
- Convenience Store
- Equestrian Establishment
- Equipment Rental Establishment
- Farmer's Market
- Flea Market
- Funeral Parlour
- Garage - Private
- Gasoline Bar
- Gasoline Card Lock Facility
- Home Based Business
- Lumber Yard
- Laundromat
- Marina
- Marine Facility
- Mini Warehouse and Public Storage
- Office
- Parking Area
- Parking Lot - Commercial
- Public Use
- Printing and Publishing Establishment
- Private Club
- Recreational Commercial Establishment
- Restaurant, Restaurant - Take out
- Retail Store
- Service Outlet
- Shooting Range or Rifle Club
- Tavern or Roadhouse
- Tourist Establishment
- Tourist Outfitters Establishment
- Warehouse

**5.6.2 Zone Provisions**

Minimum Lot Area .....

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

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

Minimum Yard Requirements

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

Maximum Building Height

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

Maximum Lot Coverage

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

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

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

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

### **5.6.3 Additional Provisions**

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

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;

- (b) | Indicates uses which shall only be permitted along the Highway 17 corridor and within 200 m [656 ft];

- (c) 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

- (d) 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].

### **5.6.4 Exception Zones**

- (a) On Part of Lot 28, Concession 9 and on part of lot 27, Concession 10, a duplex shall be a permitted use.

## **5.7 GENERAL INDUSTRIAL - M1**

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

### **5.7.1 Permitted Uses**

- Accessory Dwelling Unit
- Accessory Use
- Auto Body Shop
- Auto Service Station
- Communications Facility
- Convenience Store
- Fuel Depot
- Furniture and Home
- Supply Store
- Garden Centre
- Gasoline Bar
- Gasoline Card Lock Facility
- Industrial Use (Class I & II)
- Lumber Yard
- Office
- Parking Area
- Parking Lot - Commercial
- Public Use
- Restaurant
- Transportation Depot
- Warehouse
- Workshop or Custom
- Workshop

### 5.7.2 Zone Requirements

- Minimum Lot Area ..... 1 ha [2.47 ac]  
Minimum Lot Frontage ..... 45 m [147.6 ft]
- Minimum Yard Requirements
- All Yards ..... 15 m [49.2 ft]
- Maximum Building Height
- Main Building ..... 15 m [49.2 ft]
  - Accessory Building ..... 8 m [26.2 ft]
- Maximum Lot Coverage .....30%
- Minimum Separation Distance Between a Main Building  
and an Accessory Building ..... 2 m [6.4 ft]

### 5.7.3 Additional Provisions

- (a) See also requirements of **Section 4.18** of this By-law for influence areas and separation distances for industries.

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

### 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**

- Industrial Use (Class III)
- Mine
- Salvage Yard
- Sawmill or Planing 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 Building .....	
	2 m [6.4 ft]

### 5.8.3 Additional Provisions

- (a) Development of any mine shall also be subject to the requirements of the *Mining Act* and the *Environmental Assessment Act*;
- (b) Development of any sawmill, planing mill, salvage yard or industrial use shall also be subject to the applicable requirements of the *Environmental Protection Act*;
- (c) See also requirements of **Section 4.18** of this By-law for influence areas and separation distances for industries; and
- (d) 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
- Agriculture (not including buildings and structures)
- Camp
- Communications Facility

- Forestry Use (not including buildings and structures)
- Pit
- Portable Asphalt/Concrete Plant
- Public 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 ..... 8.0m [26.2 ft]

### **5.9.3 Additional Provisions**

- (a) Notwithstanding the yard requirements stated above, a minimum of 30m [98.4 ft] setback will be required from lot lines adjacent to public roads.
- (b) See also requirements of **Section 4.18** of this By-law for influence areas and separation distances for Mineral Aggregate Resource Areas.

### **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**

- 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**

**(a) Certificate of Approval**

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

**(b) Influence Area and Separation Distances**

See also requirements of **Section 4.18** of this By-law for influence areas and separation distances for a waste management facility.

**5.10.4 Exception Zones**

Reserved.

**5.11 ENVIRONMENTAL PROTECTION CONSTRAINT AREA- EP**

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

**5.11.1 Permitted Uses**

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

**5.11.2 Zone Requirements**

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

### 5.11.3 Additional Provisions

- (a) The Environmental Protection Constraint Area (EP) is an area where physical constraints to development may apply such as flooding. The mapping of the EP Area is generalized and is subject to interpretation. For the purposes of this by-law, no new buildings shall be permitted to be constructed within any flood plain except flood control structures, or low impact buildings or structures such as a gazebo, wharf or dock, boat slip, boat house, garden storage shed. The flood plain shall be determined in consultation with the North Bay - Mattawa Conservation Authority. Development may be permitted outside or above the flood elevation or beyond the prescribed setback from any water body;
- (b) No use, building or structure which involves the storage of hazardous or toxic materials (e.g., ignitable, corrosive, reactive, radioactive, or pathological materials and sewage facilities), nor any institutional use shall be permitted to be constructed, enlarged or expanded within any flood plain;
- (c) Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted subject to the review and approval of the North Bay-Mattawa Conservation Authority (Authority). Proposals will be reviewed on a site-by-site basis, and if approved, will be subject to engineering studies and/or the requirements and conditions of the Authority;
- (d) In areas of the Municipality where the flood plain has not been determined, the setback of habitable buildings, non-residential buildings and on-site (private) sewage disposal systems from the shoreline or high water mark in the Environmental Protection Constraint Area shall generally be 45 m [147.6 ft] and the provisions of **Section 5.11.3** (a and b) shall apply. The setback provisions may be reduced to 30 m [98.4 ft] where permitted by the Authority;
- (e) Modification of the flood plain through filling, excavation or by other means is prohibited unless otherwise permitted by the Conservation Authority;
- (f) All land permanently or seasonally under water is considered to be within the Environmental Protection Constraint Area (EP) and uses of such land shall be limited to only those specifically approved by the Conservation Authority; and
- (g) See also requirements of **Section 4.18** of this By-law for separation distances and the provisions for Flood Plains in **Section 4.10**.



## **APPENDIX 1**

### **MINIMUM DISTANCE SEPARATION**

# MDS

Minimum Distance Separation (MDS) Formulae

## Implementation Guidelines

Publication 707

Ministry of Agriculture, Food and Rural Affairs

*\* Refer to document for compliance requirements: Ministry of Agriculture, Food and Rural Affairs. (2006). Minimum Distance Separation (MDS) Formulae, Implementation Guidelines. Toronto: Queen's Printer for Ontario.*

**APPENDIX 2**  
**AMENDING BY-LAWS**

**THE CORPORATION OF THE MUNICIPALITY OF CALVIN**

**By-law No. 2010-008**

**BEING A BY-LAW TO AMEND BY-LAW No. 2000-011**

**WHEREAS** pursuant to the provisions of the Planning Act, Section 34, the Council of a Municipality may enact by-laws regulating the use of lands and the erection of buildings or structures thereon:

**AND WHEREAS** By-law No. 2000-011 regulates the use of land and the use and erection of buildings and structures within the Municipality of Calvin;

**AND WHEREAS** Council deems it appropriate to update By-law 2000-011;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Calvin enacts as follows:

1. That By-law 2000-011 is amended by deleting Section 1.5 and substituting therewith:

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

**(e) Notwithstanding any provisions of Section 1.5 (a) hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the *Provincial Offenses Act*.**

**(f) No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power authorized under the *Planning Act*.**

2. That By-law 2000-011 is amended by adding the following new definitions to Section 3:

**“Aisle**

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

**Ambulance Facility**

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

**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.

**Catering Establishment**

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

**Communications Facility**

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

**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.

**Continuum-of-Care Facility**

Means a facility which may include a senior citizens apartment building, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve, the senior citizens apartment building, nursing home, long-term care facility, home for the aged, such as hospitals, clinics, recreation centres, cafeterias and personal service establishments and may also include independent senior's accommodation in separate structures/living units that share in services, such as meals, medical care services, or recreation that are provided by the facility.

**Crisis Care Facility**

Means a *building* or part of a building which is used to provide for the supervised residency of persons requiring immediate emergency shelter and aid for a short to interim period of time and without limiting the generality of the foregoing, includes a facility for battered or abused adults and/or children or elderly persons.

**Development**

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

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

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

### **Garden Suite**

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

### **Helipad**

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

### **Heliport**

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

### **Licensed Refreshment Sales Vehicle**

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

### **Livestock Facility**

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

### **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.

### **Manure or Material Storage**

Means permanent storages, which may or may not be associated with a *livestock facility* containing liquid manure (< 18% dry matter), solid manure (≥ 18% dry matter), or digestate (< 18% dry matter). Permanent storages may include any of: locations (under, within, nearby, or remote from a barn), materials (concrete, earthen, steel, wood), coverings (open top, roof tarp, or other materials), configurations and shapes or elevations (above, below or partially above grade).

### **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.

## **Sensitive Land Use**

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

## **Welding Shop**

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

## **Wind Farm**

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

## **Wind Turbine**

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

## **Wind Turbine, Commercial**

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

3. That By-law 2000-011 is amended by amending certain existing definitions in Section 3 as follows:
  - (a) **Camp (Hunt Camp, Fishing Camp:** Amend by adding the words “(i.e. **weekend, vacation**)” after ‘temporary basis’.
  - (b) **Camp, Temporary Work:** Amend by adding the words “**logging operation**” after ‘major building’.
  - (c) **Communications Facility:** Amend by adding the words “**significant antenna,**” after ‘relay tower,’.
  - (d) **Dwelling:** Amend by adding “**Unit**” in the title and by adding the following additional sentence: “**A recreational vehicle shall not constitute a dwelling unit.**”
  - (e) **Dwelling, Park Model Trailer:** Amend by deleting ‘M’ after the word ‘Series’ and by substituting “**as a seasonal recreational building of residential occupancy**” for ‘as a dwelling or seasonal dwelling’.
  - (f) **Dwelling - Seasonal:** Amend by adding “**unit**” after ‘dwelling’ and by adding the following additional sentence: “**A seasonal dwelling unit shall include a Park Model Trailer Dwelling**”.
  - (g) **Home Based Business:** Amend by adding “**subject to Section 4.13A**” after ‘business’ in the first line of the definition by deleting subsection ‘(c)’, by replacing subsection (f) to read: “**not more than one person not living in the household may be employed on-site in a permitted home based business while there shall be no limit on the number of employees who work entirely off-site**”, by adding the word “**primarily**” after ‘products’ in subsection (g), by adding a new subsection (h) to read: “**the business shall not receive clients or deliveries between the hours of 2300 and 0700**” and by adding a new subsection (i) to read: “**up to two home based businesses shall be permitted in**

a dwelling or accessory building provided all the provisions of this By-law are met.”

- (h) **Marina:** Amend by adding “bait as well as the sale of foods, provisions or supplies as an accessory use may be provided. Sewage pump-out facilities for pleasure craft are permitted” to the end of the last sentence.
  - (i) **Mobile Home:** Amend by adding “Unit” after ‘dwelling’.
  - (j) **Modular Home:** Amend by adding “Recreational Vehicle,” after ‘Mobile Home’.
4. That By-law 2000-011 is amended by deleting the following definitions in Section 3:
- (a) Home for the Aged
  - (b) Nursing Home, Home for the Aged, or a Long Term Care Facility.
5. That By-law 2000-011 is amended by adding the following to the end of Section 4.1.1
- (a): “No *accessory building* shall be erected prior to the erection of the *main building* on the same lot, except where it is necessary for the storage of the tools, and materials for the use in connection with the construction of the *main building* or structure, and no such *accessory building* shall, prior to the erection of the *main building*, be used for any purpose other than storage and shall not be used for habitation unless otherwise permitted by this By-law.” and by changing ‘1.5 m (5.0 ft.)’ to 2 m [6.56 ft.] in Section 4.1.1 (d).
6. That By-law 2000-011 is amended by adding the following to the end of Section 4.1.1
- (c): “This provision shall be exempted:
    - i. For lots with water frontage.
    - ii. For a partially enclosed shelter for use by children waiting for a school bus, if such use is located in a rural zone and provided the front yard setback for the shelter is 3 m [9.84 ft.].
    - iii. For any *farm produce outlet* having a gross floor area of less than 9.5 m<sup>2</sup> [102.2 ft.<sup>2</sup>], if such use is located in a rural zone.
    - iv. For a lot in a rural zone to the extent that accessory uses, buildings and structures may be located in the front yard provided that the minimum front yard depth for the *main building* shall be double the front yard depth otherwise required for the zone, provided that the accessory uses, buildings or structures shall be in compliance with the front yard, interior and exterior side yard requirements for the main buildings or structures in the zone and provided that all other relevant provisions of this By-law are complied with.
    - v. For open or *outdoor storage*, where permitted in this By-law.
    - vi. For a temporary car shelter.
    - vii. For a gate house used for security for a gated residential complex, or a permitted non-residential use provided the front yard setback for the gate-house is 3 m [9.84 ft.]”
7. That By-law 2000-011 is amended by the following new Section to the end of Section 4.1:
- “4.1.3 Bed and Breakfast Establishment**



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

- (f) That the use of the dwelling does not change the residential character of the dwelling.
  - (g) That the requirements for the provision of off-street parking spaces can be met.
  - (h) That the requirements of the local Health Unit, where applicable, can be met.
  - (i) That one sign only shall be permitted provided the sign area does not exceed 1.2 m<sup>2</sup> [12.9 ft.<sup>2</sup>], does not flash or oscillate, does not exceed a height of 1.5 m [4.92 ft.] if a free standing sign, shall not obstruct any sight triangle, and has a minimum setback from any lot line of 1 m [3.28 ft.].
  - (j) That the *bed and breakfast* shall not be combined with any other residential use except a *single detached dwelling* in which it is located.”
8. That By-law 2000-011 is amended by deleting ‘pursuant to Ontario Regulation 162’ at the end of the Section 4.10.4 (b).
9. That By-law 2000-011 is amended by deleting ‘that the minimum lot area is 450 m<sup>2</sup> (4,844 ft.<sup>2</sup>)’ and replace with “**that *Individual On-Site Systems* have the capacity to service the additional dwelling unit**” in Section 4.12 and by substituting ‘50 m<sup>2</sup> (538 ft.<sup>2</sup>)’ with “**49% of the net floor area of the main floor of the main residential building up to a maximum of 75 m<sup>2</sup> [807.3 ft.<sup>2</sup>]**”.
10. That By-law 2000-011 is amended by adding the following new Section to Section 4, General Provisions:

**“4.14A Helipad, Heliport**

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

- (a) **The setback between the edge of the helipad and the main wall or receptor of a *sensitive land use* shall be determined by a noise and vibration study undertaken by a professional competent in undertaking such studies. Reference shall be made to Ministry of the Environment Guideline “Noise Assessment Criteria in Land Use Planning LU-131”, and**
  - (b) **The setback between the edge of the helipad and any non-residential use not classified as a *sensitive land use* shall be 200 m [656.2 ft.], and**
  - (c) **The classification, design, construction and operation of a Heliport shall comply with Standard 325, Heliports, Part III, Canadian Aviation Regulations issued under the Aeronautics Act, administered by Transport Canada.”**
11. That By-law 2000-011 is amended by adding the following new Section to Section 4, General Provisions:

**“4.13B Home Based Businesses**

**The following uses shall be considered Home Based Businesses:**

- (a) professional and consulting services (*examples: architect, engineer, financial advisor, accountant, insurance agency, consultant, legal services, physician, teleworking, surveyor*)
- (b) instructional services (*examples: music lessons, dance, art, and academic tutoring*)
- (c) home craft businesses (*examples: quilting, pottery, jewellery, visual arts, small scale assembly*)
- (d) private daycare
- (e) distribution sales offices or mail order sales (*examples: cosmetics, clothing or small household supplies*)
- (f) offices for contractors and trades (*examples: plumbing, heating, electrician*)
- (g) repair services (*examples: small appliance, computers*)
- (h) high technology uses (*examples: internet services, office call centre services, desktop publishing, hardware and software development*)
- (i) personal care services shall be limited to providing service to a single client or patron at a time (*examples: hairdressing/cutting, massage therapist, esthetician*)
- (j) a farm produce outlet
- (k) workshop (*examples: workshops for woodworkers, welders, painters, plumbers or other members of the trades*)
- (l) a machine or auto repair shop”

12. That By-law 2000-011 is amended by deleting ‘Portions of the’ in Section 4.19.2.

13. That By-law 2000-011 is amended by adding “**Wind Turbine**” to the end of the bullet point list in Section 4.25.

14. That By-law 2000-011 is amended by adding the following new section to Section 4, General Provisions:

**“4.27A           Recreational Vehicles**

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

- (i) **A recreational vehicle shall not be used as a dwelling unit or for permanent occupancy.**
- (j) **A recreational vehicle shall be permitted within a recreational vehicle park, private campground, recreational campground or a tourist campground.**
- (k) **One recreational vehicle only may be stored on a lot occupied by a seasonal dwelling or a permanent dwelling unit and may be used for short term accommodation for a period not exceeding a total accumulated period of 30 days in a calendar year.**
- (l) **One recreational vehicle only may be stored on a vacant lot record provided all of the zone standards for the respective zone are complied with (i.e. lot area and frontage, yard setbacks and shoreline setbacks).**
- (m) **One recreational vehicle only may be used on a vacant lot of record for leisure or vacation purposes provided:**

- vi) The period of occupancy does not exceed a total accumulated period of 60 days in a calendar year; and
  - vii) The lot is serviced with an approved sewage disposal system; and
  - viii) 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
  - ix) One only detached private garage or accessory storage building or structure may be constructed; and
  - x) All of the zone standards for the respective zone are complied with (i.e. lot area and frontage, yard setbacks and shoreline setbacks).
- (n) 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.
- (o) On a vacant lot of record exceeding 5 ha [12.3 ac.], one additional *recreational vehicle* shall be permitted to be used for a period not exceeding a total accumulated period of 30 days in a calendar year.”

15. That By-law 2000-011 is amended by deleting Section 4.32 and replacing this section with the following:

**“4.32 Trans-Canada Pipelines**

**Development adjacent to the Trans-Canada Pipeline corridor or facility shall comply with the construction and setback standards of Trans-Canada Pipelines and more particularly, no permanent building or structure shall be located within 7 m [22.9 ft.] of the pipeline right-of-way. Despite this requirement an accessory structure as defined in this By-law may be located no closer than 3 m [9.84 ft.] from the limit of the right-of-way.”**

16. That By-law 2000-011 is amended by adding the following new paragraph to the end of Section 4.33: **“A communications facility established by a public or private authority shall be permitted in any Rural (R) Zone or Limited Service Rural (LSR) Zone, provided the construction standard complies with the applicable provincial and federal statutes and regulations and provided that the base of any freestanding tower is set back a minimum of 30 m [98.4 ft.] from any lot line.”**

17. That By-law 2000-011 is amended by adding the following new Section to the General provisions:

**“Section 4.34A Wind Turbine and Renewable Energy Undertaking**

**A renewable energy undertaking as defined in the *Green Energy Act, 2009* shall be governed in accordance with the provisions of that Act. The minimum setback for any *wind turbine* not governed by the *Green Energy Act, 2009* shall be 10 m [32.8 ft.]”**

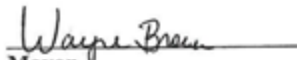
18. That By-law 2000-011 is amended by adding the following to the list of Permitted Uses in Section 5.4.1:
- **“Ambulance facility**
  - **Antique store**
  - **Catering establishment**
  - **Continuum-of-Care Facility**
  - **Helipad**
  - **Heliport**
  - **Log hauling operation”**
19. That By-law 2000-011 is amended by deleting ‘Nursing Home’ and by reclassifying and adding the following list of permitted uses in section 5.4.1 as **Accessory Uses**:
- **“Accessory Use**
  - **Bed and Breakfast**
  - **Day Nursery (private home)**
  - **Dwelling, Apartment-in-a-House (Granny Suite)**
  - **Farm Produce Outlet**
  - **Home Based Business**
  - **Kennel**
  - **Sleep Cabin**
  - **Studio”**
20. That By-law 2000-011 is amended by changing the Minimum Lot Frontage in Section 5.4.2 (b) from ‘45 m (147.6 ft.)’ to **“30 m [98.4 ft.]”** by adding the following new standard to Sections 5.4.2 (a), (b) and (c): **“Minimum separation distance between a main building and an accessory building of 2 m [6.4 ft.]”**, by deleting ‘as outlined in Appendix 1 to this By-law’ in Section 5.4.3 (a), by changing ‘4.13’ to **“4.12”** in Section 5.4.3 (f) and by deleting Section 5.4.4 (a).
21. That By-law 2000-011 is amended by adding a new Section to read:
- “5.4.4 Exception Zones**
- a) **Despite the provisions of Section 5.4.2 (b) and Section 4.20 (f), the minimum lot area shall be as set out for the following lots in the Rural (R) Zone:**
- i. **Roll # 4822-000-001-11000-0000 – Part of Lot 30, Concession 3, Parcel 308 NIP: Minimum Lot Area – 0.2 ha [0.5 ac.]**
  - ii. **Roll # 4822-000-001-20100-0000 – Part of Lot 16, Concession 5, Parcel 18553: Minimum Lot Area – 0.2 ha [0.51 c.]**
  - iii. **Roll # 4822-000-001-20600-0000 – Part of Lot 19, Concession 5, INST 67378: Minimum Lot Area – 0.2 ha [0.5 ac.]**
  - iv. **Roll # 4822-000-001-46210-0000 – Part of Lot 36, Concession 11, Parcel 24676 NIP: Minimum Lot Area – 0.14 ha [0.37 ac.]”**
22. That By-law 2000-011 is amended by adding the following subsection to Sections 5.4.3 and 5.5.3: **“A lot occupied by a *dwelling unit*, other than an agricultural use may be used for the keeping of livestock up to one (1) *nutrient unit* provided the minimum**

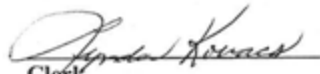
lot area shall be 4 ha [9.88 ac.] and provided any associated livestock facility of manure storage facility complies with the Minimum Distance Formula I.”

23. That By-law 2000-011 is amended by adding the following to the list of Permitted Uses in Section 5.5.1: **“Logging Operation”**.
24. That By-law 2000-011 is amended by reclassifying and adding the following list of permitted uses in section 5.5.1 as **Accessory Uses**:
  - **“Accessory Use**
  - **Bed and Breakfast**
  - **Dwelling, Apartment-in-a-House (Granny Suite)**
  - **Home Based Business**
  - **Sleep Cabin**
  - **Studio”**
25. That By-law 2000-011 is amended by changing the Minimum Lot Frontage in Section 5.5.2 (a) from ‘45 m (147.6 ft.)’ to **“30 m [98.4 ft.]”** by adding the following new standard to Sections 5.5.2 (a) and (b): **“Minimum separation distance between a main building and an accessory building of 2 m [6.4 ft.]”** and by deleting ‘as outlined in Appendix 1 to this By-law’ in Section 5.5.3 (a).
26. That By-law 2000-011 is amended by adding the following new standard to Sections 5.6.2 (a), 5.7.2 (a) and 5.8.2 (a): **“Minimum separation distance between a main building and an accessory building of 2 m [6.4 ft.]”**.
27. That By-law 2000-011 is amended by deleting Schedule ‘A’ and substituting therewith, a new Schedule ‘A’.
28. That the adoption of this by-law shall be subject to the provisions of the *Planning Act*.


Read a first and second time this 9<sup>th</sup> day of March, 2010.

Read a third time and adopted this 9 th day of March, 2010

  
Mayor

  
Clerk

Certified “TRUE COPY” of By-Law NO. 2010-008  
and that such By-law is in full force and effect as of  
March 9, 2010.

  
Lynda Kovacs; Clerk-Treasurer  
Corporation of the Municipality of Calvin

**THE CORPORATION OF THE MUNICIPALITY OF CALVIN**

**By-law No. \_\_\_\_\_**

**BEING A BY-LAW TO ENACT  
A TEMPORARY USE BY-LAW**

**WHEREAS** pursuant to the provisions of the Planning Act, Sections 34 and 39, the Council of a Municipality may enact by-laws to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

**AND WHEREAS** By-law No. 2000-011 regulates the use of land and the use and erection of buildings and structures within the Municipality of Calvin;

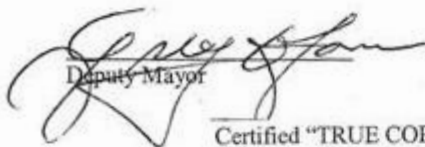
**AND WHEREAS** an application has filed to permit a garden suite as a temporary use;

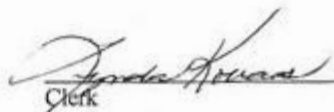
**NOW THEREFORE** the Council of the Corporation of the Municipality of Calvin enacts as follows:

1. That Schedule "A" of By-law No. 2000-011 is amended by setting out a temporary use zoning of certain lands shown on Schedule "A", legally described as part of Lot 17, Concession 7, being Lot 4 Plan 36M-525, and Plan No. 36R9759, Part 1 and Pcl 28476, Municipality of Calvin.
2. That despite any provision of By-law No. 2000-011 to the contrary, on land zoned pursuant to this temporary use by-law, the following provisions shall apply:
  - a. The maximum floor area of the garden suite shall be 61.3 m<sup>2</sup> [660 ft.<sup>2</sup>].
3. That the period that this temporary use by-law shall apply shall be from June 10, 2008 to June 9, 2017 inclusive.
4. That the adoption of this by-law shall be subject to the provisions of the *Planning Act*.

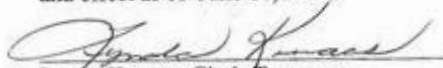
Read a first and second time this 10th day of June, 2008.

Read a third time and adopted this 10th day of June, 2008.

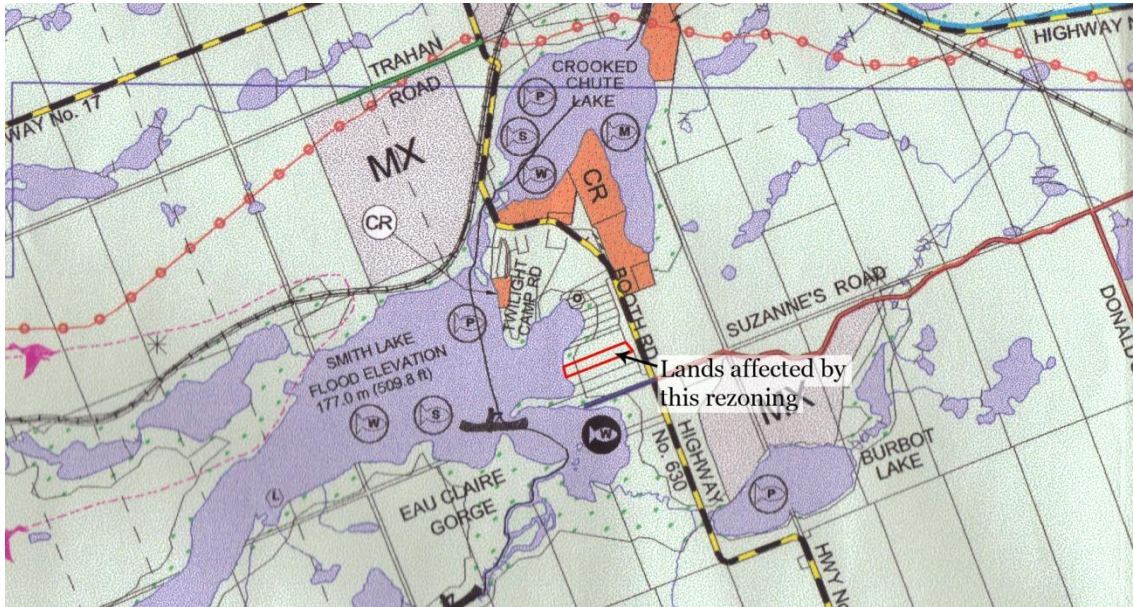
  
Deputy Mayor

  
Clerk

Certified "TRUE COPY" of By-Law NO. 2008-011  
of The Municipality of Calvin, which came into full force  
and effect as of June 10, 2008.

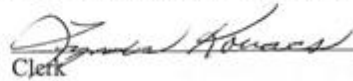
  
Lynda Kovacs; Clerk-Treasurer  
Corporation of the Municipality of Calvin

Schedule 'A'



This is Schedule 'A' to By-law No. 2008-011 passed this 10th day of June, 2008.

  
Deputy Mayor

  
Clerk

**MUNICIPALITY OF CALVIN**